

1 day. So they would have to make contact with the family the  
2 same day the case came in to the office. So once that was  
3 determined, we -- he scheduled and set up appointments to do  
4 what's called a forensic interview for the children, and I  
5 physically left the building and went to the school where the  
6 children were attending school.

7 Q Were you aware if the girls had other siblings?

8 A Not at that particular time.

9 Q What is a forensic interview?

10 A A forensic interview is an interview where a child  
11 will go through -- it's a very child friendly interview and  
12 it's where you have -- the forensic interview asks very  
13 non-leading open-ended questions for a child to, you know,  
14 talk about an incident or incidents that they have gone  
15 through that has been traumatic for them, such as, you know,  
16 sexual abuse or even, in some cases, physical abuse.

17 Q After those forensic interviews were set up, did you  
18 go to the girls' school?

19 A Yes. Nick set those up. I had already left.

20 Q Okay. What day did you go to the girls' school?

21 A The 27th.

22 Q Was this the day after the call came into the  
23 hotline?

24 A Yes.

25 Q What did you do when you got to their school?

1           A       I went to the school and talked to the school staff  
2 to find out if any of the children had any IEPs, individual  
3 education plans, find out if they have any type of learning  
4 disabilities that we need to be made aware of prior to them  
5 being interviewed. And then after I collected the information  
6 they went and got the kids from their classrooms and I  
7 transported them back to the CAC.

8           Q       And when you transported them back, what happened  
9 when you got back?

10          A       Oh. They -- well, they went through what's called a  
11 forensic interview and it's done one on one and it's also  
12 recorded.

13          Q       Who interviewed Taharah?

14          A       Michele Fisher was the forensic interviewer.

15          Q       Did Michele Fisher also interview Taquanda?

16          A       Correct.

17          Q       Were you in the room while the girls were being  
18 interviewed?

19          A       I was in a separate room while they were being  
20 interviewed so I could view it on a monitor.

21          Q       Were you doing that with someone else?

22          A       Yeah, Nick, because, you know, we work jointly.  
23 Yes, he was there, too.

24          Q       So you and Detective Madsen were viewing the  
25 forensic interview in an observation room; is that right?

1           A       Yes.

2           Q       Did Taharah and Taquanda get interviewed separately  
3 by Michele Fisher?

4           A       Correct.

5           Q       What did you notice about Taharah during Taharah's  
6 interview?

7           A       Taharah, she -- it took her a long time to answer  
8 questions that were being asked of her, and she would give one  
9 word answers. And she was very slow and had difficulty  
10 understanding some of the questions that were being asked of  
11 her, so Ms. Fisher had to become more direct as the interview  
12 progressed for her ability to, you know, understand better  
13 during the time that she had the forensic interview.

14          Q       What, if anything, did you notice about Taquanda  
15 during her interview?

16          A       She was age appropriate. She was a pretty typical  
17 child. She did not struggle as much as her sister during her  
18 forensic interview.

19          Q       After the forensic interviews, what happened next?

20          A       Contact was made with their guardian, Ms. Cook, and  
21 she was requested to come down to the CAC to be interviewed.  
22 And in the process the SCAN exams, the medical exam for the  
23 kids, were also being conducted prior to them being walked  
24 back to Child Haven, you know, where they get checked in for a  
25 24-hour period.

1 Q What is a SCAN exam?

2 A It's a medical exam for children that either have  
3 been victimized of sexual abuse.

4 Q Does SCAN stand for something?

5 A It does. It is -- I don't know.

6 Q Were -- were both girls sent to have a SCAN exam?

7 A Yes.

8 Q Why was a SCAN exam set up for both of the girls?

9 A Part of the -- part of the process for this case,  
10 there was a lot of information that was shared. And the  
11 concern was is that Taquanda herself did not make a  
12 representation that she was sexually abused. However, the  
13 Child Protective Services, you know, was going -- set up  
14 therapy services for the children, and it's something that's  
15 done routinely for them to get help for what they've, you  
16 know, endured and what they've been through. And so if, in  
17 fact, she was not ready at the time the forensic interview  
18 happened and she discloses that something did happen to her,  
19 then, you know, we have an opportunity, back then, to see if  
20 there is any medical evidence that could have been obtained  
21 from the SCAN exam.

22 Q Did Ms. Cooks come down to the CAC and interview?

23 A Yes.

24 Q What was the next step in your investigation?

25 A I had taken the children to the back, which is a

1 housing facility for the kids. Once they get taken into  
2 protective custody we bring them back to a place called Child  
3 Haven. Once they go through that check-in process, then I  
4 went through the process of trying to locate possible family  
5 members that would be a placement option for the children.

6 Q At that time when the girls were placed in Child  
7 Haven, were they removed from Ms. Cooks' home?

8 A Yes.

9 Q And why were they removed from the home at that  
10 time?

11 A Because there was a disclosure made of sexual abuse.

12 Q What did you do after that?

13 A So once we -- during the forensic interviews that we  
14 had, we also discovered that there was other siblings in the  
15 family and that we had Shabazz that was 17 and a half, and  
16 then you had the two adult siblings, Victoria and I believe  
17 you pronounce her name Makayla [sic]. And in the process of  
18 us trying to find them and talk to them we went to what's  
19 called a protective custody hearing. I believe that was on  
20 the October 2nd.

21 Q Did you try to contact the girls' biological mother?

22 A At the time that the forensic interviews happened  
23 and they were brought into protective custody, we didn't know  
24 her whereabouts.

25 Q Did you take steps to try to find her?

1           A       Yeah. Well, what happens is with the information  
2 that we have, the police department have their own avenues  
3 that they can check as far as where she might be located, and  
4 Child Protective Services has to go through their avenues.  
5 And ours is a lot slower, and so we have to do what's called a  
6 diligent search. And we put a request in, you know, with  
7 their last known address, name, date of birth, social, and  
8 even, you know, going through the history of the case, you  
9 know, to try and find information.

10          Q       When -- well, were you finally able to make contact  
11 with the mother?

12          A       Yes, she had showed up at the protective custody  
13 hearing.

14          Q       And what date was that on?

15          A       I believe it was October 2nd.

16          Q       When children are taken out of the home, are they  
17 required to go to family court and do something about it?

18          A       I'm sorry. Say that again?

19          Q       When children are taken out of the home, are the  
20 guardian or the parents required to go to court about when  
21 they're taken out of the home?

22          A       Yes.

23          Q       Is that what the protective custody hearing is?

24          A       Oh. Yes.

25          Q       And did you make contact with Tina at the hearing?

1           A       Correct. At the protective custody hearing Child  
2 Protective Services is obligated to explain to the judge or  
3 the hearing master, whoever we're in front of, as to why the  
4 children were removed from the care, you know, from the care  
5 -- from the home that they were staying in. And at that time,  
6 that's when Tina had showed up to court. And after the  
7 protective custody hearing took place, we actually had went  
8 back to the Children's Advocacy Center to talk to her.

9           Q       Did you talk to the three other children, as well?

10          A       Yes.

11          Q       Who interviewed Tina?

12          A       It was myself and Nick Madsen.

13          Q       What did you notice about Tina when you were  
14 interviewing her?

15          A       She was very traumatized. She had cried throughout  
16 the interview. She would at times, you know, whisper during  
17 the interview because of her fear towards Mr. Harris. And  
18 she, you know, appeared like she was reliving, you know, what  
19 she went through with her children. She gave a lot of  
20 scenarios and details as to what happened during the time that  
21 she was involved with Mr. Harris, and she even went home and  
22 wrote down other incidents that occurred between herself and  
23 Mr. Harris after she left the interview. It was just -- it  
24 was a lot for her --

25          Q       Okay.

1           A       -- during the interview.

2           Q       During the interview did Tina appear to understand  
3 the severity of what was going on?

4           A       Not initially. She had a hard time, you know,  
5 grasping that her children were brought into protective  
6 custody. She was very angry and upset that she had found out  
7 that --

8           MS. ALLEN: Judge, and this point I would just  
9 object if we're getting into hearsay with regard to Tina.

10          THE COURT: Okay. I don't think she's -- just don't  
11 tell us anything Tina said.

12          THE WITNESS: Okay.

13 BY MS. RHOADES:

14          Q       I think you said she was upset.

15          A       Right. She was upset. She -- when she found out  
16 about the information in regards to the sexual abuse she  
17 became angry. She cursed. She wanted to protect her  
18 children, but she was fearful of Mr. Harris because of the  
19 physical nature --

20          MS. ALLEN: Judge, and objection. I believe this is  
21 -- this is hearsay. She's just characterizing it.

22          THE COURT: She's just characterizing it different.  
23 The objection is sustained.

24          MS. RHOADES: Yes, Your Honor.

25        ///



1 BY MS. RHOADES:

2 Q You said you interviewed Shabazz, as well; is that  
3 right?

4 A Yes.

5 Q When did you interview Shabazz?

6 A Well, there was two separate interviews with  
7 Shabazz. There was one that was done by Michele Fisher, and  
8 then there was one that was done by myself.

9 Q Why was Shabazz interviewed two times?

10 A The initial interview that Michele had done was to  
11 determine if he was a victim, and so a forensic interview was  
12 done at that time. And I believe it was on the 3rd of October  
13 -- or, I'm sorry, the 2nd of October, and then the additional  
14 interview that I did was on the 3rd. It was not a forensic  
15 interview. It was an interview to talk about Shabazz's  
16 safety.

17 Q And why did you do a second interview with -- with  
18 Shabazz?

19 A Well, during the first interview Shabazz had talked  
20 about, you know --

21 Q I'll stop you there. Without telling me what  
22 Shabazz said --

23 A Okay. Okay. The second interview happened because  
24 I was instructed by my supervisor's supervisor to conduct  
25 another interview to determine if Shabazz -- Shabazz had the

1 ability to protect himself.

2 Q How old was Shabazz at this time?

3 A 17 and a half.

4 Q Was Shabazz living with his mom, Tina?

5 A Yes.

6 Q When Michele Fisher interviewed Shabazz the first  
7 time, did you observe the interview?

8 A Yes.

9 Q Over the course of those two interviews with  
10 Shabazz, how would you describe him?

11 A He was a very passionate kid. He had a difficult  
12 time, as well, processing information. He -- a lot of the  
13 questions that were asked of him had to be broken down little  
14 by little. He -- he definitely took his time during the  
15 interview.

16 Q Did you also contact and speak with Victoria?

17 A I did not directly contact her, but there was an  
18 interview done.

19 Q Were you present for that interview?

20 A Correct.

21 Q Were you observing it or were you actually in the  
22 interview room?

23 A No, I was observing it.

24 Q How would you describe Victoria?

25 A She was very age appropriate, answered her

1 questions, you know, clearly, was very detailed during her  
2 forensic interview.

3 Q I believe you said Makayla, but would Mahlica sound  
4 accurate?

5 A Yes.

6 Q Did you set up and talk to Mahlica?

7 A Yes.

8 Q And when did this happen?

9 A I believe it was on the 2nd.

10 Q Did you interview Mahlica, or were you observing the  
11 interview?

12 A Just observing.

13 Q What were your impressions of Mahlica?

14 A I would say it was the same, just age appropriate.

15 Q The girls, what was going on with Taharah and  
16 Taquanda at this time, where were they?

17 A Oh. They were placed in foster care.

18 Q When were they placed in foster care?

19 A I believe on the 1st of October.

20 Q Were they together in one home in foster care?

21 A Yeah. Yes.

22 Q Was giving the girls to Tina at this point an  
23 option?

24 A In October?

25 Q Yes.

1 A No.

2 Q Why not?

3 A Well, given the disclosure that was made and mom --  
4 the mother not having enough protective capacity at that time,  
5 it was not a safe option for the children.

6 Q What happened after you spoke with everyone in the  
7 case?

8 A What happened after that?

9 Q What did you do? What was your part of the  
10 investigation after that?

11 A Well, once everyone was spoken to, then the case  
12 gets transferred to an ongoing worker or a permanency worker.  
13 And two things kind of generate at that time, it's an  
14 introduction to an ongoing worker at that point, and it's also  
15 -- usually around the first time where the family member or  
16 members will hear about a case plan that they will have to  
17 complete in order for them to be reunified with their  
18 children.

19 Q Now, what happened with the guardianship that Ms.  
20 Cooks had?

21 A Oh. That was dissolved, I believe, at the plea  
22 hearing that happened.

23 Q And do you know what date that was on?

24 A I believe it was the 15th.

25 Q And the girls were not allowed to go back to Ms.

1 Cooks' home after that; is that right?

2 A Correct.

3 Q Do you know if the mother got the girls back

4 eventually?

5 A I believe she was reunified with her children on --

6 she was, I just don't remember what date.

7 Q Do you remember what year?

8 A I want to say 2013, and I think it was October 24th.

9 Q Did -- did Tina have to work a case plan to get the

10 girls back?

11 A Correct. And --

12 Q Can you describe what a case plan is?

13 A Sure. A case plan is where it's a collaboration

14 with the department and the family member that it's for where

15 they will have requirements that they need to complete in

16 order for them to have their children placed back with them.

17 MS. RHOADES: Court's indulgence. State would pass

18 the witness.

19 THE COURT: Cross-examination.

20 MS. ALLEN: Thank you.

21 CROSS-EXAMINATION

22 BY MS. ALLEN:

23 Q Good afternoon, Sholeh.

24 A Hi.

25 Q Hi. My name is Betsy Allen. I'm just going to ask

1 you a couple follow up questions, okay.

2 A Sure.

3 Q I think you said you'd been with CPS here for nine  
4 years; is that right?

5 A Correct.

6 Q Okay. And how long have you been in the sexual  
7 abuse unit?

8 A Since 2009.

9 Q Okay. And when did you leave Las Vegas?

10 A 2013.

11 Q Okay. So you were there approximately four years?

12 A Right.

13 Q Okay. And you're doing the same type of work in  
14 Houston?

15 A Austin.

16 Q Austin. You're doing the same type of work there;  
17 is that right?

18 A Correct.

19 Q Okay. Are you still doing the sexual abuse  
20 allegations?

21 A Yeah, they're -- in Texas they're all put together.

22 Q Okay. So there's no separate unit?

23 A Correct.

24 Q Okay. So you do everything, physical abuse,  
25 neglect, sexual abuse, all of it?

1           A     Correct.

2           Q     Okay. Prior to coming to testify, did you have like  
3 a specific recollection of this case?

4           A     Yes.

5           Q     Okay. You remembered all the facts that you  
6 testified to today? Did you remember those or did you have to  
7 review the notes that you had made in Unity in order to -- to  
8 be accurate?

9           A     Right. I reviewed the notes in order for me to be  
10 more accurate.

11          Q     Okay. You didn't have specific dates, is that  
12 correct, in mind? Like when you say I interviewed so and so  
13 on "x" date, you didn't remember that as -- I mean, this was a  
14 few years ago; is that correct?

15          A     Correct.

16          Q     Okay. So you needed some refreshment with regard to  
17 some of the facts of the case; is that right?

18          A     Correct.

19          Q     Okay. When you first received this case, you -- did  
20 you do some research about the Duke family in the system? Did  
21 you look through any of the previous contacts they'd had with  
22 Child Protective Services?

23          A     Yes.

24          Q     Okay. And their contact had gone back to  
25 approximately 2005; is that right?

1 A Correct.

2 Q Okay. And you realized at some point that everybody  
3 had been interviewed in December of 2011? Do you recall in  
4 your -- the Unity or in the CPS notes that all of these people  
5 had been interviewed in December of 2011?

6 A Yes.

7 Q Okay. They had been interviewed both by CPS through  
8 someone by the name of Bobbi Tibbs?

9 A Correct.

10 Q And they had also been interviewed by someone from  
11 Henderson Police Department; is that right?

12 A That I'm not sure.

13 Q Okay. Do you recall any notes that gave you an  
14 indication that Henderson Police Department was involved in --  
15 in some investigation in December of 2011?

16 A Correct.

17 Q Okay. So -- so you do remember that they were at  
18 least involved somewhere?

19 A Right.

20 Q Okay. Were you ever able to obtain copies of the  
21 interviews that Henderson Police Department did with Taharah,  
22 Taquanda, Tina, Mahlica? Do you remember if you ever saw  
23 those interviews that Henderson did in December of 2011?

24 A I never saw those.

25 Q You never saw those. Okay. Certainly you read the



1 notes that Bobbi Tibbs put in there with regard to her  
2 interviews; is that correct?

3 A No, actually, me and Ms. Tibbs actually had a  
4 conversation about her investigation.

5 Q Okay. So you didn't read any of her notes?

6 A I skimmed over what we call our NIA and our closing  
7 summary, but I didn't go back and read each single one, no.

8 Q Okay. As you sit here today, have you read any of  
9 those, the summaries for any of the interviews with Taharah,  
10 Taquanda, Mahlica, Tina?

11 A No.

12 Q Back from December of 2011. I apologize.

13 A No.

14 Q Okay. So as you sit here today, you haven't read  
15 any of those?

16 A Correct.

17 Q Okay. And you haven't read any of the interviews  
18 from Henderson; is that right?

19 A Correct.

20 Q Okay. You talked about having a forensic interview  
21 and the difference between a leading question versus a  
22 non-leading question.

23 A Uh-huh.

24 Q You have to say yes.

25 A Oh. Yes. Sorry.

1           Q     That's okay. Can you sort of explain the  
2 difference? I'm not sure that you did. Can you explain the  
3 difference between a leading question versus a non-leading  
4 question?

5           A     A non-leading question is what I said earlier was an  
6 open-end question. So you would ask a question that does not  
7 give a child an option to say yes or no, and give them an  
8 opportunity to explain more.

9           Q     Okay. It doesn't suggest an answer; is that  
10 correct?

11          A     Correct.

12          Q     Okay. So a non-leading question would, you know,  
13 what did you do Friday night; right? Because then I'm giving  
14 you the option to tell me all of the things that you did on  
15 Friday night; is that -- is that right?

16          A     Uh-huh.

17          Q     Yes?

18          A     Yes. Sorry.

19          Q     That's okay. I do that, too. Whereas a leading  
20 question would be, you know, you went to the Golden Nugget,  
21 had dinner, and went out dancing on Friday night; isn't that  
22 correct?

23          A     Correct.

24          Q     That would be a leading question. I'm suggesting to  
25 you what you did; is that right?

1           A     Yes.

2           Q     Okay. And it's really important when you interview  
3 children or question children in any capacity to not lead  
4 them; isn't that right?

5           A     Correct.

6           Q     Because it's very easy -- let me -- let me back up.  
7 Children's personalities are such that they want to please,  
8 isn't that right?

9           A     Some, yes.

10          Q     Okay. They -- they tend to want to generally please  
11 an adult, you know, like giving the right answer or doing the  
12 dishes or whatever it is, children generally tend to want to  
13 please an adult, isn't that right?

14          A     Yes.

15          Q     And so you have to be very careful when you question  
16 them not to suggest these answers because there is -- there is  
17 a high probability that a child could answer yes or say yes  
18 just to please the adult; is that correct?

19          A     Correct.

20          Q     Okay. Especially when you're asking about cases of  
21 sexual abuse, you don't want to do those types of things  
22 because -- because of like this exact reason. You don't want  
23 the child to answer yes in order to somehow think that they're  
24 pleasing you; is that right?

25          A     Correct.

1           Q     Okay.  You, I think, said you pulled up their school  
2 records; is that right?

3           A     No.

4           Q     Okay.  You didn't pull up any of their school  
5 records at all?

6           A     No.

7           Q     Okay.  Is that something that you generally would do  
8 in your investigation?

9           A     Their school records, no.

10          Q     Okay.  Are -- are children who attend -- or sudden  
11 changes in a child's grades, would that be -- that could be  
12 indicative of some kind of abuse or something going on at  
13 home; is that correct?

14          A     Yes.

15          Q     So if a child suddenly went from getting As and Bs  
16 to Ds and Fs, that could be -- for you that could be  
17 indicative of something going on at home?

18          A     Yes.

19          Q     Okay.  And as you sit here today, you don't recall  
20 looking at any of the grades of any of the Duke children; is  
21 that right?

22          A     Correct.

23          Q     You were aware that at least Taharah needed an IEP;  
24 is that right?

25          A     Later on, yes.  When I started in the investigation,

1 that's what I had asked for --

2 Q Okay.

3 A -- if they did.

4 Q Okay. And you found out Taharah did?

5 A No. They -- neither one of them did.

6 Q Neither one of Taharah or Taquanda had an IEP?

7 A Correct.

8 Q Okay. Are you aware if Shabazz had one?

9 A No.

10 Q What about Victoria?

11 A No.

12 Q Okay. So as you sit here, you -- you weren't aware

13 of any of the children having IEPs?

14 A Correct.

15 Q Okay.

16 A Well -- sorry.

17 Q That's okay. You're aware that there was -- Tina

18 had had previous involvement with CPS; is that right? Not

19 just in Nevada, but in Utah.

20 A Yes.

21 Q All right. And you were aware the children were

22 taken away from her in Utah?

23 A Correct.

24 Q Okay. And that she had to do a case plan in Utah?

25 If you know.

1           A     Yeah, I don't remember.

2           Q     Okay. But you were aware the children were taken  
3 out of the home in Utah?

4           A     Correct.

5           Q     Okay. And when you sat through this interview with  
6 her in, I think you said it was September or early October of  
7 2012, she had been made aware that the children were being  
8 taken out of the home; isn't that correct?

9           A     Yes.

10          Q     When you interviewed Shabazz, he wouldn't take his  
11 sunglasses off; is that right?

12          A     That is correct.

13          Q     And was that your interview or Michele Fisher's  
14 interview? Or the first interview or the second one, I should  
15 say.

16          A     That was Michele's interview.

17          Q     Okay. He refused to take his sunglasses off?

18          A     Correct.

19          Q     Okay. He was -- I think you described him as  
20 passionate; is that right?

21          A     Correct.

22          Q     Was he also a little flippant in his answers?

23          A     A little what?

24          Q     Flippant, sort of nonchalant.

25          A     Yeah.

1           Q     Do you remember him wanting to be called like D  
2 Meister?  
3           A     Yes.  
4           Q     Okay. That's how he wanted the worker to refer to  
5 him, as D Meister; is that right?  
6           A     Yes.  
7           Q     Okay. Did you think Taharah -- you said she was  
8 slow to give answers. Do you remember that?  
9           A     Yes.  
10          Q     Okay. Did you -- did you find her to be cognitively  
11 delayed in any way?  
12          A     Oh. Yes.  
13          Q     Okay. So like when I -- slow, I mean slow  
14 cognitively delayed. Is that how you would describe her?  
15          A     Yes.  
16          Q     Okay. She was 12 years old when you interviewed  
17 her; is that right?  
18          A     Taharah?  
19          Q     Correct. When Michele Fisher interviewed her but  
20 you watched, she was 12; is that right?  
21          A     I believe so.  
22          Q     Do you remember her telling Ms. Fisher that she was  
23 11 when the abuse first started with Fred?  
24          A     Yes, vaguely.  
25          Q     Would it refresh your recollection to look at the

1 CPS records?

2 A Oh. Sure. Yes.

3 Q Okay. If I can just have a moment until they find  
4 the paperwork.

5 A Sure.

6 MS. ALLEN: I'll ask her that question while you  
7 guys are looking.

8 BY MS. ALLEN:

9 Q Just -- I'm going to allow them a moment to find  
10 that paperwork. Do you recall Taharah drawing a picture  
11 during the first interview?

12 A Yes.

13 Q Okay. Someone asked her to draw a picture of, I  
14 guess, a penis; is that correct?

15 A Yes.

16 Q Do you recall her using words like vagina?

17 THE COURT: Okay. Just -- just a minute. There  
18 seems to be some communication with one of the jurors.

19 THE MARSHAL: He was going to ask to use the  
20 restroom, but now he says --

21 JUROR NO. 13: I was going to ask to use the  
22 restroom while they were taking a few minutes to take a look.

23 THE COURT: No, if you need a restroom break, no  
24 problem. I will always take a break.

25 JUROR No. 13: Okay.



1 THE COURT: So we'll take a recess. During this  
2 recess you're admonished not to talk or converse amongst  
3 yourselves or with anyone else on any subject connected with  
4 this trial, or to read, watch, or listen to any report of or  
5 commentary on the trial or any person connected with this  
6 trial by any medium of information, including, without  
7 limitation, newspapers, television, Internet, or radio, or  
8 form or express an opinion on any subject connected with this  
9 trial until the case is finally submitted to you.

10 We'll be in recess until 3:15. Thank you.

11 (Court recessed at 2:59 p.m., until 3:15 p.m.)

12 (Jury is present)

13 THE COURT: Do the parties stipulate to the presence  
14 of the jury panel?

15 MS. ALLEN: Yes, Your Honor.

16 THE COURT: Okay. You can -- we can call the  
17 witness back to the stand, and Ms. Allen may continue with her  
18 cross-examination.

19 You can have a seat. No, I'm sorry.

20 MS. ALLEN: May I proceed?

21 THE COURT: Yes.

22 MS. ALLEN: Thank you.

23 THE COURT: Sorry.

24 BY MS. ALLEN:

25 Q Okay. I'm just briefly going to go back to the

1 question I was asking you about Taharah reporting that she  
2 remembers that it started, I think the first time was when she  
3 was 11. And I asked if you would be assisted by reviewing the  
4 records. Would that refresh your recollection?

5 A Yes.

6 Q Okay.

7 MS. ALLEN: And if I can approach.

8 THE COURT: Sure.

9 MS. ALLEN: I gave the State the page.

10 BY MS. ALLEN:

11 Q Does that refresh your recollection?

12 A Yeah.

13 Q Okay. So she did -- she did say that she was 11  
14 when it started; is that correct?

15 A Yes.

16 Q Okay. And when you interviewed her, how old did you  
17 say she was?

18 A I didn't interview her.

19 Q Oh. I apologize. When you sat in on the interview  
20 or observed it you said she was 12; is that correct?

21 A I believe so, yes.

22 Q Okay. And do you remember when her birthday was by  
23 any chance? I know. That's okay.

24 A This is a long time ago.

25 Q I know. I understand. During that interview with

1 Ms. Fisher she did draw a picture; is that correct?

2 A Yes.

3 Q Okay. Do you recall -- if I showed you a copy of

4 that picture, do you think you'd remember it?

5 A Yes.

6 Q Okay. This is State's Exhibit 2.

7 MS. ALLEN: May I approach?

8 THE COURT: Absolutely.

9 BY MS. ALLEN:

10 Q Does that look familiar?

11 A Yes.

12 Q Okay. And is that -- is that what you remember

13 Taharah drawing during that interview?

14 A Correct.

15 Q Okay. Do you recall how she came about drawing that

16 picture? Do you remember if Ms. Fisher asked her to draw it?

17 A I don't remember.

18 Q Okay. You don't remember at all?

19 A I really don't.

20 Q Okay. All right. During that interview, Taharah --

21 do you remember Taharah using words like vagina?

22 A No.

23 Q Okay. Do you remember her using specifically the

24 word rape?

25 A Yes.

1 Q She used rape a lot, actually, during that  
2 interview; isn't that correct?

3 A Yes.

4 Q Okay.

5 MS. ALLEN: Court's indulgence. Your Honor, I think  
6 at this time I pass the witness.

7 THE COURT: Okay. Any --

8 MS. ALLEN: Thank you. I would say your last name,  
9 but I'd butcher. So, Sholeh, thank you.

10 THE WITNESS: No problem.

11 THE COURT: Thank you. Any redirect?

12 MS. RHOADES: Yes, Your Honor, just briefly.

13 REDIRECT EXAMINATION

14 BY MS. RHOADES:

15 Q Regarding sudden changes in grades in children, is  
16 that always an indication that there's abuse going on at home?

17 A No.

18 Q Are there other indications to show that abuse is  
19 going on at home besides grades?

20 A Oh. Yes.

21 Q In your experience, is someone that's getting bad  
22 grades, is that more of an indication that they're being  
23 abused in any way?

24 A In some cases, yeah. Yes.

25 Q And how about in some cases are kids that are

1 getting abused getting good grades?

2 A Yes.

3 Q With regard to the interview that Taharah did with  
4 Michele Fisher, was it just Taharah and Michele Fisher in the  
5 interview room?

6 A Yes.

7 Q There weren't 14 other people watching her, you  
8 know, at the interview -- in the interview room --

9 A No.

10 Q -- is that right?

11 A Correct.

12 Q And the defendant wasn't there in that interview  
13 room with Taharah and Michele Fisher; is that right?

14 A Correct.

15 MS. RHOADES: Nothing else.

16 THE COURT: Any recross?

17 MS. ALLEN: No, Your Honor. Thank you.

18 THE COURT: Thank you very much for your testimony.  
19 You may step down. You are excused from your subpoena. Thank  
20 you for being here.

21 THE WITNESS: Thank you.

22 THE COURT: We can call Taharah back to the stand.  
23 And the State was concluded with your direct; correct?

24 MS. LUZAICH: That is correct.

25 THE COURT: Okay.

1           Okay. Taharah, thank you very much for coming back.  
2 Taharah, you do understand that you are still under oath;  
3 correct?

4           THE WITNESS: Uh-huh.

5           THE COURT: Okay. And you can use the microphone.  
6 And now Ms. Allen is going to ask you some questions, okay.

7                           CROSS-EXAMINATION

8 BY MS. ALLEN:

9           Q     Good afternoon, Taharah.

10          A     Hi.

11          Q     How are you?

12          A     Okay.

13          Q     Okay. If you need a break, just let us know, okay?

14          A     Okay.

15          Q     All right. Do you remember I questioned you, I  
16 talked to you before about last year?

17          A     Yes.

18          Q     Okay. And it was downstairs. Do you remember that?

19          A     Yes.

20          Q     You still have to answer out loud, okay?

21          A     Okay.

22          Q     All right. All right. You were born in October, is  
23 that right, of 1999?

24          A     Yes.

25          Q     Okay. October 9th; is that right?

1 A Yes.

2 Q Okay. And you're 14 now?

3 A Yes.

4 Q So you'll be 15 this year; is that right?

5 A Yes.

6 Q Okay. And you're in the eighth grade; is that

7 right?

8 A Yes.

9 Q You remember living in Louisiana; is that correct?

10 A Yes.

11 Q And do you remember who you lived there with?

12 A My mom and my sisters and my brother.

13 Q And your brother. Okay. Yes. Do you remember your

14 dad at all?

15 A No.

16 Q Do you remember -- what's your first memory of

17 living in Louisiana? Do you remember how old you were?

18 A I was about -- I was about five.

19 Q Five years old?

20 A Uh-huh.

21 Q Yes?

22 A Yes.

23 Q Okay. So that would have been like in 2004; is that

24 right?

25 A Yes.

1           Q     Sometime in 2004, maybe about then? Okay. Did you  
2 go to school in Louisiana, do you remember?

3           A     No.

4           MS. ALLEN: Sorry. I move. I apologize.

5 BY MS. ALLEN:

6           Q     You don't remember going to school in Louisiana; is  
7 that correct?

8           A     Right.

9           Q     Okay. Where did you live in Louisiana? Do you  
10 remember the name of the town?

11          A     West Monroe.

12          Q     West Monroe. Okay. Do you remember where -- or do  
13 you know in relation to the state of Louisiana where West  
14 Monroe is? Is it in the north part of the state, the southern  
15 part of the state, do you know?

16          A     Are you asking me like what side is it on?

17          Q     Geography. Do you know where West Monroe is? Do  
18 you know if it's in the north part of the state?

19          A     No --

20          Q     You don't know?

21          A     -- it's not.

22          Q     It's not?

23          A     It's not.

24          Q     Where is West Monroe, do you know?

25          A     It's in the south.



1 Q It's in the south? Okay. Is it near New Orleans?

2 A I don't really know like --

3 Q You don't know. Have you ever been to New Orleans?

4 A No.

5 Q No. Okay.

6 A But I want to go there.

7 Q Do you remember Hurricane Katrina? Do you remember

8 Hurricane Katrina?

9 A I remember hearing about it.

10 Q Okay. Do you remember if you were in Louisiana when

11 that happened?

12 A No.

13 Q You don't remember or you don't know?

14 A I don't know.

15 Q You don't know. Okay. Fair enough. Now, you moved

16 out to Las Vegas with your mom and your siblings; is that

17 right?

18 A Yes.

19 Q All the people we've talked about before, Vicky,

20 Shabazz, Taquanda, and Mahlica. You guys all move out to Las

21 Vegas; is that right?

22 A Yes.

23 Q And you -- do you remember who brought you out here?

24 A Yes.

25 Q Who was it?

1           A       It was Fred's brother, John.

2           Q       Fred's brother, John. Okay. Do you remember the  
3 car that he brought you out in at all? Do you have any memory  
4 of what the car was like?

5           A       No.

6           Q       And your mom wasn't here when he brought you out;  
7 right? His mom -- your mom wasn't in Louisiana when he --  
8 when he picked you up and brought you out here; is that right?

9           A       Right.

10          Q       Your mom was already here in Vegas?

11          A       Right.

12          Q       Okay. And you went immediately to the Trish Lane  
13 house?

14          A       Yes.

15          Q       Okay. And did you stay in that house from January  
16 -- December/January to May until you moved to Utah?

17          A       I don't really know the dates, but I know I went to  
18 Utah.

19          Q       Okay. Do you remember -- right after you came to  
20 Las Vegas, do you remember living anywhere else besides the  
21 Trish Lane house before you went to Utah?

22          A       No.

23          Q       Okay. So it was always the Trish Lane house?

24          A       Yes.

25          Q       Okay. Do you remember Sha'karia living in the Trish

1 Lane house?

2 A Yes.

3 Q Okay. And then it was Ms. Ann; is that right?

4 A Yes.

5 Q And Ms. Ann's mother?

6 A Yes.

7 Q Do you remember Ms. Ann's mother? Do you remember

8 her name?

9 A Claudia.

10 Q Claudia. Okay. Was she sick? Was she sick at the

11 time? Do you remember?

12 A I don't remember.

13 Q Okay. Do you know if she eventually -- she

14 eventually passed away, did you know that?

15 A Yes.

16 Q Okay. Do you remember when she passed away?

17 A No.

18 Q All right. Do you remember if you were here in

19 Vegas when that happened, or were you in Utah?

20 A I was in Utah.

21 Q You were in Utah when that happened?

22 A Yes.

23 Q Okay. So you're living here in Las Vegas and you

24 remember your mom working; is that right?

25 A Yes.

1           Q     And are you in school at that time? Before you go  
2 to Utah, are you in school in Las Vegas?

3           A     Yes.

4           Q     Okay. Do you remember the school that you went to?

5           A     No, but I remember it started with an "M".

6           Q     It started with an "M". Okay. And then sometime --  
7 do you remember finishing the school year here, or do you  
8 remember just leaving for Utah one night?

9           A     Just leaving for Utah.

10          Q     Okay. Had anybody told you that you were moving to  
11 Utah?

12          A     No.

13          Q     All right.

14          A     It was kind of like a surprise.

15          Q     It was a huge surprise?

16          A     Like it was when we came back to Vegas from Utah.

17          Q     Okay. So much the same way you were sort of  
18 shocked, you were surprised about moving; is that -- is that  
19 right?

20          A     Yes.

21          Q     Okay. Did someone just pick you up from school that  
22 day and you guys just left for Utah?

23          A     I don't remember how it happened, but I know we just  
24 left with no warning.

25          Q     Okay. Do you remember if you took any of your

1 things with you?

2 A I didn't take nothing with me.

3 Q So when you went to Utah, you didn't take anything

4 with you?

5 A No.

6 Q Just the clothes that you had on?

7 A Yes.

8 Q Okay. And you were in Utah for at least a year; is

9 that right?

10 A I don't really know how long I was in Utah.

11 Q Okay. Well, you -- at some point your mom left; is

12 that right?

13 A Yes.

14 Q And she came back to Las Vegas?

15 A Yes.

16 Q And she came back to see Fred; is that right?

17 A Yes.

18 Q And -- and then CPS came in and took you guys out of

19 the home; is that right?

20 A Yes.

21 Q Okay. And how long were you out of the home?

22 A For a year, I think.

23 Q Okay. You were out for a year. You remember being

24 like in foster care with a foster family for a year?

25 A Yes.

1           Q     Okay. And then eventually you were allowed to move  
2 back in with your mom; right?

3           A     Yes.

4           Q     And then once you guys were allowed to move back in  
5 with your mom, you came back to Vegas at some point; is that  
6 correct?

7           A     Yes.

8           Q     Okay. Prior to moving to Utah, did you have any  
9 problems with Fred?

10          A     I don't understand that question. Can you ask that  
11 in a different way?

12          Q     Sure. Prior to moving to Utah, did you have any --  
13 did you have any issues with Fred? Was he mean to you in that  
14 time frame when you moved from Louisiana to here, but before  
15 you left for Utah, so those few months you guys were here was  
16 Fred mean to you?

17          A     I still don't get it.

18          Q     You still don't get it. Okay. You remember living  
19 on Trish Lane; is that right?

20          A     Yes.

21          Q     Okay. And you remember living there with your  
22 family; is that right?

23          A     Yes.

24          Q     And you remember living there with Ms. Ann and  
25 Claudia?

1           A     Yes.

2           Q     Okay.  So in that time period when you lived on  
3 Trish Lane, do you remember Fred being mean to you?

4           A     No, I don't really remember much back then.

5           Q     Okay.  Well, so you don't remember him being mean to  
6 you?

7           A     No.

8           Q     Okay.  When you came back from Utah you said living  
9 at that house on Blankenship there were good days and bad  
10 days; is that right?

11          A     Yes.

12          Q     And the good days would be going out to eat?

13          A     Yes.

14          Q     Going to Circus Circus?  Is that one of the good  
15 days?

16          A     Yes.

17          Q     All right.  Going out -- just generally going out or  
18 having a barbeque at the house with -- with family, do you  
19 remember that?

20          A     Yes.

21          Q     Okay.  And you said the bad days would be when you  
22 got in trouble; is that right?

23          A     Yes.

24          Q     Okay.  Do you remember -- you remember talking about  
25 some of the things that you got in trouble for; is that right?

1           A     Yes.

2           Q     When you didn't do your chores?

3           A     Yes.

4           Q     Okay. How about when you didn't get good grades in  
5 school, did you get in trouble for that?

6           A     It was just like a talking to.

7           Q     Okay. So when you came home with like an F, then  
8 Fred or Ann would talk to you about that; is that right?

9           A     Yes.

10          Q     Was Fred the one who really wanted you guys to get  
11 good grades?

12          A     Yes.

13          Q     Okay. And he really pushed you in school, didn't  
14 he, to get better grades, didn't he?

15          A     Yes.

16          Q     Okay. And the times that you were living at  
17 Blankenship, while you were living there did you have pretty  
18 good grades?

19          A     Yes.

20          Q     Okay. Are your grades now the same as they were  
21 then?

22          A     It wasn't the same, but they still good.

23          Q     Okay. So you don't have -- well, let me ask you  
24 this. You weren't allowed to really skip school, were you,  
25 when you lived at Fred's house?



1           A     No.

2           Q     And there were rules?

3           A     Uh-huh.

4           Q     Yes or no.

5           A     Yes.

6           Q     Okay. And you got in trouble when you broke rules;  
7 isn't that right?

8           A     Yes.

9           Q     Okay. You didn't miss a lot of school when you  
10 lived with Fred, did you?

11          A     No.

12          Q     Okay. Since you moved back with your mom, you've  
13 missed a lot of school; isn't that right?

14          A     Yes.

15          Q     Okay. You have at least 14 absences since you moved  
16 back in with your mom?

17          A     Yes.

18          Q     Okay. Do you have more now? Do you have more than  
19 14 now?

20          A     Not more than 14. It was just because of doctor's  
21 appointments and stuff.

22          Q     Okay.

23          A     And now court, too.

24          Q     Okay. And you -- but you moved back in with your  
25 mom around November of 2013; isn't that right?

1           A     Yes.

2           Q     Okay. You said you got in trouble when you got  
3   RPC-ed for school, do you remember that?

4           A     Yes.

5           Q     Okay. Why did you get RPC-ed?

6           A     For fighting.

7           Q     Okay. So was this at H. P. Fitzgerald?

8           A     Yes.

9           Q     Okay. And so you got into a fight with someone  
10   else?

11          A     Yes.

12          Q     Do you remember why?

13          A     No.

14          Q     You don't remember why. Okay. And then you also  
15   said you got in trouble when you got suspended from school; is  
16   that right?

17          A     Yes.

18          Q     Why did you get suspended from school?

19          A     It was for fighting.

20          Q     Okay. So is it the same instance as the RPC, or is  
21   this a different fight?

22          A     This one was different, though.

23          Q     Okay. So you were in at least two fights at school,  
24   is that right, when you were at H.P. Fitzgerald?

25          A     Yes.

1 Q Okay. And that would have been second through fifth  
2 grade that you were at H. P. Fitzgerald; is that right?

3 A Yes.

4 Q Okay. You said that -- well, do you remember that  
5 when you would get in trouble for things it would usually  
6 start off with like a talking to or you'd get things taken  
7 away from you like your CDs?

8 A Yes.

9 Q Okay. And then if you got in more trouble or you  
10 didn't listen or fix the problem then you had to do pushups?  
11 Do you remember that?

12 A Yes.

13 Q Okay. And then if that didn't work and you  
14 continued to get in more trouble or you didn't fix the  
15 problem, then you would get a whooping. Do you remember that?

16 A Yes.

17 Q Okay. The whoopings that you described were always  
18 with your clothes on; isn't that right?

19 A Yes.

20 Q Okay. And they were always on your bottom?

21 A Yes.

22 Q Okay. And after the -- that you had this whooping,  
23 did you -- were you able to walk out of the room?

24 A Yes.

25 Q Okay. You weren't unable to walk; is that right?

1 You were able to walk out and do all of the things that you  
2 had done before?

3 A Yes.

4 Q Okay. Sha'karia lived with you on Trish Lane; is  
5 that right?

6 A Yes.

7 Q And then she also lived with you guys on  
8 Blankenship; is that correct?

9 A Yes.

10 Q But not all the time. She was in and out of the  
11 house; right?

12 A Right.

13 Q Okay. When all of you lived there, you, your mom,  
14 your brother, and your sisters lived there, she was there for  
15 part of that time; isn't that right?

16 A Right.

17 Q Do you remember instances where Sha'karia and  
18 Victoria would babysit you guys while Fred and Ann would go  
19 out?

20 A Yes.

21 Q Okay. Did that happen very often?

22 A Sometimes.

23 Q Okay. Do you know Marcus?

24 A Yes.

25 Q Okay. Who is Marcus?

1           A     Ms. Ann's son.

2           Q     Okay. And would you describe him as being like  
3 dark-skinned?

4           A     Yes.

5           Q     Did he have short hair?

6           A     Yes.

7           Q     Like a fade?

8           A     Yes.

9           Q     Okay. You -- you said -- you testified on direct  
10 that the only time you remember Mahlica having -- having a  
11 whooping was at the same time as you; is that right?

12          A     Yes.

13          Q     Okay. What did the two of you do in order to -- for  
14 that to happen? Do you remember what had happened?

15          A     No.

16          Q     Okay. You just remember that the two of you got in  
17 trouble; is that right?

18          A     Yes.

19          Q     Okay. You remember Shabazz being in trouble for  
20 beating up a kid at school?

21          A     Yes.

22          Q     Okay. And he did it in the bathroom; is that right?

23          A     Yes.

24          Q     Do you remember the kid being described as being  
25 disabled?

1           A     Yes.

2           Q     Okay. Did you -- you didn't go to the same school  
3 as Shabazz, did you?

4           A     No.

5           Q     Okay. Did Shabazz get in a little bit of trouble at  
6 school?

7           A     Somewhat.

8           Q     Okay. Shabazz had somewhat of a temper sometimes?

9           A     Yes.

10          Q     Yes. Okay. Thank you. After Shabazz got in  
11 trouble for beating -- or beating up the kid in school, you  
12 said you don't remember any marks on him; is that right?

13          A     Right.

14          Q     And with Mahlica, you didn't see anything on her; is  
15 that right?

16          A     Right.

17          Q     But it was on her bottom; is that correct?

18          A     Right.

19          Q     Okay. Was Mahlica able to get up and walk out of  
20 the bedroom after that happened?

21          A     Yes.

22          Q     Okay. All right. Do you remember Ms. Ann taking  
23 you to see a girl doctor? Remember those questions that Ms.  
24 Luzaich asked you about that?

25          A     Yes.

1           Q     Do you remember you the doctor you went to go see  
2 was a woman?

3           A     Yes.

4           Q     Do you remember if she had a little bit of an  
5 accent?

6           A     It kind of sounded like she was from India or  
7 something.

8           Q     Okay. Perfect. Do you remember if she had a dot on  
9 her forehead?

10          A     Yes.

11          Q     Okay. Did Marcus go with you to that appointment?

12          A     No.

13          Q     Marcus did not go with you to that appointment?

14          A     No.

15          Q     Okay. Now, when you saw Dr. Gondy, do you recall  
16 telling -- do you recall telling someone who interviewed you  
17 later that you told Dr. Gondy that you were raped? Do you  
18 remember that?

19          A     Yes.

20          Q     Okay. Did you tell Dr. Gondy that you were raped?

21          A     Yes.

22          Q     Okay. And do you recall her response being that you  
23 should get away from the guy?

24          A     Yes.

25          Q     Okay. And as you sit here today, is that your

1 recollection of events?

2 A Yes.

3 Q That you, in fact, informed Dr. Gondy that you were  
4 being raped; is that right?

5 A Yes.

6 Q And she told you that you should move or get away  
7 from him?

8 A Yes.

9 Q Okay. There was two statements that you gave to --  
10 well, let me backtrack. You gave -- you were interviewed  
11 twice; is that right?

12 A Yes.

13 Q You were interviewed once in December of 2011?

14 A I don't really remember the dates, but I know I was  
15 interviewed.

16 Q Okay. Do you remember the time when a detective  
17 showed up at the Blankenship address?

18 A Yes.

19 Q Okay. And it was -- you don't recall the date. If  
20 I told you it was December 18th of 2011, would that sound  
21 about right?

22 A I don't really know because I don't remember the  
23 dates, but I know I was interviewed.

24 Q Okay. Do you remember how old you were?

25 A What was -- what was the year?



1 Q December of 2011. How old were you in December of  
2 2011?

3 A 11.

4 Q Are you sure?

5 A Yes.

6 Q Would you be 12?

7 A I don't know. I might have been 12 and I might have  
8 been 11.

9 Q Well, your birthday is in October; right? October  
10 9th of '99?

11 A Yes.

12 Q Okay. So October 9th of '99, and if you  
13 fast-forward to December of 2011, how old do you think you  
14 were?

15 A 12.

16 Q Okay. So you were 12 years old when Detective -- do  
17 you remember if it was Detective --

18 MS. ALLEN: Okay. I apologize, Your Honor. There  
19 has been some confusion about the detectives.

20 BY MS. ALLEN:

21 Q Detective Melchert. Do you remember Detective  
22 Melchert talking to you?

23 A I don't remember the name, but if I see that  
24 person's face I'll remember the face.

25 Q Got it. Okay. Do you remember them telling you

1 they were from Henderson?

2 A Yes.

3 Q Okay. And do you remember they showed up kind of in  
4 the middle of the night to talk to you? Do you remember that?

5 A Yes.

6 Q Okay. And do you remember them telling you that  
7 they were with the police department? Do you remember that?

8 A Yes.

9 Q Okay. And do you remember did they assure you that  
10 they were there to help you?

11 A Yes.

12 Q Okay. And they told you that they needed you to be  
13 completely honest with them; is that right?

14 A Yes.

15 Q Okay. And -- and did you -- at the time that you  
16 interviewed with them, did you have any reason to believe that  
17 they weren't there to help you? Do you understand the  
18 question?

19 A No.

20 Q Okay. When you were being interviewed by them, did  
21 you -- did you have any feeling that they weren't there to  
22 help you or did you feel like they were there to help you?

23 A I don't really know --

24 Q You don't really know, but they told you they were  
25 there --

1           A     -- if they was there to help me or not.

2           Q     You don't know. But they did tell you they were  
3 there to help you, didn't they? You have to answer --

4           A     Yes.

5           Q     Okay. And they asked you some questions about  
6 school. Do you remember those?

7           A     Yes.

8           Q     Okay. And then they asked you how you felt about  
9 living in the house. Do you remember that?

10          A     Yes.

11          Q     Okay. And do you recall what your answer was?

12          A     Yes.

13          Q     What was it?

14          A     I don't recall it, but if you read it to me I'll  
15 remember what I said.

16          Q     Okay. Do you recall telling the detective that you  
17 felt protected? Do you remember that?

18          A     Yes.

19          Q     Okay. And do you recall that wasn't hid word to  
20 you. He said, you feel pretty good about living in the house?  
21 And do you remember your response was I feel protected? Do  
22 you remember that?

23          A     Yes.

24          Q     So he didn't use the word protected with you. That  
25 was your word, isn't that right?

1           A     Right.

2           Q     And then you said -- he said, okay, yeah, okay. And  
3 then you said, and I feel safe. Do you remember telling him  
4 that?

5           A     Yes.

6           Q     Okay. And then he asked you if there are any times  
7 in the house when you don't feel safe. Do you remember your  
8 answer?

9           A     No.

10          Q     Do you remember saying, no, never? Do you remember  
11 that?

12          A     Somewhat.

13          Q     Okay. Would it help if you could look at your  
14 transcript?

15          A     No.

16          Q     Okay. Do you remember the detective asking you if  
17 there had been any problems between you and anyone else in the  
18 house, and do you remember your answer?

19          A     Yes.

20          Q     What was it?

21          A     I don't really remember. Like can you read that to  
22 me, like what I said, and then I'll remember?

23          Q     Do you remember if your answer was no? Do you  
24 remember that? Your answer -- do you remember if your answer  
25 was no?

1           A     Yes.

2           Q     Okay.  So when he asked you if there any problems  
3 with you and anybody else in the house you said no; is that  
4 right?

5           A     Right.

6           Q     And Fred was living there at the time; isn't that  
7 correct?

8           A     Right.

9           Q     Okay.  And then they asked you if there were any  
10 times that you were uncomfortable being around Fred.  Do you  
11 remember him asking you that question?

12          A     Right.

13          Q     And do you remember your answer was no?

14          A     Right.

15          Q     Okay.  Now, previously today you testified that the  
16 first time that Fred was inappropriate with you and he touched  
17 you in a way that made you uncomfortable, and I don't mean hit  
18 you with a belt.  I mean sexually.  You understand the  
19 difference; right?

20          A     Yes.

21          Q     Your testimony was that it happened when you were  
22 11.  Do you remember that?

23          A     Yes.

24          Q     In fact, you -- you told the CPS worker that you  
25 were 11 when it started; is that right?

1           A     Yes.

2           Q     Okay. But when you talked to the detective in  
3 December of 2011, you said -- they asked if there were any  
4 times you were uncomfortable around Fred and you said no;  
5 right?

6           A     Right.

7           Q     Do you remember them asking you how you felt staying  
8 in the house with Fred?

9           A     Yes.

10          Q     You remember your answer?

11          A     No.

12          Q     Okay. Do you remember that -- and they didn't --  
13 well, let me ask you, do you remember your answer being I felt  
14 good and confident, positive. Do you remember that?

15          A     Yes.

16          Q     And then you said anything but negative.

17          A     Yes.

18          Q     Okay. And those weren't words that they told --  
19 they told you to say, is it? Is it?

20          A     No.

21          Q     Those were your words; isn't that right?

22          A     Yes.

23          Q     Do you remember the detective asking you some  
24 questions about Fred's relationship with your mom?

25          A     Yes.

1           Q     Okay. And you described it as a close relationship;  
2 is that right?

3           A     Yes.

4           Q     Fred and your mom had a close relationship?

5           A     Yes.

6           Q     And a loving relationship?

7           A     Yes, I remember I said that.

8           Q     Okay. Do you remember telling the detective that  
9 Fred still makes sure that Mahlica and Shabazz and your mom  
10 and Victoria are taken care of even though they moved out of  
11 the house?

12          A     Yes.

13          Q     Supporting them even though they didn't live there  
14 anymore?

15          A     Yes.

16          Q     Okay. And then do you remember saying -- oh, and  
17 make sure that everybody is doing well in school; right? You  
18 remember telling the detective he made sure everybody was  
19 doing well in school?

20          A     Yes.

21          Q     Because school was really important, wasn't it?

22          A     Right.

23          Q     Okay. And then you volunteered to the detective  
24 that he was a good man. Do you remember saying that about  
25 Fred?

1           A     Yes.

2           Q     Okay. He provides for you. Do you remember telling  
3 the detective that?

4           A     Yes.

5           Q     Do you remember them asking you about being punished  
6 in the house?

7           A     Yes.

8           Q     Okay. And previously today you testified that you  
9 had been punished by like whoopings and stuff; is that right?

10          A     Yes.

11          Q     Okay. And that that had happened while Victoria and  
12 mom and Shabazz lived in the house; is that correct?

13          A     Correct.

14          Q     Okay. And do you remember telling the detective  
15 that the only time you ever got in trouble you had to do  
16 pushups?

17          A     Yes.

18          Q     And you talked about getting grounded and your CDs  
19 taken away. Do you remember telling him that?

20          A     Yes.

21          Q     Okay. The detective asked you questions about being  
22 in school, misbehaving. Oh. He asked you what would have  
23 happened for you to get your CDs taken away. Do you remember  
24 a discussion with the detective about that?

25          A     Yes.



1           Q     Okay. And at no time did you indicate -- well, I  
2 apologize. You did indicate that at one point you were  
3 spanked on the buttocks, do you remember that, on the bottom?

4           A     Yes.

5           Q     Okay. And do you remember why you were spanked or  
6 why you told the detective you were spanked?

7           A     I don't remember.

8           Q     Okay. Do you remember telling him that you had  
9 stolen -- you had stolen something?

10          A     Yes.

11          Q     Okay. Is that why you were spanked, because you  
12 stole something? You have to answer.

13          A     Right.

14          Q     Okay. Is that correct, you and Taquanda stole  
15 something; isn't that right?

16          A     That was right.

17          Q     Pardon?

18          A     That was right.

19          Q     Do you remember what it is that you stole?

20          A     No.

21          Q     Okay. Was it from a store or was it from Sha'karia?

22          A     I think it was from the store or something.

23          Q     Okay. Do you remember you recall you said you got  
24 in trouble twice for getting in fights at school; is that  
25 right?

1           A     Right.

2           Q     Okay. Do you remember if there were more times that  
3 you got in trouble for being in fights at school?

4           A     No.

5           Q     Okay. Do you remember fighting a lot when you were  
6 in school?

7           A     Yes.

8           Q     Okay. So when you were at H. P. Fitzgerald, were  
9 you in trouble a lot at school for getting into fights?

10          A     Not a lot, but sometimes.

11          Q     Okay. The item that you got in trouble for when you  
12 were spanked, the one you described to the detective, you told  
13 him you were spanked on the bottom once for stealing  
14 something. Do you remember we were just talking about that?

15          A     Yes.

16          Q     Lealer made you take that back; right? Didn't she  
17 make you go to the store and return it?

18          A     Right.

19          Q     Okay. But you don't remember what store it was; is  
20 that right?

21          A     No.

22          Q     Okay. Okay. And then you were -- so this interview  
23 happened December of 2011 with the Henderson Police. At some  
24 point you were interviewed by them; is that right?

25          A     Right.

1 Q And you remember it being early in the morning or  
2 late at night; is that correct?

3 A Correct.

4 Q And you were interviewed by yourself; correct?

5 A Correct.

6 Q Okay. And then you remember a few days after that  
7 someone by the name of Bobbi interviewed you?

8 A Yes.

9 Q You remember talking to Bobbi?

10 A Yes.

11 Q Do you remember telling Bobbi things like you didn't  
12 believe your sister, Victoria, when she said she had been  
13 raped?

14 A I don't know.

15 Q Okay. Do you remember telling Bobbi that you felt  
16 safe in the house and you didn't want to leave?

17 A Yes.

18 Q Okay. And do you remember telling Bobbi that you  
19 didn't want to go back and live with your mom, Tina? Do you  
20 remember telling her that?

21 A I don't know.

22 Q Okay. Do you remember in January of 2012 Bobbi came  
23 out and talked to you again? Do you remember that?

24 A Yes.

25 Q And do you remember asking her when Fred could move

1 back in?

2 A I don't know.

3 Q Okay. You don't remember saying that?

4 A No.

5 Q Okay. Fred had moved out for a little while, isn't  
6 that right?

7 A I don't know.

8 Q You don't remember Fred moving out of the house?

9 A No.

10 Q Okay. Okay. So now I want to talk to you about the  
11 -- your testimony with regard to what you said about Fred  
12 touching you, okay?

13 A Okay.

14 Q I'm going to ask you some questions about that. Do  
15 you remember when you gave your statement to CPS? And this  
16 would have been -- this would have been in like September -- I  
17 apologize, September 27, 2012. Do you remember being  
18 interviewed by someone by the name of Ms. Fisher in September  
19 of 2012?

20 A I don't remember her name, but I think if I saw her  
21 I would remember her face.

22 Q Okay. Well, let's put this into context, then. So  
23 you -- you finished out the school year. After the interview  
24 with the Henderson detectives you finished out the school  
25 year, is that right, at Fred and Ann's house? You finished

1 school that year and into the summer at Fred and Ann's house;  
2 is that right?

3 A Which -- which time are you talking about?

4 Q You have to hold the microphone up.

5 A Which time are you talking about?

6 Q Remember being interviewed by the Henderson  
7 detectives?

8 A Yes.

9 Q Okay. And after that interview you finished school  
10 out; right? You went through June at school? Did you finish  
11 school that year?

12 A I don't remember.

13 MS. LUZAICH: You know, I'm sorry. Objection.  
14 Foundation. I don't understand the question. I don't know if  
15 Taharah will.

16 THE COURT: Do you understand the question?

17 THE WITNESS: No.

18 THE COURT: Okay.

19 BY MS. ALLEN:

20 Q Well, did you -- were you in school in -- when you  
21 were interviewed by the Henderson Police Department, the  
22 Henderson detectives, were you in school?

23 A Yes.

24 Q Okay. And that was December of 2011; is that right?

25 A Right.

1 Q Or at least you believe it is. And were you in  
2 school in January of 2012?

3 A Yes.

4 Q What about February? Were you in school in February  
5 or 2012?

6 A Yes.

7 Q Okay. March and April and May of 2012 were you in  
8 school?

9 A Yes.

10 Q Okay. And that whole time of 2012, from January to  
11 May of 2012, you were living in Fred and Ann's house; is that  
12 right?

13 A Right.

14 Q Okay. So June comes along and do you -- you  
15 finished that school year and you're on summer break. Do you  
16 -- do you remember that?

17 A Yes.

18 Q Okay. And that summer you spent a significant  
19 amount of time at your mom's house; isn't that right?

20 A Right.

21 Q In fact, almost the entire summer with your mom and  
22 Victoria; isn't that right?

23 A And Mahlica.

24 Q Okay. And Mahlica.

25 A And Shabazz was there.

1 Q And Taquanda.

2 A And Taquanda.

3 Q Okay. So you spent the entire -- almost the entire  
4 summer with your family; is that correct?

5 A Almost.

6 Q All right. And then you came back to Fred and Ann's  
7 house to start the -- the school year, the 2012 school year.  
8 Do you remember that?

9 A Yes.

10 Q Okay. And then in September you were interviewed by  
11 someone from CPS. Do you recall that?

12 A Yes.

13 Q Okay. And they were asking you questions about  
14 living at Fred's house. Do you remember that?

15 A Yes.

16 Q All right. Do you remember Ms. Fisher asked you how  
17 you felt about living with Ms. Ann. Do you remember that?

18 A Yes.

19 Q Okay. And you said I used to want to live there,  
20 but now I don't. Do you remember that?

21 A Yes.

22 Q Okay. And then she asked you why.

23 A Yes.

24 Q And do you remember your response was because we get  
25 in trouble for like the little things. Do you remember that?

1           A     Yes.

2           Q     Like usually we'd be getting in trouble for -- do  
3 you -- do you remember that, and then talking about getting  
4 yelled at?

5           A     Yes.

6           Q     And then you said and then plus what happened to the  
7 rape. Do you remember that?

8           A     Yes.

9           Q     Okay. So when you answered her question when she  
10 asked you why you didn't want to live there anymore, your very  
11 first response was that you were getting in trouble. Do you  
12 remember that?

13          A     Yes.

14          Q     Okay. You told Ms. Fisher from CPS that it happened  
15 when you were 11 years old. Do you remember that?

16          A     Yes.

17          Q     Just like you said today, it happened to you when  
18 you were 11 years old; is that right?

19          A     Right.

20          Q     But you agreed earlier you were 12 years old when  
21 you interviewed with Henderson detectives; is that right?

22          A     I don't really know how old I was. I said it was  
23 between 11 and 12.

24          Q     Okay. Well, your birthday is in October; is that  
25 correct?



1           A     Correct.

2           Q     Okay. And the interview was in December of 2011; is  
3 that correct?

4           A     I don't really know the dates or times.

5           Q     Okay. All right. Do you remember talking about the  
6 first time it happened with the CPS worker?

7           A     Yes.

8           Q     Do you remember what you told them?

9           A     No.

10          Q     Okay. Today you testified that he drug you into the  
11 bathroom. Do you remember that?

12          A     Yes.

13          Q     Okay. Do you remember telling a CPS worker that you  
14 were taking a shower --

15          A     Yes.

16          Q     -- the first time it happened? Do you remember  
17 that?

18          A     Yes.

19          Q     Okay. And that someone shut off the lights; is that  
20 right?

21          A     Right.

22          Q     Okay. And then someone grabbed your wrist --

23          A     Right.

24          Q     -- and like raped me. Do you remember saying that?

25          A     Right.

1 Q Okay. Do you remember being asked -- do you  
2 remember being asked by Ms. Fisher what his body was doing  
3 when this was -- when this was going on, this rape in the  
4 shower? Do you remember that?

5 A Yes.

6 Q Do you remember if your response was it was dark?

7 A Yes.

8 Q Okay. Did Ms. Ann ever catch you taking  
9 inappropriate pictures on a cell phone of yourself?

10 A I was taking pictures, but they wasn't  
11 inappropriate.

12 Q How would you describe the pictures? They were  
13 pictures of you; is that right?

14 A Yes.

15 Q Okay. And they were pictures of you with less  
16 clothing on than you have now?

17 A No.

18 Q They were pictures of you fully clothed?

19 A It was just normal pictures.

20 Q She took the phone away from you, didn't she, as a  
21 result of those pictures?

22 A Yeah.

23 Q She was angry about them?

24 A Yeah.

25 Q Were you sending them to someone?

1           A     No.

2           Q     Okay. Do you remember Taquanda being accused by

3 Sha'karia of stealing a vibrator or dildo?

4           A     Yes, I remember.

5           Q     Okay. Do you remember if Taquanda blamed you?

6           MS. LUZAICH: Objection. Hearsay.

7           THE COURT: Sustained.

8 BY MS. ALLEN:

9           Q     Did you steal -- did you steal the dildo?

10          A     No.

11          Q     Okay. Do you know if your sister did?

12          A     No.

13          MS. LUZAICH: Objection.

14          MS. ALLEN: I asked her if she knew.

15          THE COURT: Are you okay, Taharah?

16          THE WITNESS: Can I get a minute?

17          THE COURT: Yeah --

18          THE WITNESS: Can I --

19          THE COURT: -- you can.

20          THE WITNESS: -- get a minute?

21          THE COURT: Do you need a break?

22          THE WITNESS: Uh-huh.

23          MS. ALLEN: Sure.

24          THE COURT: Okay. All right. We're going to take a

25 recess.

1           During this recess you're admonished not to converse  
2 amongst yourselves or with anyone else on any subject  
3 connected with this trial or read, watch, or listen to any  
4 report of or commentary on the trial or any person connected  
5 with this trial by any medium of information, including,  
6 without limitation, newspapers, television, the Internet, or  
7 radio, or form or express any opinion on any subject connected  
8 with this trial until the case is finally submitted to you.  
9 And we'll be in recess for ten minutes.

10           (Court recessed at 4:01 p.m., until 4:13 p.m.)

11           (Jury is present)

12           THE COURT: Do the parties stipulate to the presence  
13 of the jury panel?

14           MS. LUZAICH: Yes.

15           MS. ALLEN: Yes, Your Honor.

16           THE COURT: Okay. The witness can be brought back  
17 in and you may continue with your cross.

18           MS. ALLEN: Thank you.

19           THE COURT: Okay. Are you ready, Taharah?

20           THE WITNESS: [Inaudible].

21           THE COURT: All right. Thank you for coming back.  
22 Thank you.

23           THE WITNESS: Uh-huh.

24           MS. ALLEN: Thank you, Your Honor. May I proceed?

25           THE COURT: Uh-huh.

1 MS. ALLEN: Thank you.

2 BY MS. ALLEN:

3 Q All right. Taharah, I'm almost finished. I am  
4 almost finished. Okay. You -- you mentioned your friend  
5 Anya. Do you remember talking about Anya?

6 A Yes.

7 Q Did you have a nickname for her?

8 MS. LUZAICH: I'm sorry. I didn't hear that.

9 MS. ALLEN: Nickname did she have --

10 THE COURT: Anya.

11 MS. LUZAICH: oh.

12 BY MS. ALLEN:

13 Q Did you have a nickname for Anya? Did you call her  
14 something other than Anya?

15 A We called her Nahna (phonetic).

16 Q Nahna. Okay. And that was -- you called her that,  
17 and so did your sister Taquanda; is that right?

18 A Yes.

19 Q Okay. And you said her mom's name was Sandy or  
20 Sandra?

21 A Sandra.

22 Q Okay. Do you remember telling -- this is in  
23 September of 2012. Do you remember telling Ms. Fisher that  
24 you told Auntie -- you called her Auntie Sandra about it? Do  
25 you remember that?

1           A     Yes.

2           Q     Okay. And you told her who had raped you and all  
3 the details; is that right?

4           A     Yes.

5           Q     And do you remember that she -- you told the CPS  
6 worker that she told you to call the cops; is that right?

7           A     Yes.

8           Q     Okay. Okay. So I just want to talk a little bit  
9 about the -- the laundry room that you were talking about  
10 earlier, okay? Okay?

11          A     Yes.

12          Q     Okay. You said that you were asleep; is that right?

13          A     Yes.

14          Q     Do you remember the time of day it was?

15          A     No.

16          Q     Do you remember were you -- had you been in school  
17 that day, was it a Saturday, do you remember what time of year  
18 it was?

19          A     I think I went to school that day and came home.

20          Q     You think so. Okay. Do you remember what day it  
21 was of the week?

22          A     No.

23          Q     Okay. And you said you were asleep. Do you  
24 remember when you woke up what time it was?

25          A     No.

1           Q     Okay. And in your mind there was nobody else in the  
2 house, is that right, except Taquanda?  
3           A     Yes.  
4           Q     So it was you and Taquanda and Fred and that was it;  
5 is that right?  
6           A     Right.  
7           Q     Okay. And he woke you up; is that correct?  
8           A     Yes.  
9           Q     And he took you directly to the laundry room; is  
10 that right?  
11          A     Right.  
12          Q     Okay. He didn't take you anywhere else?  
13          A     Right.  
14          Q     And was the door open?  
15          A     I don't remember.  
16          Q     The laundry room door, you don't remember if it was  
17 open?  
18          A     No.  
19          Q     How big is the laundry room?  
20          A     It's like -- it's not that big. It's like a square.  
21 It's like --  
22          Q     Okay. The washer and dryer are in there; is that  
23 right?  
24          A     Yes.  
25          Q     Okay. And there's a door?

1 A Yes.

2 Q But you don't remember if the door was open or shut?

3 A Right.

4 Q Do you remember if the light was on?

5 A No, I -- the light wasn't on.

6 Q The light was off?

7 A Yes.

8 Q Okay. So after he led you out of your room or he

9 pulled you out -- did he pull you out of your room?

10 A Well, he like led me.

11 Q Okay. So tell me what happened next.

12 A And then after he led me I was with him.

13 Q Go ahead.

14 A He had put me in the laundry room.

15 Q Okay.

16 A And then after that he had took -- he had took my

17 clothes off and then he had took his fingers and then he put

18 them up my private part.

19 Q Okay. Do you remember using the word -- when you

20 were talking to CPS, do you remember using the word vagina?

21 A Yes.

22 Q Okay. Is that a word that you know for your private

23 part?

24 A Yes.

25 Q Okay. And that word -- when you were talking to CPS



1 that word wasn't suggested to you. That was the word that you  
2 used; isn't that right?

3 A Yes.

4 Q Okay. When you say that -- so all of your clothes  
5 came off; is that right?

6 A Yes.

7 Q And where did you get dressed again?

8 A Before I left.

9 Q So you got dressed in the laundry room?

10 A Uh-huh.

11 Q Yes?

12 A Yes.

13 Q And then you went right back to your bedroom; is  
14 that right?

15 A Yes.

16 Q Okay. And you weren't upset at all, were you? You  
17 were crying?

18 A No.

19 Q Okay. You weren't crying.

20 A I just walked back.

21 Q Okay. Do you remember -- do you remember testifying  
22 that Taquanda had caught you and Fred in the laundry room?

23 A No, because she was walking -- she was walking down  
24 the hall.

25 Q Okay. But do you remember testifying she caught him

1 in the act doing that to me? Do you recall that?

2 A Yes.

3 Q Pardon?

4 A Yes.

5 Q Okay. So did you see her walk by?

6 A Yes, because I seen her because she was down there

7 when I was in my room.

8 Q Okay. So was -- does that lead you to believe, or

9 do you think that maybe the door was open, then, since you saw

10 her?

11 A Yes.

12 Q Okay. You said Fred used to work at Embarq; is that

13 right?

14 A Huh?

15 Q You said Fred used to work at Embarq?

16 A Yes.

17 Q Do you remember him also working at Nellis Air Force

18 Base?

19 A Yes.

20 Q Okay. When he worked did he work a lot of hours?

21 A It was a good amount of hours that he worked.

22 Q You remember him being gone a lot; is that right?

23 A Yes.

24 Q Okay. I'm going to ask you -- well, let me ask you

25 this. You said that you didn't tell anybody when Henderson

1 came to interview you because you were afraid that no one  
2 would believe you. Do you remember saying that?

3 A Yes.

4 Q Okay. You had previously been taken away from your  
5 mother in Utah; is that right?

6 A Yes.

7 Q CPS had taken you away from your mom in Utah, do you  
8 remember that?

9 A Yes.

10 Q Okay. And -- and you knew that those were police  
11 officers that interviewed you; is that right?

12 A Yes.

13 Q Okay. And you previously testified here that you've  
14 told a doctor; is that right?

15 A Yes.

16 Q Do you remember telling any school counselors about  
17 it?

18 A No.

19 Q Okay. Had Victoria told you that no one believed  
20 her? Is that why you were worried about it?

21 A Yes.

22 Q Okay. So in -- when you were interviewed by Bobbi  
23 in January of 2012, you remember we talked about the second  
24 time she came to talk to you?

25 A Yes.

1           Q     Okay.  You -- I think you said you don't remember  
2     telling her that you didn't believe your sister.  Do you  
3     remember saying that a few minutes ago that you didn't  
4     remember that?

5           A     Yes.

6           Q     Okay.  As you sit here today do you recall a time  
7     period where you didn't believe your sister?

8           A     No.

9           Q     Okay.  But you were worried about people not  
10    believing you because of the things your sister had told you?

11          A     Yes.

12          Q     Okay.  Did your sister talk to you a lot about Fred?

13          A     No.

14          Q     She didn't talk to you a lot about Fred?

15          A     No.

16          Q     But she talked to you a lot about people not  
17    believing her; isn't that right?

18          A     Yes.

19          Q     Okay.  Do you remember a time when Sha'karia and  
20    Victoria, I asked you if they -- they watched you in the past  
21    and you said that they had.  Do you remember that?

22          A     Yes.

23          Q     Do you remember a time when you told Sha'karia that  
24    Fred had touched you?  Do you remember that?

25          A     No.

1           Q     Do you recall Sha'karia asking you if Victoria had  
2 put you up to it? Do you remember that?

3           A     No.

4           Q     And do you remember admitting to Sha'karia that  
5 Victoria had told you to say that?

6           A     No.

7           Q     You don't remember any of those things?

8           A     No.

9           Q     Okay. That would have been close in time to maybe  
10 when Claudia died or after -- right after Claudia died?

11          A     Well, I was not even in Vegas.

12          Q     It was after Claudia died, right when you came back  
13 from Utah. Do you remember anything happening like that,  
14 Victoria telling you to say Fred touched you?

15          A     No.

16                MS. ALLEN: Court's indulgence. Your Honor, I think  
17 at this time I pass the witness.

18                THE COURT: Thank you.

19                MS. ALLEN: Thank you.

20                THE COURT: Any redirect.

21                MS. LUZAICH: Just briefly.

22                         REDIRECT EXAMINATION

23 BY MS. LUZAICH:

24           Q     Hi, Taharah. Are you all right?

25           THE COURT: Are you okay, Taharah?

1 THE WITNESS: I'm okay.

2 THE COURT: You're okay? All right.

3 BY MS. LUZAICH:

4 Q Okay. Taharah, when you just talked to Ms. Allen  
5 about the time in the laundry room when you said that Taquanda  
6 was walking down the hall and caught Fred, Taquanda didn't  
7 walk into the laundry room; right?

8 A No.

9 Q When you are -- well, how does it make you feel  
10 sitting here talking in front of a room full of people?

11 MS. ALLEN: Judge, objection.

12 THE COURT: Overruled. She can answer.

13 THE WITNESS: I'm nervous. Like --

14 BY MS. LUZAICH:

15 Q Is it hard to --

16 A -- I don't know how nervous I am, but I'm nervous.  
17 I'm shaking over here.

18 Q When you talked to Ms. Fisher the interviewer in  
19 September of 2012, were you as nervous as you are today or did  
20 you feel somewhat different?

21 A I was still nervous.

22 Q Did you feel different talking to her than talking  
23 to a room full of people?

24 A Way different because it was just her.

25 Q Okay. When Ms. Allen asked you about Sandra

1 Thompson, that's Anya's mom; right?

2 A Thomas.

3 Q No, Thomas. I'm sorry. Did I get that wrong?

4 A You just got the last name wrong.

5 Q Okay. Correct me. Tell me -- tell me what it is.

6 A Thomas.

7 Q Sandra Thomas. Okay. When Ms. Allen asked you

8 about telling Sandra Thomas, when did you tell Sandra Thomas

9 what Fred was doing?

10 A I don't remember when I told her, but I know I told

11 her.

12 Q Did you tell her close in time to when Taquanda

13 called CPS?

14 A Yes.

15 Q How close in time did you tell her to when Taquanda

16 called CPS?

17 A It was like some days.

18 Q Where were you when Taquanda called CPS?

19 A I was standing right there when she had called them.

20 Q Okay. Let me ask it a better way. Where were you

21 and Taquanda when Taquanda called CPS?

22 A We was in Sandra's room.

23 Q At her house?

24 A Yeah, at her house.

25 Q Okay. And do you know where Taquanda got the phone

1 number to call?

2 A No.

3 Q Did somebody give it to her?

4 A Yes.

5 Q Who gave it to her?

6 A Sandra.

7 Q Okay. You had talked about the fact that it had  
8 happened that Fred touched you a lot of times, is it hard for  
9 you to distinguish them while you're talking about them,  
10 different times?

11 A Yes.

12 Q When you -- I'm sorry. I can't read my handwriting.  
13 When you were talking to the Henderson Police Department,  
14 that's the people that came to the Blankenship house in the  
15 middle of the night, Ms. Allen asked you some questions about  
16 that you told the detective that you felt safe and protected  
17 at the Blankenship house. Do you remember saying that?

18 A Yes.

19 Q And you remember saying that here today, too;  
20 correct?

21 A Yes.

22 Q Did you say that you felt safe and protected because  
23 you guys had dogs there?

24 MS. ALLEN: Your Honor, objection. Leading.

25 THE COURT: Sustained.



1 BY MS. LUZAICH:

2 Q Did you talk to -- well, did you talk to the  
3 detective about the big dogs that are there at the Blankenship  
4 house?

5 A Right.

6 Q Did you talk to them about having dogs on the  
7 outside, dogs on the side, dogs in the house, that you feel  
8 safe?

9 A Right.

10 Q Did those dogs make you feel safe in that house?

11 A Sometimes.

12 Q When you were talking to those detectives at the  
13 house on Blankenship, you said you had been asleep; right?  
14 They woke you up to talk to them?

15 A Oh. Yes.

16 Q And Fred was where?

17 A In the house.

18 Q When you talked to Child Protective Services in  
19 Utah, was your mom there in the house or was she somewhere  
20 else entirely?

21 A I don't know what you're trying to ask me.

22 Q Remember in Utah when Child Protective Services came  
23 and talked to all you guys and then took you out of the house,  
24 out of your mom's house in Utah?

25 A In Utah?

1 Q Yes.

2 A Yes.

3 Q Okay. So when you talked to Child Protective  
4 Services when they took you out of mom's house, was your mom  
5 in another state at the time?

6 A Yes.

7 Q Okay. So she wasn't nearby while you were talking  
8 to Child Protective Services; right?

9 A No.

10 Q And then in September of 2012 when you talked to Ms.  
11 Fisher in the room where you were recorded, remember that?

12 A Yes.

13 Q Was Fred right outside the door?

14 A I don't know where he was at, but I just know he was  
15 in the house.

16 Q No, no, not in the house. When -- when you were  
17 talking to Ms. Fisher at the children's place in September of  
18 2012, do you remember that? When you talked to Ms. Fisher in  
19 September of 2012 there was a room with just you and her you  
20 told us.

21 A Yes.

22 Q Okay. So when you and Taquanda were brought to that  
23 place, Fred was not at that place; is that right?

24 A Right.

25 Q Okay. And he wasn't anywhere near there --

1           A     Right.

2           Q     -- as far as you knew?  When -- well, and I'm sorry,

3 when you were talking to Ms. Fisher in that room and that you

4 were interviewed, did she ask you to draw something?  Or,

5 actually, did she ask you about something that you then drew?

6           A     Yes.

7                   MS. LUZAICH:  May I approach?

8                   THE COURT:  You may.

9 BY MS. LUZAICH:

10          Q     Showing you State's Proposed Exhibit 2.  Do you

11 recognize that?

12          A     Yes.

13          Q     Did you draw that?

14          A     Yes.

15          Q     And did you draw that when you were talking to Ms.

16 Fisher?

17          A     Yes.

18          Q     What is that?  Do you know what it is?

19          A     Yes.

20          Q     Can you tell me?  Are you nervous?

21          A     Yes.

22          Q     Are you uncomfortable?

23          A     Yes.

24          Q     Can you tell me anyway?

25          A     That's like a male's private part.

1           Q     And when you were drawing that male's private part,  
2 were you talking about any particular male's private part?

3           A     Fred's.

4           MS. LUZAICH: Move it into evidence.

5           THE COURT: Any objection?

6           MS. ALLEN: No, Your Honor.

7           THE COURT: It's admitted.

8                     (State's Exhibit 2 admitted)

9           MS. LUZAICH: Thank you. I don't have any more  
10 questions.

11           Thank you, Taharah.

12           THE COURT: Any recross?

13           MS. ALLEN: Thank you.

14           THE COURT: You're almost done.

15           MS. ALLEN: Yeah, we're almost done.

16           THE COURT: Okay?

17           THE WITNESS: Okay.

18                     RE CROSS-EXAMINATION

19 BY MS. ALLEN:

20           Q     You -- you indicated to Ms. Luzaich from your  
21 statement in the first one with Henderson police you indicated  
22 you felt safe because the dogs were in the house; is that  
23 right?

24           A     Right.

25           Q     Okay. And you -- you said a number of times that

1 you felt safe in the house; is that right?

2 A Right.

3 Q Okay. But when they ask you if you had ever been  
4 uncomfortable being around Fred, that didn't have anything to  
5 do with the dogs, did it?

6 A No.

7 Q Okay. And your answer was no; is that right?

8 A Right.

9 Q And they asked you about staying in the house with  
10 Fred. And that didn't have anything to do with the dogs, did  
11 it?

12 A No.

13 Q And your answers were good, confident, and positive,  
14 anything but negative. Do you remember that?

15 A Right.

16 Q Fred was in the house, is that right, but you didn't  
17 even know where he was in the house?

18 A Right.

19 Q Okay. And you -- you had been told that they were  
20 there to help you; is that right?

21 A Right.

22 Q They didn't indicate that they weren't there to help  
23 you or that they were just interviewing you for no reason, did  
24 they?

25 A No.

1 Q Okay. Do you know why they initially came to the  
2 house?

3 MS. LUZAICH: Objection. Beyond the scope.

4 THE COURT: Overruled. I'm going to allow her to  
5 answer.

6 MS. ALLEN: Thank you.

7 BY MS. ALLEN:

8 Q Do you know why they initially came to the house?

9 A I don't know. It was something about what Vicky  
10 told them.

11 Q Okay. So something about Vicky; is that right?

12 A Yep.

13 Q Okay. I apologize. One last question. You saw --  
14 you saw Victoria when she was here last week? Did you see  
15 Victoria?

16 A Uh-huh. Yes.

17 Q For a couple days; right?

18 A I didn't see her for a couple of days. I just seen  
19 her at court.

20 Q Okay. But --

21 A That was the only day I seen her.

22 Q She was staying at the Golden Nugget and you saw  
23 her; is that right?

24 A What are you trying to say?

25 Q Did you just see Victoria here at court?

1           A     Yes.

2           Q     Okay.

3           A     Not just seen, but it was like some days ago before

4 this week.

5           Q     It was last week; right?

6           A     Right.

7           Q     Do you remember it being last like Tuesday or

8 Wednesday you seen her?

9           A     Yes.

10          Q     Had that been the first time you'd seen her in a

11 long time?

12          A     Yes.

13          Q     You met her downstairs when she came out of here.

14 Do you remember that?

15          A     Right.

16          Q     She gave you a big hug?

17          A     Right.

18          Q     And she gave your mom a big hug?

19          A     Right.

20          Q     And some -- I think Mahlica was there, too, and

21 Taquanda; is that right?

22          A     Right.

23          Q     Thank you.

24                MS. ALLEN: That's it, Your Honor.

25                THE COURT: Okay. Anything else?

1           Okay. Thank you very much for your testimony.

2           Okay. It looks like we have a question from one of the  
3           jurors, so if you can just stay here for just a moment.

4           Can I have the attorneys just meet me in the  
5           hallway.

6                               (Pause in the proceedings)

7           THE COURT: Do the parties stipulate to the presence  
8           of the jury panel?

9           MS. LUZAICH: Yes.

10          MS. ALLEN: Yes, Your Honor.

11          THE COURT: Okay. At this time, ladies and  
12          gentlemen, the Court has made a determination not to ask that  
13          question. So is there anything else?

14          Okay. Taharah, thank you very much for being here.  
15          You may step down. You can leave the microphone there. You  
16          are excused from your subpoena. Thank you for the testimony  
17          that you gave to this jury.

18          And now we're going to conclude for the evening. I  
19          want to remind you that tomorrow you do not need to be here,  
20          so you have a day off. I want to make sure -- you're probably  
21          grateful for a day off. I just wanted to make sure 9:30 was  
22          going to be okay for everybody.

23          MS. ALLEN: Yes, Your Honor.

24          THE COURT: Okay. So Wednesday we're going to start  
25          at 9:30.



1           During this recess you're admonished not to talk or  
2 converse amongst yourselves or with anyone else on any subject  
3 connected with this trial, or read, watch, or listen to any  
4 report of or commentary on the trial or any person connected  
5 with this trial by any medium of information, including  
6 without limitation, newspapers, television, the Internet, or  
7 radio, or form or express any opinion on any subject connected  
8 with this trial until the case is finally submitted to you.

9           Thank you very much for your time and your courtesy.  
10 You are excused and I'll see you Wednesday morning.

11                       (Jury recessed at 4:41 p.m.)

12           THE COURT: Anything outside the presence?

13           MS. LUZAICH: No, Your Honor.

14           MS. ALLEN: No.

15           THE COURT: Okay. Thank you. See you on Wednesday.

16           MS. LUZAICH: Thank you.

17                       (Court recessed at 4:43 p.m., until  
18 Wednesday, April 9, 2014, at 9:53 a.m.)

19                               \* \* \* \* \*

INDEX

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>STATE'S WITNESSES</u>				
Taharah Duke	3	130	177	184
Sholeh Nourbakhsh	96	113	128	

\* \* \*

EXHIBITS

<u>DESCRIPTION:</u>	<u>ADMITTED</u>
<u>STATE'S EXHIBIT NO.</u>	
2	184

\* \* \*

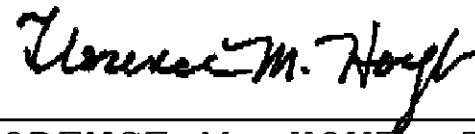
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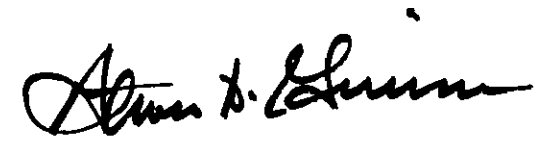
**FLORENCE HOYT**  
**Las Vegas, Nevada 89146**



\_\_\_\_\_  
FLORENCE M. HOYT, TRANSCRIBER

12/28/15

\_\_\_\_\_  
DATE



CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

THE STATE OF NEVADA

Plaintiff

vs.

FREDERICK HARRIS, JR.

Defendant

. . . . .

CASE NO. C-291374

DEPT. NO. XII

**Transcript of  
Proceedings**

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 9**

MONDAY, APRIL 7, 2014

APPEARANCES:

FOR THE STATE:

ELISSA LUZAICH  
KRISTINA A. RHOADES  
Deputy District Attorneys

FOR THE DEFENDANT:

BETSY ALLEN, ESQ.  
JONATHAN MacARTHUR, ESQ.

COURT RECORDER:

KRISTINE CORNELIUS  
District Court

TRANSCRIPTION BY:

FLORENCE HOYT  
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript  
produced by transcription service.

1 LAS VEGAS, NEVADA, MONDAY, APRIL 7, 2014, 10:16 A.M.  
2 (Court was called to order)  
3 (Jury is present)  
4 THE COURT: Do the parties stipulate to the presence  
5 of the jury panel?  
6 MS. LUZAICH: Yes.  
7 MS. ALLEN: Yes, Your Honor.  
8 THE COURT: Okay. You can call your next witness.  
9 MS. LUZAICH: Thank you. The State calls Taharah  
10 Duke.  
11 TAHARAH DUKE, STATE'S WITNESS, SWORN  
12 THE COURT: Is that a yes?  
13 THE WITNESS: Yes.  
14 THE COURT: Thank you.  
15 THE CLERK: Thank you. Please be seated. Could you  
16 please state your full name, spelling your first and last name  
17 for the record.  
18 THE WITNESS: Taharah Duke.  
19 THE MARSHAL: Use the microphone, please.  
20 THE WITNESS: Taharah Duke.  
21 THE CLERK: Can you spell that.  
22 THE COURT: Can you spell it.  
23 THE WITNESS: Uh-huh. T-A-H-A-R-A-H, last name  
24 D-U-K-E.  
25 THE CLERK: Thank you.

1 DIRECT EXAMINATION

2 BY MS. LUZAICH:

3 Q Thank you. Good morning, Taharah.

4 A Hey.

5 Q Now, Taharah, because you have a very soft voice and  
6 everybody here has to hear what you have to say, can you try  
7 and talk with the microphone so we can all hear you, please?

8 A Okay.

9 Q Thank you. And remember, every time you speak you  
10 always have to give a yes or a no type of answer. No uh-huhs  
11 or huh-uhs. Can we do that, too?

12 A Okay.

13 Q Thank you. Taharah, how old are you?

14 A I'm 14.

15 Q What is your birthday?

16 A October 9, 1999.

17 Q Do you go to school?

18 A Uh-huh.

19 Q Is that a yes?

20 A Yes.

21 Q What grade are you in?

22 A I'm in eighth grade.

23 Q What school do you go to?

24 A Brown Middle School.

25 Q Brown Middle School. Where is that?

1           A     In Henderson.

2           Q     Do you live in Henderson now?

3           A     Uh-huh. Yes.

4           Q     What do you like about middle school? Is there  
5 anything you like about middle school?

6           A     I don't really know. I mean --

7           Q     Okay. Do have a favorite --

8           A     -- it's okay.

9           Q     -- class? Do you have a favorite class?

10          A     Not really. Like I kind of like all classes the  
11 same. I mean --

12          Q     Okay. Are you a little nervous, Taharah?

13          A     Yes.

14          Q     Okay. Don't be nervous. When you were starting  
15 eighth grade did you go to a different school?

16          A     Yes.

17          Q     What school did you go to?

18          A     Sedway.

19          Q     Okay. And is that on the other side of town?

20          A     Yes.

21          Q     Did you like Sedway?

22          A     It was fun.

23          Q     What was fun about Sedway?

24          A     Like the people there, the kids, and plus I knew a  
25 lot of people, too.

1           Q     How long had you gone to Sedway? Was eighth grade  
2 your first year?

3           A     I went there like for part of my seventh grade year,  
4 and then I went there for part of my eighth grade year.

5           Q     Okay. Did you have a favorite teacher at Sedway?

6           A     No.

7           Q     No? Did you have a favorite class at Sedway?

8           A     It was my English and my reading class.

9           Q     What did you like about English and reading at  
10 Sedway?

11          A     It was fun up in here. It was popping, basically.

12          Q     Okay. What does that mean?

13          A     Like it was fun.

14          Q     What did you do in English class that was fun?

15          A     I guess we did like projects, the group projects and  
16 stuff.

17          Q     Okay. In all the years that you've been in school,  
18 do you have a favorite class?

19          A     In my fifth grade class, it was like my fifth grade  
20 year, so I liked my teacher Ms. Clark. She was -- to me like  
21 she was the best teacher. She was fun.

22          Q     Okay. And what school did you go to in the fifth  
23 grade?

24          A     HP.

25          Q     HP? Is that Fitzgerald?



1 A Uh-huh.

2 Q Is that a yes?

3 A Yes.

4 Q Is that an elementary school?

5 A Yes.

6 Q Okay. So you liked Ms. Clark and you like English.

7 What else do you like about school? Have there been anything

8 that you really loved to do at school?

9 A There was PE. I like PE in there because there are

10 like a lot of fun activities we did and stuff.

11 Q Okay. Anything else?

12 A No.

13 Q Okay. You talked about going to different schools.

14 Have you lived in a bunch of different places as you were

15 growing up?

16 A Yes.

17 Q Okay. Who do you live with right now?

18 A I live with my mom.

19 Q What's your mom's name?

20 A Tina Duke.

21 Q Where do you and your mom live?

22 A We live in Henderson.

23 Q Do you live in a house or an apartment?

24 A We live in an apartment.

25 Q Do you know what street your apartment is on?

1           A     Center Street and Warm Springs.

2           Q     Okay. Who else lives in the Center Street apartment

3 with you and mom?

4           A     Just my sister, me, Taquanda, and my sister Mahlica.

5           Q     Okay. So Mahlica and Taquanda, you and mom. What's

6 Mom's name?

7           A     Tina Duke.

8           Q     Do you have other brothers and sisters?

9           A     Yes.

10          Q     Who else?

11          A     Shabazz and Vicky.

12          Q     Okay. Shabazz and Vicky don't live with you?

13          A     No.

14          Q     Do you know where Vicky lives?

15          A     She live in Cali, in Watts.

16          Q     Okay. Is Cali California?

17          A     Uh-huh.

18          Q     Is that a yes?

19          A     Yes.

20          Q     What about Shabazz, do you know where Shabazz lives?

21          A     No.

22          Q     Do you talk to Shabazz sometimes?

23          A     I don't really see him that much, so like I don't.

24          Q     Do you see him sometimes?

25          A     Yes.

1 Q Does he kind of do his own thing?

2 A Yes.

3 Q Okay. When you go to school, Taharah, do you go to

4 any kind of special classes?

5 A Yes.

6 Q What kind of special classes?

7 A Like for basically my reading and English.

8 Q Okay. How are you doing in school these days?

9 A I'm doing good. Okay.

10 Q Okay. How come you switched from Sedway Middle

11 School to Brown Middle School?

12 A Oh, because I was with Ms. Johnson when I was going

13 to Brown Middle -- I mean, Sedway Middle School. So when I

14 got back with my mom, we had to switch so I went to Brown

15 Middle School and I was with my mom, which would be right now.

16 Q Do you know when you came back to mom?

17 A No.

18 Q Do you know around when you came back to mom?

19 A No, I don't really know an exact time or day.

20 Q Do you know what month?

21 A No.

22 Q Okay. How about this. When is your birthday?

23 A October 9, 1999.

24 Q Where did you spend your birthday this past October?

25 A At my mom's house.

1 Q When you spent this birthday this past October at  
2 your mom's house were you already living there or were you  
3 visiting?

4 A I was living there.

5 Q Okay. So at least before your birthday on October  
6 9, 2013, you were back with mom, does that sound right?

7 A Yes.

8 Q Okay. And when you say you were living with Ms.  
9 Johnson, who is Ms. Johnson?

10 A My foster mom.

11 Q How long did you live with your foster mom about?

12 A Like almost a year.

13 Q Okay. Is that the first time that you've been with  
14 a foster family?

15 A No.

16 Q Okay. There was another time. Do you remember  
17 where you were when you were with a foster family before?

18 A I was in Utah.

19 Q Okay.

20 A Springfield? Her name was Shelly or something like  
21 that.

22 Q Okay. When you were in Utah, do you remember how  
23 old you were?

24 A I had to be at least six or seven.

25 Q Okay. Do you remember back before you even went to

1 Utah? How far back in your life can you remember? Far?

2 A Not far. I mean, like --

3 Q Not far.

4 A -- a little.

5 Q Okay.

6 A Like a little ways, I mean.

7 Q Okay. Let me ask you this. Where is the first

8 place that you can remember living?

9 A First was in Louisiana.

10 Q Okay. So you remember living in Louisiana?

11 A Uh-huh.

12 Q Is that a yes?

13 A Yes.

14 Q When you were living in Louisiana, were in Louisiana

15 did you live?

16 A In West Monroe.

17 Q When you lived in West Monroe, who did you live

18 with?

19 A I lived with my mom and I lived with my brother

20 Vicky -- not my brother Vicky, but my brother Shabazz. And I

21 lived with my sisters and my mom, too.

22 Q Okay. So all three of your sisters, your brother,

23 you mom, and you lived in Monroe, West Monroe; right?

24 A Yes.

25 Q Do you remember ever living with your dad, or was

1 that so far back you don't remember?

2 A I don't really know my daddy like that. I really  
3 don't.

4 Q Okay. When you were living in Louisiana, did your  
5 mom leave Louisiana at some point and go somewhere?

6 A Yes.

7 Q Do you remember that?

8 A I think she went to Vegas or something.

9 Q Okay. Do you know why --

10 A Yeah, she went --

11 Q -- she went --

12 A -- to Vegas.

13 MS. LUZAICH: Is that a siren?

14 MS. RHOADES: Yeah.

15 MR. MacARTHUR: It is?

16 MS. ALLEN: I think it was outside.

17 MS. LUZAICH: Oh. Okay. Sorry.

18 BY MS. LUZAICH:

19 Q When mom went to Vegas, do you know why mom went to  
20 Vegas?

21 A I think she came out here to see a friend, some  
22 friends or something. That's what she told us.

23 Q Do you know who the friend was that she came to  
24 Vegas to see?

25 A She came out here to see Fred.

1 Q When mom left Louisiana to come to Las Vegas to see  
2 Fred, where were you?

3 A I was in Louisiana.

4 Q You stayed in Louisiana?

5 A Uh-huh.

6 Q Is that a yes?

7 A Yes.

8 Q And when you stayed in Louisiana, who did you stay  
9 with?

10 A I stayed with the next door neighbors, like we was  
11 like neighbors.

12 Q Okay. Also your brother and sisters?

13 A Uh-huh. Yes.

14 Q When mom left to come to Las Vegas to see Fred, had  
15 you met Fred before that? And if I say -- ask you a question  
16 that you don't understand, tell me so I can ask it better.

17 A Yes.

18 Q Yes, you had met Fred, or, yes, you don't understand  
19 my question?

20 A Yes, I had met him before because I remember him  
21 coming. We used to live -- we used to stay in this person's  
22 house, name is Titi Patts (phonetic). Whenever my mom would  
23 go to work we would like live in her house because she let us  
24 live there. And I remember him coming over with some suckers  
25 or something like that. Yeah.

1 Q Okay. So you met Fred and he brought you suckers?  
2 A Yeah, me and my sister.  
3 Q Okay.  
4 A That's how I remember meeting him in Louisiana.  
5 Q When you say you and your sister, was it one sister  
6 or all your --  
7 A Like all my sisters and then my brother.  
8 Q Oh. Okay. When mom was in Las Vegas, did you talk  
9 to her while you were still in Louisiana?  
10 A No.  
11 Q Okay. Did you leave Louisiana?  
12 A Yes.  
13 Q Where did you go when you left Louisiana?  
14 A To Vegas.  
15 Q How did you get here? Do you remember?  
16 A Well, all I remember is I think Fred's brother had  
17 came and got us from Louisiana, and then took us to Vegas  
18 where our mom was at.  
19 Q Okay. Do you remember what his name was?  
20 A It was John.  
21 Q Okay. When John picked you up and brought you to  
22 Vegas, where in Vegas did he take you? If you don't --  
23 A To where my mom lives on -- I think it was Trish  
24 Lane.  
25 Q Okay.



1           A     Yeah, Trish Lane.

2           Q     Trish Lane where mom was. Who else was at Trish

3 Lane when you came, if anybody?

4           A     I'm trying to remember.

5           Q     That's okay. Take your time.

6           A     It was Fred, Ann, Sha'karia, and then my mom was

7 there.

8           Q     Okay. Now, you mentioned Fred and Ann. Did you see

9 Fred when you went to Trish Lane?

10          A     Yes.

11          Q     Do you see him here in court today?

12          A     Yes.

13          Q     You keep looking in a particular direction. Can you

14 point him out and describe something that he's wearing?

15          A     He's wearing a gray shirt with some dreads.

16                MS. LUZAICH: May the record reflect identification

17 of the defendant.

18                THE COURT: So reflected.

19                MS. LUZAICH: Thank you.

20 BY MS. LUZAICH:

21          Q     You said Fred and Ms. Ann were there. Who is Ms.

22 Ann?

23          A     I'm trying to think of the words to say because I'm

24 like -- I think that was Fred's girlfriend, I think.

25          Q     Okay. So Fred's girlfriend at the time. Did Fred

1 live at the house at Trish Lane or visit or something else, if  
2 you know?

3 A He lived, I think. Yeah.

4 Q Do you remember him having an apartment also?

5 A Yes.

6 Q Was he at the Trish Lane house a lot? I know it was  
7 a long time ago.

8 A I don't know.

9 Q Okay. You said also Sha'karia or Sha'karia, who is  
10 Sha'karia?

11 A It's Sha'karia.

12 Q Sorry, Sha'karia. Who is Sha'karia?

13 A It's Ms. Ann's daughter.

14 Q Okay. And is Sha'karia close in age to any one of  
15 you and your brother and sisters?

16 A She close in age with my sister, Vicky.

17 Q Okay. So she was older than you?

18 A Yes.

19 Q And when you got to the house at Trish Lane, was  
20 Sha'karia living there, visiting there, or something else?

21 A I think she was living there.

22 Q Okay. So when you and your brother and your sisters  
23 got there, did you guys stay at the house at Trish Lane, like  
24 live there for awhile?

25 A Yes.

1 Q Now, do you know when this was or how old you were  
2 that we're talking about?

3 A I think that was back in like 2005.

4 Q Okay. Was this a time that you were old enough to  
5 go to school yet?

6 A Yes.

7 Q Okay. When you were living in Louisiana did you go  
8 to school at all?

9 A I can't remember.

10 Q Okay. When you came here and lived at the house on  
11 Trish Lane did you go to school?

12 A Yes.

13 Q What school did you go to?

14 A I forgot the name of the school, but I know it  
15 starts with an "m".

16 Q Okay. Did your mom work while you lived at the  
17 house on Trish Lane?

18 A Yes.

19 Q What did she do?

20 A I think she worked at -- she worked at Applebee's.

21 Q At a restaurant?

22 A Like at a restaurant.

23 Q Okay. And when mom was at work, what would you guys  
24 do?

25 A We would be at their house on Trish Lane when she

1 was at work.

2 Q Okay. Did Ms. Ann work?

3 A Yeah.

4 Q Do you know what Ms. Ann did for work?

5 A At that time I really didn't know.

6 Q Okay. Did you ever go to Fred's apartment while you

7 guys were living at the house on Trish Lane? If you remember.

8 A Sometimes.

9 Q Okay. When -- did there come a time that you left

10 Las Vegas and went someplace else?

11 A Yes.

12 Q Where did you go?

13 A We went to Utah.

14 Q Do you know why you moved to Utah?

15 A No.

16 Q When you moved to Utah, where did you guy live? I

17 mean, a house, an apartment?

18 A We lived in an apartment.

19 Q And did you go to school when you were in Utah?

20 A Yes.

21 Q Do you remember when you moved up there what grade

22 did you start?

23 A I'm trying to remember.

24 Q If you remember.

25 A I think it was -- it was kindergarten.

1           Q     Okay. And when you moved to Utah, tell me who went  
2 with you.

3           A     It was my sisters and my brothers and my mom.

4           Q     Okay. And mom. So nobody when with your family,  
5 just your family?

6           A     Right.

7           Q     Okay. While you were in Utah, did something happen  
8 with your mom?

9           A     Oh, yeah. I guess she had -- she had -- she had a  
10 baby.

11          Q     Okay. And was she -- were you guys living in the  
12 apartment when mom had a baby? I mean, did you live in the  
13 same place in Utah for awhile?

14          A     Yes.

15          Q     Did that baby come home with you?

16          A     No.

17          Q     Did there come a time that your mom went someplace  
18 while you were in Utah?

19          A     She went back to Vegas.

20          Q     She what?

21          A     She went back to Vegas.

22          Q     Okay. And when she went back to Vegas, do you know  
23 why she did that?

24          A     She came to see Fred.

25          Q     Do you know when that was?

1           A     Some years ago.  It's a --

2           Q     Okay.  That was a bad question.

3           A     It was [unintelligible].

4           Q     Do you know was there some sort of event or occasion  
5 that she came for, do you know?

6           A     No.

7           Q     Okay.  While she went to Vegas did something happen?

8           A     Yes.

9           Q     What happened?

10          A     I guess somebody, I don't know if it was the next  
11 door neighbor, but I guess somebody had called Child  
12 Protective Services.  Then that's when CPS came, then that's  
13 when we went to foster care for the first time.

14          Q     When mom went to Vegas, who were you guy staying  
15 with?

16          A     The next door neighbor was supposed to be watching  
17 us.

18          Q     Do you remember that next door neighbor's name?

19          A     I really don't remember.

20          Q     Okay.  So you said the neighbor was supposed to be  
21 watching you and Child Protective Services came.  What did  
22 they do?

23          A     First they had took -- they had took us away from  
24 our mom.  Basically, it was me and my sister in foster care  
25 together.

1 Q Which sister?

2 A Me and Taquanda were in foster care together, and

3 then it was Mahlica and Vicky was together, and then Shabazz

4 was by himself.

5 Q Okay. Did there come a time that you guys went back

6 to mom?

7 A Yes.

8 Q Do you know how long you were away from mom? Only

9 if you know.

10 A Like a year.

11 Q In the time that mom didn't have you while you were

12 in Utah, were you able to see her?

13 A We would do visits.

14 Q Okay. And did there come a time that you got to go

15 back to her?

16 A Yes.

17 Q After you went back to mom did you guys stay in

18 Utah? Did you go somewhere? What did you do?

19 A At first -- like at first when we got back to her we

20 kind of like stayed in Utah. And then by then I was in -- I

21 think I was in first grade.

22 Q Did you like Utah?

23 A It was cool.

24 Q What was cool about Utah?

25 A Okay. It snowed there, so we got to play in the

1 snow and stuff, and then it was kind of like the people that  
2 we knew that was cool, too.

3 Q Okay. Did there come a time that you left Utah?

4 A Yes.

5 Q Can you tell me how that happened?

6 A Well, first, our mom, she was like we're going to  
7 move, but first she told us that we was going to move  
8 somewhere in Utah.

9 MS. ALLEN: Judge, objection. Hearsay.

10 THE COURT: Sustained.

11 MS. LUZAICH: It's not offered for the truth. It's  
12 state of mind.

13 THE COURT: Okay. But it's still hearsay.

14 THE WITNESS: Can I talk?

15 THE COURT: Yeah, she's going to ask you another  
16 question.

17 BY MS. LUZAICH:

18 Q That means you shouldn't tell me what your mom said.

19 A Oh.

20 Q That's okay.

21 THE COURT: It's okay. You're fine.

22 BY MS. LUZAICH:

23 Q So you knew that you were going to move.

24 A Uh-huh. Yes.

25 Q But?



1           A     But it happened so weird, though.

2           Q     How did it happen? What was weird?

3           A     It was like I guess we got woken up out of our sleep

4 real quick. I guess we got -- I ain't trying to do nobody,

5 but it was like we kind of got snatched and we just got put in

6 this car. And I didn't know who this person was. I was just

7 all of the sudden in the car up out my sleep real quick. I

8 guess we had left all our stuff, all our baby pictures, and

9 all our memories. We lost, for the second time in a row,

10 everything.

11          Q     Did there come a time that you realized who was in

12 the car?

13          A     Yeah.

14          Q     When did you realize who was in the car?

15          A     As soon as we got to Walmart because Walmart was the

16 first place I remember being back in Vegas again.

17          Q     Okay. You said you got woken up and put in the car.

18          A     Basically just dragged out our sleep and put in a

19 car.

20          Q     Who was put in the car?

21          A     It was my sisters and my brother.

22          Q     And you.

23          A     And me.

24          Q     Okay. Mom was there, too?

25          A     Yes.

1           Q     Okay. So you got in the car and you came -- the  
2 first place you remembered was Walmart. Was that back here in  
3 Las Vegas?

4           A     Yes.

5           Q     And when you realized at Walmart who it was in the  
6 car, who was it?

7           A     It was Fred. He was in the car.

8           Q     When you say that you got woken up out of your  
9 sleep, does that mean that it was dark when you got in the  
10 car?

11          A     Yes, it was dark. I didn't know what was going on.  
12 All we took was like -- all we took was like two bags of  
13 cloths and a couple of our stuff. And all the other stuff,  
14 like our baby pictures and some memories that I cannot get  
15 back til this day. It's still at that house probably.  
16 Probably not even there no more. I'm just saying.

17          Q     When you got back to Las Vegas, where did you go?

18          A     Well, first we went to Walmart, and then we went to  
19 -- I guess they moved from Trish Lane, so I guess they was  
20 living on 966 Blankenship Avenue.

21          Q     Who was living at 966 Blankenship?

22          A     It was Fred, Ann, and then I think it was some of  
23 Fred's family, too. And then it was my sisters and my brother  
24 and me again. And then my sister Vicky and mom, they didn't  
25 live there because I guess they had got they place on Walnut.

1 Q Okay. Before you get there.

2 A Okay.

3 Q When you get to the house on Blankenship, who was  
4 actually already there when you got to the house on  
5 Blankenship?

6 A Ms. Ann was there.

7 Q Was any of Ms. Ann's family there, or just her, if  
8 you remember?

9 A I don't remember because I know it was just Ms. Ann  
10 there, and then there was some of Fred's family, too.

11 Q Okay.

12 A But they moved out.

13 Q When you got to the house on Blankenship, who  
14 actually stayed there, specifically who stayed from your  
15 family?

16 A From my family?

17 Q Yes.

18 A It was Mahlica, Taquanda, Shabazz, and me.

19 Q Did Fred tell you why Vicky and mom were not staying  
20 there, if you remember?

21 A I don't remember.

22 Q You don't remember, is that what you said?

23 A Uh-huh. Yes.

24 Q Okay. So Vicky and your mom went somewhere else; is  
25 that right?

1           A     Yes.

2           Q     When is the next time you saw Vicky and your mom?

3     Like was it a day later, a week later, a month later,

4     somewhere in between?

5           A     Somewhere in between.

6           Q     Was it days or weeks, do you know?

7           A     Well, I don't know because sometimes Fred would take

8     us over there like to visit them.

9           Q     Where is the first place that you remember visiting

10    them?

11          A     At the apartment on Walnut.

12          Q     Okay. Did you ever visit them at Ms. Dorothy's?

13          A     Yes.

14          Q     Okay. Was that before the apartment on Walnut or

15    after, do you know?

16          A     I don't really remember.

17          Q     Okay. Did you ever go see them at a -- at a weekly

18    place like a Siegel Suites or Americana kind of place?

19          A     What is that?

20          Q     Okay. Never mind.

21          A     What is that?

22          Q     When you got to the house on Blankenship, did you

23    start school?

24          A     Yes.

25          Q     What grade did you start?

1 A Second grade.

2 Q Do you remember what school it was?

3 A It was HP Fitzgerald.

4 Q Okay. Did Taquanda start school?

5 A Yes.

6 Q What school did she go to?

7 A She went to the same school that I went to. Yeah.

8 Q Okay. How about Shabazz, did he go to school?

9 A Yes.

10 Q What school did he go to?

11 A He went to Sedway Middle School.

12 Q Okay. Is that the middles school that you went to

13 later?

14 A Yes.

15 Q And what about Mahlica, did she go to school?

16 A She went to West.

17 Q Okay. And do you know what kind of school West is,

18 like what grades West has?

19 A I think they have all grades, K through 12.

20 Q Okay. So when you got to the house at Ms. -- at

21 Blankenship, was Ms. Ann working?

22 A Yes.

23 Q Do you know what Ms. Ann was doing for work?

24 A Now. Now I know. She's like -- she's a caregiver,

25 like she helps people like that can't help themselves like

1 that's in wheelchairs and stuff.

2 Q And do you know how she did that? Like did she go  
3 to their home, did she do it at the hospital or an office?

4 A She went to their home and helped them like wash up  
5 and stuff because they couldn't do it for themselves.

6 Q Okay. And what about Fred, was he working while you  
7 lived at Blankenship?

8 A Yes.

9 Q What did he do, if you know?

10 A He worked for Embarq, but now they call it  
11 CenturyLink.

12 Q Okay. And did Ann and Fred kind of work the same  
13 days and hours?

14 A Kind of. Kind of.

15 Q Would they both be at work while you guys were at  
16 school?

17 A Yes.

18 Q You said that Fred would take you to visit mom and  
19 Vicky. Did Ms. Ann also take you to visit mom and Vicky?

20 A Yes.

21 Q How often would you guys go, do you know?

22 A It was like sometimes. Sometimes like on the  
23 weekends or something.

24 Q Okay. Did there come a time later that mom and  
25 Vicky moved into the house at Blankenship?

1           A     Yes.

2           Q     Do you know what time of year it was, like in the  
3 winter, in the spring, in the summer, in the fall?

4           A     I don't really know. I know they moved back in.

5           Q     Back in or just in to begin with?

6           A     Well, they just moved in to begin with.

7           Q     Okay. Okay. How about this, after they moved in,  
8 what grade did you start?

9           A     Third grade.

10          Q     Okay. Before mom and Vicky moved into the house,  
11 how was it living at the house? How did Fred treat you guys?

12          A     Like the days kind of evened out. Like there was  
13 good days and there was bad days.

14          Q     Okay. Tell me about the good days. What were the  
15 good days like?

16          A     Like we would like go somewhere or sometimes he  
17 would like barbeque or like we would go out to eat sometimes.

18          Q     Okay. Tell me about the bad days. What were the  
19 bad days like?

20          A     There was like -- there was just not good days,  
21 like --

22          Q     What was not good about it?

23          A     It was like when there's -- it would have been like  
24 a day where you want to do all your chores, get everything  
25 done so like won't get yelled at, in trouble, or get a

1 whooping or just -- just want to be line that day.

2 Q Why?

3 A So you wouldn't get a whooping, so you wouldn't get  
4 yelled at, so you wouldn't have to do pushups, so you just  
5 wouldn't get in trouble.

6 Q Okay. Well, tell me about that. You say -- did he  
7 yell a lot?

8 A Sometimes.

9 Q Okay. What about the pushups, tell me about that.

10 A Well, we'd have to do pushups like if we just didn't  
11 do our chores or if we got in trouble that day from school or  
12 got suspended or RPC-ed.

13 Q You said something about a whooping. If you had to  
14 do pushups for that, what would happen -- like what would  
15 happen to make you get a whooping?

16 A Sometimes if you wasn't the pushups right or it kind  
17 of depended on what you did that day.

18 Q If you didn't do your pushups right you got a  
19 whooping?

20 A Yeah.

21 Q Is there a right way to do pushups? Like what --  
22 what would you be doing wrong that he would whoop you for with  
23 pushups?

24 A I guess you would be going too low or it just  
25 wouldn't be right. I don't know.



1 Q When you got a whooping, how did you get a whooping?  
2 A Just with the belt, I mean.  
3 Q Did you ever get a whooping?  
4 A Yes.  
5 Q One time or more than one time?  
6 A More than one time.  
7 Q Now, before mom and Vicky moved into the house did  
8 you get a whooping more than one time?  
9 A I can't remember because it's just like --  
10 Q Okay. Can you give me a description about what --  
11 how you got a whooping? Like what happened that caused you to  
12 get a whooping?  
13 A Sometimes either when I got suspended from school or  
14 I wasn't doing good or --  
15 Q How would he do it?  
16 A Actions?  
17 Q Yep.  
18 A Oh. I guess first he would just be like come in the  
19 room, and then it was -- it would be like you're about to get  
20 a whooping or he would just break out the belt and I would get  
21 a whooping.  
22 Q When you say he would say come in the room, what  
23 room?  
24 A Like his room, like Ann and Fred's room.  
25 Q Okay. Did it always happen in Ann and Fred's room?

1           A     Yes.

2           Q     Did you ever see Taquanda get a whooping?  Actually,  
3 would you ever actually see each other get whoopings  
4 generally, or would you just hear it?

5           A     Sometimes we would hear it, or sometimes we would be  
6 getting in trouble together.

7           Q     Did things change at all when mom and Vicky moved  
8 into the house, or was it pretty much the same?

9           A     It kind of changed a little bit.

10          Q     What was different when mom and Vicky moved into the  
11 house?

12          A     It was like more people in the house, so I guess  
13 they had to live in the garage, like they stayed out in the  
14 garage because they kind of made the garage like as a house.  
15 Not like as a house, but, you know, like --

16          Q     A bedroom?

17          A     -- when you kick back, bedroom place.

18          Q     You know what, let me ask this.  Do you know how  
19 many bedrooms -- when you moved into the house on Blankenship  
20 when you came back from Utah, how many bedrooms were in the  
21 house?

22          A     I've got to count.

23          Q     You don't know?

24          A     I do know, but I've just got to count because --

25          Q     You've got to count.  Okay.

1           A       -- I'm like I've got to make sure. There was four.  
2 There was four.

3           Q       Okay. And is that before they made the garage a  
4 bedroom or kickback room?

5           A       Yeah, that was like before.

6           Q       So when you moved into the house and it was you and  
7 Mahlica, Taquanda, and Shabazz, tell me who had bedrooms, like  
8 who slept where when you first moved in?

9           A       Well, at first we all slept in the living room.

10          Q       For how -- do you know for how long, like for days  
11 or for weeks or for months?

12          A       It was just until Fred's family -- well, there's was  
13 only like a couple of his family members, until like -- until  
14 they moved out we just slept in the living room.

15          Q       When his family members moved out, was that before  
16 school started or after school started? If you remember.

17          A       I really can't remember.

18          Q       That's okay. So once they did move out and you guys  
19 moved into bedrooms, who got which bedrooms? Who slept in --  
20 like together, or who shared bedrooms is a better question.

21          A       When we finally got our rooms it was my sister  
22 Taquanda and me and my sister Mahlica, we all slept in the  
23 same bed, and then like we shared a room. And then Shabazz,  
24 he got his own room.

25          Q       And who had the other two bedrooms?

1           A     Ann and Fred had one, and then I think Ronnie, he  
2 was like staying with us at that time.

3           Q     Who is Ronnie?

4           A     One of Ms. Ann's relatives.

5           Q     Okay. Are all of these bedrooms as you walk down  
6 the same hallway, or are any of them down another?

7           A     It's like first when you walk in the house it's the  
8 kitchen. Like not -- it's like when you walk in, like you're  
9 walking into the living room and then it's the kitchen and  
10 then you turn and you face -- like there's a hallway going  
11 straight down. And then on the right side there's a room,  
12 there's like a room right on the right side with a window in  
13 it and stuff, and then when you go farther down the hallway  
14 there is on the right-hand side there's the garage going  
15 straight down and then there's a bathroom, too. And then  
16 there's like rooms because like the hallway is kind of shaped.

17          Q     Whoops. We're going to put new microphone -- or  
18 batteries in the microphone for you. Okay. The microphone  
19 killed my computer. Sorry. All right. So the -- the hallway  
20 with the garage, you said there's a room on the right and a  
21 second room on the right?

22               MS. ALLEN: It's not us.

23               MS. LUZAICH: It's one of those days.

24               THE COURT: It's one of those days.

25     ///

1 BY MS. LUZAICH:

2 Q Taharah, am I right, there's two rooms -- am I  
3 correct that garage hallway there's two rooms on the right?  
4 Is that what you said?

5 A No, there's like -- it's like -- I'm trying to think  
6 of the shape.

7 Q How many bedrooms are down that hallway?

8 A Down that hallway, first -- when you first walk in  
9 there's a bedroom on the right-hand side when you first walk  
10 in. And then when you go further down the hallway there's --  
11 the garage is on the right-hand side, too. Oh, and there's a  
12 laundry room, too, right by the garage. Then as you walk  
13 further up there's going to be a bathroom. And then there's  
14 also another bedroom on the right-hand side. Then on the  
15 left-hand side there's Fred and Ann's bedroom, and then  
16 there's -- there's me and my sister's bedroom, too, on the  
17 left-hand side.

18 Q Okay. So all four bedrooms are on that same  
19 hallway?

20 A Uh-huh.

21 Q Is that a yes?

22 A Yes.

23 Q Okay. So Fred and Ann -- Ann's bedroom was on one  
24 side.

25 A Yes.

1           Q     Who was -- the other bedroom on that side, who had  
2 that bedroom when you first moved in?

3           A     Ronnie.

4           Q     Well, when you guys got bedrooms.

5           A     Oh. When we got bedrooms, Ronnie, he had that  
6 bedroom on the right-hand side.

7           Q     Okay. And what about the other bedrooms?

8           A     The other bedrooms, one was Shabazz's and then one  
9 was my sisters and me, and then one was Fred and Ann's.

10          Q     Okay. Whose room was next to yours and your  
11 sisters?

12          A     Well, it's kind of like in the middle of Ronnie's  
13 room and Fred and Ann's room.

14          Q     Okay. And then you said that you guys changed rooms  
15 at times?

16          A     Yes.

17          Q     When -- when did you change rooms after that? I  
18 don't mean what month. I mean what caused you to change  
19 rooms?

20          A     Sometimes we'd be cleaning or sometimes another  
21 person would move in or something.

22          Q     Who was the next person to move in after you guys  
23 did?

24          A     Well, Sha'karia, she had moved back in.

25          Q     Okay. Do you know what grade you were in when

1 Sha'karia moved back in?

2 A Third grade, getting ready to go to fourth grade.

3 Q Okay. So was that before Vicky and mom moved in or  
4 after Vicky and mom moved in? If you know.

5 A I don't.

6 Q You don't know. That's okay. What about Ronnie,  
7 did he stay there or did he move out?

8 A I think he moved out.

9 Q Do you remember when he moved out, around when he  
10 moved out or --

11 A No.

12 Q -- what grade or what year? Did he move out before  
13 or after mom and Vicky moved in?

14 A I don't remember.

15 Q Okay. So originally when you got rooms, you,  
16 Mahlica, and Taquanda shared a room. When that changed, who  
17 got what rooms?

18 A Okay. This is when we made the garage a hangout  
19 spot, so I guess Shabazz, he stayed in the garage, and Vicky  
20 and mom stayed in the garage. And then Mahlica and Taquanda  
21 and me, we all just lived in the same room and a couple of  
22 people got moved to the garage.

23 Q Okay. What about Sha'karia, was Sha'karia living  
24 there at the time? If you remember. Did she kind of live  
25 there for one long period of time, or did she kind of come and

1 go?

2 A She kind of came and gone.

3 Q Okay. When she would come, would she sometimes stay  
4 for awhile?

5 A Yeah, like awhile, like a minute.

6 Q Okay. A minute to me I don't think is the same as a  
7 minute to you.

8 A Well, like, okay, I would just say for awhile, for a  
9 long time.

10 Q Okay.

11 A And then she would go, and then she would come.

12 Q Okay. So tell me, you originally shared a room with  
13 Mahlica and Taquanda, one particular room. Did you change  
14 rooms?

15 A Yes.

16 Q When did you change rooms? Where did you go?

17 A When -- I guess there came a time when Mahlica,  
18 Shabazz, and Vicky and my mom, they moved out into the St.  
19 Andrews. So I guess me and my sister Taquanda, at first we  
20 was living in the front room with the window, the one I told  
21 you about with the window, and then we was living -- we was  
22 staying in that room for awhile, and then we got moved to the  
23 back room.

24 Q Which back -- oh, a bedroom that's in the back of  
25 the house?



1           A     Yes.

2           Q     Okay. And is that bedroom kind of near the laundry  
3 room?

4           A     Yes.

5           Q     Okay. And did you stay in that room until you  
6 didn't live in that house anymore?

7           A     Yes.

8           Q     Okay. So I'm going to go back again. Before mom  
9 and Vicky moved into the house, did you see or hear Fred do  
10 anything to hurt Mahlica?

11          A     Yes.

12          Q     What did you see or hear Fred do?

13          A     One time me and my sister Mahlica, we had got a  
14 whooping together. I forgot what we got in trouble for, but  
15 that time was basically the only time. Not the only time, but  
16 I just -- I can just remember that time.

17          Q     Okay. You got a whooping together. So where did  
18 that happen?

19          A     It happened in our old -- it was like our old room.

20          Q     The room that the three of you shared?

21          A     Yes.

22          Q     Did Fred come into the room and -- and do that?

23                MS. ALLEN: Objection. Leading.

24                THE COURT: You are leading.

25                MS. LUZAICH: Okay.

1 THE COURT: Sustained.

2 MS. LUZAICH: I'll rephrase.

3 BY MS. LUZAICH:

4 Q How did it come about that it happened in that room?

5 A We just got a whooping in the room. I guess we just

6 walked in there and then he would tell us to lay across the

7 bed and then he would just start whooping us with the belt.

8 Q When he whooped you with the belt, where did he

9 whoop you?

10 A On my bottom.

11 Q And did you see him or hear him do it to Mahlica, as

12 well?

13 A Yes.

14 Q When he did that, did it --

15 A She was laying --

16 Q -- leave a mark?

17 A She was laying right next to me.

18 Q Okay.

19 A So --

20 Q When he did that, did it leave --

21 MS. ALLEN: Judge, objection. At this point I know

22 the question she's going to ask and it's leading. Can we

23 approach for a moment?

24 THE COURT: Sure.

25 (Bench conference)

1 MS. ALLEN: You're going to ask about the red marks,  
2 am I wrong?

3 MS. LUZAICH: No. No, you're not wrong.

4 MS. ALLEN: Oh. Okay. I understand it's very  
5 difficult to get these people to say what they want them to  
6 say, but I do understand --

7 THE COURT: It's difficult to get them to say  
8 anything.

9 MS. ALLEN: I get it. I know. But I would just as  
10 the State be reminded not to lead, just to -- she has to have  
11 her own memory of it.

12 THE COURT: Okay. Ms. Luzaich has been doing really  
13 well.

14 MS. ALLEN: I know she has.

15 MS. LUZAICH: The question did it leave marks isn't  
16 leading.

17 MS. ALLEN: Well, the word red came out.

18 MS. LUZAICH: Oh. Did it?

19 MS. ALLEN: Yeah.

20 MS. LUZAICH: No, did it leave marks.

21 MS. ALLEN: You said red. Yeah. Did it leave marks  
22 is leading.

23 MS. LUZAICH: Did I? Oh.

24 THE COURT: I don't recall her saying red.

25 MS. RHOADES: I don't think she did.

1 THE COURT: But if you say she said it, then --  
2 MS. LUZAICH: I didn't intend to say red. I  
3 intended to say did it leave marks. Are you sure?  
4 MS. ALLEN: I'm pretty sure you said red. Yeah.  
5 MS. LUZAICH: Sorry.  
6 THE COURT: Okay. Thank you.  
7 (End of bench conference)  
8 THE COURT: You can proceed.  
9 BY MS. LUZAICH:  
10 Q You there, Taharah? When Fred did that, when he  
11 whooped your bottom, did it leave any marks?  
12 A Yes. It just left red marks for like two days and  
13 then it just went away.  
14 Q Okay. And do you know when he did it to Mahlica  
15 that day did it leave marks on Mahlica? Only if you know.  
16 A I don't know, but I'm guessing since we got the  
17 whooping together --  
18 Q No, don't guess. Don't guess.  
19 A Oh.  
20 Q Let me ask you this way. Did you see Mahlica's  
21 bottom in the next couple of days?  
22 A No.  
23 Q Okay. You said, I think, you said that you don't  
24 remember why you got a whooping that time?  
25 A No.

1 Q Is that the only --

2 A I don't remember why.

3 Q -- time you and Mahlica had gotten a whooping

4 together?

5 A Yes.

6 Q Before mom and Vicky had moved into the house, did

7 you see or hear Fred do anything to Taquanda?

8 A No, not -- not that I can remember.

9 Q Okay. Now, you said that mom and Vicky moved into

10 the house when you were going into the third grade; is that

11 right?

12 A Yes.

13 Q After mom and Vicky moved into the house, did Fred's

14 attitude or demeanor, his attitude or behavior towards you

15 guys change any, or was it pretty much the same?

16 A It was the same.

17 Q So after mom and Vicky moved into the house, did you

18 see or hear Fred do anything to Shabazz?

19 A Yes. I just heard him getting whoopings.

20 Q Okay. The time that you're talking about that you

21 heard him getting whooped, where were Fred and Shabazz when

22 that happened?

23 A That was in Fred and Ann's room.

24 Q Okay. And where were you?

25 A I was in my room.

1 Q What did you hear?

2 A I just heard him getting whooped.

3 Q Did you hear voices?

4 A Yes.

5 Q Whose voices did you hear?

6 A My brother's.

7 Q Could you hear -- without telling me what he was

8 saying, could you hear what he was saying, or could you just

9 hear his voice?

10 A He was like kind of like yelling every time he would

11 get hit with the belt.

12 Q Okay. Could you hear Fred saying anything?

13 A No, I just heard the belt swinging.

14 Q Okay. Did you ever hear anything or see anything in

15 the garage?

16 A Sometimes my brother Shabazz, he would get whoopings

17 out in the garage.

18 Q Did you ever see an argument with Fred and Shabazz

19 that either started in the kitchen and moved to the garage or

20 the other way around? You're nodding your head. Can you

21 answer out loud?

22 A Yes.

23 Q Tell me --

24 A Well, I heard --

25 Q -- what you saw or heard that either started in the

1 kitchen into the garage, or stated in the garage and into the  
2 kitchen.

3 A I think this time -- I think I remember what  
4 happened. I guess my brother used to go to Sedway Middle  
5 School, so I guess he got suspended for beating up this kid in  
6 the bathroom. And I guess that's what the --

7 Q But what did Fred do?

8 A He kept on asking him like why did he do it and  
9 stuff. When -- that was in the kitchen.

10 Q Now, could you see what happened in the kitchen or  
11 could you hear?

12 A No, I could only like hear.

13 Q Okay. What did you hear?

14 A I guess --

15 Q I mean, did you hear more than words? Okay. Did  
16 you see Shabazz afterwards?

17 A First after that he was walking, after the kitchen  
18 scene, he was walking down the hall and then he went into --  
19 he went into Ann and Fred's room and then he got a whooping.

20 Q How do you know he got a whooping?

21 A I heard the belt swinging. I heard my brother  
22 screaming.

23 Q Okay. Did you see anything on Shabazz?

24 A And then after that I guess my brother and Fred, I  
25 guess they went up in the garage and then they shut the door.

1 Q Could you hear what was happening in the garage?

2 A I really couldn't hear nothing because it was like

3 part of outside, so you really can't hear nothing.

4 Q Okay. Did you see anything afterwards?

5 A No.

6 Q On Shabazz, did you see anything relating to

7 Shabazz, to his body afterwards?

8 A No.

9 Q Okay.

10 A I wasn't really looking at him like that.

11 Q Okay. That's fine. Did you -- after mom and Vicky

12 moved into the house did you see Fred do or hear Fred do

13 anything to Mahlica? You shook your head. Is that a no?

14 A No.

15 Q Thank you. After mom and Vicky moved into the house

16 did you see or hear Fred do anything to Taquanda?

17 A I think she got in trouble a few times.

18 Q Okay. But did you see or hear anything?

19 A No.

20 Q Okay. So you didn't. Did Fred -- well, did Fred do

21 anything to you after to physically hurt you after mom and

22 Vicky moved into the house while they were there?

23 A I got in trouble sometimes.

24 Q Okay. And what, if anything, did he do?

25 A I guess I had to do pushups, and then a couple of



1 times I had got a whooping. Then the other times I just got  
2 yelled at.

3 Q Tell me about the whoopings.

4 A I guess a couple of them was for getting suspended  
5 from school, and then the others was for like not doing chores  
6 and stuff.

7 Q Where would he whoop you?

8 A He would be -- it would be in his room, in like Ann  
9 and Fred's room.

10 Q Okay. And what would he whoop you with?

11 A A belt.

12 Q When he would whoop you, did it leave marks?

13 A On my bottom.

14 Q Each time? Answer out loud.

15 A Yes.

16 Q Thank you. Was there an occasion that something  
17 happened in the hallway?

18 A No.

19 Q Okay. While they were living in the house, mom and  
20 Vicky were living in the house, did you ever see Fred do  
21 anything to hurt Vicky?

22 A No.

23 Q While they were living in the house, mom and Vicky,  
24 did you see Fred do anything to hurt mom, or did you hear or  
25 see anything?

1           A     Well, I heard when I was asleep, I guess, in my  
2 mom's room while she was asleep I just heard somebody banging  
3 on a door like very hard.

4           Q     Which room was she in?

5           A     She was in the last room I stayed in before I left.  
6 And I guess, I don't know if that door is still there, but if  
7 you go back to that house there's going to be a door with some  
8 glue and --

9           Q     Well, here, rewind for one second. You said that  
10 you were in your room.

11          A     Uh-huh.

12          Q     Mom was in that other room --

13          A     Yes.

14          Q     -- and you heard banging. Could you hear any  
15 voices?

16          A     No, I just heard banging.

17          Q     Did you hear any yelling?

18          A     No.

19          Q     When you heard banging, where was it in the  
20 direction of?

21          A     It was in the room next to us.

22          Q     And what kind of banging did you hear?

23          A     It was like loud.

24          Q     Banging on what?

25          A     Like banging on a door or something?

1 Q Okay. Did the banging stop at some point?

2 A Yeah, at some point it did.

3 Q What did you hear when the banging stopped, if

4 anything? Did you hear anybody yelling?

5 A I can't remember. I just know that the banging

6 stopped.

7 Q Okay. Did you get up and look and see what was

8 going on?

9 A No.

10 Q Did you see that door at some point?

11 A Yes.

12 Q When did you see the door?

13 A I seen the door like -- I don't know. I seen the

14 door when it had like the glue.

15 Q When in time, like did you see it right after the

16 banging, did you see it a day later or a week later?

17 A I don't know specifically, but like a couple of

18 weeks later.

19 Q Did you see it the next morning?

20 MS. ALLEN: Objection, Your Honor. Leading.

21 THE COURT: Sustained.

22 BY MS. LUZAICH:

23 Q Did you live in that house?

24 A Uh-huh?

25 Q Yes? Did you get up in the morning after you heard

1 the banging?

2 A Yes --

3 Q What did you --

4 A -- to go to school.

5 Q -- see when you got up in the morning after you

6 heard the banging?

7 A Like I don't -- like when I wake up I don't really

8 look around like that, so -- but I know I remember seeing the

9 door. It was like -- it was like -- like somebody just busted

10 in like -- but it's like broken.

11 Q Where was it broken?

12 A Like, you know where the handle is, where you twist

13 the handle?

14 Q Uh-huh. Yes.

15 A And you know like that corner?

16 Q Microphone towards your mouth.

17 A Like you know that corner like for [unintelligible]

18 for instance that corner, but it was like that corner was kind

19 of crashed in a little bit, broken.

20 Q Okay. Did somebody try to fix it?

21 A Yes.

22 Q Who tried to fix it?

23 A Fred.

24 Q Did you see him try to fix it?

25 A No.

1 Q How do you know he tried to fix it?

2 A Because that was -- that was him that was banging on  
3 the door.

4 Q How do you know that it was him that was banging on  
5 the door?

6 A Because that was the only dude in the house. So I  
7 don't think a woman would have enough strength to like crack a  
8 door or bust in a door.

9 Q Okay. And did you see after Fred tried to fix it,  
10 could you tell that it had been tried to be fixed?

11 A Yes, because it was like -- I don't even know if  
12 that door is still there at this house, but if you go into  
13 that house and look at the door where the handle was, you can  
14 see like it's like glue like someone tried to glue it back.  
15 It's like someone just tried to fix it back. You could tell  
16 someone just like broke it, broke -- broke the door kind of  
17 like in. You can tell.

18 Q Did you live in the house for a long time after  
19 that?

20 A Yes.

21 Q And did it look like that the whole time you lived  
22 there --

23 A Yes.

24 Q -- after that? Okay. Did -- you said there came a  
25 time that mom and Vicky and Mahlica and Shabazz moved out of

1 the house?

2 A Yes.

3 Q I think you earlier said something about St. Andrews  
4 Apartments?

5 A Yes.

6 Q Do you remember what grade were you in when they  
7 moved out of the house?

8 A I was -- I was about to go into like the sixth  
9 grade, like fifth grade about to go into the sixth grade.

10 Q When they moved out of the house, who still lived in  
11 the Blankenship house?

12 A It was me and my sister Taquanda.

13 Q By yourselves?

14 A Yes.

15 Q With Fred and Ann?

16 A Oh. With Fred and Ann.

17 Q Okay. What about Sha'karia? When mom and Vicky and  
18 Shabazz and Mahlica moved out, was Sha'karia living there?

19 A I think she moved back in, yes.

20 Q For the whole time that you stayed there, for part  
21 of the time?

22 A The whole time that I stayed there until me and my  
23 sister left.

24 Q Okay. What about the other people that you talked  
25 about? I think there was a Ronnie there. Did he come back or

1 was he living there when mom and Shabazz, Mahlica, and Vicky  
2 moved out? If you know.

3 A I can't remember.

4 Q Okay. So you continued to live in the house. Did  
5 you continue to go to school?

6 A Yes.

7 Q And you had been at Fitzgerald Elementary School.  
8 Where did you go when you stopped going to Elementary School?

9 A I went to West Prep Middle School.

10 Q When mom and Vicky, Shabazz, and Mahlica moved to  
11 the St. Andrews apartments, would you go visit them there?

12 A Yes.

13 Q How would you get there?

14 A Fred and Ann would either drive us or sometimes Ann  
15 would drive us or sometimes Fred would drive us.

16 Q Do you know how often you would go visit?

17 A Sometimes we would go visit like on the weekends or  
18 something.

19 Q Okay. And when they moved into those apartments,  
20 the St. Andrews apartments, was it still kind of close to the  
21 house?

22 A It was -- it was like it was close, but then again  
23 like you had to drive there because walking there would be a  
24 lot.

25 Q Okay. Too far to walk.

1           A     So it was in driving distance.

2           Q     Too far to walk, but not a long drive?

3           A     Yes.

4           Q     Did there come a time that they moved from the St.

5 Andrews Apartments to another apartment?

6           A     Yes.

7           Q     Where did they move to?

8           A     They moved to the one in Henderson on Center Street

9 and Warm Springs.

10          Q     Is that the one you're living in now?

11          A     Yes.

12          Q     Do you know what grade you were in when they moved

13 from the St. Andrews to the Henderson apartment?

14          A     I was in seventh grade.

15          Q     Okay. And were you still at West Prep?

16          A     No.

17          Q     What school did you go to then?

18          A     I was going to Hyde Park.

19          Q     Do you know why you went from West Prep to Hyde

20 Park?

21          A     Oh. Because -- because we like wanted to transfer

22 because Anya (phonetic), I wanted to go to the school as Anya.

23 So I got transferred to Hyde Park with Anya so we can go to

24 school together.

25          Q     Who is Anya?



1           A     She was one of Ms. Ann's relatives.

2           Q     Okay. What's her last name, do you know?

3           A     Thomas.

4           Q     And how old is Anya? Actually, let me ask that a  
5 different way. Is Anya close to your age?

6           A     She's closer to my sister's age.

7           Q     Which sister? You have a couple.

8           Q     Taquanda's.

9           Q     Okay. So Anya is close to Taquanda's age?

10          A     Yes.

11          Q     And how much older -- wait, is Taquanda older or  
12 younger than you?

13          A     She's younger.

14          Q     How much younger than you is Taquanda?

15          A     She's one year younger than me.

16          Q     One year. Is she also one grade younger?

17          A     Yes.

18          Q     Okay. So Anya is Taquanda's age?

19          A     Yes.

20          Q     Okay. So you moved schools again. You went to Hyde  
21 for seventh grade, is that what you just said? Or did I get  
22 that wrong? I'm sorry.

23          A     I went to Hyde Park for my seventh grade -- well,  
24 part of my seventh grade year. And then after that I got  
25 transferred to Sedway Middle School.

1           Q     Okay. I'm going to go back again. So mom and Vicky  
2 -- oh, and I'm sorry, the apartment in Henderson, was that  
3 really far from the Blankenship house?

4           A     Yes.

5           Q     But would you be able to go visit mom, Vicky,  
6 Shabazz, and Mahlica in the Center Street apartment, the  
7 Henderson apartment?

8           A     Sometimes.

9           Q     Who would take you?

10          A     Fred or Ann or both.

11          Q     So going back to the house on Blankenship, after mom  
12 and Vicky and Mahlica and Shabazz moved out, did Fred continue  
13 to act the same way that he had? Would you still get  
14 whoopings?

15          A     He kind of changed a little bit.

16          Q     Okay. What changed about it?

17          A     I guess he started to be like nicer and like we  
18 really didn't have a lot of chores and stuff to do since there  
19 was only like less people at the house.

20          Q     Okay. Do you know were there times that Fred would  
21 -- well, never mind. Did Fred continue to work the whole time  
22 that you lived there?

23          A     I don't know. I don't remember.

24          Q     You don't know if there came a time that he stopped  
25 working while you were living there? Were there times that

1 you would come home from school and he would be there?

2 A Yes.

3 Q Okay. How -- when you were -- when you were going  
4 to West Prep, how did you get to school?

5 A He would -- he would like drive me to school --

6 Q And how would --

7 A -- and then --

8 Q -- you get home?

9 A Ms. Ann or Fred would come pick me up and take me  
10 back home.

11 Q Okay.

12 A And then -- and then I started walking home, and  
13 walking to school sometimes.

14 Q Did there come a time that Fred did something else  
15 that made you uncomfortable?

16 A Yes.

17 Q Do you know when, around when that was?

18 A No.

19 Q Do you know about what grade you were in?

20 A Around fifth grade, sixth grade.

21 Q Was it -- who was living in the house at the --  
22 well, did, what we're about to talk about, did that happen one  
23 time or more than one time?

24 A More than one time.

25 Q The first time that we're about to talk about, who

1 was still living in the house at the time?

2 A I don't remember.

3 Q Well, were Vicky and mom and Mahlica and Shabazz

4 still living in the house the first time that happened?

5 A I think they already moved.

6 Q Okay. So tell me what happened the first time that

7 you can remember. Where you home in the Blankenship house?

8 You're nodding your head, Taharah.

9 A I'm sorry. Yes.

10 Q Was anybody else home?

11 A It was only my sister.

12 Q Which sister?

13 A Taquanda.

14 Q Okay. What were you doing?

15 A I think I was asleep. I was asleep.

16 Q And then what?

17 A And then I guess I got woken up out of my sleep.

18 And then because it was the day after school and I got woken

19 up out my sleep and I guess we -- I guess he had took me to

20 the laundry room.

21 Q Which room were you in?

22 A I was in my old room, like the last room that I

23 stayed in.

24 Q Okay. When you say it was after school and you were

25 asleep, where in the room were you?

1           A     I was laying on my bed and my bed was next to the  
2 window.  
3           Q     Okay. What about -- you said your sister was home.  
4 Where was she?  
5           A     My sister? She was asleep on the floor.  
6           Q     Okay. You got woken out of your sleep by who?  
7           A     By Fred.  
8           Q     What did he do?  
9           A     He had took me to the laundry room and --  
10          Q     And what?  
11          A     He had touched me.  
12          Q     Where did he touch you?  
13          A     On my private part.  
14          Q     Is there a word that you use for your private part?  
15 Is it -- where on your body is it? In front or in back?  
16          A     In front.  
17          Q     Is it above your knees or below your knees?  
18          A     Above.  
19          Q     Was it above your waist or below your waist?  
20          A     Say that again? I'm sorry.  
21          Q     Was it above your waist or below your waist?  
22          A     I still didn't get that.  
23          Q     Okay. Is it above your belly button or below your  
24 belly button?  
25          A     Below.

1           Q     Is there something that you do with that part of  
2 your body every day?

3           A     Use the bathroom.

4           Q     When he touched you there, what did he touch you  
5 with?

6           A     His fingers.

7           Q     What did he do with his fingers?

8           A     He put them up me.

9           Q     Up that part of your body?

10          A     Yes.

11          Q     How did that feel?

12          A     It hurt.

13          Q     Did he say anything to you?

14          A     He said, shh, don't tell.

15          Q     Where in the laundry room where you?

16          A     We was like in the -- we was just like -- the  
17 laundry room is little, so we was in the -- we was like in the  
18 middle of the laundry room.

19          Q     What position were you in? Were you standing,  
20 sitting, laying down?

21          A     I was standing.

22          Q     Were you up against anything?

23          A     No.

24          Q     What -- do you know where his other hand was?

25          A     No.

1 Q Did he, besides putting his finger up inside you,  
2 did he do something else? You're nodding your head, Taharah.

3 A Yes, but --

4 Q What did he do?

5 A -- not at that time.

6 Q I'm sorry?

7 A Not at that time.

8 Q Okay. Right now just at that time did he do  
9 anything while you were -- okay, let me rephrase that. Did he  
10 do anything else while you were in the laundry room that day?

11 A No.

12 Q When he put his finger up inside you, what -- where  
13 were your clothes?

14 A They were -- they were like on the floor.

15 Q How did they get there?

16 A He took them off me.

17 Q Do you remember what you were wearing, like what  
18 kind of clothes were you wearing?

19 A No.

20 Q Did you want him to do that?

21 A No.

22 Q What happened after he did that?

23 A I think my sister, I think she had woke up and I  
24 guess somebody was walking down the hallway so he stopped.

25 Q Did he say anything at that point?

1           A     He just told me not to tell no one.

2           Q     Okay. Did -- how did you get to be out of the  
3 laundry room?

4           A     I just walked out.

5           Q     Who walked out first, you, Fred, do you remember?

6           A     I think I had walked out and then he walked out.

7           Q     Okay. Did Taharah -- or did Taquanda ask you  
8 anything later?

9           MS. ALLEN: Your Honor, objection.

10          THE WITNESS: Yes.

11          MS. ALLEN: Hearsay.

12          MS. LUZAICH: I didn't ask her what and I'm not  
13 going to ask her what.

14          THE COURT: Right. So she just responded yes or no,  
15 so it's fine.

16 BY MS. LUZAICH:

17          Q     And when Taharah -- or, sorry, when Taquanda asked  
18 you something later, did you talk with her about what had  
19 occurred?

20          A     No.

21          Q     Did there come a time that you did tell her what  
22 occurred in the laundry room, what happened?

23          A     Yes.

24          Q     Was that later?

25          A     That was like later on.



1           Q     Okay. Now, is that the first time he did something  
2 to you like that?

3           A     No.

4           Q     Were there other times before that in the house?

5           A     Yes.

6           Q     Was that the first time in the laundry room or was  
7 that the only time in the laundry room?

8           A     I can't remember because he did it like multiple  
9 times.

10          Q     Okay. Where else? Where else in the house did he  
11 do that?

12          A     He would do it at -- in his bathroom, sometimes in  
13 some of my old rooms, or in the garage.

14          Q     Okay. When you say in his bathroom, is there a  
15 bathroom in the room that he and Ann shared?

16          A     Yes.

17          Q     Did it happen one time or more than one time in his  
18 bathroom?

19          A     More than one time.

20          Q     Tell me about the first time that you can remember  
21 in his bathroom.

22          A     I'm trying to remember.

23          Q     How did you get to be in his bathroom that time?

24          A     He took me in his bathroom.

25          Q     Where were you that he took you from to go to his

1 bathroom?

2 A I was in my room.

3 Q When he took you into the bathroom, what did he say?

4 How did he get you to go into the bathroom?

5 A He just told me to come to the bathroom.

6 Q Okay. Did you go with him?

7 A Yes.

8 Q What happened when you got to the bathroom?

9 A He started touching me and then taking my clothes

10 off.

11 Q Where in the bathroom were you?

12 A It was like -- it was like right by the shower.

13 Q Okay. When he was touching you, where was he

14 touching you?

15 A On my private part.

16 Q What was he touching you with?

17 A His hands.

18 Q Did the skin of his hands touch the skin of your

19 private part?

20 A Yes.

21 Q And is that the private part that's in front or in

22 back?

23 A In front.

24 Q Can you say the -- have you talked about a word for

25 that part of your body? Okay. That's okay.

1 MS. ALLEN: Your Honor, can the record reflect she's  
2 shaking her head?

3 THE COURT: Right. You need to -- you need to  
4 respond verbally so that the record reflects. Was that a no?

5 THE WITNESS: Yes.

6 THE COURT: Okay.

7 BY MS. LUZAICH:

8 Q What -- what kind of touch was it? What did his  
9 hand do on your private part?

10 A It was like a rub.

11 Q Okay. You said he was taking your clothes off. Did  
12 his hands touch any other part of your body at that point?

13 A On my chest, too.

14 Q What did his hand do to your chest?

15 A Like just rubbed.

16 Q Did the skin of his hand touch the skin of your  
17 chest?

18 A Yes.

19 Q Was he saying anything while this was happening?

20 A No.

21 Q Then what did he do?

22 A And then after that -- oh, and the lights went out.  
23 Like he turned the lights off. And then that's when he had --  
24 that's when he had raped me in the bathroom, in his bathroom.

25 Q When you say he took your clothes off, did he take

1 all of your clothes off?

2 A Yes.

3 Q What about his clothes?

4 A He just pulled down his pants.

5 Q And then what did he do specifically, honey? What

6 -- what part of his body did he use?

7 A His private part.

8 Q What did he do with it?

9 A He had put it in me.

10 Q When you say his private part, is there a word for a

11 man or boy's private part?

12 A Yes.

13 Q Can you tell me what the word is? If you were

14 talking to your friends, what word would you use to describe

15 it? Actually, that's bad.

16 A I don't really be talking to my friends all like --

17 Q Okay. I'm sorry.

18 A I don't --

19 Q That was a really --

20 A -- know.

21 Q -- bad question. A man's private part, where on his

22 body is it, front or back?

23 A It's front.

24 Q And does a man use that part of his body every day?

25 A Yes.

1 Q What does he use it for?

2 A To go to the bathroom.

3 Q Okay. And you said he put it in you. Where did he

4 put it?

5 A In my private part.

6 Q How did it feel when he did that?

7 A It hurt.

8 Q Was that the first time he ever did that?

9 A No.

10 Q I'm going to come back to that. Where in the

11 bathroom were you when he did that?

12 A I was standing right by the shower bent over. And

13 like there was this rod or whatever where you like hang your

14 towels and I was touching that.

15 Q Okay. And when you were bent over, where was he in

16 relation to you?

17 A I don't understand that question.

18 Q I'm sorry. I'll ask it better. When you were bent

19 over, what part of his body -- well, was he in front of you or

20 behind you or next to you?

21 A Behind me.

22 Q Okay. Was he saying anything when that happened?

23 A Yes. He just said don't tell nobody.

24 Q You said that's not the first time that he put his

25 private in your private. Tell me about the first time that

1 you can remember that he put his private in your private.

2 Where were you, then?

3 A Well, that was the first time I can remember, but it  
4 happened multiple times.

5 Q Okay. It happened before that and you just can't  
6 remember the details?

7 A No.

8 Q Do you know where it was?

9 A It was like sometimes in my old rooms or like in the  
10 garage when nobody was there.

11 Q Okay. I'm going to go back one second to the time  
12 in the bathroom. Do you know was anybody else in the house?

13 A I think my sister, Taquanda, I think she was asleep.

14 Q Do you know where Ms. Ann was?

15 A I think Ms. Ann, she was at work.

16 Q Okay. Was there another occasion that it happened  
17 in his bathroom?

18 A Yes.

19 Q The other occasion that it happened in his bathroom,  
20 where in the bathroom were you?

21 A Right by his shower.

22 Q And were you in the same position or different  
23 position?

24 A Same.

25 Q And what did he do?

1           A       The same thing I just told you.

2           Q       I know, Taharah. I need you to tell me  
3 specifically. I'm sorry.

4           A       First he brought me to his bathroom, and then he  
5 started touching me with his hands. And then he fondled my  
6 breasts, and then he had put his private part in me.

7           Q       When he would do this, would Ms. Ann always be out  
8 of the house?

9           MS. ALLEN: Objection.

10          THE WITNESS: Yes.

11          MS. ALLEN: Leading, Your Honor.

12          THE COURT: Overruled. You can answer. The  
13 question was was Ann always out of the house?

14 BY MS. LUZAICH:

15          Q       The Judge said you can answer.

16          THE WITNESS: I can answer?

17          THE COURT: Uh-huh. You can.

18          THE WITNESS: Okay. Sometimes she would be asleep  
19 or like he would do it when like there's hardly nobody in the  
20 house or everybody is asleep.

21 BY MS. LUZAICH:

22          Q       Okay.

23          A       Or like there's no one really there like to watch  
24 him or like to see what's going on in the house.

25          Q       Okay. You had said that he also did it in your old

1 room. When you say your old room, which is that?

2 A I had the front room, the one with the window, and  
3 then it was the one that we last stayed in.

4 Q So when you say he did it in your old room, is that  
5 the one with the window or the one you last stayed in?

6 A He did it both times in both of those.

7 Q Okay. Tell me --

8 A It was like -- it was like multiple times.

9 Q Okay.

10 A But --

11 Q Tell me about the time that he did it in the room  
12 with the window. Where in that room did it happen? In the  
13 room with the window were you sitting, standing, laying down?

14 A I was standing.

15 Q Okay. Where in the room were you standing?

16 A Right by my bed.

17 Q Okay. In that room, the room with the window, how  
18 many beds were in that room at the time?

19 A There was two beds. There was my sister's,  
20 Taquanda's, and mine.

21 Q Okay. Was there other furniture in the room, also?

22 A There was like a studying table and then there was  
23 our dresser, our dressers, and then there was like a lamp on  
24 top of the dresser. And then there was this big thing where  
25 like a TV went inside, but you had to open it. It was like



1 where you put a TV.

2 Q Okay. You said you were standing by your bed?

3 A Yes.

4 Q So then what happened? Where was he?

5 A Well, he was in the room.

6 Q Where in the room was he?

7 A He was standing right by me.

8 Q Was he in front of you, behind you, next to you?

9 A Behind me.

10 Q What did he do?

11 A First he started touching me with his hands, and

12 then he started touching on my breasts. And then he had put

13 his private part in me.

14 Q When he put his private part in you, where did he

15 put it?

16 A The one where I use the bathroom out of it every

17 day.

18 Q Okay. In your room did he cause you to do anything

19 else or did he cause anything else to happen?

20 A He had -- he had made me touch his private part.

21 Q How did he make you touch his private part?

22 A He took my hand and he put it on his private part.

23 Q When he put your hand on his private part, did he

24 cause your hand to do anything?

25 A Yes.

1 Q What did he cause your hand to do?

2 A He caused my hand like to start rubbing like up and  
3 down.

4 Q When you did that, did anything happen?

5 A Yes.

6 Q What happened?

7 A It kind of got harder a little bit.

8 Q When he had you rub it up and down, was that also a  
9 time that he put it inside you?

10 MS. ALLEN: Objection, Your Honor. Leading.

11 THE COURT: Overruled. I'll let you answer.

12 THE WITNESS: Okay. Yes.

13 BY MS. LUZAICH:

14 Q Did he have you rub it before, after, or something  
15 else that he put it inside you?

16 A Ask that question again. I couldn't really hear  
17 you.

18 Q Never mind. I'm sorry. I'll withdraw that. Is  
19 that the only place that he had -- is that the only room in  
20 the house that he had you do that?

21 A No, it was like in like different type of rooms,  
22 like my old room and stuff. Like it happened multiple times,  
23 but I can only remember like a couple, only like sometimes.

24 Q Okay. So we just talked about the room with the  
25 window; right?

1           A     Yes.

2           Q     So the last room that you stayed in before you moved  
3 out of the house, did it happen in that room, too?

4           A     Yes.

5           Q     Tell me everything that he did in that room. Where  
6 were you in that room?

7           A     I -- I just told you that was the one where -- it  
8 was the laundry room one where he woke me up out my sleep and  
9 then took me to the laundry room. And then he had took my  
10 clothes off and then I guess he had put his two fingers up me  
11 and then I guess that's when my sister had woke up and then  
12 she had walked down the hallway so he stopped. And then --

13          Q     Did he ever actually do it while you were in your  
14 room that you were living in before you moved out, or did he  
15 only take you out of that room and do it in the laundry room?

16          A     He only took me out of that room.

17          Q     Okay. I'm sorry. I asked a question bad. You said  
18 that he did it in the garage?

19          A     Yes.

20          Q     Did he do it in the garage one time or more than one  
21 time?

22          A     More than one time.

23          Q     And in the garage, where were you in the garage when  
24 it happened?

25          A     It was a pool table, and I guess I was bent over and

1 my hands was touching the pool table. And I guess -- and he  
2 had put his private part in me.

3 Q Did he touch you anywhere else in the garage --

4 A On my --

5 Q -- another part of your body?

6 A On my chest.

7 Q Okay. What did he touch your chest with in the  
8 garage?

9 A His hand.

10 Q And did he put his private part anywhere else in the  
11 garage?

12 A That's all.

13 Q Did he ever try to put it in your mouth?

14 A Yes.

15 Q Where was that?

16 MS. ALLEN: Objection, Your Honor. Leading.

17 THE COURT: I'm sorry. I didn't -- I just heard  
18 objection.

19 MS. ALLEN: Objection. Leading.

20 THE COURT: Sustained.

21 BY MS. LUZAICH:

22 Q Did he put it anywhere else? You're nodding your  
23 head, Taharah.

24 A Yes.

25 Q Where? Where else did he put it?

1           A     He put it in my mouth, too.

2           Q     Did he do that one time or more than one time?

3           A     More than one time.

4           Q     Where in the house were you when he did that?

5           A     It was -- it happened sometimes in the garage, and

6 then sometimes in my old rooms.

7           Q     Okay. And how would he do that? What position

8 would you be in?

9           A     I would just be on my knees, and then he would just

10 do that.

11          Q     When you were on your knees, where were your

12 clothes?

13          A     They were on.

14          Q     Okay. What about his?

15          A     His pants was just pulled down.

16          Q     How would his pants get pulled down?

17          A     He would pull them down.

18          Q     And then what would he do?

19          A     Then he would put his private part in my mouth.

20          Q     When he would do that, where would his hands be?

21          A     His hands would be on his private part.

22          Q     And did he do anything while his private part was in

23 your mouth?

24          A     Sometimes he would like just touch my breasts or

25 whatever.

1 Q Did you want him to do any of those things?

2 A No.

3 Q All right. You said earlier that he would tell you

4 not to tell. Is that the only thing that he would talk to you

5 about? Would he ever say anything about what he was doing?

6 Do you understand the question?

7 A No.

8 Q Okay. I'll ask it better. Would he ever say

9 anything to you about --

10 A Oh.

11 Q Do you understand?

12 A Uh-huh. He would say like if I told he would get

13 into a lot of trouble so don't tell nobody, like if you tell

14 somebody this would happen.

15 Q What? Did he say what would happen if you told

16 somebody?

17 A Like he would get in -- like he would get into like

18 a lot of trouble.

19 Q Okay. You said that you told Taharah -- or, sorry,

20 Taquanda after the laundry room. After you told Taquanda, do

21 you know what Taquanda did?

22 A She -- she went to Ms. Ann, then she told Ms. Ann.

23 Q And after she told Ms. Ann, did Ms. Ann talk to you,

24 as well?

25 A Yes.

1 Q Do you know when, around when that was?

2 A It was when we was still -- it was when me and my

3 sister was still going to Hyde Park.

4 Q Okay. So what grade might that have been?

5 A In seventh grade.

6 Q Okay. And was that before the summer?

7 A Yes.

8 Q After you and Taquanda talked to Ms. Ann, did Ms.

9 Ann take you somewhere? You're nodding your head again.

10 A Oh. Yes.

11 Q Where did she take you?

12 A She had took me to the doctor.

13 Q What kind of doctor did she take you to, do you

14 know?

15 A I don't know the name of it. It's like to get a

16 checkup.

17 Q A specific kind of checkup? You're nodding your

18 head again.

19 A Yes.

20 Q What kind of checkup?

21 A I don't really know how to say it. Like I don't

22 know what it means.

23 Q Is it a girl doctor? I mean --

24 A Yes.

25 Q -- a doctor that girls see and boys don't?

1           A     Yes.

2           Q     Okay.  And was it a -- was the doctor a man or a  
3 woman?

4           A     It was a woman.

5           Q     And had you ever seen her before?

6           A     No.

7           Q     Did she do a specific kind of examination?

8           A     Yes.

9           Q     What kind of examination?

10          A     Isn't it called like a Pap smear or something like  
11 that?

12          Q     Okay.

13          A     Something.

14          Q     She did a Pap smear.  Did she also do an examination  
15 of your body part?

16          A     Yes.

17          Q     Which part of your body did she actually examine?

18          A     My private part.

19          Q     Is that the first time you ever had that kind of  
20 examination?

21          A     Yes.

22          Q     When she did that examination, did you learn that  
23 there was a test result?

24          A     Yes.

25          Q     What did you learn that the result was?



1 MS. ALLEN: Judge, objection. Foundation and  
2 hearsay.

3 THE COURT: You know what, I apologize. I didn't  
4 even hear the question. Will you repeat the question?

5 MS. LUZAICH: Whether after she had the test she  
6 learned of a test result. Yes. What was the result?

7 THE COURT: Okay. Overruled. You can answer.

8 THE WITNESS: Oh. They was talking something about  
9 like HPV.

10 BY MS. LUZAICH:

11 Q Okay. Now, did you go back to that doctor's office  
12 a couple of times?

13 A No.

14 Q Well, you saw the doctor and she examined you;  
15 right?

16 A Uh-huh.

17 Q Did you -- is that a yes?

18 A Yes.

19 Q Did you also have a test called an ultrasound?

20 A Yes.

21 Q Was that another day?

22 A Yes.

23 Q Okay. And did you go back again after that and talk  
24 to another doctor in that office and get shots for school?

25 A Oh. That was like a different doctor's office.

1 Q Oh. Okay. I'm sorry. That was my  
2 misunderstanding. I apologize. After the doctor told you --  
3 well, when the doctor told you that you had HPV, was Ms. Ann  
4 with you?

5 A Yes.

6 Q So Ms. Ann knew? Well --

7 A Yes.

8 Q -- Ms. Ann heard it when you heard it, at least?

9 A Yes.

10 Q Was Ms. Ann going to do something after that?

11 MS. ALLEN: Judge, objection. Calls for hearsay.

12 THE COURT: Sustained.

13 BY MS. LUZAICH:

14 Q Did you and Ms. Ann and Taquanda, without telling me  
15 what, talk about doing something after that?

16 A Yes.

17 Q And did it involve going somewhere?

18 A Yes.

19 Q Did that ever happen?

20 A Well, here's what happened. So we were, me, Ms.  
21 Ann, and Taquanda, I guess after that, after she heard what  
22 happened --

23 MS. ALLEN: Judge, and I'm going to --

24 THE WITNESS: -- and stuff --

25 MS. ALLEN: -- object to this as nonresponsive, and

1 also I think it calls for hearsay.

2 THE COURT: It -- it's -- she's going into a  
3 narrative.

4 THE WITNESS: I'm trying to tell --

5 THE COURT: So if you could just listen to the  
6 question and try to answer the question, okay. Is that okay?

7 THE WITNESS: But I have to tell what happened  
8 because I just can't like talk. I have to like go tell you  
9 like the whole story.

10 THE COURT: Well, do your best to just answer the  
11 questions, okay?

12 THE WITNESS: Okay.

13 BY MS. LUZAICH:

14 Q Did Ms. Ann ever take you out of the house?

15 MS. ALLEN: Objection. Leading.

16 THE COURT: Overruled. I'm going to allow her to  
17 answer.

18 THE WITNESS: Can you ask that question again? I  
19 just kind of --

20 BY MS. LUZAICH:

21 Q Did Ms. Ann ever move you out of the house?

22 A No, but we was planning on moving. But somehow she  
23 lost the apartment and it never did happen, so we had to move  
24 all the stuff that was in our apartment back into the house  
25 that we was staying at.

1 Q The Blankenship house?

2 A Yes.

3 Q After Taharah -- or Taquanda and you talked to Ms.

4 Ann, did Fred touch you again?

5 A I'm trying to remember.

6 Q I'm sorry?

7 A I'm trying to remember if that happened again after

8 that. No.

9 Q Do you remember testifying at another hearing that

10 it did happen again after you and Taquanda told Ms. Ann?

11 A Yes. Okay. Now I remember. Now I remember.

12 Q Did it happen again after you talked to Ms. Ann?

13 A Yes.

14 Q Did you -- well, did you guys go visit your mom,

15 Vicky, Mahlica, and Shabazz in the Henderson apartment that

16 summer?

17 A Yes. We had hung out there like for a week, a

18 couple of weeks.

19 Q You stayed with them for a few weeks?

20 A Yes, like some weeks.

21 Q Did you tell Vicky what Fred had been doing?

22 A No.

23 Q After you guys stayed at the Henderson apartment for

24 a few weeks in the summer, did you go back to the house at

25 Blankenship?

1           A     Yes.

2           Q     And then did you start school again?

3           A     Yes.

4           Q     Now, I'm going to take you back a little bit. Do  
5 you remember in December of 2011 the Henderson Police coming  
6 to the Blankenship house late, like in the middle of the  
7 night?

8           A     Yes.

9           Q     Tell me about what you remember about that.

10          A     I just remember somebody knocking on the door and  
11 then us getting up. And then we was being questioned, and  
12 then after the questions they had left.

13          Q     Okay. Do you remember it being like in the middle  
14 of the night?

15          A     Yes.

16          Q     Were there a couple of detectives there?

17          A     Yes.

18          Q     And were you and Taquanda and Ms. Ann and Fred  
19 there?

20          A     Yes.

21          Q     Was that all, just you, Taquanda, Ms. Ann, and Fred  
22 were there at the time?

23          A     Yes.

24          Q     Did the detectives talk to you and Taquanda  
25 separately?

1 A Yes.

2 Q Like not together; right?

3 A Uh-huh.

4 Q Yes?

5 A Yes.

6 Q When the detective asked you questions, did you know  
7 that he had a tape recorder going?

8 A Yes.

9 Q He told you; right?

10 A Uh-huh.

11 Q Is that a yes?

12 A Yes.

13 Q Now, when you talked to the detective, did you tell  
14 him that Fred had been hurting you?

15 A No.

16 Q Did you tell him that Fred had been hurting your  
17 brother or sisters?

18 A No.

19 Q Why did you not tell him that?

20 A Because I didn't really think that they was going to  
21 believe me and I was scared.

22 Q What were you scared --

23 A And --

24 Q -- about? Oh. Sorry.

25 A -- I was tired and I just wanted them to get up out

1 my face.

2 Q Do you know what time it was that they talked to  
3 you?

4 A I really don't know. I know the next morning I had  
5 to go to school and it was probably 1:00 in the morning or  
6 something.

7 Q Could it have been almost 4:00 in the morning?

8 A Maybe. I don't really know.

9 Q When you said you were scared, what were you scared  
10 of?

11 A That like if I told them that like they wouldn't  
12 believe me, and then after they left I would have probably got  
13 in trouble.

14 Q When the detective talked to you, where were you and  
15 he?

16 A I was -- I was in my room with the window.

17 Q Okay. And do you know where Fred was while you were  
18 talking to the detective?

19 A No, but he wasn't in the room. He was outside the  
20 room.

21 Q Right. He was not in the room. Was he still in the  
22 house?

23 A Yes.

24 Q Okay. Was Ms. Ann also in the house?

25 A Yes.

1 Q When you talked to the detective in December of  
2 2011, did you tell him that Fred had been touching you?

3 A What was that date?

4 Q Did he tell you -- did he tell -- did you -- oh.  
5 When the Henderson Police came to your house.

6 A Oh. That time.

7 Q Did you tell that detective that Fred had been  
8 touching you?

9 A No.

10 Q Had he been touching you yet?

11 A What was the date, 2009?

12 Q December of 2011.

13 A '11. No.

14 Q Did you tell the -- well, after you guys talked to  
15 the detectives that night, do you remember a lady from Child  
16 Protective Services come into the house?

17 A Yes.

18 Q Do you remember what her name was?

19 A Her name was Ms. Bobbi.

20 Q Okay. Did you like Ms. Bobbi?

21 A She was nice.

22 Q Did you tell Ms. Bobbi that Fred was hurting you  
23 guys?

24 A No.

25 Q Did you tell Ms. Bobbi that you liked living with



1 Fred and Ann? You're nodding your head, Taharah.

2 A Yes.

3 Q Why did you tell her that?

4 A I just told them that so there like wouldn't be like

5 really no problems in the house when they left.

6 Q When you talked to Ms. Bobbi, where were you?

7 A I was in my -- my room with the window.

8 Q Okay. So you were in your house at Blankenship?

9 A Yes.

10 Q And where was Fred, was he also in the house?

11 A Yes.

12 Q Was Ann also in the house?

13 A Yes.

14 Q But they were not in the room; right? While you --

15 A Right.

16 Q -- were talking to Ms. Bobbi, they were not in the

17 same room with you; correct? Is that right?

18 A Correct.

19 Q After -- now I'm going to fast-forward again. After

20 you guys went to Henderson in the summer and visited with mom,

21 Vicky, Shabazz, and Mahlica, you said you went back to school,

22 correct, living at the Blankenship house?

23 A Yes.

24 Q What school did you go to?

25 A Hyde Park.

1 Q Okay. What grade did you start?  
2 A Seventh grade.  
3 Q And is that Hyde Park that you went to because Anya  
4 was going there?  
5 A Yes.  
6 Q Do you know when school starts, what month school  
7 starts in?  
8 A August.  
9 Q Okay. So did you start school that August?  
10 A Yes.  
11 Q Did there come a time that Taquanda wanted to call  
12 somebody?  
13 A Yes.  
14 Q Did she talk to you about calling somebody? Okay.  
15 Let me -- let me ask it a different way. Who did she want to  
16 call?  
17 A She just wanted to call somebody that could like  
18 help us.  
19 Q Did she talk to you about it?  
20 A Yes. She was just like --  
21 MS. ALLEN: Your Honor, I'm going to object at this  
22 point. It sounds like she's getting into hearsay.  
23 THE COURT: As long as she's -- she can't testify to  
24 anything that Taquanda said.  
25 MS. LUZAICH: It's offered for Taharah's state of

1 mind.

2 THE COURT: The hearsay objection is sustained.

3 BY MS. LUZAICH:

4 Q Did you tell Taquanda that -- well, what did you  
5 tell Taquanda? Do you remember? I mean, did you tell her  
6 anything?

7 A I can't remember what she --

8 Q Microphone, honey.

9 A Oh. I just remember what she told me. She just  
10 said --

11 MS. ALLEN: Your Honor --

12 BY MS. LUZAICH:

13 Q Okay. You can't -- you're not allowed to say that  
14 right now. The -- did you and Taquanda actually have a  
15 conversation about it? Without telling me what was said, did  
16 you have a conversation, did you talk about it?

17 A Yes.

18 Q What did you tell her, if anything?

19 A It was just basically her talking about how she  
20 wanted to call somebody.

21 MS. ALLEN: Judge --

22 THE COURT: Sustained.

23 MS. ALLEN: -- objection. Thank you.

24 THE WITNESS: And --

25 ///

1 BY MS. LUZAICH:

2 Q Did you want her to call somebody? Did you not want  
3 her to call somebody? Did you have an opinion one way or  
4 another?

5 A Well, I knew we should have called somebody, like I  
6 wanted her to call somebody, but I was scared because I didn't  
7 know what was going to happen. And like last time when we was  
8 in Utah we had got taken into foster care. And, yeah, I was  
9 just kind of scared and nervous, but then again I wanted her  
10 to call somebody.

11 Q Why did you want her to call somebody?

12 A So -- I don't know, so bad stuff wouldn't happen no  
13 more.

14 Q Did she ultimately make a call?

15 A Yes.

16 Q Were you there when she did?

17 A Yes.

18 Q Where were you guys when she made the call?

19 A We was at Anya's house.

20 Q Did -- I mean, were you there so that you could hear  
21 what she was saying? Without telling me what she said, were  
22 you actually there so that you could hear it?

23 A Yes.

24 Q And whatever it was that she was saying, did you  
25 agree with it?

1           A     Yes.

2           Q     Did somebody come and see you after she called?

3           A     Yes.

4           Q     Where did somebody come to see you?

5           A     At first they came to our school, then had took us  
6 to -- I think they took us back -- they took us to Child  
7 Haven. And then it was just questioning us.

8           Q     Did you have an interview with a lady that asked you  
9 a whole lot of questions?

10          A     Yes.

11          Q     Were there things that she -- well, after you talked  
12 to the lady who asked you a whole lot of questions, then what?

13          A     Then I guess we had -- I guess we had got taken to  
14 another like location in Child Haven, like a room where they  
15 like put all the kids.

16          Q     Okay. So you didn't go back to Blankenship?

17          A     No.

18          Q     Did you go to mom?

19          A     No.

20          Q     After you went to Child Haven, where did you go?

21          A     After Child Haven, I guess Ms. Johnson. That's when  
22 we like first met her.

23          Q     Is that your foster mom?

24          A     Yes. So she picked us up and she had just took us  
25 to her house. And she was like this is where you all would be

1 like living.

2 Q Okay. And you said you thought you lived with her  
3 for about a year?

4 A Uh-huh.

5 Q Is that a yes?

6 A Yes, like a year.

7 Q Okay. And did you come to court and testify in this  
8 building at another hearing --

9 A Yes.

10 Q -- over the summer? Okay. Are you okay, Taharah?

11 A Uh-huh.

12 Q Is that a yes?

13 A Yes.

14 Q Okay. Thank you.

15 MS. LUZAICH: I would pass the witness.

16 THE COURT: Okay. I'm getting that signal that we  
17 need a break, so I appreciate that. We're going to take a  
18 lunch recess.

19 During this recess you're admonished not to talk or  
20 converse amongst yourselves or with anyone else on any subject  
21 connected with this trial, or read, watch, or listen to any  
22 report of or commentary on the trial or any person connected  
23 with this trial by any medium of information, including  
24 without limitation, newspapers, television, the Internet, or  
25 radio, or form or express any opinion on any subject connected

1 with this trial until the case is finally submitted to you.  
2 We'll start again at 2:00. Thank you.  
3 (Jury recessed at 12:21 p.m.)  
4 MS. LUZAICH: Judge, can we real quick --  
5 THE COURT: Sure.  
6 MS. LUZAICH: -- after they -- you know, can we  
7 approach?  
8 THE COURT: Yes.  
9 (Bench conference)  
10 MS. ALLEN: Oh, not tomorrow. Wednesday.  
11 MS. LUZAICH: Yeah.  
12 MS. ALLEN: Oh, my God.  
13 MS. LUZAICH: I have a witness that has a plane  
14 tonight, so --  
15 THE COURT: Okay.  
16 MS. LUZAICH: -- I asked them if it's okay with the  
17 Court, it's CPS, it's the investigator, if I could just call  
18 her when we come back. She'll be quick, and then --  
19 THE COURT: That's fine.  
20 MS. LUZAICH: -- finish Taharah.  
21 THE COURT: I don't care.  
22 MS. ALLEN: I don't care.  
23 THE COURT: Because I think Taharah --  
24 MS. ALLEN: It's going to be some time, yeah.  
25 THE COURT: I mean, it's going to be --

1 MS. ALLEN: And if she can't read still, I don't  
2 know if she's gotten better.

3 MS. LUZAICH: She can read a little. I asked her  
4 this morning just because I didn't want to embarrass her.

5 THE COURT: Okay. Because what are we going to do  
6 about that? I know you guys brought that to my attention.

7 MR. MacARTHUR: It would be easier to take the clerk  
8 into the hallway with you rather than have the jury dismissed.  
9 We were just thinking about ways to make it faster.

10 MS. ALLEN: We'll help to read her -- or someone  
11 will have to read her her -- the -- if it's impeachment.

12 THE COURT: Yeah, but it --

13 MS. LUZAICH: Are you going to -- what are you going  
14 to use to impeach her? Are you going to use all three  
15 statements? I mean --

16 MS. ALLEN: Well, prelim, probably --

17 MS. LUZAICH: That's what I mean, two statements and  
18 prelim?

19 (End of bench conference)

20 MS. ALLEN: Two prelims.

21 THE COURT: But in all --

22 MS. ALLEN: There's like two questions from --

23 MS. LUZAICH: Okay

24 THE COURT: In all fairness, I go out there and read  
25 it to her? I'm not sure she'd be able to remember what I read



1 to her.

2 MS. RHOADES: She may not. She may not.

3 MS. ALLEN: I mean --

4 THE COURT: I mean, she's in middle school and she  
5 cannot read at all?

6 MS. ALLEN: She's --

7 MS. LUZAICH: A little. She can --

8 MS. ALLEN: -- learning disabled.

9 MS. LUZAICH: Yeah, she is learning disabled, but  
10 she can read a little.

11 MS. ALLEN: So we'll see how it goes. I mean, she  
12 -- the last time I crossed her she was just -- she wouldn't  
13 read anything. So she just agreed to anything. I have no  
14 idea.

15 MS. LUZAICH: And that's possible.

16 MS. ALLEN: Maybe do you remember testifying to "x"?  
17 Uh-huh. Like she may not. I don't know. That's how she was  
18 last time. If you put some candy up there we might --

19 MS. LUZAICH: Not funny.

20 MR. MacARTHUR: That was funny.

21 MS. ALLEN: She had a Rollo at prelim and she was  
22 just like this.

23 MS. LUZAICH: I know. I know. And playing with it.

24 MS. ALLEN: And I stop --

25 THE COURT: Poor thing.

1 MS. ALLEN: -- in the middle of my prelim and I was  
2 like do you want to finish your candy? Oh, yeah. And she  
3 just kept playing with it.

4 MS. LUZAICH: She was.

5 MS. ALLEN: And I was like, do you need a tissue?  
6 No.

7 MR. MacARTHUR: Do you want to eat it?

8 MS. ALLEN: I was like just stop playing with the  
9 damn candy.

10 THE COURT: Sometimes I think we expect kids to act  
11 more grownup. They act like kids.

12 MR. MacARTHUR: Uh-huh.

13 MS. ALLEN: So anyways. So we'll see.

14 THE COURT: Okay.

15 (Court recessed at 12:24 p.m., until 2:13 p.m.)

16 (Jury is present)

17 THE COURT: Do the parties stipulate to the presence  
18 of the jury panel?

19 MS. ALLEN: Yes.

20 MS. LUZAICH: Yes, Your Honor.

21 THE COURT: Okay. You can recall your witness.

22 MS. RHOADES: Your Honor --

23 THE COURT: I'm sorry. I forgot. At this time,  
24 ladies and gentlemen, the State is going to call a witness out  
25 of order, so the last witness we're going to stop with, we

1 stopped with direct examination, and the State is going to  
2 call a witness out of order just because of scheduling  
3 reasons.

4 MS. RHOADES: Thank you, Your Honor. Sholeh  
5 Nourbakhsh is the State's next witness.

6 SHOLEH NOURBAKHSH, STATE'S WITNESS, SWORN

7 THE CLERK: Thank you. Please be seated. Could you  
8 please state your full name, spelling your first and last name  
9 for the record.

10 THE WITNESS: Yes. Sholeh Nourbakhsh. My first  
11 name is S-H-O-L-E-H. My last name is N-O-U-R-B-A-K-H-S-H.

12 THE CLERK: Thank you.

13 THE COURT: You can proceed.

14 MS. RHOADES: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MS. RHOADES:

17 Q How are you currently employed?

18 A I work for Child Protective Services in the state of  
19 Texas.

20 Q And how long have you worked there for?

21 A Approximately three and a half months.

22 Q When did you move to Texas?

23 A December 16th of 2013.

24 Q Prior to working at the CPS in Texas, did you work  
25 in Clark County?

1           A     Yes.

2           Q     What did you do in Clark County?

3           A     I was a Senior Child Protective Services

4 Investigator.

5           Q     And is that with Department of Family Services?

6           A     Correct.

7           Q     How long did you work there as an investigator?

8           A     Approximately nine and a half years.

9           Q     And what unit did you work in?

10          A     I worked in the North B unit, and then I moved to

11 the sexual abuse unit.

12          Q     Besides an investigator, have you done other things

13 at CPS?

14          A     Yes.

15          Q     What have you done?

16          A     I was a permanency worker for approximately a year

17 and three months.

18          Q     And then you were an investigator after you were a

19 permanency worker?

20          A     Correct.

21          Q     What kind of training and education have you had to

22 do those jobs at CPS and Clark County?

23          A     Initially you apply to have a Bachelor's degree,

24 which is what I have. And then we went through our new

25 employee training through Clark County. And they taught us

1 various trainings of the process of investigations,  
2 reunifications, reunification with family members, the Unity  
3 system of where we do our documentation, diverse training,  
4 hostile family members or people in the community for, you  
5 know, training purposes and how to deal with accordingly.  
6 Throughout the years we did what's called a Clint Holder  
7 training that taught us how to conduct child and family team  
8 meetings where we come together for the family's sake for  
9 possible reunification and for placement purposes. Then I  
10 went through when I entered into sex abuse, I went through  
11 forensic training in 2009 with -- it was with Metro Police  
12 Department and North Las Vegas Police Department and Child  
13 Protective Services. There was me and another investigator  
14 and we completed the first witness forensic training for  
15 children. Then in 2011 we went through additional forensic  
16 training.

17 Q As an investigator in the sex abuse unit, what are  
18 your -- what were your job duties?

19 A To investigate cases that dealt with sexual abuse.  
20 And at times you would have additional allegations that were  
21 in addition to the sexual abuse. Sometimes you had drug  
22 abuse, sometimes you had physical abuse, sometimes you had  
23 emotional abuse.

24 Q I'm going to direct your attention to  
25 September/October of 2012. Were you working at CPS in Clark

1 County at that time?

2 A Yes.

3 Q Back then did you become involved in an  
4 investigation involving two girls named Taharah and Taquanda?

5 A Yes.

6 Q Is this Taharah and Taquanda Duke?

7 A Yes.

8 Q How old was Taharah Duke when you became involved in  
9 the investigation?

10 A I believe 12 years old.

11 Q And how old was Taquanda when you became involved in  
12 the investigation?

13 A I believe she was 11.

14 Q How is it that you became involved in the  
15 investigation with those two girls?

16 A In September of -- I believe it was September 26th I  
17 received a report regarding sexual abuse allegations that were  
18 against Frederick Harris and Lealer Cook. She also went by  
19 the name of Ann.

20 Q How did you receive this report?

21 A Well, typically what happens is that Child  
22 Protective Services will receive a phone call through our  
23 hotline service, and then through our hotline service it gets  
24 directed out to the associated unit, which in this particular  
25 case was our sexual abuse unit. Our supervisor of the unit

1 will review the cases that come in, and then they get  
2 distributed to the investigators at work.

3 Q And did your supervisor review this case and then  
4 assign it to you?

5 A Correct.

6 Q What did you do after you were assigned this case?

7 A Once me and my supervisor had staffed the case, a  
8 copy of the report gets sent to the corresponding law  
9 enforcement agency. In this particular case it was assigned  
10 to Metro. And then once that got assigned the office that we  
11 particularly work in is called the CAC or Children's  
12 Assessment Center of Southern Nevada. And we are housed with  
13 law enforcement, CPS, and medical doctors who perform the SCAN  
14 exams for our cases. So at that point the case was assigned  
15 to Detective Nick Madsen, and him and I, we staffed the case  
16 together.

17 Q And Detective Nick Madsen works for Metro; is that  
18 right?

19 A Yes.

20 Q After you staffed the case with Detective Madsen,  
21 what -- what did you do?

22 A Well, him and I, we discussed the next steps as to  
23 what to take. And we have a joint investigation. Law  
24 enforcement usually takes the lead, and in this particular  
25 case for law enforcement they would do what's called a same

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IN THE SUPREME COURT OF THE STATE OF NEVADA

\* \* \* \* \*

FREDERICK HARRIS,

S.C. CASE NO. 69093

Appellant,

Electronically Filed  
Jun 17 2016 08:55 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

vs.

THE STATE OF NEVADA,

Respondent.

APPEAL FROM JUDGMENT OF CONVICTION  
(JURY TRIAL)  
EIGHTH JUDICIAL DISTRICT COURT  
THE HONORABLE JUDGE MICHELLE LEAVITT , PRESIDING

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APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME XVII  
~~~~~

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IN THE SUPREME COURT OF NEVADA

FREDERICK HARRIS,

CASE NO. 69093

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

OPENING BRIEF APPENDIX

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**CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court 17<sup>th</sup> day of June, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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