IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDERICK H. HARRIS, JR., # 1149356, Appellant, vs. STATE OF NEVADA, Respondent.	)	CASE NO.: **81257, 81255** **E-FILE** D.C. Case No.: **A-18-784704-W** **C-13-291374-1** Dept.: **XII**

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APPELLANT'S APPENDIX VOLUME VII

Appeal from a Denial of Post Conviction Relief
Eighth Judicial District Court, Clark County, Nevada

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MASTER INDEX

Case No's.: 81255, 81257

Document (file stamp date in parenthesis)	Volume	Page No.
Amended Judgment of Conviction-Jury Trial (11-14-2016)	X	**2474** - 2479
Clerk's Certificate of Judgment (11-28-2017)	X	**2485** - 2486
Defendant's Reply to State's Response to Motion for New Trial (07-09-2014)	I	**0102** - 0116
Defendant's Motion for New Trial (04-28-2014)	I	**0081** - 0087
Findings of Fact and Conclusions of Law & Order [heard 4/23/2020] (05-21-2020)	XI	**2567** - 2598
Information: Case No. C-13-291374-1 (07-23-2013)	I	**0001** - 0015
Instructions to the Jury (04-11-2014)	I	**0016** - 0069
Judgement of Conviction, Jury Trial (11-02-2015)	I	**0119** - 0124
Motion to Consolidate Supreme Court Case **81255** with Case 81257 (07-13-2020, 1:25 p.m.)	XI	**2602** - 2604
Motion to Consolidate Supreme Court Case **81257** with Case 81255 (07-13-2020, 1:27 p.m.)	XI	**2605** - 2606
Notice of Appeal to Supreme Court of Nevada (10-27-2015) ..	I	**0117** - 0118

Notice of Appeal to Supreme Court of Nevada (05-27-2020) .. **XI** **2599** - 2600

Notice of Entry of Findings of Fact, Conclusions of Law and Order (05-28-2020) ..... **XI** **2601**

Order of Affirmance [NSC 69093](05-24-2017) ..... **X** **2480** - 2484

Order Consolidating Appeals (07-28-2020)..... **XI** **2618**

Petition for Writ of Habeas Corpus [PC] (11-16-2018) ..... **X** **2490** - 2497

Remittitur: NSC 69093 (12-07-2017) ..... **X** **2487** - 2489

Reply to State's Response to Supplemental Post Conviction Petition for WHC [heard 4/23/2020] (04-10-2020) ..... **XI** **2561** - 2566

Supplemental Points & Authorities in support of Writ of Habeas Corpus for Post Conviction Relief (11-01-2019) ..... **X** **2498** - 2500

Supplemental Points & Authorities in support of Writ of Habeas Corpus for Post Conviction Relief (11-01-2019) ..... **XI** **2501** - 2528

State's Opposition to Defendant's Motion for New Trial with Exhibits [heard 6/19/2014] (06-13-2014) ..... **I** **0088** - 0101

State's Response to Petitioner's Supplemental Post Conviction Petition for WHC [heard 4/23/2020] (04-06-2020) ..... **XI** **2529** - 2560

Transcript: Evidentiary Hearing re: Defendant's Motion for New Trial [heard 11/24/2014] (12-30-2015) ..... **X** **2381** - 2440

Transcript: Evidentiary Hearing re: Defendant's Motion for New Trial [heard 6/30/2015] (12-30-2015) ..... **X** **2441** - 2461

Transcript: Hearing re: Post Conviction Petition for Writ of Habeas Corpus [heard 4/23/2020] (07-15-2020) ..... **XI** **2607** - 2614

Transcript: Hearing re: Confirmation of Counsel and Petition for WHC [heard 6/20/2019] (07-15-2020) ..... **XI** **2615** - 2617

Transcript: Sentencing [heard 10/27/2015] (12-30-2015) ..... **X** **2462** - 2473

Transcript, Jury Trial - Day **1**[heard 3/25/2014](12-30-2015) . **I** **0125** - 0249

Transcript, Jury Trial - Day **1**[heard 3/25/2014](12-30-2015) . **II** **0250** - 0309

Transcript, Jury Trial - Day **2**[heard 3/26/2014](12-30-2015) . **III** **0310** - 0500

Transcript, Jury Trial - Day **2**[heard 3/26/2014](12-30-2015) . **III** **0501**- 0557

Transcript, Jury Trial - Day **3**[heard 3/27/2014] (12-30-2015) . **III** **0558** - 0733

Transcript, Jury Trial - Day **4**[heard 3/31/2014] (12-30-2015) . **III** **0734** - 0749

Transcript, Jury Trial - Day **4**[heard 3/31/2014] (12-30-2015) . **IV** **0750** - 0880

Transcript, Jury Trial - Day **5**[heard 4/1/2014] (12-30-2015). **IV** **0881** - 1000

Transcript, Jury Trial - Day **5**[heard 4/1/2014] (12-30-2015). **V** **1001** - 1048

Transcript, Jury Trial - Day **6**[heard 4/2/2014] (12-30-2015). **V** **1049** - 1250

Transcript, Jury Trial - Day **7** [heard 4/3/2014] (12-30-2015). **VI** **1251** - 1433

. . .

Transcript, Jury Trial - Day **8** [heard 4/4/2014] (12-30-2015). **VI** **1434** - 1501

Transcript, Jury Trial - Day **8** [heard 4/4/2014] (12-30-2015). **VII** **1502** - 1687

Transcript, Jury Trial - Day **9** [heard 4/7/2014] (12-30-2015). **VII** **1688** - 1750

Transcript, Jury Trial - Day **9** [heard 4/7/2014] (12-30-2015). **VIII** **1751** - 1878

Transcript, Jury Trial -Day **10** [heard 4/9/2014] (12-30-2015). **VIII** **1879** - 1998

Transcript, Jury Trial -Day **10** [heard 4/9/2014] (12-30-2015). **IX** **1999** - 2055

Transcript, Jury Trial -Day **11** [heard 4/10/2014] (12-30-2015). **IX** **2056** - 2235

Transcript, Jury Trial -Day **12** [heard 4/11/2014] (12-30-2015). **IX** **2236** - 2250

Transcript, Jury Trial -Day **12** [heard 4/11/2014] (12-30-2015). **X** **2251** - 2367

Transcript, Jury Trial -Day **14** [heard 4/15/2014] (12-30-2015). **X** **2368** - 2380

Verdict (04-15-2014) ..... **I** **0070** - 0080

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CERTIFICATE OF SERVICE

I hereby certify that I am an assistant to Terrence M. Jackson, Esquire, am a person competent to serve papers and not a party to the above-entitled action and on the 29th day of October, 2020, I served copy of the foregoing: Appellant, Frederick H. Harris', Opening Brief as well as Volumes I through XI of the Appendix, as follows:

[X] Via Electronic Service to the Nevada Supreme Court, to the Eighth Judicial District Court, and to the Nevada Attorney General by U.S. mail with first class postage affixed to the Petitioner/Appellant as follows:

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By: */s/ Ila C. Wills*
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A No.

Q Never read them?

A No.

Q Okay. But you did ask for them?

A Yes.

Q Okay. So from that point that's when you make your home visits and you end up talking with everybody, I think, on the 19th?

A Yes.

Q Okay. And you said everybody was fairly cooperative, is that correct?

A Yes.

Q And even the girls, is that right?

A Yes.

Q They seemed like they were okay talking to you?

A Yes.

Q You said that the girls appeared to be healthy, is that correct?

A Yes.

Q Taharah was a little slower than her sister?

A Yes.

Q Were they -- were they thin, were they a healthy weight? Would you consider them maybe a little overweight? How would you characterize their weight and their appearance?

A Me, I would consider them normal and healthy.

Q Healthy weight. Okay. They weren't starved or thin or --

A No. I would have been looking for like bones or something and that was not the case, no.

Q Okay. You didn't see ribs?

A No.

Q Okay. As part of your home visit do you check the cabinets to see if there's food? Do you check to make -- I mean, that type of thing?

A Yes.

Q All that seemed okay?

A Yes.

Q On one appearance wasn't Ann actually cooking?

A That would have been on the visit on January 10th.

Q Okay. She was actually making dinner or something, is that correct?

A Yes.

Q Okay. Do you pull school records as part of your investigation?

A I would, but as it was the Christmas break, I did not.

Q Okay. Why would you pull school records?

A To make sure that the girls are attending school on a regular basis.

Q All right. So as you sit here today you have no

idea if they were attending school on a regular basis?

A Just from what the girls said, so I would assume.

Q Okay. Did they seem like they were?

A Yes.

Q All right. You've been working with abused kids for awhile?

A Yes.

Q Can one indication of abuse be poor grades in school?

A Yes.

Q Okay. Is that a good indication, in your mind?

A To me it's just an indication.

Q Okay, it's just an indication?

A Uh-huh.

Q Okay. So a kid could potentially have good grades and being abused at home, is that right?

A Yes.

Q Okay. But if you see a kid with bad grades, that could be an indication that there's something going on at home, is that right?

A There's something going on, yes.

Q And it carries over into their school, their school work?

A Yes.

Q Okay. When you talked to Taquanda and Taharah, do

you recall asking them if they wanted to return to their mother?

A I don't know the exact words, but that was my question, yes.

Q You asked if they wanted to go, because they weren't living with their mom, they were living with a guardian, is that correct?

A Yes.

Q And you asked them if they wanted to go with Tina?

A Yes.

Q Okay. Do you remember what their response was?

A They liked to visit but not to lived.

Q They didn't want to live with their mom, is that correct?

A Correct.

Q Did they tell you that they were not afraid of Fred?

A That is correct.

Q Okay. That they had a pretty safe -- a good relationship with Ann and they felt safe in the home, is that correct?

A Yes.

Q Okay. Did they disclose any instances of physical abuse to you at that point?

A That was from past cases. That had already been investigated.

Q And unsubstantiated, is that correct?
A Yes.
Q And the girls didn't say that they were abused in any way, did they?
A No, they did not.
Q And you certainly didn't see any abuse, like black eyes or bruising, is that correct?
A That is correct.
Q Okay, because certainly had you seen that you would have done something at that point, is that right?
A Yes.
Q Okay. You have to be really careful with these cases, don't you?
A Yes.
Q Your investigation has to be fairly thorough --
A Yes.
Q -- because you're dealing with children?
A Yes.
Q And your entire job is to protect children, is that correct?
A Yes.
Q All right. You said that because of the allegations you asked Fred -- you said to Fred, you know, we would ask that you voluntarily move out of the home and if you don't agree to that then we would remove the girls just until the

investigation is complete, is that correct?

A That's correct.

Q And he -- I think you said he voluntarily agreed to move out because he didn't want to uproot the girls?

A Yes, that's correct.

Q They were -- Did he ever mention to you that they were doing well in school? Do you remember that at all?

A I don't remember that.

Q You're sitting there going through your mental notes, aren't you?

A Yes.

Q Okay, fair enough. So in January you come back to visit them again, is that correct?

A Yes.

Q And do you recall Taharah telling you, Taharah and Taquanda telling you they hadn't seen Fred?

A That's correct.

Q And Taharah doesn't understand why he can't be at home but she wants him back?

A Yes.

Q Okay. Did Taquanda seem the same way? Did she seem that she wanted Fred back in the home?

A Yes, because it was normally Fred who was there when they came home from school.

Q Okay. And did you inquire or did you know if Fred

was working or employment history? Do you remember any conversations with him about that?

A At that time he was not working.

Q Okay. This is in January of 2012. Do you recall Taharah and Taquanda relating to you that they knew about Victoria's allegations but that they didn't believe her?

A That's correct.

Q You said this case -- or you recommended some classes both for Fred and Ann, is that right?

A Yes.

Q And you said you gave them the names of providers, I think Red Rock Counseling, is that correct?

A Yes.

Q Okay. And you said you never got anything back as far as them attending parenting classes or the boundaries classes, is that right?

A That's correct.

Q Could they have gone somewhere else?

A For the boundaries, no. The only provider for the boundaries is Red Rock.

Q Okay.

A And then for the non-offending parenting class Ann could have went other places, but she had been in contact with our provider already and was scheduled to go the next session, so.

Q Okay. All right. Now, you talked about like when you get sort of to the end of your investigation. I call it a title, but you sort of have an outcome, right, and it's substantiated -- Can you go through those again for me? I apologize.

A At the end it's either substantiated or unsubstantiated.

Q Okay. And you said -- I thought there were two subparts on unsubstantiated.

A There is. You can unsubstantiated and close it with no recommendations or you can unsubstantiated with recommendations.

Q Okay. There's no -- there's no title, I guess, at the end, like this -- it didn't happen or -- the only thing you can say is unsubstantiated, is that correct?

A That's correct.

Q Okay. You don't make a determination like, oh, it didn't happen? In fact, in your mind it's just we couldn't prove it, is that correct?

A Correct.

Q Okay. And when you go into this is that sort of your mindset, it's whether or not we can prove it or not, is that right?

A When I go into a case, I go into it very neutral. I don't know what's the outcome going to be. I go where the

interviews and the investigation takes me, so it's a matter of if I can prove it.

Q Okay. And did you relate to Detective Aguiar that it was unsubstantiated?

A Yes.

Q Okay. And that you were closing the case?

A Yes.

Q Okay. And you closed it -- Do you remember when you closed it?

A I closed it on January 23rd and my supervisor finally closed it on February 2nd.

Q Okay. Of 2012?

A Yes.

Q Okay. And did you have any further visits concerning this, your case with the Dukes?

A No, I did not.

Q Okay. But you did say that you saw them later?

A Yes.

Q Okay. When did you see them later, do you remember?

A I don't recall exactly when. It was when the new case came in.

Q Okay. So this would have been later in 2012?

A Yes.

Q Maybe September, October? Fall?

A Maybe around that time.

Q Okay. When you saw -- and when you saw them, it was Taharah and Taquanda, is that right?

A Yes.

Q And did they appear to be in the same physical condition as they were when you interviewed them almost the year ago?

A Yes.

Q Okay. They were healthy looking?

A Yes.

Q You didn't see any bruising or --

A No.

Q Okay. And they weren't malnourished?

A No.

Q Okay. All right.

MS. ALLEN: Thank you, Your Honor.

THE COURT: Thank you. Any redirect?

MS. LUZAICH: Just briefly.

REDIRECT EXAMINATION

BY MS. LUZAICH:

Q Ms. Tibbs, in your notes you say that Fred told you -- Fred reports that he told law enforcement last night he did not do anything to Victoria, correct?

A Correct.

Q So he didn't tell you he told law enforcement that he had sex with Victoria regularly after she turned nineteen?

A No.

Q He didn't tell you that he told --

MS. ALLEN: Judge, objection. That misstates -- the facts are not in evidence and it's misstating the testimony.

THE COURT: Okay. Do you want to approach?

(Bench Conference)

MS. ALLEN: Victoria in fact said --

THE COURT: Okay. All the lawyers are up at the bench.

MS. ALLEN: Victoria didn't say that they had been having sex regularly after the age of nineteen.

MS. LUZAICH: Fred did.

MS. ALLEN: No, he didn't. He said it happened like one time.

THE COURT: Well, the thing I'm concerned about is why is this witness being asked this because she only deals with minors?

MS. ALLEN: Yeah, that's true.

MR. MACARTHUR: Good point.

MS. LUZAICH: No, but because -- well, he lied to her. He told her he didn't do anything to Victoria. He told her that the night before he told the police he didn't do anything to Victoria. The night before he told the police he had sex with her.

MS. ALLEN: Yeah, one time, though.

MS. LUZAICH: And he had sex with her and her mom.

MS. ALLEN: Yeah, but one time.

MS. LUZAICH: Okay, then I'll rephrase. I thought it was more, but.

MS. ALLEN: I thought it was one time. I mean, I don't -- yeah, you're right about the CPS and that she doesn't have anything to do with it. And that clearly misstates Victoria's testimony. She said it was like months after.

MS. LUZAICH: No, she didn't.

MR. MACARTHUR: Well, she said it was once or twice after this date.

MS. ALLEN: Right, and which is we're dealing with now.

MR. MACARTHUR: The date that we're talking about.

THE COURT: Okay. Then how old was she?

MS. ALLEN: She was an adult.

MR. MACARTHUR: Nineteen.

THE COURT: Okay.

MR. MACARTHUR: Or twenty.

THE COURT: You can rephrase it then.

MS. ALLEN: Nineteen or twenty. Yeah.

(End of Bench Conference)

MS. LUZAICH: I'll rephrase my question.

BY MS. LUZAICH:

Q So he did not tell you that he had sex -- that he did have sex with Victoria but after she was nineteen?

A He did not.

Q And he did not tell you that he had sex with Victoria and her mother at the same time?

A He did not.

Q He did not tell you that he had sex with Victoria and her mother using a two-sided dildo?

A No, he did not.

Q He did not tell you that he had sex with Victoria and her mother using a vibrator?

A He did not.

Q When Detective Aguiar had told you about no disclosure, that was not person to person, was that in an email?

A That was in a Unity note that I saw.

Q Oh, so in a note?

A Yes.

Q And it was no sexual allegations, correct?

A Correct.

Q When Ms. Allen asked you about poor grades being an indication of abuse, people can get poor grades when there's no abuse at all, correct?

A Correct.

Q People can get good grades when there's regular abuse, correct?

A Correct.

Q And you've experience both in your many years with CPS?

A Yes.

Q And although you didn't speak with Detective Aguiar personally until January, you were trying to communicate with him and emailing back and forth, correct?

A Yes.

Q Thank you.

MS. LUZAICH: I have nothing further.

THE COURT: Any recross?

RECROSS EXAMINATION

BY MS. ALLEN:

Q At some point you determined, or I guess you found out that Fred had admitted to having sex with Victoria in that time frame, like in December of 2001, is that correct?

A Yes.

Q And she was nineteen or twenty years old about that time?

A Yes.

Q Okay. And is it against the law for someone at nineteen to have sex with someone who's forty, fifty?

A No.

Q That's not against the law?

A No.

Q What's the age of consent in the State of Nevada?

A Sixteen.

Q Okay, thank you.

MS. ALLEN: Oh, I'm sorry, Court's indulgence.

BY MS. ALLEN:

Q I apologize. Just back to the grades just briefly. As you said, bad grades versus good grades is not necessarily an indicator of an abusive home, is that correct?

A Correct.

Q If there is a sudden change in grades for the worse, that would seem to indicate maybe something was going on in the child's life, is that correct?

A That's what that would tell me.

Q And versus maybe a sudden change improving, substantially improving their grades, that could also indicate a change in the child's life, is that correct?

A Yes.

MS. ALLEN: Okay. Thank you.

THE COURT: Anything else?

MS. LUZAICH: No.

THE COURT: Okay. At this time we're going to take a recess. During this recess you are admonished not to talk or converse among yourselves or with anyone else on any

subject connected with this trial, or read, watch or listen to any report of or commentary on the trial or any person connected with this trial by any medium of information, including without limitation newspapers, television, Internet and radio, or form or express any opinion on any subject connected with this trial until the case is finally submitted to you.

We'll be in recess for fifteen minutes. Thank you. And just for the record, the witness is excused.

(Court recessed from 10:40 a.m. until 10:59 a.m.)

(Jury is not present)

MS. LUZAICH: Judge, can we just -- if they're coming in now, after they leave but before we leave for lunch can we just on the record talk about the redactions in the defendant's statement?

THE COURT: Sure.

(Jury is present)

THE COURT: Do the parties stipulate to the presence?

MS. LUZAICH: Yes.

MS. ALLEN: Yes, Your Honor.

THE COURT: Okay. Go ahead and call your next witness.

MS. RHOADES: Yes, Your Honor. The State calls Taquanda Duke.

TAQUANDA DUKE, STATE'S WITNESS, SWORN

THE CLERK: Thank you. Please have a seat. And could you please state your full name, spelling your first and last name for the record.

THE WITNESS: Taquanda Duke.

THE COURT: Okay, you're going to have to speak up, okay? State your name and then spell it for us.

THE WITNESS: Taquanda Duke. T-A-Q-U-A-N-D-A D-U-K-E.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. RHOADES:

Q Hi, Taquanda.

A Hello.

Q How are you doing today?

A Okay.

Q How are you feeling?

A Okay.

Q Do you remember you testified before, is that right?

A Yeah.

Q Remember you have to say yes or no, you can't say uh-huh or uh-uh. Do you remember that?

A Yes.

Q Can you do that for me today?

A Yes.
Q How old are you, Taquanda?
A I'm thirteen.
Q When is your birthday?
A October 3rd.
Q What year were you born?
A 2000.
Q What grade are you in right now?
A Seventh.
Q Where do you go to school?
A At Brown Middle School.
Q What's your favorite class? Do you have one?
A English.
Q Why is English your favorite class?
A Because I like to read and I like how the teacher teaches.
Q What kind of things do you do in English class?
A We learned about the Holocaust.
Q What else do you do in there?
A We practice for the CRTs.
Q What are the CRTs? I don't know what they are.
A It's like a test that you take at the end of the school year, like everything that you learned.
Q Do you have a sister that goes to the same school as you?

A Yes.
Q What's her name?
A Taharah.
Q Does she have the same last name as you?
A Yes.
Q What grade is she in right now?
A She's in 8th.
Q How old is she?
A She's fourteen.
Q Do you like going to the same school as your sister?
A Yes.
Q How come?
A Because at first when you go there you don't really have a lot of friends, so we can just hang out with them.
Q You hang out with your sister a lot?
A Yes.
Q What's your mom's name, Taquanda?
A Tina.
Q And what's her last name?
A Duke.
Q Who do you live with right now?
A My mom.
Q Does anyone else live with you?
A My other sister, Mahlica.

Q Anyone else?
A And my other sister, Taharah.
Q So it's you and Taharah and Mahlica and mom, is that right?
A Yes.
Q Where do you guys live?
A 1100 Center Street.
Q When did you start living at 1100 Center Street with mom?
A I don't remember. Sometime.
Q Take your time. Just think for me, did you start living with her last year?
A Yes.
Q Do you remember what month?
A No.
Q Do you remember what it was around? Was it around the holidays that you started living with her?
A No. I don't remember.
Q Was it toward the beginning of the year or the end of the year?
A It was after the second semester.
Q In school?
A No, after the first.
Q When does the second semester in school start?
A I'm not sure.

Q But it was sometime last year, is that right?
A Yes.
Q Okay. And before you started living with mom last year, did you live with someone else?
A Yes.
Q Who is that?
A Ms. Johnson.
Q And who's Ms. Johnson?
A My foster mom.
Q How long did you live with your foster mom?
A For like a year.
Q Do you remember when you started living with your foster mom?
A In October.
Q Of what year?
A Twelve.
Q October, 2012?
A I think.
Q Who did you live with at Ms. Johnson's house?
A Only her and her sister and my sister.
Q You and Taharah lived there?
A Yeah.
Q Can you tell me what was it like living there?
A It was okay.
Q What do you mean by --

A We went to the park, we went out to eat sometimes. We went to friends houses sometimes. We went to school and we went to church.

Q Before October 2012, before you lived with Ms. Johnson, did you live somewhere else?

A Yes.

Q Where was that?

A 966 Blankenship.

Q Who did you live there with?

A It was me and my sister, Ms. Ann and Fred.

Q Just the four of you?

A And Sha'karia.

Q Who is Sha'karia?

A Ms. Ann's god-daughter.

Q And who is Ms. Ann?

A My guardian.

MS. RHOADES: Your Honor, may I approach your clerk?

THE COURT: Sure.

MS. RHOADES: And may I approach the witness?

THE COURT: Uh-huh. Yes.

BY MS. RHOADES:

Q Taquanda, I'm showing you what's already been admitted as State's Exhibit No. 1. Do you recognize the person in that photograph?

A Yep. Yes.
Q Who is that?
A Ms. Ann.
Q And is that your guardian?
A Yes.
Q Was she your guardian October 2012?
A Yes; I think.
MS. LUZAICH: It hasn't been admitted.
MS. RHOADES: Oh, it hasn't?
MS. LUZAICH: Now you can have it --
MS. RHOADES: Oh. I would move for the admission of State's Proposed Exhibit 1. I'm sorry, I thought that it had been admitted.
MS. ALLEN: No. No objection.
THE COURT: It's admitted.
MS. RHOADES: Thank you.
(State's Exhibit 1 admitted)
BY MS. RHOADES:
Q And you said Fred lived in that house as well. Do you see Fred in the courtroom today?
A Yes.
Q Can you point to him and identify something that he's wearing?
A He's wearing blue, a blue shirt, and he has dreads.
Q Can you point to where he's sitting in the

courtroom?

MS. RHOADES: And, Your Honor, may the record reflect the identification of the defendant?

THE COURT: So reflected.

BY MS. RHOADES:

Q When is it that you came to live at the Blankenship house?

A Uh --

Q Are you tired?

A Yeah, I just woke up.

Q Were you sleeping in front of -- right outside of the courtroom?

A Yes.

Q Have you come to the court for this trial a couple of days?

A Yes.

Q And have you had to sit in front of the courtroom waiting to testify?

MS. ALLEN: Judge, objection, relevance.

THE COURT: Sustained.

THE WITNESS: Yes.

THE COURT: The objection was sustained, so when I sustain the objection, don't answer, okay? Thank you.

THE WITNESS: Yes.

THE COURT: Thank you.

BY MS. RHOADES:

Q When is it that you came to live at the Blankenship house?

A In '07.

Q Do you remember what month?

A No.

Q Was it toward the beginning of the year, toward the end of the year?

A I don't remember.

Q How old were you in 2007 when you came to live in Las Vegas?

A Seven.

Q Where were you living before you came to Las Vegas in 2007?

A In Utah.

Q How long did you live in Utah for?

A Some years.

Q How many?

A Some years. I don't know.

Q Some years; you don't know exactly how many?

A Uh-uh. No.

Q Who did you live in Utah with?

A My mom, my sister Mahlica, Vicky, Taharah, me, and that's all.

A How many siblings do you have?

Q Four.

A Can you tell me their names and how old they are right now?

Q Taharah, she's 14. Mahlica, she's nine-- no, 20. And Vicky, she's 21. And Shabazz, he's 19.

A And Shabazz is your older brother, is that right?

Q Yes.

A In Utah did you live with all four of your siblings and your mom?

Q Yes.

A Do you remember what kind of place you guys lived in in Utah?

Q In an apartment.

A Did anyone else live in that apartment besides your family?

Q No.

A Before you moved to Utah, where did you live?

Q I really don't know.

A Did you live in Las Vegas before you moved to Utah?

Q I'm not sure. I think.

A When you say you think, what do you think you remember before living in Utah?

Q I don't know, 'cause I heard a lot of stories where we was in Louisiana and then we was in Vegas.

MS. ALLEN: Judge, objection.

THE COURT: Sustained. We just want to know what you know, okay?

BY MS. RHOADES:

Q Okay, Taquanda, so just tell me what you know. When is the furthest back that you remember? Where were you living, the furthest back you can remember?

A In Las Vegas.

Q And do you remember what year?

A No.

Q Was this before you went to Utah or after you went to Utah?

A I'm not sure.

Q Do you remember living in Utah?

A Yes.

Q And the last thing that you can remember is living in Las Vegas, like the furthest back you can remember living in Las Vegas. That's what you just told me, is that right?

A Yes.

Q So was that before Utah?

A Yes.

Q Do you remember where you were living at in Las Vegas before Utah?

A Trish Lane or something like that.

Q How old were you when you were living at Trish Lane?

A I don't remember.

Q Do you remember who lived at Trish Lane?

A I know I was there. I don't -- I think my family was there if I was there, and I remember Ms. Ann being there and Fred being there and Sha'karia being there.

Q Do you remember if Fred lived there?

A I don't remember. I just remember seeing him.

Q Do you remember anything else about the house on Trish Lane, how it was like to live there?

A I don't remember. I just remember there was some dogs and there was a back door. That's all I can remember.

Q When you were in Utah, how was it like living in Utah?

A It was fun.

Q Why was it fun?

A Because me and my sister would take adventures going to the park, and then I remember there was a water park and we had some friends there that we would go see.

Q Did you hang out with all of your sisters while you were living in Utah?

A Yes.

Q Did you go to school while you were in Utah?

A Yes.

Q Do you remember what grade you were in?

A Kindergarten.

Q Is there a time that you did not live with your mom while you were in Utah?
A Yes.
Q Can you tell me what happened, if you remember?
A I don't remember what happened.
Q Where were you living, if not with your mom?
A In Springville.
Q Was this with a foster family?
A Yes.
Q When you lived with a foster family, did you live with all your siblings or did you guys get split up?
A It was just me and Taharah that went together.
Q And do you know where your other siblings went?
A No.
Q Did you get to see your other siblings while you were living with the foster family?
A No.
Q And do you remember a time when your mom got you guys back in Utah?
A Yeah.
Q And did you live in that same apartment that you told us about earlier?
A Yes.
Q After Utah, when did you move to Vegas?
A I don't remember how long we stayed there until we

moved to Vegas.

Q But you came to Vegas from Utah?

A Yes.

Q Do you remember how you got to Las Vegas from Utah?

A In a car.

Q Who was driving the car?

A Fred.

Q Do you remember what the car looked like?

A No. It was a dark color.

Q What time of day or night did Fred pick you guys up?

A I don't know. I just know it was at night.

Q Did you have some of your stuff packed?

A Yes.

Q Who got in the car when Fred came?

A My whole family.

Q You and your brother and your sisters and your mom, is that right?

A Yes.

Q Were you tired? Do you remember?

A I had just been sleeping.

Q On the way, do you remember the drive from Utah to Las Vegas?

A Yes.

Q What were you doing during the drive, if you remember?

A I was sleeping and then I was awake. I just kept on falling asleep and then waking up.

Q When you guys arrived in Las Vegas, where did you go?

A To the 966 Blankenship house.

Q Who went to the Blankenship house?

A It was all my sisters except for Vicky and my mom. She didn't go.

Q Do you know where Vicky and your mom went?

A They went to Walnut.

Q Is that an apartment?

A Yes.

Q Were you surprised that Vicky and mom didn't stay with you at the Blankenship house?

A Yes.

Q Why were you surprised?

A Because I thought they was going to come with me.

Q So everyone except mom and Vicky went into the Blankenship. What did you do when you got there?

A I don't remember.

Q Do you remember who was there when you arrived?

A Yeah, there was some other people there.

Q Do you remember their names?

A No.

Q When you moved into the Blankenship house, did you

start school?

A Yeah.

Q What grade were you in?

A First.

Q Where did you go to school?

A H.P. Fitzgerald.

Q Was this close to the Blankenship house?

A Yeah. Yes.

Q Did you walk to school?

A Yes.

Q Did Taharah go to H.P. Fitzgerald, too?

A Yes.

Q And would you guys walk to school together?

A Yes.

Q Did Shabazz go to school?

A Yes.

Q Do you know where he went?

A I think he went to Sedway.

Q How about Mahlica, did she go to school?

A Yes.

Q Do you know where she went?

A To West.

Q You said you remember your mom and Vicky living in an apartment on Walnut. Would you go visit them?

A Yes.

Q How often would you go visit them?
A I'm not sure.
Q How would you get over to the Walnut apartment?
A Someone would drive us.
Q Who would drive you?
A Ms. Ann and Fred.
Q Did you and Taharah live at Blankenship from when you moved back from Utah all the way until September 2012?
A Yes.
Q Did Ms. Ann live there for the entire time as well?
A Yes.
Q And did Fred live there for the entire time as well?
A Yes.
Q Was there a time that Vicky and mom moved into Blankenship?
A Yes.
Q Do you remember what year this was?
A No.
Q Do you remember what grade you were in school when they moved in?
A No.
Q Do you remember how long they stayed when they moved in?
A No.

Q Before mom and Vicky moved into Blankenship, can you describe for me what was it like living at that house?

A (No audible response).

Q Are you okay, Taquanda?

A Uh-huh. I'm thinking.

Q Okay.

A I remember, but I don't --

Q What do you mean?

A Like -- I don't know.

Q Before mom and Vicky moved into the Blankenship house, did things happen that you didn't like?

A Oh. Yeah.

Q What kind of things happened that you didn't like?

A I didn't like how we was being treated.

Q You didn't like how you were being treated by who?

A Fred.

Q How was Fred treating you?

A Rude.

Q What do you mean by rude?

A The way he talked to us.

Q And when you say "us," who do you mean?

A My sisters. Shabazz. Like, Mahlica, Taharah, Shabazz and me.

Q What kinds of things would he say to you that you didn't like?

A I don't remember exactly what he said. They were rude things and actions.

Q Do you remember anything that he said to Shabazz that you heard that you didn't like?

A No.

Q Before mom and Vicky moved in, was Fred ever physically abusive to you?

MS. ALLEN: Judge, objection, leading.

THE COURT: You are leading. Sustained.

BY MS. RHOADES:

Q You did say that there were some actions that Fred did that you didn't like. What were these actions before mom and Vicky moved in toward you? Does that make sense?

A Can you say it again?

Q Sure. You said that there were some actions that Fred did that you didn't like. What were those actions?

A I didn't like how he would -- sometimes like when we were in trouble, we would get a whooping, or --

Q And we're just going to talk about your right now, and this is before mom and Vicky moved in. When you say you got in trouble, what kind of things would you get in trouble for?

A I can't remember.

Q When you got in trouble, you said you would get a whooping. What -- Can you describe that?

A He would hit us with a belt.

Q Now, just about you. How many times did he hit you with a belt?

A More than once. More than --

Q Was this --

A Huh?

Q Was this before mom and Vicky moved in?

A Yes.

Q He hit you with a belt more than once?

A Yes.

Q When he hit you with a belt, where on your body would he hit you?

A My bottom.

Q Where -- Did this occur in the Blankenship house?

A Yes.

Q Where in the house did it occur?

A His room.

Q How did it feel when he did that?

A It hurt.

Q Did it ever leave any marks?

A It left like -- you know how it looks not swollen but like it makes your skin pop out more. I forgot what it's called.

Q But that's what it left on your body?

A Yeah.

Q That was one time. Do you remember another time before mom and Vicky moved in that he hit you with a belt?

A No.

Q Did you ever see Fred hit Shabazz at all?

MS. ALLEN: Judge, objection, leading.

THE COURT: Sustained.

BY MS. RHOADES:

Q Did you ever see Fred do anything to Shabazz before mom and Vicky moved in?

A Yes.

Q What did you see him do?

A I saw him punching him.

Q Where were Shabazz and Fred when this was happening?

A They was in the kitchen where the slide door was on the other side of the counter.

Q Where were you when this was happening?

A I was in the hallway.

Q Describe what you saw Fred do to Shabazz.

A He was hitting him.

Q What part of Fred's body was hitting what part of Shabazz' body?

A His fist was hitting him in the stomach.

Q Just in the stomach?

A Like, and where the face is, on the face.

Q Was this with a closed hand or an open hand?
A I can't remember.
Q Did you hear Fred saying anything while he was doing this to Shabazz?
A I heard them talking but I don't know exactly what they were saying.
Q Did you see Shabazz and Fred after this happened?
A Yes.
Q Can you describe what Shabazz looked like?
A It was just like his face was -- his face was red. It wasn't red, but it was -- like, you know how you get punched and some people's skin turns red. Yeah.
Q Did you see any other marks on Shabazz from that incident?
A No.
Q Was there another time that you saw Fred do anything to Shabazz before mom and Vicky moved in?
A Yes.
Q Can you describe that for us?
A In the garage.
Q What did you see Fred do to Shabazz in the garage?
A I didn't see him do nothing because the door was closed.
Q Did you hear Fred do something to Shabazz in the garage?

A At first you would hear talking and then you would hear like, you know, in the movies when they make the sound effects when people get punched; like the dude (sic) sound effect, not the punching sound effect.

Q Were the only people in the garage at that time Shabazz and Fred?

A Yes.

Q Did you hear any other noises except for that punching sound effect?

A No.

Q Did you see Shabazz after this happened?

A Yes.

Q Did you see any marks on him?

A He had like a blood vessel, like, you know how it gets red.

Q What part of his body did you see that on?

A His eye.

Q Did you see any other marks on him from that time?

A No.

Q Was there another time that you saw Fred do something to Shabazz before mom and Vicky moved in?

A No.

Q What about Mahlica, did you see Fred do anything to Mahlica before mom and Vicky moved in?

A Yes.

Q Describe for us what you saw.
A He was choking her.
Q Where were Fred and Mahlica when this was happening?
A They was -- there was a dresser, then there was a bed, then there was a mirror on the side.
Q Were they in a bedroom?
A Yes.
Q Whose bedroom were they in?
A It was I guess me, Taharah and Mahlica, we were sharing one.
Q That's where Fred and Mahlica were, is that right?
A Yes.
Q Where were you?
A I was on the bed.
Q In the same room?
A Yes.
Q What did you see happen?
A Okay. So he came in there and then he asked this question, I don't remember, and then he was counting down, you got some seconds to answer, and then she didn't answer.
Q And then what did you see Fred do?
A Choke her.
Q And when you say he choked her, describe -- can you describe a little bit more for us?

A Like, his hands were around her neck.
Q Was it one hand or both hands?
A I can't remember.
Q Was Fred saying anything while this was happening?
A No.
Q Did you see Mahlica after -- well, did Fred eventually let her go?
A Yeah.
Q And how did Mahlica appear after he let her go?
A Her neck was red and she was just kind of gasping for air.
Q Did you see Fred do anything else to Mahlica before mom and Vicky moved in?
A No.
Q How about Taharah, did you see Fred do anything to Taharah before mom and Vicky moved in?
A Yeah.
Q What did you see?
A I guess Taharah got RPC'd, so she got a whooping, and then they was going down the hallway with it.
Q What's RPC mean?
A It's like where you get kicked out of school, like you've got to have a parent-teacher conference or something.
Q Where were you in the house when this happened?
A I was in the same room. My room.

Q The room that you shared with your sisters?
A Uh-huh.
Q Did you hear what Fred was saying to Taharah?
A Yeah, but I can't remember.
Q What did you see Fred do?
A I saw her -- I saw him whoop her.
Q And when you say whoop her, what do you mean?
A Like, with a belt.
Q What part of her body did the belt hit?
A All over.
Q Was it on her front side or her back side?
A I can't remember. It was all over, like.
Q Okay. And you said they were going down the hallway with it. What do you mean by that?
A 'Cause I guess she was trying to get away, so.
Q How do you know she was trying to get away?
A Because she was moving out of the way.
Q And what was Fred doing while she was doing this?
A Catching up to her and beating her.
Q And when you say going down the hallway, how did they get down the hallway?
A 'Cause she kept on moving.
Q How did Fred get her down the hallway?
A She moved herself down the hallway.
Q Oh, so she was like running away from him?

A Yes.

Q Where did they end up after she was running away from him in the hallway?

A At the end of the hallway.

Q Did you see what happened at the end of the hallway?

A I guess he just stopped.

Q Did you see Taharah after this happened?

A Yes.

Q How did she appear?

A She had the things that make your skin come up. I forgot what it's called.

Q Is it red?

A Yeah.

Q What you described before?

A Uh-huh.

Q Where did you see those marks on her body?

A On her arms and her back and her stomach and her legs.

Q Did you ever see Fred do anything else to Taharah before mom and Vicky moved in?

A That's all I can remember.

Q How about to you? Did Fred do anything to you before mom and Vicky moved in?

A No, not that I can remember.

Q Now, when mom and Vicky moved in, did you ever see Fred do anything to your mom?
A Yes.
Q Describe for us what you saw Fred do to your mom.
A He was hitting her with a belt.
Q Where in the house were Fred and your mom?
A In the garage.
Q Where were you?
A I was on the couch.
Q In the garage?
A In the garage.
Q Was there anyone else in the garage when this was happening?
A I can't remember.
Q Where did you see Fred hit your mom with a belt?
A It was -- you couldn't see.
Q You couldn't see where he was hitting her with the belt?
A No.
Q How did you know he was hitting her with a belt?
A Because you can see the light when a door opens where he had come in and what he had in his hand, and then you could hear the whippings of the belt when he hit her. The light -- there wasn't no light over there.
Q Was it night time when this was happening or

daytime?

A Night.

Q Was the light in the garage on or off?

A It was off.

Q Did you see your mom after this?

A No.

Q Did you see Fred do -- Did you hear Fred say anything while this was happening?

A He said turn down the music because she was playing some loud music.

Q Did you ever see Fred do anything else to your mom at the Blankenship house?

A Yes.

Q What else did you see him do?

A I didn't see, I heard.

Q Okay. Tell me what you heard him do.

A Can I just tell the story?

Q Yeah.

A Okay. So it was at night and I needed to use the bathroom, so I was getting up to use the bathroom. I saw him go down the hall and then I couldn't see him after that, but I heard him knocking on a door, said open the door, and then she wouldn't open it. So I didn't see him bust down the door, but I heard him, and then --

Q Where was this door leading to?

A Into the room that my mom was staying in.
Q Was this the garage?
A No.
Q It was another room?
A Yes.
Q Did you hear him do something to the door?
A Yes.
Q What did you hear?
A Banging, like trying to get in.
Q And what did you hear after that?
A And then you could hear that -- you could hear them talking, like open the door and stuff, and then you could hear when he had like got the door open from busting it down. And then that's all.
Q Could you hear what he was saying at the time?
A It was something about some money.
Q Did you see the door after this happened?
A The next morning I did.
Q Okay. What did the door look like the next morning?
A It was all busted. Like, it was a hole in it.
Q And it wasn't like this the day before, is that right?
A Right.
Q Did you ever hear Fred do anything else to your mom while at Blankenship?

A That's all I can remember.

Q How about Victoria, did you see Fred do anything to Victoria while at Blankenship?

A I can't remember.

Q What about Shabazz? After your mom and Vicky moved in, did you see Fred do anything to Shabazz?

A I can't remember.

Q How about Mahlica?

A No.

Q How about Taharah?

A Yeah.

Q What did you see Fred to do Taharah?

A I couldn't see what he was doing, but I saw their hand.

Q Okay. I'm going to step back just a minute. So, did there come a time when mom and Vicky moved out of the Blankenship house?

A Yes.

Q Do you remember what month that was in?

A No.

Q Do you remember what year?

A No. I just know it was in the summertime.

MS. RHOADES: Court's indulgence.

BY MS. RHOADES:

Q What grade did you go into when mom and Vicky moved

out of the house? If you remember.

A I can't remember. But I know when I was in 5th grade I was going to see them.

Q Where were you going to see them at?

A At the Alexander.

Q When mom and Vicky moved out of the Blankenship house, where did they move to?

A They moved to these apartments.

Q Are those apartments on Alexander?

A No.

Q Or is that a different apartment?

A No. That's the name of the apartments, but it was on Craig and Commerce.

Q Could they have been the St. Andrews Apartments?

A Uh-huh. Yes.

Q Did mom and Vicky live anywhere else after the St. Andrews Apartments?

A It was Mahlica and Shabazz with them at the St. Andrews, too.

Q Okay. So when mom and Vicky moved out, Shabazz and Mahlica went with them?

A Yes.

Q Did you and Taharah stay in the Blankenship house?

A Yes.

Q Did there come a time when mom and your brother and

your two sisters moved from St. Andrews to somewhere else?

MS. ALLEN: I would just ask for clarification about which sisters.

THE COURT: Okay.

BY MS. RHOADES:

Q So who lived in the St. Andrews apartment?

A It was just Vicky, Mahlica, Shabazz and my mom.

Q Did there come a time when they moved from the St. Andrews apartment to somewhere else?

A Yes.

Q And did they all move together?

A Yes.

Q All those same people that you just told me about?

A Yes.

Q Where did they moved to?

A They moved to the house we're staying at now.

Q Is that in Henderson?

A Yes.

Q Do you know what street that's on?

A Center Street.

Q After mom and Vicky moved in to the Blankenship house, did Fred do anything to you?

A Not that I can remember.

Q Tell me about what you saw Fred do to Taharah.

A When?

Q Everything. The first thing that you can remember, what Fred did to Taharah.

MS. ALLEN: Your Honor, I would object as to a foundation. What are we talking about?

THE COURT: Yeah, 'cause you're kind of jumping around, so maybe -- so it's clear for the witness.

MS. RHOADES: Sure.

BY MS. RHOADES:

Q Sorry, Taquanda. So after -- so we talked about before mom and Vicky moved into Blankenship. We talked about some of the stuff that you saw happen and some of the stuff that you heard happen. Do you remember that?

A Yes.

Q So after mom and Vicky moved in, did you see Fred do anything to Taharah?

A No. I can't remember. No.

Q When mom and Vicky moved out with Shabazz and Mahlica, did you see Fred do anything to Taharah?

A Yes.

Q Tell me how many things did you see Fred do to Taharah?

A I can remember two.

Q Tell me about the first one.

A It was me, my play cousin Anaya (phonetic) and my sister. We was outside and Taharah, she had lost something

when we was playing in the rocks, and I guess it was time for us to go in or something and Taharah, she was still looking for something and there were some dudes out there and I guess she went to go talk to them. Then Fred said to come in and I guess she got in trouble for talking to them dudes.

Q Do you remember what grade you were in when this happened?

A No.

Q Do you remember what year it was in?

A No.

Q So when you say she got in trouble, how did she get in trouble?

A She got a whooping.

Q What did you see happen?

A I just saw her and Fred go down the hall to his room and then I heard her getting a whooping.

Q What noises specifically did you hear?

A You can hear Taharah crying and then --

Q Did you hear anything else?

A At first you can hear them talking. I don't know what they was talking about.

Q How did they get down that hallway?

A They walked.

Q When mom and your brother and sisters lived at the St. Andrews apartment, would you go over to that apartment

and visit?

A Yes.

Q How would you get there?

A Either Fred or Ann, they would drive us.

Q When they drove you -- well, when Fred drove you would he stay at the apartment, too, or would he just drop you guys off?

A Sometimes he would stay for a minute and then watch a movie or something, and then he would go. And then we would stay and then he would come back to pick us up.

Q Would you always go, you and Taharah together?

A Yes.

Q Now, when Ann took you guys, would she stay for a little bit or would she just drop you guys off?

A I can't remember, but I know she would drop us off.

Q When mom and Shabazz and Mahlica and Victoria moved the Henderson apartment on Center Street, would you go visit them there?

A Yes.

Q And you and Taharah would go?

A Yes.

Q Would Fred and Ann take you?

A Yes.

Q When Fred took you, would he just drop you off or would he stay for a little bit, or both?

A Both.

Q How about Ann, do you remember?

A I remember one time she came in and she had sat down and she was -- there was talking, and I guess she was saying hi and stuff.

Q And that was at the Henderson apartment?

A Yes.

Q Do you remember talking to some police in December 2011?

A Yes.

Q Can you describe what time of day or night were you talking to the police?

A There was this one time, it was like in the morning after one o'clock.

Q Was that the first time that you spoke to police?

A I don't remember.

Q Do you remember what kind of police, like where they came from? Did they come from the Metropolitan Police Department or from Henderson?

A I don't remember.

Q Where did you talk to the police at in that incident when you talked to them after one in the morning?

A In the kitchen.

Q Of where?

A At Ms. Ann's house.

Q Is that the Blankenship house?
A Uh-huh.
Q And that's where you were living at the time?
A Yes.
Q So the police came to that Blankenship house and talked to you there?
A Yes.
Q Do you know why the police came and talked to you?
A No.
Q Do you remember what you told the police during that interview?
A No.
Q Do you remember how you were feeling during that interview?
A I was feeling tired.
Q Do you remember if you cried during that interview?
A I don't remember.
Q Did you -- after that interview did you meet with someone from Child Protective Services?
A You got a name?
Q Do you remember a name in 2011 when you talked to someone from CPS?
A I talked to a lot of people, but I don't know when.
Q Do you remember talking to someone named Bobbie Tibbs?

A Yeah.

Q Was that shortly after you gave that statement to the police after one in the morning? If you remember.

A Yes.

Q Did you like Bobbie?

A Yes.

Q Did you and Taharah both talk to her?

A Yes.

Q But Bobbie wasn't there for your interview with the police, is that right?

A I saw her there, but we didn't -- I was just like, Hi. She didn't talk. She wasn't the one that was interviewing me.

Q Is that another interview that you're talking about, Taquanda?

A Uh-huh. Yes.

Q So not that first interview at Blankenship?

MS. ALLEN: Judge, objection, leading.

THE COURT: You are leading, but I'll allow you to clarify.

MS. RHOADES: Thank you, Your Honor.

BY MS. RHOADES:

Q The first interview at Blankenship after one in the morning, was Bobbie Tibbs there?

A After?

Q No, just when you gave the interview to the police.
A No.
Q Who was in the room with you when you gave that interview?
A What was the first -- can you restate the first question, please?
Q Sure. That interview that you gave after one in the morning, in the middle of the night; you know the one I'm talking about at Blankenship in the kitchen?
A Yes.
Q Who was in the kitchen with you?
A Oh, it was only me and this policeman.
Q Do you remember how many policemen? Was it just one or more than one?
A One.
Q Did you tell the police that the kids at Blankenship get whoopings?
MS. ALLEN: Objection, Your Honor, leading.
THE COURT: Sustained.
BY MS. RHOADES:
Q Taquanda, do you know if the interview was transcribed, like written out? Do you know if it was written out?
A It was recorded.
Q It was recorded?

A Yes.

Q Would it refresh your recollection as to the things that you told the police that night at Blankenship if you looked through your written statement?

A Yes.

Q And the writing is from the transcription.

MS. ALLEN: Your Honor, I don't think she indicated she didn't remember.

THE COURT: I don't know if there's a question pending.

MS. ALLEN: She didn't indicate she didn't remember anything, Your Honor, so I would object.

THE COURT: Maybe you should ask a question first.

BY MS. RHOADES:

Q Do you remember telling the police during this incident at Blankenship when you interviewed with them anything that Fred did to you?

A I don't remember.

Q Do you think it might help you remember if you were able to look through a transcription of your interview?

A Yes.

THE COURT: Okay. You can approach.

MS. RHOADES: Thank you, Your Honor. And for the record, I'm going to be showing her pages 9 through 16 at this time.

BY MS. RHOADES:

Q So if you can just look at that and then look up at me when you're finished looking through pages 9 through 16.

MS. ALLEN: Your Honor, can we approach?

THE COURT: Yes, you may.

(Bench Conference)

THE COURT: All four lawyers are present. Go ahead.

MS. ALLEN: The question is, do you remember Fred doing anything to you?

MS. RHOADES: Right.

MS. ALLEN: Nine through sixteen deals with Shabazz and things that -- it doesn't deal with her. I mean, her being grounded.

MS. RHOADES: She talks about all of them throughout and she said she didn't remember what she told the police anyway about each individual one.

THE COURT: Well, the question was, do you remember telling the police anything Fred did to you?

MS. RHOADES: Right.

THE COURT: Are those -- is that --

MS. RHOADES: I think it's in there.

MS. LUZAICH: The first question she asked was do you remember what you told the police and she said no, she doesn't remember what she told the police. So she tried to ask more questions and then it was objection, leading, so.

THE COURT: Okay. So do you want her to review the entire transcript? I mean, she can do that during lunch break. But the question that was pending was did you --

MS. RHOADES: You. Yeah.

THE COURT: -- remember telling the police anything Fred did to you?

MS. RHOADES: I mean, she talks about all of them throughout. She talks about Shabazz during those pages, too.

THE COURT: Okay. Does she talk about herself?

MS. RHOADES: I think so.

THE COURT: You think so or --

MS. RHOADES: She does.

MS. ALLEN: Those pages specifically deal with Shabazz and her mom.

THE COURT: They don't deal with this witness?

MS. RHOADES: Let me go get my -- I don't know if those exact pages --

MS. LUZAICH: Just ask a new question.

MS. RHOADES: Yeah, I can direct her to a different page. I have the notes at my --

THE COURT: Okay.

MS. LUZAICH: Ask a new question. Whatever.

THE COURT: Okay, you guys can confer.

MS. RHOADES: Okay.

THE COURT: But if 9 through 16 doesn't apply to

the question, then it doesn't apply.

MS. RHOADES: Okay. I'll just show her each page that deals with each person.

THE COURT: Okay.

(End of Bench Conference)

MS. RHOADES: May I approach the witness, Your Honor?

THE COURT: Uh-huh.

MS. RHOADES: Thank you. I'm going to borrow this, okay, Taquanda?

THE WITNESS: Uh-huh.

BY MS. RHOADES:

Q Do you remember telling police, and we're just talking about the interview at Blankenship, okay, Taquanda?

A Okay.

Q Do you remember telling police that Fred ever did anything to Shabazz?

A Yes.

Q What did you tell police that Fred did to Shabazz?

MS. ALLEN: Judge, I would object as asked and answered. We did already go through this.

MS. RHOADES: No, we did not.

THE COURT: Okay, go ahead. You can answer.

BY MS. RHOADES:

Q What did you tell police that Fred did to Shabazz?

A In that interview?

Q Yes.

A That the day he had got in trouble for beating up this disabled kid or something and he got in trouble for that.

Q What did you tell the police that Fred was doing to Shabazz?

A It was the same day that they was going in the garage.

Q Do you remember telling police that Fred was just beating Shabazz up?

A Yes.

Q Do you remember telling police that Fred gave Shabazz bruises?

MS. ALLEN: Judge, objection, leading.

THE COURT: Sustained.

BY MS. RHOADES:

Q Do you remember what else you told police about Fred and Shabazz during this interview?

A That's all I can remember.

Q Did you tell police during this interview if Fred ever did anything to your mom?

A Yes.

Q Going back to Shabazz, do you remember telling police if Fred ever hurt Shabazz such that his eyes turned red?

MS. ALLEN: Objection, leading, Your Honor.

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

THE WITNESS: Yes.

BY MS. RHOADES:

Q Was this about the incident where they were in the garage?

A Yes.

Q And what did you tell police during this interview about Fred doing to your mom?

A She had a black eye.

Q Do you remember the police asking if any of that stuff ever happened to you?

A Yes.

Q Do you remember what you said?

A No.

Q Were you telling the truth?

A Yes.

MS. ALLEN: Objection, Your Honor. She said she doesn't remember.

THE COURT: I think --

MS. RHOADES: She just said that she did remember saying that.

THE COURT: Is she telling the truth today or when she gave the statement?

MS. RHOADES: When she gave the statement.

THE COURT: Okay, maybe you should clarify that because I didn't understand.

MS. RHOADES: Okay. Sorry, Your Honor.

BY MS. RHOADES:

Q Do you remember telling the police that no, none of this stuff every happened to you? Do you understand the question? I'm sorry, Taquanda, it sounds messy, huh?

A Yes.

Q Okay. During this interview at the Blankenship house, do you remember the police asking you did that stuff ever happen to you?

A Yes.

Q Do you remember saying no?

A No for what stuff? Like a black eye? No.

Q Do you remember telling the police that you were scared?

A Yes.

MS. ALLEN: Objection, Your Honor, leading.

THE COURT: You are leading. If you could stop leading the witness.

MS. RHOADES: Sorry, Your Honor, I apologize.

THE COURT: It's okay.

BY MS. RHOADES:

Q Do you remember telling the police how you felt?

A A little bit.

Q I'm sorry, honey?

A A little bit.

Q Do you remember that you told them?

A Not exactly.

Q Would it refresh your recollection if I show you your transcript as to what you told them about how you were feeling?

A Sure.

THE COURT: Okay, you can approach.

MS. RHOADES: And for the record, I'm showing her pages 15 through 16 and the bottom of 14.

BY MS. RHOADES:

Q Taquanda, if you could just look through the bottom of 14 and page 15 and 16. And you can just look up at me whenever you're done. Are you done reviewing those pages?

A Yes.

Q After looking at that, is your memory refreshed? Do you remember what you told police that night about how you were feeling?

A Yes.

Q What did you tell police that night about how you were feeling?

A I said I was scared because I didn't know what was going to happen.

Q Why else did you tell police that you were scared?
A Because I didn't know if I was safe or not, like --
Q Did you tell them any reason other than that why you were scared?
A No.
Q Did you say that you were scared because --
MS. ALLEN: Judge, objection, leading.
MS. RHOADES: I can approach again. And it's a prior inconsistent statement.
THE COURT: Okay, why don't you approach the bench so I can see what you're going to do.
(Bench Conference)
THE COURT: Okay, all four lawyers are present. Do you know what the question pending is? You know, did you tell the police that you were scared? She gave the reasons why. She's given a couple of them.
MS. RHOADES: She also told them she's scared because I'm afraid Fred is outside.
THE COURT: What?
MS. RHOADES: She also said because I'm afraid Fred is outside. And she's not remembering that. I showed her it. Now it's a prior inconsistent statement at this point. She's saying no, she doesn't remember. I mean, I can refresh her recollection again and have her read it again.
THE COURT: She didn't say no, she didn't remember.

She said no. You said, you know, is there any reason --

MS. RHOADES: It's a prior inconsistent --

MS. LUZAICH: Right. It's a prior inconsistent statement.

MS. ALLEN: I appreciate that, but unfortunately they're just not getting the answer that they want. This is my concern, and it's not just this one --

THE COURT: Well, that happens a lot of times.

MS. ALLEN: It does happen a lot of times, believe me; more on my end than theirs. But the problem I'm having is that it's kind of this leading to coax the answers out of them and I'm objecting a lot. Obviously it's suggesting the answer. The Court is obviously sustaining them, but the damage is being done. And so I would just ask that the State be cautioned about continued leading.

THE COURT: Well, I think I did.

MS. ALLEN: Oh, you are sustaining all of our objections, but the problem is --

THE COURT: (Indiscernible) Don't lead the witness any further.

MR. MACARTHUR: More concisely, Judge, there's information the State wants to get out. If the witness doesn't remember, they ask a leading question. We object, we sustain, but then it reminds them of where they want to go and problem solved. And so after four or five of these

I think what Betsy is saying is that she's making an objection moving forward in limine.

THE COURT: Okay. But now she said no, that there was no other reason that she felt scared and now it's a prior inconsistent statement, which is not hearsay.

MS. ALLEN: Okay.

(End of Bench Conference)

THE COURT: Okay, go ahead.

MS. RHOADES: Thank you, Your Honor.

BY MS. RHOADES:

Q Taquanda, did you tell the police that night that you were afraid, that you were scared 'cause I'm afraid Fred is outside? Did you tell the police that?

A I guess I did, but I don't remember.

THE COURT: Okay, we don't want you to guess. We just want you to give us an honest answer.

BY MS. RHOADES:

Q Okay. So you don't remember saying that?

A No.

MS. RHOADES: May I approach the witness, Your Honor?

THE COURT: You may.

BY MS. RHOADES:

Q I'm showing you page 15 of your transcript. At the top of page 15 will you follow along with me. Where it says

Q and A, would you agree that the Q means a question and the A means that's an answer that you gave them?

A Yes.

Q Can you talk into the microphone? I'm probably blocking you.

A Yes.

Q The Q says: "Okay. Well, I hope -- I hope I'm making you -- am I making you scared, Taquanda? Okay, how come? You're not in trouble, you know that, right?" And then the answer is: "'Cause I'm afraid Fred is outside." Is that right?

A Yes.

Q Okay. Do you remember telling the police anything about anything that Fred did to Taharah during that interview?

A No.

Q If you look at your statement, would that refresh your recollection as to anything you told the police about what Fred did to Taharah?

A Yes.

MS. RHOADES: Your Honor, may I approach the witness?

THE COURT: You may.

BY MS. RHOADES:

Q I'm showing you 13 and 14. Okay, Taquanda, can you

just look at the bottom of 13 and then all of page 14, review that and look up at me when you're finished. Are you finished?

A Yes.

Q Okay. After looking at that, does that refresh your memory as to what, if anything, you told the police about what Fred did to Taharah?

A Yes.

Q What did you tell police that Fred did to Taharah that night?

A That the day she got RPC'd from school she had got a whooping down the hall.

Q After the police came that night, what happened the next day?

A I don't remember.

Q You said that there were two things that you saw Fred do to Taharah and you explained one of those things. Can you explain the second?

A The one in the laundry room?

Q Is that the second thing that happened, that you saw happen with Fred and Taharah?

A Yeah.

Q What did you see happen in the laundry room then?

A I didn't see, I heard.

Q Tell me about the laundry room.

A The story?

Q Yes.

A Okay. So after school me and my sister went to sleep and I was asleep up under the bed on the floor. Not my body, my whole body wasn't under the bed, but like some of my body was, about half. And I was sleeping in front of a mirror and my sister, she had went to bed on her bed that was right by the wall. And when we were sleeping I guess Fred, he came in there and then he went to Taharah and he said, where's your sister? And then he had pointed and said, over there, but she was pointing at me. And then I guess Fred made some signal or did something for her to get up and go out of the room. So they went out of the room and then I saw them go down the hall because of the mirror. And then when they went down the hall I saw them go back up and then they went in his room. I don't know what they was doing. Finally they came out and then they went back.

Q Back where?

A They went in the back, like in the back where the garage was, but they didn't go in the garage.

Q Okay. So you shared a room with Taharah, is that right?

A Yes.

Q Was that in a hallway?

A Yeah. Yes.

Q On the other side of your room, what rooms are on the other side of the hallway?

A Okay. So there is the room that we used to stay in and there was like the master bedroom and then there was another room that was the living room and that was all the rooms. And then there was our room.

Q Where is the laundry room in relation to your room?

A It's on the right side. It was the second door down after the bathroom.

Q Is your room on the right or the left side?

A Left.

Q When you heard Fred come in and say, where's your sister, he was saying that to Taharah?

A Yes.

Q Could you see this through the mirror?

A Yes.

Q When Taharah got up and walked out of the room, did you get up?

A No.

Q Did you get up at all during that time?

A Yes.

Q When did you get up?

A I got up after they went in the back. I don't know where they was at that time.

Q What's in the back? Where do you mean by the back?

A Where I couldn't see them anymore, like towards the garage way.

Q What did you see happen next?

A I didn't see anything. I got up and then I stood in the doorway and then I was looking for Taharah, so I went in the bathroom and I looked for her, and then I had wanted to go see the time, and then I had stood in the door again.

Q When you say you stood in the door again --

A Like in-between like here. You're not stepping out but you're -- there's the hallway and then there's the room and then you're just standing in-between.

Q Do you mean the door of your room?

A Yeah.

Q And what happened after that?

A And then after that that's when I had saw their hand 'cause the laundry door room was cracked, it was cracked where you could see their hand. And so I saw Fred's hand over Taharah's hand. And then I heard whispers and belt buckles.

Q When you say you heard belt buckles, what do you mean by that?

A Like, you know the metal part with the two hooks -- not hooks but the two things that go through the loop, that part, the metal part.

Q Was anyone else home at this time?

A No.

Q Was it in -- Do you remember what time of day it was?

A I don't remember the time.

Q Was it on a school day or not a school day?

A It was on Friday.

Q Was it after you guys had gotten home from school?

A Yes.

Q And you said that you and Taharah were in the room sleeping. Were you guys going to bed for the night or were you taking a nap?

A No, it was like a nap after school.

Q What happened after that?

A After that, uh --

Q After you saw the hands in the laundry room. Can you describe for me how you saw -- how the hands were?

A They were hands. They were up and then --

Q Up on what? Like, where were the hands?

A They were on this part. Like, you know, when you close the door there's like -- I don't know what it's called, and then there's another one and then -- I can't explain it.

Q Was the door to the laundry room open or closed?

A It was cracked.

Q So it was open a little bit?

A Yeah.

Q Were the hands on the door?

A No. It was on the part where the lock is -- not the lock, but you know where that part where it's like a little square and it has a dent in it so when the door closes the little thing that hangs out the door can go in there?

Q Yes.

A You know what I'm talking about?

Q I do.

A That one.

Q So kind of the door frame, is that what you're talking about?

A If that's what it's called, then yeah.

MS. ALLEN: Objection, Your Honor.

THE COURT: Sustained.

BY MS. RHOADES:

Q How were the hands positioned? Did you see -- how many hands did you see?

A Two.

Q And who did those hands belong to?

A My sister and Fred's.

Q You were describing that metal thing that the door closes into. Were the hands above that metal thing or below that metal thing?

A Above.

Q How much above, a lot or a little?

A A lot.

Q When you say a lot above, were they as tall as you or were the hands above that?

A Shorter.

Q Shorter than your height, is that right?

MS. ALLEN: Objection, leading.

THE COURT: Do you understand the question?

THE WITNESS: Yes.

THE COURT: Okay, then you can answer.

THE WITNESS: It was above me.

MS. ALLEN: It was what? I apologize, Your Honor, I missed it.

MR. MACARTHUR: It was above me.

MS. ALLEN: Oh, okay. Thank you.

BY MS. RHOADES:

Q What did you do immediately after you saw this?

A I had went in the garage 'cause I knew things was going to change 'cause I was there. I know they just wasn't going to walk out, so I had run in the garage. And then after that I had saw my sister -- no, first I saw Fred. He was going back into his room. And then I had looked for my sister and she was coming out of the bathroom.

Q Do you remember what day this happened?

A It was Friday. That's all I know.

Q Do you remember what month you were in?

A May.
Q Do you remember what year?
A No.
Q Do you remember what grade you were in?
A Fifth grade.
Q Was this before your mom and your siblings moved out of the Blankenship or was it after your mom and your siblings moved out of the Blankenship?
A After.
Q Did you see Taharah after this happened?
A Yes.
Q How did she look?
A The same.
Q Had you ever seen anything like this happen prior to this incident?
A No.
Q Did you talk to Taharah about what happened?
A Yeah.
Q Did you talk to her about it that same day?
A Yeah.
Q Did you tell anybody else what happened?
A Yeah.
Q Who did you tell?
A Ms. Ann.
Q When did you tell Ms. Ann?

A The same day when she got home.
Q Where were you guys at when you told Ms. Ann this?
A Outside.
Q What did you tell Ms. Ann?
A That Fred had molested Taharah.
Q Who else, if anyone, was with you when you told Ms. Ann?
A It was just her.
Q Just you and Ms. Ann?
A Uh-huh. Yes.
Q Where was Fred?
A There was -- he was working on a car.
Q Do you want some water?
A No, thank you.
Q Okay. Was Fred outside?
A Yes.
Q Was Ann outside, also, when you told her?
A Yes.
Q But you didn't tell them together, is that right?
A Right.
Q How did Ms. Ann react?
A She was just like --
MS. ALLEN: Your Honor, objection to hearsay.
THE COURT: I'm sorry, what?
MS. ALLEN: Objection to hearsay. I would just

advise the witness not to answer what Ms. Ann said.

THE COURT: Okay. You can ask it a different way where she doesn't have to tell us what she said.

BY MS. RHOADES:

Q Without telling me what Ms. Ann said when you told her, what was her attitude like?

A It's like she didn't show any emotions.

Q What happened after -- after that day, after you told Ms. Ann?

A She had asked Taharah what happened.

Q Were you there when she asked Taharah what happened?

A Yeah.

Q What did you think was going to happen after that?

A I don't know.

Q Did you think you and Taharah were going to stay in the house?

MS. ALLEN: Judge, objection, leading.

THE COURT: Sustained.

BY MS. RHOADES:

Q Did you think Ms. Ann was going to do anything after you told her?

A I wasn't sure if she was going to do anything.

Q Did you go to see a doctor after you told Ms. Ann this?

A Yes.
Q Did you go with Taharah?
A No.
Q Ms. Ann just took you to see a doctor?
A We went at like separate times.
Q Do you remember what month you went to see a doctor?
A No.
Q But you remember it was after you told Ms. Ann this?
A Yeah, a little while after.
Q Did there come a time when you and Taharah went to stay with your mom and your other siblings at the Henderson address?
A Yes.
Q When was this?
A In the summertime.
Q Is this the same summer that you saw what happened in the laundry room?
A Yes.
Q Do you remember what month you went to go stay with your mom?
A No.
Q How long did you stay with them for?
A Like, most of the summer.

Q Did you go stay with your mom after you went and saw a doctor or before?

A After.

Q Did you just go to stay with your mom in the summer and were you going to -- where were you going to go after the summer?

A Back to the house, to Ms. Ann's house.

Q To go start the school year? Is that right?

A Yeah.

Q And did you go back to the Blankenship house?

A Yes.

Q After you stayed with your mom?

A Yes.

Q Did something happen after you went to the Blankenship house?

A No.

Q Did you call anybody --

A Oh.

Q -- after you went to the Blankenship house?

A Yeah.

Q Who did you call?

A The DFS number.

Q What's the DFS number?

A I don't know it.

Q Where does it call? Who were you trying to call?

A Like, someone that could help me with the situation.
Q Do you remember what month you called this number?
A No.
Q Did you say no?
A No, September.
Q Do you remember what year you called this number?
A No.
Q Was it the same year -- so it was in September. Was it the same year that you saw what happened --
A Two thousand --
Q -- in the laundry room? Taquanda, you've got to wait until I finish, okay?
A Oh, sorry. Uh-huh.
Q That's okay. So you said it was in September. Was it in the same year that you saw what happened in the laundry room in May?
A I'm not sure.
Q Why did you call this number?
A Because the plan didn't work out, because Ms. Ann, she told us that we was going to move out and stuff, so she got the apartment but we never moved in. And then she lost the apartment and then we was just staying at the house, the Blankenship house. And then I called 'cause nothing was being done about it.
Q Nothing was being done about what?

A The situation, 'cause she said she was going to help.

Q What situation, Taquanda?

A The laundry room.

Q What about the laundry room?

A How Fred had molested her.

MS. ALLEN: Objection, Your Honor.

THE COURT: She's already testified to it. Overruled.

BY MS. RHOADES:

Q So what about the laundry room, Taquanda?

MS. ALLEN: Then I would object to asked and answered.

THE COURT: What do you mean? What's the question?

MS. RHOADES: She's talking about the situation. I'm telling her to describe -- I'm asking her to describe what situation she's specifically talking about.

THE COURT: Okay. Other than what she already has testified to?

MS. RHOADES: No. I just wanted her to specify what situation she was talking about.

THE COURT: Okay. You can tell us what situation you were talking about.

THE WITNESS: The one in the laundry room.

BY MS. RHOADES:

Q Where were you when you called this phone number?

A I was at my play cousin Anaya's house.

Q Is that a different house than the Blankenship house?

A Yes.

Q Did you tell Taharah that you were going to call this number?

A Yes.

Q Did Taharah have -- What did she look like when you told her you were going to call this number? Without telling me what she said.

A She was scared.

Q How could you tell she was scared?

A She was nervous 'cause like she was playing with things in her hand, and then the way she was looking.

Q When you say the way she was looking, how was she looking?

A Unsure; like she didn't want to do it.

Q What did you say on the hotline when you called?

A I don't remember.

Q After you called, what happened?

A I guess the -- I don't know if it was the next day, but it was -- it was soon after I called that someone had picked us up from school.

Q Who picked you up from school?

A A worker, like a police like.

Q Did the worker pick you and Taharah up from school?
A Yes.
Q Where did the worker take you guys?
A To a place. I don't know.
Q What did you do when you got to this place?
A We was recorded.
Q Did you give another interview?
A Yeah.
Q Do you remember the name of the person that interviewed you?
A No.
Q What happened after you gave the recorded interview?
A I guess we went to the doctor.
Q Do you remember the doctor's name that you went to?
A No.
Q During this interview, what did you tell them?
A I told them the story in the laundry room. I can't remember what else I told them.
THE COURT: Okay. At this time we're going to take a break for lunch. During this recess you are admonished not to talk or converse among yourselves or with anyone else on any subject connected with this trial, or read, watch or listen to any report of or commentary on the trial or any person connected with this trial by any medium of information,

including without limitation newspapers, television, Internet and radio, or form or express any opinion on any subject connected with this trial until the case is finally submitted to you.

We'll start again at 2:00. Thank you very much.

(Court recessed from 12:30 p.m. until 2:14 p.m.)

(Jury is present)

THE COURT: Do the parties stipulate to the presence?

MS. LUZAICH: Yes.

MS. ALLEN: Yes, Your Honor.

THE COURT: Ms. Allen, do you want us to wait?

MS. ALLEN: Pardon?

THE COURT: Do you want us to wait?

MS. ALLEN: I'm not sure why he went out there. No, that's okay.

THE COURT: Okay. All right, the State can call their next witness.

MS. RHOADES: Taquanda Duke is still up there.

THE COURT: Oh, Taquanda Duke.

Taquanda, thank you very much for coming back. You do understand that you are still under oath, correct?

THE WITNESS: Yes.

THE COURT: Okay. You may continue.

MS. RHOADES: Thank you, Your Honor.

DIRECT EXAMINATION (Continued)

BY MS. RHOADES:

Q Taquanda, before we left you were talking about when you called CPS. After you called CPS and after you interviewed, were you taken out of the Blankenship home?

A Yes.

Q Where did you go from the Blankenship home?

A We went to -- we was in this place for awhile.

Q What kind of place?

A I think it was Juvie. I don't know.

Q Was it Child Haven?

A Yeah.

Q Was it you and Taharah that were in Child Haven?

A Yes.

Q After Child Haven, where did you go?

A To our foster mom's.

Q Did you and Taharah go to your foster mom's together?

A Yes.

Q How long did you live there for?

A For a year.

Q And then after that where did you go?

A We went back to our mom.

Q And is that where you are right now?

A Yes.

Q You and Taharah, right?
A Yes.
Q Okay.
MS. RHOADES: The State would pass the witness, Your Honor.
THE COURT: Cross?
MS. ALLEN: Thank you.

CROSS-EXAMINATION

BY MS. ALLEN:
Q Good afternoon, Taquanda.
A Good afternoon.
Q How are you?
A I'm okay.
Q You're in Brown Middle School, is that correct?
A Yes.
Q How long have you been there?
A For some months.
Q For what? I'm sorry.
A Some months.
Q Some? Okay. Do you remember when you started?
A No.
Q You don't remember?
A No.
Q Could it have been maybe around November of last year?

A Yes.
Q Because you went back to your mom sometime in October, is that correct?
A I don't remember when I went back.
Q You don't remember when you went back to your mom?
A No.
Q But you think you've been there since November?
A Yes.
Q How are you doing in school?
A I'm okay.
Q Are you doing all right?
A Yes.
Q Have you had a lot of absences since you started back in school?
A Yes.
Q How many would you say you've had, if you know?
THE COURT: For this school year?
MS. ALLEN: Correct, since she started at Brown.
THE WITNESS: Twenty something.
BY MS. ALLEN:
Q Pretty close to thirty?
A Yes.
Q Is it more than thirty now?
A Yes.
Q When you were living with Fred and Ms. Ann -- Well,

let me start with this. You don't remember much about Las Vegas before you went to Utah, is that correct? Do you remember when you went to Utah?

A Yes.

Q Okay. But you said you sort of remembered being in Las Vegas before that, is that right?

A Yes.

Q But you don't remember a lot, is that correct?

A Correct.

Q Okay. Do you remember Sha'karia back when you first came to Las Vegas before you went to Utah?

A Yes.

Q Okay. And Sha'karia is Ms. Ann's daughter, is that right?

A Yes.

Q How did you get along with Sha'karia?

A Good.

Q Okay. Did you ever describe it as being fabulous?

A Yeah.

Q For a point in time did you and Sha'karia share a room at Blankenship?

A No.

Q You don't remember you and Sha'karia and Taharah sharing a room at Blankenship?

A No.

Q Okay. So you remember living in Utah, is that right?
A Yes.
Q And you remember CPS coming to take you and putting you in a foster home in Utah, is that right?
A Yes.
Q Do you remember talking to people in Utah, the CPS case workers in Utah? Do you remember that?
A No.
Q You don't remember ever being interviewed in Utah?
A No.
Q Okay. Do you know why you were taken away --
A No.
Q -- when you were in Utah? I'm sorry, what?
A No.
Q Okay, you don't know?
A No.
Q So that was never explained to you?
A No.
Q You were just put in a foster home?
A Yes.
Q Okay. Do you remember while you were in Utah if Victoria was taking care of you?
A No.
Q Victoria didn't take care of you in Utah?

A I don't remember her.
Q You don't remember?
A No.
Q Okay. What do you remember about Utah?
A I remember that we had a babysitter named Ms. Kathy.
Q Okay.
A And I remember the park we went to and I remember the bus station. And I remember the mall and I remember the Krispy Creme donuts. And I remember the movie place, if it was a prize or something.
Q Did you go to school in Utah?
A Yes.
Q Okay. What grades were you in?
A I was in kindergarten.
Q Okay, in Utah you were in kindergarten?
A Yes.
Q Okay. And then when you moved back to Las Vegas, did you start first grade or second grade?
A First.
Q First grade. Okay. And what school did you go to?
A I went to H.P. Fitzgerald Elementary School.
Q And you were in H.P. Fitzgerald from first through sixth, is that correct?
A No, fifth.
Q Fifth grade. Okay, who -- is it Makiah? (phonetic)

Was there someone in the house on Blankenship named Makiah?

A No.

Q Was there -- Did Ms. Ann have a granddaughter who had disabilities?

A Markiah (phonetic).

Q Markiah. Okay, I apologize. That's how it was spelled in the transcript. Markiah. Who is Markiah?

A Her granddaughter.

Q Okay. And you said she had disabilities, is that right?

A Yes.

Q Did she have cerebral palsy?

A What?

Q Do you know what her disability was?

A No.

Q Okay. Can you explain for the jury what her disability was?

A She could talk but she couldn't talk fluently.

Q Okay. What about walking?

A She could walk.

Q She walked okay?

A Yes.

Q Okay. Did she walk like you do?

A No.

Q Okay. So she walked different from you?

A Yeah.
Q Did she go to school?
A Yes.
Q Did she go to school with you?
A No.
Q She never went to school with you?
A No.
Q Do you remember telling -- do you remember telling CPS that Ann treated -- what's her name?
A Markiah.
Q Markiah better than you?
A Yeah.
Q Okay. And is that how you felt?
A Yeah.
Q Did Markiah need some special attention, though, because of her disabilities?
A Yeah.
Q You talked a little bit about Shabazz and some of the things that happened with Shabazz. Do you remember that?
A Yes.
Q Okay. And you said that Shabazz had come home from school because he had beaten up a disabled kid?
A Yes.
Q Did you know exactly what had happened with that?
A Not exactly.

Q Okay. You heard Shabazz had beaten up a disabled kid?

A Yes.

Q Did you hear that he had done it in the bathroom?

A Yes.

Q And he had beaten the kid up pretty bad?

A Yes.

Q Okay. And Shabazz got in trouble for that, didn't he?

A Yes.

Q Okay. And you said that he was hit, is that right?

A Yes.

Q And you said that Fred left a black eye?

A Something like that.

Q Okay. Would you describe Shabazz' skin as about your color, your complexion, or do you think he's a little lighter skinned than you are?

A Darker.

Q He's darker than you?

A Yes.

Q Okay. Could you see the black eye?

A You could see like that it wasn't the color --

Q So it was black underneath his eye?

A No, it was like -- it wasn't like a full black eye, but you can see the mark and then you can see that it was

like a busted blood vessel 'cause his -- the thing was red, the white was red.

Q The white of his eye was red?

A Not the whole white.

Q Just a little bit?

A Yes.

Q Okay. So was it mostly white and then just a little bit of red?

A Yes.

Q Okay. And you said he had a mark under his eye, is that right?

A Yes.

Q Okay. And he went to school with that mark under his eye, didn't he?

A Yes.

Q Okay. Now, you said -- you talked about getting in trouble at -- when you lived with Fred and Ann. Are you okay?

A Yes.

Q You talked about getting in trouble when you lived with Fred and Ann. Do you remember talking about some of the things you got in trouble for?

A Yes.

Q Okay. Do you recall getting in trouble for taking someone's bracelet at school?

A Yeah.

Q You took a bracelet from a diabetic girl and you brought it home. Do you remember getting in trouble for that?

MS. RHOADES: Objection, foundation. I don't --

THE COURT: Maybe you can --

MS. RHOADES: It also assumes facts not in evidence.

THE COURT: Maybe you can lay out more foundation.

MS. ALLEN: Okay.

BY MS. ALLEN:

Q So when did you get in trouble then for stealing this bracelet, or for stealing something from school?

A It was in elementary.

Q Okay. When?

A I didn't steal it, I found it.

Q Oh, okay. So now you didn't steal it, is that correct, you found it?

A Yeah.

Q Okay. And was it -- I asked you when that was. When did you find it?

A It was some grade in elementary. I don't remember.

Q It was what grade?

A I don't know which grade it was.

Q Okay. So it was sometime, though, between first and fifth grade, is that right?

A Yes.

Q Okay. And it was -- it was a bracelet that belonged to a diabetic girl, is that right?

A I didn't know that.

Q Okay. Did it have the warning on it that she was diabetic?

A I don't remember what it looked like.

Q You don't remember what it looked like. Okay. But you came home, is that correct, and you had it?

A Yes.

Q Okay. And you got in trouble for that, is that right?

A Yes.

Q Okay. You talked about when Fred would hit you with a belt. Do you recall that?

A Yes.

Q You said it happened on one occasion at least, is that right?

A Yes.

Q Okay. And one of them was the bracelet issue, is that correct?

A I'm not sure what it was.

Q Okay. Well, can you remember all of the instances where you were hit with a belt?

A No.

Q Okay. Can you tell me how many times it happened?
A More than once.
Q More than once. Okay, so twice?
A I can't remember how many times.
Q Okay. Prior to moving in with Fred and Ann when you lived with your mom, did your mom discipline you?
A Can you say it again?
Q Prior to moving in with Fred and Ann, did your mom discipline you? Did your mother ground you?
A Yeah.
Q Did your mother spank you?
A No.
Q Did your mother ever, you know, make you do extra chores around the house when you would get in trouble?
A I can't remember.
Q Can you remember an instance where your mother grounded you?
A I can remember time out.
Q Okay. And what's time out?
A Where you can't go outside.
Q Okay. So you can just play in the house, you just can't play outside?
A Yeah.
Q Okay. Do you remember Victoria disciplining you?
A No.

Q You never remember Victoria disciplining you in any way?

A No.

Q Okay. So would you agree then that the first time that anybody had ever spanked you was when you moved in to Fred and Ann's house?

A Yes.

Q Okay. So when you were hit with -- or when you were hit with a belt, you said it left red marks, is that right?

A Yes.

Q Okay. And after it was over, were you able to get up and walk out of the room?

A Yes.

Q Okay. Did you have any problem sitting down?

A It just hurted.

Q It hurt. Did it hurt for like five minutes, ten minutes?

A I can't remember.

Q You can't remember. Okay. The next day were you unable to sit down?

A No.

Q Okay. You didn't have any problems walking, is that right?

A No.

Q Okay. Is it fair to say that you didn't always agree that you deserved to be punished?

A Yeah.

Q Okay. In your voluntary statement -- well, let me -- you recall making two statements to -- well, let me put it this way. You recall making one statement to the Henderson Police Department and one statement to CPS, is that correct?

A Yes.

Q Okay. And do you recall when you talked to the Henderson Police Department they asked you if anything like that had ever happened to you? You were referring -- they were talking to you about Fred and Taharah and they asked if anything like that had ever happened to you. Do you remember what your answer was?

A No.

Q You don't remember what your answer was?

A I said no.

Q Okay. Taquanda, let me clarify then. You don't remember what your answer was, or was the answer no?

A The answer was no.

Q The answer was no. Okay. So you told -- in December of 2011 you told the police department that your answer -- that no, nothing like that had ever happened to you, is that correct?

A Yes.

Q Which is different from what you're testifying to today, is that right?

A That nothing like that ever happened to me.

Q Okay. When you told the Henderson Police -- you initially told the Henderson Police Department in 2011, in December of 2011 that nothing like that had happened to you, is that right?

A Yes.

Q And today you're saying that something like that happened to you, isn't that correct?

A Something like what happened to Taharah?

Q Being hit. Would you like to review your statement? Would that help you remember what we're talking about?

A Can you repeat the question?

Q Okay. When you spoke with the Henderson Police Department you were talking about -- you were describing about -- to them about Taharah being hit by Fred. Do you remember telling them Fred hitting Taharah?

A Yes.

Q Okay. Do you remember the detective asking you if anything like that had ever happened to you, and your answer was no? Do you remember that now?

A Yes.

Q Okay. So in December of 2011 you told the Henderson Police Department that nothing like that had ever

happened to you, right, that you had never been beaten by Fred. Do you remember that now?

A Yes.

Q Okay. But you're testifying here today and your testimony is different, isn't that right? You're now saying that Fred hit you, is that correct?

A Can you go back over that?

Q Would you like to review the statement? If that will help you, you can look at it.

A No, thank you.

Q Huh?

A No, thank you.

Q So you don't think it will help you to review the statement?

A No, thank you.

Q I'm asking you if you think it will help. It won't help?

A No.

Q Okay. You can read, is that right? You don't have any problems reading?

A No.

Q You can read, correct?

A Yes.

Q Okay.

MS. ALLEN: May I approach, Your Honor?

THE COURT: You may.

BY MS. ALLEN:

Q Okay. So I'm going to ask you if I'm reading this correctly. I apologize, page 13 and 14. Okay, let me see. Okay. (Reading) "Did that stuff ever -- did that ever, any of that stuff ever happen to you?" "Answer: No." Did I read that correctly?

A Yes.

Q "Okay." And you answered: "It happened to my sister." "Which sister?" "Taharah." Did I read that correctly?

A Yes.

Q "Okay. What happened to Taharah?" Your answer: "Um, it was like, uh, a day she got like a C from school and, uh, Fred was just beating her in the hallway." Do you recall, is that -- did I read that correctly?

A Yes.

Q Okay. And then you talk about him hitting her with his hands, is that correct?

A Yes.

Q Okay. And she had marks on -- I'm skipping down. "Yeah, she had marks on her legs." "Did they go away or does she still have them?" Did I read that correctly?

A Yes.

Q Okay. "They went away." "When was that?" "It was

like -- it was like '08 or '07." Is that correct, did I read that right?

A Yes.

Q Okay. "All right. But you said that never happened to you?" "No." Did I read that correctly?

A Yes.

Q Okay. Now, do you remember making those statements?

A Yes.

Q Okay. Now, what I was asking was, today as you sit here you're testifying that Fred did hit you and did beat you, is that right?

A Yes, but how I thought he meant was how he beat Taharah.

Q Okay. So he beat Taharah differently than he beat you, is that right?

A Yeah.

Q Okay. Let's talk about Mahlica and choking -- him choking her in the bedroom. Do you remember testifying about that?

A Yes.

Q Okay. It was in the bedroom. Which bedroom was that?

A The one we was in at that time.

Q Okay. And which one was that?

A The second one.

Q Is this the one with the mirrors?
A No.
Q This doesn't have the mirrors?
A No.
Q Okay. Who was living in the room at the time?
A Oh, but that room did have mirrors but it wasn't the one that I was talking about.
Q The floor to ceiling mirrors or the closet door mirrors; the big ones?
A They both had that.
Q They both had that?
A Yeah.
Q Okay. Who was living in that room at the time?
A It was me, Taharah and Mahlica.
Q Okay. And so you see Fred choking Mahlica, is that right?
A Yeah.
Q Okay. And was Victoria in the room when this happened?
A No.
Q Okay. So it's just you and Mahlica and Fred?
A Yeah.
Q Okay. And he comes in and does this right in front of you, is that right?
A Yes.

Q And are you telling him to stop?
A No.
Q Okay. You described an incident where Fred and your mom were talking through a door and you said he busted down the door. Do you remember that?
A Yes.
Q Okay. Do you recall telling -- or talking to the Henderson detective about that incident?
A Yes.
Q You do?
A Yes.
Q Okay. Do you recall telling him that there was a mark on the door?
A Yes.
Q That he hit the door and there was a mark on the door?
A Yes.
Q Okay. You never told the Henderson detective that he busted the door down, did you?
A Yes.
Q You told him that? Okay. Prior to coming in here today, did you review your statements that you made to Henderson and to CPS?
A Yes.
Q You read both of them, is that right?

A Yes.

Q Okay. And you believe that you told the Henderson detective that you said he busted the door down, is that right?

A Uh-huh.

Q Yes?

A Yes.

Q Is that a yes? Okay. I'm going to hand you the statement, 19 pages. Can you look and find that for me?

A Okay.

(Pause in the proceedings)

THE WITNESS: Okay.

BY MS. ALLEN:

Q Did you have a chance to look through it? Okay. You stopped at page 13?

A You wanted me to go through all of it?

Q Well, did you find it in the pages that you looked? The pages that you did read, did you find anything about him busting the door down?

A Yeah, but it wasn't busting the door down.

Q It was --

A I didn't tell the story.

Q Okay. So when I asked you about the mark on the door, that was what you meant is that he busted the door down, is that correct?

A Yeah.

Q Okay. But when you talked to the Henderson detective you said that he left a mark on the door, is that right?

A Yeah.

Q And you didn't actually see him leave the mark on the door, it's just what you heard, is that right?

A I saw and heard the mark.

Q You saw and heard the mark. Okay. Now, you said -- during your direct examination you talked about -- Kristina, Ms. Rhoades asked you if there was any -- if Fred was abusive towards you. Do you need help with the microphone?

A No.

Q Okay. Well, you keep -- Is it on?

A It's on.

Q Okay.

A I was just looking at it.

Q Okay. During the time mom and Vicky lived in the house, which was almost two years, is that right, there was no abuse going on. You testified to that, is that correct?

A Say it again.

Q During the time that mom and Vicky were living in the Blankenship address, you indicated that nothing really happened. Do you remember saying that?

A Yes.

Q Okay. And at some point mom and Vicky moved out, is that right, of the Blankenship home?

A Yes.

Q And Mahlica and Shabazz went with them, is that right?

A Yes.

Q And you would see your mom and Vicky and Mahlica and Shabazz on weekends, is that correct?

A Yes.

Q Fred or Ann would drop the two of you off and leave you for the weekend, is that correct?

A Yes.

Q And would you say that you saw them two times a month, three times a month? Your family, your siblings.

A I'm not sure how many times I saw them a month.

Q Okay. Was it more than once?

A Sometimes.

Q What about holidays, would you spend holidays there? Like if you had a three day weekend, do you think you'd go to your mom's house for the three day weekend?

A Yeah.

Q Okay. What about like Christmases and stuff, would you spend Christmas with your mom?

A Yeah.

Q Okay. You mentioned that Taharah got in trouble for being outside she had gone over to talk to some -- you referred to them as some dudes. Do you remember that?

A Yes.

Q Were they older guys? Older than Taharah?

A Yeah.

Q Okay. Do you know how much older they were?

A No.

Q How many were there?

A I can't remember how many.

Q Okay. Do you remember an instance of Taharah taking some inappropriate pictures of herself on a cell phone and Ann catching her?

A I don't remember.

Q You don't remember? Okay. You don't remember Ann taking the phone away after finding the pictures?

A I don't remember.

Q Okay. Do you remember in December of 2011 -- I believe you do remember talking to Bobbie Tibbs?

A Yes.

Q She was from CPS, is that right?

A Yes.

Q And prior to speaking with Bobbie Tibbs, you spoke with Detective Aguiar from Henderson, is that correct?

A Yes.

Q And did they explain to you when they sat down to talk to you what they did for a living? Did Detective Aguiar tell you he was a police officer?

A Yes.

Q Okay. And did Bobbie tell you that she was from Child Protective Services?

A Yes.

Q Okay. And you had previous involvement with Child Protective Services in Utah, isn't that right?

A Yes.

Q Okay. So at this point you sort of understood what CPS does?

A Yes.

Q Okay. You understand that CPS was there to take you out of the home if something bad was going on, is that right?

A Yes.

Q When you spoke to Bobbie Tibbs, do you recall telling her you did not want to go back and live with your mom, Tina?

A I don't recall that.

Q Do you recall telling her that you don't -- or that you didn't believe your sister, Victoria, when she claimed that she was raped?

A I don't recall that.

Q Do you recall telling Bobbie that you liked living with Fred and Ann and that you felt safe there?

A I don't recall that.

Q Okay. And Bobbie didn't come in the middle of the night, did she? She came on a Monday morning between like 10:00 and 11:00 or 9:00 and 10:00. Do you remember that?

A I don't remember when she came.

Q You were on Christmas break from school?

A I don't remember.

Q And when you spoke to her, it wasn't, you know, the middle of the night like Detective Aguiar, is that right?

A That's right.

Q It was during the day, is that right?

A That's right.

Q And you were taken away from Fred and Ann to talk to her, isn't that correct?

A Correct.

Q Okay. And did she make you feel comfortable? Was she a nice lady?

A Yes.

Q And did she explain that she would protect you and help you if anything was going on?

A Yes.

Q Okay. When you were taken away from your mom in Utah, was that pretty traumatic?

A I don't remember how I was feeling.
Q You don't remember how you felt when you were taken away from your mother?
A No.
Q Okay. So you don't remember being bothered by it at all?
A No.
Q Okay. Were you concerned when you gave the statement to Detective Aguiar that you were going to be taken away from that home? Were you worried about that?
A No.
Q Okay. He asked you if you felt safe there, living there. Do you remember that?
A Which one was this?
Q Detective Aguiar in December of 2011, he asked you if you felt safe living there. Do you remember? Do you remember that?
A Who interviewed me?
Q Detective Aguiar from Henderson Police Department, and he asked you if you felt safe there. Do you remember that?
A This is the one in the middle of the night?
Q Yes.
A Oh. I don't remember.
Q Okay. Do you remember your answer was, "Kind of?"

A Yeah.

Q Okay. So you do remember if he asked you if you felt safe living there?

A On the paper I do.

Q Okay. And he goes on to ask you more, like a few more questions about that, do you remember? About feeling safe living there, do you remember that?

A No.

Q Okay. All right. So do you remember -- you do remember him asking you about: "Do you feel safe living here?" And you said, "Kind of." You remember that, right?

A Yes.

Q Okay. And he said, "How come?" And you said, "A little bit." Do you remember that?

A Yes.

Q Okay. And he said, "How come just kind of?" And you said, "Because I don't know, like, what's going to happen."

A Yes.

Q Okay, you remember that. All right. Do you remember him saying to you, "I'm a nice person, all right. I just -- I have to come out and make sure -- somebody called us and I've got to make sure you and your sister are safe. That's my only job tonight." Do you remember him telling you that?

A On the paper, yeah.

Q So you remember it on the paper, but you don't remember it when you actually spoke with him?

A I remember a little bit of that night when I spoke to him, but most of the stuff that you asked me on the paper I remember.

Q You don't remember. Okay.

A I do remember on the paper.

Q Okay. Do you remember testifying last year at a preliminary hearing?

A Like this?

Q Something like this, yes. Do you remember -- except we were downstairs, do you remember that?

A Yes.

Q Okay. Do you remember testifying that -- well, do you remember testifying when you were asked how often you went to your mom's house you said, "I would go every other weekend"?

A Yeah.

Q Okay. Do you recall testifying that Fred pulled out a knife and stuck it to your throat? Do you remember that?

A Yes.

Q Okay. You didn't testify to that today, is that correct?

A Yes.

Q When did you testify to that today? Did Ms. Rhoades ask you any questions about that?

A No.

Q Okay. So the knife to your throat, this is the first time you're talking about this today, isn't that correct?

A Yes.

Q Okay. And do you remember, I asked you back at the preliminary hearing if you told anybody about this. Do you remember?

A Yes.

Q And do you remember who you told me that you told?

A My counselor, Ms. House.

Q Ms. House. Okay. What else did you tell Ms. House?

A Everything that happened.

Q Which would be what?

A I think I told her the thing about Shabazz.

Q What thing about Shabazz?

A I'm not sure which one.

Q Okay. You told her about Shabazz being repeatedly punched by Fred. Do you remember testifying to that?

A Yes.

Q Okay. So you told Ms. House about Shabazz being repeatedly punched by Fred. You remember telling her that?

A Yes.

Q Okay. What else did you tell her?

A I'm not sure.

Q Did you tell her about Taharah?

A I'm not sure.

Q Did you tell her anything about your mom?

A I'm not sure. I don't remember what else I told her.

Q Okay. What about Victoria? What about all the stuff that happened with Victoria, did you tell her that?

A I don't think so.

Q But you definitely told her about Fred holding a knife to your throat and threatening to kill you; right?

A Yes.

Q Okay. And you definitely told her about Shabazz being beaten?

A I don't remember if I told her definitely about Shabazz.

Q Okay. Would it refresh your recollection to look at your testimony from last year?

A Yes.

MS. ALLEN: May I approach, Your Honor?

THE COURT: You may.

MS. ALLEN: Page 185.

BY MS. ALLEN:

Q Did you have a chance to review that?

A Yes.

Q Okay. Does that refresh your recollection?

A Yes.

Q Okay. So last year you did testify in fact that you told Ms. House about that, is that correct?

A Yes.

Q Okay. But you can't remember if you told her about the other things, is that right?

A Yes.

Q Or about any of the sexual abuse allegations, you don't remember if you told her any of those things, is that right?

A That didn't happen until last year, so.

Q So the sexual abuse happened last year in 2013?

A It didn't happen until fifth grade, and I remember I didn't talk to her when I was in fifth grade.

Q You didn't talk to Ms. House, but you were at H.P. Fitzgerald, is that right?

A Yes.

Q Okay. The instance or incident with Taharah where you see what's going on through the mirrors with the bed, is that right? You remember that?

A Yes.

Q Okay. And you said no one else was home but you and Taharah and Fred, is that right?

A Yes.

Q You came home from school. Do you remember what time you got home?

A No.

Q What time do you usually get home?

A Around 3:30.

Q 3:30. Okay. And you said you fell asleep, is that right?

A Yes.

Q And how long were you asleep?

A I'm not sure.

Q Okay. When you woke up, was it still light out?

A No.

Q It was already dark?

A It wasn't dark, it was the thing before it gets dark.

Q Okay. So the sun wasn't down yet, is that right?

A It was down.

Q The sun was down?

A Yes.

Q But it wasn't dark?

A Correct.

Q Okay. And so you don't know how long you had been

sleeping, is that right?

A Correct.

Q But you see your sister leave the room, is that right?

A Correct.

Q And you said you can see into the hallway because of these mirrors that are on the --

A Yes.

Q Okay. And you can see everything that sort of happens in the hallway because of those mirrors, is that right?

A Yes.

Q And you said you see something in the laundry room through a crack in the door, is that right?

A Yes.

Q Okay. How widely was the door cracked?

A Big enough for me to see their hand.

Q Which would be how much?

A I don't know.

Q Well, can you estimate? You're holding your hand up. Can you hold it up for the jury, please? Hold your hand up.

A Oh, no, I wasn't doing it for you all. I was --

Q Oh, you weren't?

A No.

Q Okay. Can you estimate for me how widely the door was cracked?

A I don't remember how large it was cracked, but it was cracked enough for me to see their hand, and it wasn't a little crack.

Q It wasn't a little crack?

A No.

Q Okay. Do you recall telling CPS that it was halfway open?

A No.

Q Certainly if it was halfway open you would have seen everything that was going on in that room, correct?

A Correct.

Q Okay. So it wasn't halfway open --

A No.

Q -- is that right? Okay. So that was incorrect what you told CPS; is that correct?

A Correct.

Q And you can't estimate as you sit here how big the crack was in the door; right?

A Right.

Q Can you tell me how big the laundry room was?

A It was like medium size.

Q Okay. Was it -- were the washer and dryer one on top of the other or were they side by side?

A Side by side.

Q Okay. So the washer and dryer were side by side on one wall, is that right?

A Yeah.

Q And then you had the rest of the laundry room there, is that correct?

A Correct.

Q How many people could fit in that laundry room? Aside from the washer and dryer, how many people, other people could fit in the laundry room?

A It depends on how big they are.

Q Okay. Let's say everybody is about your size. How many people would fit in there? Your height, your size.

A Maybe five.

Q Maybe five of you?

A Uh-huh.

Q Okay. So it's a pretty good size room, is that right?

A Yes.

Q Okay. And that includes five of you plus the washer and dryer, is that correct?

A Yes.

Q So if you took the washer and dryer out, it would be even bigger, correct?

A Yes.

Q The room would be even bigger. And so maybe like, what, three or four more people could fit in there if the washer and dryer were gone?

A No.

Q Okay. All right. The summer of -- well, let's go back. So you see Taharah coming out of the bathroom, is that right?

A Yes.

Q And you've been walking sort of up and down the hall and gone back to your bedroom and hadn't really seen anybody, right? You saw their hands, is that correct, but you didn't really see anybody, is that right?

A Correct.

Q Okay. And Taharah comes back to the bedroom at some point, is that right?

A Yes.

Q Okay. And you said that she wasn't crying, is that right?

A Correct.

Q And she acted like nothing had happened, is that right?

A Correct.

Q Okay. And you said that you had a discussion with her that same day?

A Yes.

Q Okay. How much later was that discussion?
A When she came back in the room.
Q Okay. Not crying and acting like nothing had happened, is that right?
A Uh-huh. Yes.
Q Yes. Okay. And then you told Ms. Ann the same day, is that right?
A Yes.
Q Taharah didn't tell her, you did?
A Yes.
Q And you didn't tell Ann together, is that correct?
A Correct.
Q It was just you and Ms. Ann?
A Yes.
Q Okay. Back when you -- when this thing happened with Taharah, that was like May, right? May of 2012, is that correct?
A Correct.
Q And Victoria and Mahlica, Shabazz and your mom are living in Henderson, is that correct?
A Correct.
Q And you had seen them throughout the year, the school year, like 2011 and 2012, is that correct?
A Correct.
Q And then that summer of 2012 you and your sister

spent the entire summer or almost the entire summer at your mom's house, didn't you?

A Correct.

Q And who was living there at the time you spent the summer at your mom's house?

A It was Shabazz, Mahlica, Vicky and mom.

Q And you and Taharah?

A Yeah.

Q Okay. So Victoria was living in the home at this time, is that right?

A Yes.

Q Okay. And then you go back to Fred and Ann's house at the end of the summer, is that correct?

A Correct.

Q And shortly thereafter you're taken out by CPS; right?

A Right.

Q Okay. Fast-forward to June of 2013 when you testified. Do you remember testifying downstairs in June of 2013?

A Yes.

Q Were you in contact with Victoria a lot?

A When?

Q In June of 2013. June of 2013, were you in contact with Victoria?

A No.

Q Not at all?

A I didn't see her, no.

Q CPS was not arranging visits with your mom and Victoria and you and your sister?

A They was, but she didn't come.

Q She never came to any visits?

A Probably some.

Q Okay. So she did come to some visits?

A Yeah. Some.

Q All right. When did Victoria move to California?

A I don't know.

Q You have no idea when Victoria moved to California, is that right?

A Correct. I don't know when she moved.

Q Okay. And since at least November of 2013 you've been living with your mom, is that correct?

A Correct.

Q And Victoria is not living with you, is she?

A No.

Q Okay. The summer that you lived with your mom and Mahlica and Shabazz and Victoria, was Victoria taking care of you and your sister a lot?

A Yeah.

Q Your mom was gone a lot, wasn't she?

A Yeah.

Q And so Victoria was taking care of the family?

A Yeah.

Q Okay. Was she the one making sure everybody did everything they were supposed to do?

A Yeah.

Q During your direct examination you said -- you were talking about something and you said the plan didn't work out. Do you remember saying that?

A Yes.

Q Okay. The plan -- you were talking about calling CPS -- DFS, do you remember that?

A Yes.

Q Do you remember saying that you called DFS from your friend's house, is that right?

A My play cousin.

Q Okay, your play cousin. But that's where you called from?

A Yes.

Q You called from her house. And who told you that you should call?

A Myself.

Q Okay, yourself. No one told you you should call?

A No.

Q Okay. Did you call representing yourself to be an

aunt or did you call saying that you were Taquanda Duke? Did you call saying you were someone else?

A No.

Q Okay. You said you were yourself?

A Yes.

Q Okay. And you called CPS because you wanted to -- the plan hadn't worked out and so now you were calling CPS, is that right?

A Yes.

Q Okay. Did the plan involve Victoria?

A No.

Q The plan never involved Victoria?

A No.

Q Okay. What was the plan?

A Okay. So Ann said that --

Q No, don't tell me what Ann said. Don't tell me what Ann said.

MS. RHOADES: Your Honor, that's what the plan is, what Ann said.

THE COURT: Well, if she can --

BY MS. ALLEN:

Q Yeah. Can you tell me without saying what Ann said?

THE COURT: Thank you.

THE WITNESS: It's exactly what she said.

BY MS. ALLEN:

Q Okay. Can you tell me what the plan was without telling me what Ann said?

MS. LUZAICH: Can we approach?

(Bench Conference)

THE COURT: I think she already said what the plan was.

MS. LUZAICH: She did. She testified on direct.

THE COURT: She said we were going to get an apartment and then she was losing the apartment.

MS. LUZAICH: And you never objected. She said Ann said we're going to get an apartment.

THE COURT: Yeah.

MS. LUZAICH: Ann said we were going to do this and then she didn't move.

MS. ALLEN: All right.

THE COURT: She went and got it and then she lost the apartment. And then she was upset because the plan didn't work out.

MS. ALLEN: Okay, I'll leave it alone then. That's okay.

MS. LUZAICH: Well, no, I'd ask that the answer come in.

(End of Bench Conference)

////

BY MS. ALLEN:

Q Did your sister Victoria want --

MS. RHOADES: Your Honor, the witness did not answer the question about the plan.

MS. ALLEN: Then I'll withdraw the question, Your Honor.

THE COURT: Okay.

MS. ALLEN: Thank you.

BY MS. ALLEN:

Q Did your sister Victoria want you guys to move back with her and her mom -- your mom, Tina, in the house, the apartment on Center Street?

A Yes.

Q Okay. Victoria wanted you guys back in the house, didn't she?

A Yes.

Q Okay. Did she express that to you a lot?

A Yes.

Q Okay. Did she also express a lot of hatred towards Fred?

A Yes.

Q Okay. Did Victoria --

MS. ALLEN: I'll withdraw the question, Your Honor. If I can have a moment.

(Pause in the proceedings)

BY MS. ALLEN:

Q Have you seen Victoria in the last week, week and a half?

A Yes. She was here.

Q She came into town, is that right?

A Yes.

Q Did she stay with you guys, you and your mom?

A No.

Q She didn't stay with you guys?

A No.

Q Okay. Do you know where she stayed?

A She stayed at the Golden Nugget.

Q Okay. All right. Did you guys stay with her?

A No.

Q You didn't visit her at all?

A We did, but --

Q You didn't sleep there?

A No.

Q Okay. How many days did you see her?

A Only one.

Q Only the one day? Did you see her Monday evening, early evening, like from five o'clock?

A Is that when she came?

Q I'm asking you, did you see her Monday evening around five o'clock?

A I only saw her when she came.

Q Okay. You don't remember the day that you saw your sister?

A It was yesterday, so no.

Q You believe you saw Victoria yesterday?

A Oh, no, the day before yesterday.

Q So what would the day before yesterday be?

A Wednesday.

Q Okay. You believe you saw your sister on Wednesday, is that right?

A Yes.

Q Okay. And you met her downstairs, down here at this courthouse downstairs. Do you remember that?

A Yes.

Q And you were with your mom, is that right?

A Yes.

Q And you were with I think Mahlica?

A Yes.

Q And maybe Taharah, is that correct?

A Yes.

Q Okay. And when Victoria came out the doors of the courthouse, everybody gave her a hug. Do you remember that?

A Yes.

Q Does Victoria call home very often?

A No.

Q She doesn't talk to you guys very much?

A No.

Q Okay.

A Why would you ask me did I see her on Monday?

THE COURT: You don't get to ask her questions.

THE WITNESS: Oh.

MS. ALLEN: I apologize, I thought it was Monday.

BY MS. ALLEN:

Q So you would be correct then, it would be Wednesday. You saw Victoria on Wednesday, is that right?

A Yes.

Q And when she came out she gave your mom a hug, is that right?

A Yes.

Q And you?

A Yes.

Q And all the other kids. Shabazz wasn't there though, right?

A No.

Q Okay. So she gave the other kids a hug, is that right?

A Yes.

Q When you testified last year in the same building downstairs, did Shabazz come with you?

A No.

Q Do you know if Shabazz ever testified?

A I don't know.

Q You don't know. But you never saw him here, is that right?

A Correct.

MS. ALLEN: Court's indulgence. Thank you, Your Honor, I'd pass the witness.

THE COURT: Okay. Redirect?

MS. RHOADES: Yes, Your Honor.

MS. ALLEN: You know what, I did forget to ask a question. I'm so sorry.

MS. RHOADES: Oh, that's okay.

THE COURT: Go ahead.

MS. ALLEN: I apologize. One question.

THE COURT: No, go ahead.

BY MS. ALLEN:

Q Do you recall going to see Dr. Gondy, Anita Gondy?

A I don't remember.

Q She was an OB/GYN. You saw her in maybe June of 2012.

A What does she look like?

Q Well, you don't remember Dr. Gondy, is that right?

A Correct.

Q Okay. So you don't remember going to see an OB/GYN

in June of 2012, right?

A Correct.

Q You and your sister. One last question. Did you know Marcus?

A Correct.

Q You did?

A Yes.

Q What does Marcus look like?

A He's dark skinned. He looks like Ms. Ann.

Q He looks like Ms. Ann?

A Uh-huh.

Q Short hair?

A Fade. Yeah.

Q Okay, thank you.

MR. MACARTHUR: Betsy, hold on.

MS. ALLEN: Oh, wait.

(Mr. MacArthur confers with Ms. Allen)

BY MS. ALLEN:

Q You don't recall seeing a doctor who had a red dot on her head, on her forehead? Do you remember seeing a doctor with a red dot on her forehead?

A I don't remember.

MS. ALLEN: Thank you.

THE COURT: Okay. Redirect.

MS. RHOADES: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. RHOADES:

Q Taquanda, how old were you when you lived in Utah?

A Six.

Q Were you going to school in Utah? You probably already answered this.

A Yes.

Q And what grade were you in?

A Kindergarten.

Q You said that Markiah lived you guys here in Las Vegas. Do you remember that? Do you remember saying that?

A She didn't live, she just came to visit.

Q Okay. When did she come to visit and where?

A Like, there was a time she did live there, but when she came to visit she came to visit Ms. Ann and Sha'karia.

Q When would she come to visit Ms. Ann and Sha'karia?

A When she wasn't living there.

Q The whole time that she wasn't living there she would come over to visit?

A Yes.

Q And are you talking about the Blankenship house?

A Yes.

Q When did she live there?

A I don't know what year it was.

Q Was it closer to when you moved her from Utah or

further away in time?

A I can't remember that.

Q When did you read your statements?

A That day I came sometime this week. It was either Monday -- whenever I came, the first day I came.

Q In your statement to the Henderson Police in December 2011, did you give specific examples of what Fred would do to Shabazz and Taharah?

A Which interview was this?

Q The one in the middle of the night. The one to the Henderson police, did you give them a specific example of what Fred did to Shabazz?

A I don't remember.

Q How about Taharah, do you remember giving them a specific example of what Fred did to Taharah?

A I don't remember.

Q Did Fred do either of the things that you told the Henderson Police about to you? That probably was a bad question. Did Fred ever do the things that you described to the police in the middle of the night, those specific things, did he do those specific things to you?

A No.

MS. ALLEN: Judge, objection. I believe it's sort of a compound question, and I would object as to leading.

THE COURT: Sustained.

MS. ALLEN: Okay.

BY MS. RHOADES:

Q When you saw Vicky when she was here, where were you guys at?

A We was in the victim room, like the one where you get the thing to get paid.

Q Was it in this building?

A Yes.

Q Did you see Vicky when she was here anywhere else except for this building?

A We went to go get pizza for lunch.

Q And is that it?

A That's it.

Q On cross-examination you talked about when you saw Fred choking Mahlica. What did you do while you saw this happening?

A Look.

Q I'm sorry, I didn't hear you.

A All I was doing was looking; just sitting there.

Q How were you feeling at the time?

A Scared.

MS. RHOADES: Your Honor, may I approach your clerk?

THE COURT: Uh-huh. You may.

MS. RHOADES: Thank you. And may I approach the witness?

THE COURT: You may.

BY MS. RHOADES:

Q Okay. Taquanda, I'm going to show you what's been previously admitted as Defendant's Exhibit D.

A What's that?

Q I'm going to show them to you, okay.

A No, what you were saying.

Q I'm going to show you some photographs. They have already been admitted. I'm just trying to make a record of what they are. Defendant's Exhibits D -- it looks like D through Q. Those are some photographs. Can you first look through the photographs and tell me if you see the door that you described Fred busting in any of those photographs. Did you get a chance to look through all of those photographs?

A I'm going to re-check. I'm done.

Q Okay. Did you see a photograph of the picture that Fred -- a picture of the door that Fred busted in there?

A No.

Q Did you see a photograph of the laundry room in there?

A Yes.

Q Which one is a photo of the laundry room?

A I didn't find a picture of where the door was busted down with the spot on the door, but I found the door, where the door was.

Q Okay. And for the record is this -- Defendant's Exhibit I, is that the photograph of the door?

A Yes.

Q Is that the only photograph of the door that you saw in the bunch of photos, just this one, no others?

A Those are the pictures of the door -- not the door because they didn't show the door, but that's the room door it was.

Q How many photos of the laundry room did you see in these pictures?

A Two.

Q Which two showed the laundry room?

A These two.

Q And that's Defendant's Exhibit J and Defendant's Exhibit D, is that right?

A Yes.

MS. RHOADES: Your Honor, permission to publish some of these?

THE COURT: Do you want to admit them first?

MS. RHOADES: I believe they've already been admitted. They're defendant's exhibits.

THE COURT: They're already admitted?

MS. ALLEN: Oh, they're already admitted, Your Honor. No objection.

THE COURT: Okay, perfect. You can publish.

MS. RHOADES: Thank you, Your Honor.

BY MS. RHOADES:

Q Let me try to -- better like that, huh? Can you see that, Taquanda?

A Yes.

Q And for the record, this is Defendant's Exhibit I. What is that a photograph of?

A That's a photograph of -- there's a room and inside the room you can see that the curtain is tied up and you can see the mirror.

Q Is there anything significant about the door that would be there?

A It's gone, or it's open.

Q Do you recognize that door? Well, do you recognize where the door would be?

A Yes.

Q Is that the door that Fred hit?

A Yes.

Q What room is that? What room was that while you were living there?

A That was at a time that was my room, and then that was my mom's room and then that was Ronnie's room. And that's all I can think of.

Q Who's Ronnie?

A Ms. Ann's cousin.

Q At the time that Fred busted it, whose room was it?
A My mom's.
Q I'm going to show you Defendant's Exhibit J. What is that a photograph of?
A The laundry room. There's --
Q In this photo -- oh, go ahead.
A That was the dryer and then it looks like some Christmas stuff on top of it. And then you can see the washing powder and you can see that a cabinet is open.
Q In this photograph, Taquanda, do you see where you saw Fred and Taharah's hands?
A Yes.
Q Can you point to that for us?
A Right there. It was somewhere in that area. It was up.
Q How did you know that those hands belonged to Fred and Taharah?
A 'Cause I know what his hands look like and there was a difference. Like, you can see the big one and then you can see the little one.
Q I'm going to show you Defendant's Exhibit D. That is another photograph of the laundry room?
A Yes.
MS. RHOADES: May I approach your clerk, Your Honor?

THE COURT: You may.

MS. RHOADES: Thank you.

BY MS. RHOADES:

Q On cross-examination Ms. Allen asked you if you told the interview -- during the interview that you had with CPS, if you told them that the laundry door was halfway open. Do you remember that? Do you remember talking about the door being halfway open with Ms. Allen?

Q I don't remember the interview.

A Would it refresh your recollection as to exactly what you told CPS regarding the door if I showed you a transcript of your interview with them?

Q Yes.

MS. RHOADES: May I approach the witness?

THE COURT: You may.

MS. RHOADES: Page 17.

BY MS. RHOADES:

Q If you could just look at that top sentence. You can look at me when you're done. Does that refresh your memory as to what you told them about the door?

A Yes.

Q What exactly did you tell CPS about the door?

A I said it was like halfway open.

Q Did you say that it was cracked and like halfway open?

A Yes.

Q This incident in the laundry room happened in May, is that right?

A Yes.

Q And you testified on direct that Ann took you and Taharah to a doctor in June, is that right?

A I don't know exactly when she took us.

Q Did she take you to the doctor before you went to stay with your mom in the summer?

A I can't remember, but I know we went to a doctor.

Q This plan that you talked about on cross-examination, whose plan was that?

A Ms. Ann's.

Q What was the plan?

A The plan was for us to move out.

Q When did Ms. Ann make this plan?

A A couple of days after I told her.

Q What month would that have been in?

A Maybe May.

Q Was this before you went to your mom's for the summer that year?

A Yes.

Q And when you say to move out, who was supposed to move out?

A Just me and Taharah and her.

Q And you guys were supposed to move out of the Blankenship house?

A Yes.

Q When did you come back to the Blankenship house from being with your mom in the summer?

A I don't know, but it was before school was going to start.

Q When did school start that year? Do you know what month?

A August.

Q And when you came back for the school year, were you guys moved out of the house?

A No.

Q Were you guys going to move out of the house?

A Yes.

Q But did you end up doing that?

A No.

Q You called CPS at the end of September, is that right?

A Yes.

Q Is this after you had been in Blankenship for almost two months?

A Yes.

MS. RHOADES: Nothing further, Your Honor.

THE COURT: Recross?

RECROSS EXAMINATION

BY MS. ALLEN:

Q Okay. So your testimony is that you and Ms. Ann and Taharah had a plan to move, is that right?

A Yes.

Q And this was in May of 2012, correct?

A Yes.

Q And in June when school gets out, you go to your mom's house and you leave for the entire summer, isn't that right?

A Yes.

Q Okay.

A Not the entire; almost all.

Q Almost the entire summer. You spent almost the entire summer at your mom's house. When did you come back to Ms. Ann's house?

A Before school started.

Q Which would be when?

A I don't know exactly when.

Q Okay. You don't know when school starts?

A August.

Q Okay. And so the beginning of August, the end of August, middle?

A Like the end.

Q Okay. You come back and you're living -- you're

still living obviously in Ms. Ann's house, is that right?

A Yes.

Q At Blankenship?

A Yes.

Q Okay. And you don't -- you call towards the end of September, correct?

A Yes.

Q Okay. You're aware of the fact that Victoria had, without going into what she said, but she previously reported something back in December of 2011, is that right?

A Yes.

Q You were aware of that because you were interviewed as a result of that, isn't that correct?

A Correct.

Q Okay. And as a result of her allegation and then all the interviews, or at least you were interviewed, you weren't taken out of the home, is that right?

A Say that again.

Q You weren't taken out of the home in December of 2011, were you?

A No.

Q Okay. In fact, you weren't taken out of the home until almost a year later, is that correct?

A Correct.

Q And at that point in time you made a different

statement or a separate statement to CPS, is that right?

A Yes.

Q And are you aware that everybody -- Mahlica and Victoria and your mom had also made different statements or secondary statements to CPS? Are you aware of that?

A Yes.

Q Okay. And those came after the summer that you and Taharah spent with your mom, is that right?

A If that's when it is, then yes.

Q Well, do you remember when you made the statement?

A No.

Q Okay. Would they have been after you called CPS in September?

MS. RHOADES: Foundation, Your Honor. What statement is she referring to?

MS. ALLEN: The one from CPS is the one I was --

THE COURT: Okay.

MS. ALLEN: I had referred to that, Your Honor.

BY MS. ALLEN:

Q So the one from CPS, this was in September of 2012, is that right?

A Is it the one when I called or when he came to the house in the morning? Which one?

Q Okay. You called CPS in September of 2012, correct?

A Correct.

Q And after that you were interviewed?
A Yes.
Q Do you remember her name? Was her name Sholeh?
A Yes.
Q Okay. Sholeh interviewed you, is that right?
A Yes.
Q Okay. Different from Bobbie, correct?
A Yes.
Q Okay. Bobbie interviewed you almost a year prior to that in December of 2011, is that right?
A Yes.
Q Okay. Do you recall during 2011 and 2012, that time frame, do you recall Sha'karia accusing you of stealing something from her?
A Yes.
Q And what that?
A A dildo.
Q Okay. And do you recall blaming Taharah?
A I don't -- I can't remember.
Q You can't remember who you blamed?
A I don't even remember if I blamed someone.
Q Okay. They found it in your dresser, didn't they?
A Yes.
MS. ALLEN: Okay. Thank you. Pass the witness.
THE COURT: Okay. Do you have more?

MS. RHOADES: Yeah, just briefly, Your Honor.

THE COURT: Okay.

FURTHER REDIRECT EXAMINATION

BY MS. ALLEN:

Q Your -- when you talked with Bobbie Tibbs from CPS, that interview was not recorded, is that right?

A I can't remember.

Q When the police came in the middle of the night and recorded an interview at Blankenship --

A Yes.

Q -- was Bobbie Tibbs there?

A No.

Q Do you remember the name of the person that interviewed you at CPS?

A After I called?

Q Yes.

A The one she was talking about?

Q Yes.

A Ms. Sholeh.

Q Would it refresh your recollection as to the name of who actually interviewed you if I showed you a copy of your transcript?

A I don't think I remember her name.

Q Does Michelle Fisher sound familiar to you?

MS. ALLEN: Objection, Your Honor, leading.

THE COURT: Sustained.

MS. RHOADES: Now it's an inconsistent statement. I'm just -- it doesn't matter. That's fine, Your Honor, nothing else.

THE COURT: Okay. Thank you very much for your testimony. You can step down and you are excused. Thank you for being here.

THE WITNESS: You're welcome.

THE COURT: You can go now. You just leave the microphone there.

We're going to take a recess. During this recess you are admonished not to talk or converse among yourselves or with anyone else on any subject connected with this trial, or read, watch or listen to any report of or commentary on the trial or any person connected with this trial by any medium of information, including without limitation newspapers, television, Internet and radio, or form or express any opinion on any subject connected with this trial until the case is finally submitted to you.

We'll be in recess for fifteen minutes.

(Court recessed from 3:35 p.m. until 3:57 p.m.)

(Jury is not present)

MS. LUZAICH: Judge, I have one more witness and that's it.

THE COURT: That's it?

MS. LUZAICH: Yeah. But I mean, I don't know if --

THE COURT: But which witness is it?

MS. LUZAICH: No, Rose Smith.

MR. MACARTHUR: Rose Smith.

MS. LUZAICH: It's not one of the kids. It's not one of the kids.

THE COURT: Okay.

(Jury is present)

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

MS. ALLEN: Yes, Your Honor.

MS. LUZAICH: Yes.

THE COURT: Okay. Do you want to call your next witness?

MS. LUZAICH: The State calls Rose Smith.

ROSE SMITH, STATE'S WITNESS, SWORN

THE CLERK: Thank you. Please be seated. Would you please state your full name, spelling your first and last name for the record.

THE WITNESS: Rose Marie Smith. R-O-S-E S-M-I-T-H.

THE CLERK: Thank you.

MS. LUZAICH: Thank you.

DIRECT EXAMINATION

BY MS. LUZAICH:

Q Good afternoon, ma'am. May I call you Rose?

A Yes.

Q Thank you. Rose, do you live here in Las Vegas?

A Yes, ma'am.

Q Are you involved with your church?

A Yes.

Q How involved with your church are you?

A We go to different churches to do noon day prayer to bring the community in, to help the community grow, the churches to grow with more people and to help the community with the children.

Q Okay. And when you say "we," who is "we"?

A My spiritual mother, which she has been made -- she's like Nevada's -- I can't remember. She's been made like -- she's been granted an award to helping from the State.

Q Okay. And you and your spiritual mother travel around to different churches every day?

A Like three days a week.

Q But a different church each day?

A Yes, ma'am.

Q Okay. And in doing this, did you meet a lady that was known to you as Tina Duke?

A Yes, ma'am.

Q Do you remember around when was that?

A October 2010.

Q In October of 2010, can you describe for us how you actually met Ms. Duke?

A Yes. We were in prayer and she came into the service and after the service she told us that God told her to come into the church and that someone was going to help her. And we didn't know what kind of help she needed, and she wound up saying that she needed thirty-five bucks for a bus pass to get back and forth to work. So one of the gentlemen gave her thirty-five bucks and we offered to give her a ride home and we took her to her apartment.

Q Now, when you say we offered to give her a ride home, who is "we"?

A My spiritual mother and I.

Q And just so that it's easier for me, what's your spiritual mother's name?

A Sister Johnson.

Q Sister Johnson.

A Uh-huh.

Q Okay. So yourself and Sister Johnson gave Tina a ride home. Where was it that you took Tina at the time?

A It was right off of Craig and -- I don't remember the side street. I just --

Q Commerce, maybe; Craig and --

A Yes. Yes, it is Commerce.

Q -- Commerce-ish?

A Commerce. Yes.

Q Okay. And this nice lady in front of you is kind of taking down everything we say, so we just can't talk on top of each other.

A Okay.

Q So when you and Sister Johnson took Tina home to that location, were there other people at her home?

A No. When we got there no one was there.

Q What, like time of day, day of the week was it?

A It was a Wednesday about 1:30 when we approximately took her to the house because prayer is 12:00 to 1:00, and by the time we got her there it was 1:30.

Q Okay. And when you took her to the home, did you go inside?

A Yes, ma'am.

Q What was inside the home, if anything?

A Well, we asked her could we come in and bless her house, and there was actually literally nothing inside the home but blankets on the floor with a pillow. And in two bedrooms there was a blanket and a pillow in one room and a blanket and pillow in another room.

Q Okay. Was there anything observable in the kitchen?

A No.

Q Had you had any conversation with her about her family?

A She said -- I asked her --

Q Without telling me what she said. I mean, had you had a conversation with her about her family?

A Yes.

Q Did she make you aware that she did in fact have kids?

A Yes, ma'am.

Q Okay. Was that the extent of your contact with her that day?

A Yes.

Q Did you have contact with her or her family again after that?

A Yes, ma'am.

Q How did that come about?

A Because it was on my heart to help her, I wind up going back to my home and I gave them a loveseat and a chair, a blow-up mattress for the children, a regular full size mattress, I think it's a single mattress, and some pillows, blankets and some food and some dishes. I kind of like took pictures off my wall and just kind of like blessed their house with them to make it home for the children.

Q Okay. Did you at this time in October of 2007 (sic) live near her?

A Yes, ma'am.

Q Ten. I'm sorry. October 2010. Is that what you

said, it was 2010?

A Yes, 2010. Yes.

Q Sorry about that. How close to her did you live?

A About five minutes.

Q Okay. So easy to get things to her house?

A Yes. Uh-huh.

Q When did you bring that stuff back to her?

A The following day.

Q When you went back, what time of day was it?

A It was about 5:00 in the afternoon.

Q Were there other people there at that time?

A Just the three children.

Q Which three children were there?

A Mahlica, Shabazz and Victoria.

Q Did you stay and talk to the kids at that point?

A Yeah, I kind of was talking to them, introduced myself and was trying to see what other needs that they needed to try to help them.

Q Okay. Did you stay for awhile or was it just, hi, I'm Rose, here's some stuff and bye?

A No, we stayed for awhile because I wanted to get to know the children and to help them because I just felt a need to help them.

Q Did it appear to you that they needed some help?

A Yes. Uh-huh.

Q Did Tina ever get home that particular day that you brought the stuff while you were there?

A No, I never seen her that day.

Q Did you continue to have contact with the family?

A Yes, ma'am.

Q Tell me about the contact that you continued to have with the family.

A It was on like a regular basis because they had a home phone and I would call and keep in contact with the kids. And I started bringing -- asking could they come over to my house for cookouts, and so they were allowed to. And then it became more of asking could Victoria stay for the weekends with me.

Q Now, do you have children yourself?

A Yes, ma'am.

Q How many children do you have?

A I have two.

Q Ages?

A Thirteen and twenty-two.

Q Your 22-year-old, boy or girl?

A A boy.

Q And is your son kind of close in age to Victoria?

A Yes.

Q And then your 13-year-old, boy or girl?

A It's a girl.

Q Is your daughter -- well, who was Victoria closer to?

A My daughter. My daughter and I.

Q Did Victoria spend a lot of time with your daughter?

A Yes. Uh-huh.

Q And did you notice anything about Victoria and how she interacted with your daughter?

A Uh, she told me that she reminded her of her sister and so that she just loved her.

Q If your daughter is 13 now, does that mean she's about eight years younger than Victoria?

A Correct.

Q Did your daughter and Victoria play together on a somewhat similar mental and emotional level?

MR. MACARTHUR: Objection, Your Honor, leading.

THE COURT: You're leading.

BY MS. LUZAICH:

Q Okay. Did you notice anything about Victoria and your daughter and how they would play together or communicate together?

A Uh, they had a lot of fun and they were just like -- to me it was kind of like they were around the same age and having a lot of fun playing games and enjoying movies and stuff.

Q You spent -- it sounds like you spent a lot of time

with Victoria over the course of time.

A Yes, ma'am.

Q What, if anything, did you notice about Victoria and her ability to communicate and get on in the world?

A Uh, Victoria is a very bright young lady. I noticed she was a little shy. And then she'd wind up opening up and very spoken with us and friendly. She's very -- had a lot of dreams. Had a lot of dreams; like she wanted to do a lot.

Q Okay. Were her dreams realistic?

A Yeah. She wanted to be a designer and we would do things, arts and crafts, and she would do some different designs and stuff, so going to design school would be the best for her.

Q Okay. Did you find Victoria to be a little slow at times?

A Not really slow, but she would be hesitant. Like she would think about before she speaks.

Q Okay. What about Mahlica, did you spend much time with Mahlica?

A Not as much with Mahlica. Every time I spent with Mahlica it was like picking up Victoria and probably like twenty minutes just spending time with them there and then leaving.

Q Okay. And what about Shabazz?

A The same. Really not much time with Shabazz. Probably a total of time would probably be like 24 hours with Shabazz and Mahlica together, like coming to the cookouts a couple times and going to church.

Q Okay. Did you notice anything about Shabazz?

A I tried to -- Shabazz was like the man of the house. Like, he wouldn't let Victoria come even if I said her mom said she could and stuff like that. But just kind of, you know, typical for the only child being in the house that's a man, to try to be.

Q And did you notice anything about Shabazz' mental abilities?

A I actually did. I bought the children bibles and Shabazz was telling me that he couldn't read. So I went and got him a DVD bible that talks -- the DVD that will read the bible to you word for word, so I purchased that for him.

Q Okay. Now, you said that Victoria would come over to your house and the kids at times for cookouts.

A Uh-huh.

Q For how long did that continue?

A Uh, all the way until I guess -- for a lot, for like a year or more.

Q Okay. And would you also go to their house?

A I would go there to spend time with Victoria if she couldn't come over, but I really pretty much picked her up

and brought her to my house.

Q Did you notice anything about their house as you went there?

A When I was there -- it seemed like every time I was there the house -- like, they never had food in their house. They never had food, they didn't have like a lot of clothing and like just necessities, things that you need on a daily basis, deodorant, stuff like that, toothpaste.

Q Did you see Tina very much?

A Hardly never at all.

Q Were you aware whether or not Tina was working at the time?

A Well, the children -- I would always ask where their mom was and they would say she's working or she has a part-time job, and then the children had told me that she had a new boyfriend.

Q Okay. But you at least had heard that she was working?

A Uh-huh.

Q Is that a yes?

A Yes, ma'am. Sorry.

Q Did there come a time that you actually lost contact with Victoria?

A Yes, I did.

Q Around when was that?

A Oh, goodness, probably about June 2011; about June.

Q Okay. And after June of 2011 when you lost contact with Victoria, did you somehow get back into contact with Victoria?

A Yes. My son was on a bus and he seen Victoria on the bus and he got her number and we called her.

Q When about was that?

A Uh, I think it was about in November 2011.

Q Okay. And when you got back into contact with Victoria, did you continue to see her?

A Uh-huh. Yes, ma'am.

Q Is that a yes?

A Yes.

Q And would she stay at your house?

A Yes, ma'am.

Q Did there come a time that you learned something from Victoria that caused you concern?

A Yes, ma'am.

Q How did that come about?

A Uh, I woke up at 4:30 in the morning and Victoria was still awake. And I asked her, what are you doing up, honey, what are you still doing up? And she said, Ms. Rose, I hardly sleep anymore. I said, what do you mean, you hardly sleep? She said I sleep two hours a day, two to three hours a day and then I go to school. I said, how do you go to

school so tired? I said you need eight hours of rest before you go to school. You're ready to graduate and you can go to college or do what you need to do. And that's when I was talking to her and I said, were you texting that boy all night? And she's like, no, Ms. Rose. I said, well, you know you have to wait for God to send you your husband. And she told me, yes, Ms. Rose, I know. And I asked her and I was telling her, you know, God is going to bless you with a nice husband, you'll have a family and everything is going to work out good for you and you're going to have a good career. And I was encouraging her to go to college and stuff.

And I said -- I asked her if she was still a virgin. And she said, Ms. Rose -- I said what, honey? She said, if I tell you something, will you promise not to say anything? And I said, yes, I promise, honey, I won't say anything. And she said, Ms. Rose, you promise? I said yes, honey, I promise. And she told me ever since she was 11 years old that her mom's boyfriend has been sexually molesting her and taking advantage of her and abusing her and hurting her.

Q What did you do when you found that out?

A I was crying and she was crying, and I held her for an hour and a half. She cried so hard and for so long. It was just all I could do was cry and hold her. And I held her and I told her when she finally calmed down, I said Victoria,

honey, Ms. Rose is sorry but there's no way I can keep this promise. I said, I cannot keep this promise for you. I apologize, but this has to be told. There's no way that Ms. Rose is going to let this guy keep continually abusing you. I love you too much for this guy to hurt you, and I can't believe that this has been going on all this time and you haven't told me.

Q So what did you do?

A I asked her to please, let's get some rest, and I told her, I said, Victoria -- I let her get some rest and I waited for her to get up and I said, Victoria, we have to go to the police with this. And she told me no, that she was afraid, that he had told her that he would kill her, her whole family. And I told her, honey, we are going to go to the police, Victoria. We have to. We don't know how many other little girls that he has been hurting and who; we don't know.

And she said -- she told me that him and his wife had custody of her two little sisters that were 11 and 13. And I just -- it was so heavy on my heart. I said, Victoria, he has custody of your sisters? This is the guy that has custody of your sisters? And she told me, yes, ma'am. And I said, Victoria, he's probably molesting your sisters as well, honey. We have to go to the police and stop this because what if he's doing the same thing to your sisters as he was

doing to you? And she said, I don't know if he is or not, Ms. Rose. I said it doesn't matter if he is, honey, he has to be stopped. This can't continue to go on. I said I'm not going to let this man keep hurting you. He'll never touch you again. Let's just go to the police.

Q Did you go to the police?

A Yes, ma'am.

Q When did you do that?

A Oh, I don't --

Q I mean, was it that same day, was it later --

A Yeah, it was later on that day. Yes, ma'am.

Q And how did you do that? Where did you go?

A I went to the one police department in north town and they were closed and they told me to go to the other one. And I can't remember exactly where they told me to go, but I know where to go and I took her there.

Q Okay. Did you go to the Henderson Police Department?

A Yes, the Henderson Police Department. Yes, ma'am.

Q Now, at that time had Victoria and her brother, sister and mother moved to Henderson?

A Yes, ma'am.

Q And I'm sorry to go back for one second. At the time that you lost track of Victoria, was she still living at Craig and Commerce or had they already moved?

A They had already moved.

Q Okay. So it was when they moved that you lost track of her?

A Yes, ma'am.

Q Okay. So you went to the Henderson Police Department?

A Yes, ma'am.

Q What happened when you went to the Henderson Police Department?

A I told -- I went and told the gentleman that I have a young lady that just confessed to me that she has been being molested and raped and abused from a gentleman for -- since she's been 11 years old, and that I needed to speak -- let her speak to an officer to tell him what was going on.

Q Okay. So you talked to a detective?

A Uh-huh. Yes, ma'am.

Q Is that a yes?

A Yes, ma'am.

Q And did you remain there while Victoria then talked to a detective?

A Yes.

Q And did you go with Victoria somewhere from the police department?

A Yes. From the police department we went to her apartment.

Q Would that be on Center Street in Henderson?
A Yes, ma'am.
Q Did the police also go there?
A Yes, ma'am.
Q And what happened while you were at that apartment?
A While we were there I told Victoria to take all of her belongings because come to find out the gentleman that has been taking advantage of her had a key to the apartment, so that's why she couldn't sleep. So I told her to get all of her belongings and come with me. And while she was packing up her stuff, the detectives and the police wind up getting evidence from her room.
Q And they talked -- did they also talk to -- were Shabazz and Mahlica there?
A Yes, ma'am.
Q Did the detectives talk to Shabazz and Mahlica?
A Yes, ma'am.
Q Was Tina there?
A No.
Q Did you bring Victoria back to your house?
A Yes, ma'am.
Q And did she stay with you for awhile?
A Yes, ma'am.
MS. LUZAICH: Thank you. I would pass the witness.
THE COURT: Cross?

CROSS-EXAMINATION

BY MR. MACARTHUR:

Q Good afternoon, Ms. Smith.

A Good afternoon.

Q Are you doing all right?

A Yeah.

Q All right. My name is Jonathan MacArthur. I'm counsel for the defense. I just have a few questions for you.

A Okay.

Q At the beginning of your testimony you were saying that upon your first contact with the Duke family you noticed that they didn't have anything.

A Uh-huh.

Q They were sleeping on blankets?

A Uh-huh.

Q And this is on -- in an apartment in North Las Vegas?

A Correct.

Q Now, do you know if that apartment complex was called St. Andrews, perhaps?

A Uh, I don't remember the name of the apartment complex, but I know exactly where it was; how to get there.

Q Okay. Craig and Commerce; that vicinity?

A Yes, Craig and Commerce. Exactly.

Q Okay. And it's in fact true that you gave them clothes, furniture and prayer when you saw the condition they were in?

A Yes, and food.

Q And food.

A Yes.

Q You met Tina through your contacts with your church, is that correct?

A No, she just walked in the church. We never knew her until she came into the church.

Q She came into the church and you met her there?

A Yes.

Q At least geographically --

A Yeah.

Q -- you came to know her from the church?

A Yes.

Q Okay. I get the sense that your faith is very important to you.

A Uh-huh.

THE COURT: Is that a yes?

THE WITNESS: Yes. Sorry.

BY MR. MACARTHUR:

Q You also testified that while Victoria was staying with you that she had told you some things about having sleeping problems.

A Uh-huh. Yes.

Q Okay. Now, this isn't when you first met her, right? This is -- you had known her for some time when she told you that?

A Yes.

Q Okay. And do you recall that she hadn't had these sleeping problems before?

A Correct.

Q It was something that developed after you had come to know her and she had stayed at your place, is that correct?

A Correct. Yes.

Q Okay. Now, after having had this information given to you by Victoria, you talked about having gone to the police and giving a statement, is that correct?

A Yes.

Q Do you know if that was December 17th of 2011?

A I'm not sure the exact date, but I know it was in December 2011.

Q Okay. Does that sound about right?

A Yes, that sounds about right.

Q Okay. And did you only give one statement or one recorded statement?

A Yes, I believe so.

Q Okay. And so -- I'm sorry, I didn't --

A I said yes, I believe so.

Q Okay. And so if that statement, if the transcript said December 17th, 2011, any reason to disagree with that?

A Excuse me?

Q If the transcript of the statement says December 17th, 2011, is there any reason to disagree with that?

A No.

Q Okay. Ms. Rose -- I apologize, would you prefer that I call you Ms. Rose or Ms. Smith?

A Ms. Rose is fine. Everyone calls me Ms. Rose.

Q All right. Do you recall telling the police that you believed that Fred might have been molesting Taharah and Taquanda?

A Yes, I do.

Q Okay. And you just testified to that, right?

A Yes, I did.

Q And is it fair to say that this feeling you had was related to the allegation that Fred had been molesting Victoria since she was 11 years old?

A Well, it was on my heart, heavy on my heart that something was happening with the children. It was just a -- it just came to me that these children were being hurt and my heart was really heavy and concerned for the children, and I didn't even know the kids.

Q Okay. And just so that I understand what you were

telling the police, this isn't something that Taharah and Taquanda had told you?

A No, sir.

Q This was a fear that you had because you wanted to potentially protect them if they could be victims?

A Yes.

Q Okay. This isn't something that Victoria told you was happening. Again, it was a concern of yours that it could happen?

A Well, it was a concern of mine that it could happen, but Victoria told me that she believed that he was doing the same thing to her sisters as well. And she has questioned them in prior times and they wouldn't say anything to her. They would change the subject and wouldn't speak about it.

Q Okay. And so Victoria had the same concern that you did?

A Uh-huh.

Q And she said that she had talked to her younger siblings and they wouldn't confirm it or give her any information?

A Right.

Q Okay. Ms. Rose, do you remember telling the police that --

MR. MACARTHUR: Court's indulgence.

BY MR. MACARTHUR:

Q Ms. Rose, did you tell the police something about Fred was able to manipulate or continue to sexually abuse Victoria by bribing her with like, say, a car or college tuition?

A Yes, I remember.

Q Could you give me a little bit of information about what that was and why you said that to the police?

A Well, because Victoria had told me. I asked her why -- I asked Victoria how come she hasn't told her mom, and she said her mother had knew and that if -- she said that he would tell her that if she wouldn't have sex with him that he wouldn't pay for her college or wouldn't buy her a car. And sometimes he would lock her in her room and wouldn't even let her out of the room until he would have sex with her.

Q I see. And all this weighed heavily on you of course to hear; is that fair?

A Yes, because I love Victoria as my own daughter. I mean, my daughter was 11 at the time, you know, and this has been happening to her since she's been 11.

Q Sure.

A So it was like --

Q Of course. Okay. Now, based on your interactions with the Duke family and seeing that they had so little, did you arrive at the conclusion that their mother didn't have

any money?

A Yes, I believe that, that she didn't have any money.

Q Okay. And in fact, did you say to the police that you thought that Fred must have been taking it because it was really the only explanation you could think of as to why Tina had no money?

A No, it wasn't the only explanation I could think of, it's because that's what Victoria told me. Like, he would monitor how much food came into the house, like very little at a time, to where if she didn't cooperate and have the sexual -- sex things with him, then they wouldn't be able to eat and things like that, so.

Q I see. Ms. Rose, based on your interactions with Tina Duke, do you know anything about whether she had any addictions to, say, cocaine or downers or sleeping pills?

MS. LUZAICH: Objection.

THE COURT: Sustained.

BY MR. MACARTHUR:

Q Based on your interactions with Ms. Duke, are you aware of any substance abuse on her part?

MS. LUZAICH: Objection.

THE COURT: Sustained.

MR. MACARTHUR: Court's indulgence. Your Honor, permission to approach?

THE COURT: Absolutely.

(Bench Conference)

THE COURT: The record will reflect all four lawyers are present. The question is not necessarily objectionable. It's the person you're asking it of. You had Tina here. You could have asked her.

MR. MACARTHUR: We talked about it.

MS. ALLEN: She admitted it.

MR. MACARTHUR: She already admitted that she had those addictions.

THE COURT: Okay.

MS. LUZAICH: Right. But she can't --

THE COURT: This woman can't --

MS. LUZAICH: This woman has met her like twice.

THE COURT: Yeah.

MS. ALLEN: Yeah, but it comes to the money issue.

MR. MACARTHUR: Then she just says I don't know anything about it. If she doesn't know anything about it, she doesn't know anything about it.

THE COURT: This woman can't testify about that.

MS. ALLEN: This comes down to the money issue. She said that the woman never had any money because Fred was taking it. Addictions would account for that as well.

THE COURT: Okay, but you already have that.

MS. LUZAICH: But you can argue that.

THE COURT: You already have that. So the objection is sustained.

MS. LUZAICH: I mean, I'm not going to disagree with that. I'm not going to disagree with that.

THE COURT: Okay.

MR. MACARTHUR: Okay. Then for the record, what was the nature of your objection? Relevance?

MS. LUZAICH: Foundation. Speculation and relevance.

THE COURT: Relevance. It's not relevant. And she's not the appropriate witness to testify about it.

MR. MACARTHUR: Okay.

(End of Bench Conference)

BY MR. MACARTHUR:

Q Ms. Rose, were you aware of what full time and part-time jobs Ms. Duke had?

A She had one at a pizza place in a casino, one of the casinos.

Q Is that the full time job?

A Yes, sir.

Q Okay. Do you have any idea what the part-time job was?

A No, I have no idea.

Q Did there come a time where you took Victoria around town to get her job applications?

A Yes, sir.

Q Was she successful in being able to get a job with your help?

A Not at the time, no.

Q Ms. Rose, is it in fact the case that you had told the police during your interview that it was your intention to take Victoria with you or under your wing and protect her for as long as possible?

A Yes, sir.

Q Okay. And did she remain with you for some time?

A Yes, sir.

Q Okay. And how long was that?

A Uh --

Q Just so I'm clear, if you could give me a start date and an ending date for --

A I don't know exactly the ending date. I just know it was in December the day that we went to the police department.

Q Okay.

A And for about maybe four or five months.

Q Four or five months. Okay. And did you also live in Henderson?

A No, I didn't live in Henderson.

Q Understood. I guess my question put another way, without specifically asking you where you live, did you live

in close proximity to the Duke family or was it something of a drive?

A It was about a thirty minute drive to go there and back.

Q Okay.

A I mean, from there -- thirty minutes there.

Q Ms. Rose, do you remember telling the police that Fred may have tried to force himself on Mahlica, the next daughter down? Well, let me rephrase that. Do you know who I'm talking about when I say Mahlica?

A Yes, her sister.

Q You're on decent terms with her as well, is that correct?

A Yes. Uh-huh.

Q You get along?

A Yes.

Q Okay. Did you tell the police that Fred had tried to force Mahlica to have sex with him in the shower about three days before your voluntary statement?

A I remember Victoria had told me that Mahlica was in the shower and that he tried -- he came in the shower while she was in there, but Mahlica always has a knife with her, so she always had carried a knife and slept with a knife at all times.

Q I understand. So this isn't something that Mahlica

had told you?

A No.

Q Okay. This was something -- the forced sex in the shower and the knife thing was something that was told to you by Victoria?

A Yes. But Mahlica did tell me when we were there the night -- when I was getting all of Victoria's things that he had tried before and that he knows that she will stab him, is what she said.

Q Mahlica said she knows that she'll stab him?

A Yeah, that he knows. That's why he won't try again because she will stab him.

Q Okay. And was Victoria present for that?

A I don't think so. I think Victoria was packing her things. Or she might have been -- we were all in the same room, I think. Yeah, we were all in the same room 'cause they shared --

Q Okay. So Victoria may not have been actually in on that conversation but you were all in the same room --

A Yes.

Q -- when Mahlica --

A She was packing, getting her things, and Mahlica and I were talking because I was trying to get Mahlica to come with me because I was afraid that he was going to try to do her, and that's when she was letting me know that he tried

but he won't succeed because she'll stab him and he knows this.

Q Okay. And when you said -- when you were telling that to the police you said that it had been the last Wednesday. Do you remember giving this statement to the police on a Saturday?

A Correct.

Q Okay. And so the previous Wednesday had been the 14th of December?

A Okay. Yes, I guess.

Q Does that make sense if you count backward --

A Yes, it makes sense.

Q -- so Friday, Thursday, Wednesday?

A Yes.

Q Okay, the 14th. And so the 14th would have been the day that, if this happened with Fred and Mahlica, it would have been that day, the Wednesday the 14th, three days before the police interview?

A Yes.

MR. MACARTHUR: Okay. Thank you very much, Ms. Smith. I have no further questions for you.

THE COURT: Any redirect?

MS. LUZAICH: No. Thank you.

THE COURT: Okay. Thank you very much for your testimony here today. You may step down.

THE WITNESS: Thank you.

THE COURT: You are excused.

It doesn't look as though they have any questions. Does the State have any further witnesses they intend to call?

MS. LUZAICH: Well, not today. It's 4:30.

THE COURT: I'm sorry?

MS. LUZAICH: It's 4:30.

THE COURT: Okay. All right, so we will conclude for the day. During this recess you are admonished not to talk or converse among yourselves or with anyone else on any subject connected with this trial, or read, watch or listen to any report of or commentary on the trial or any person connected with this trial by any medium of information, including without limitation newspapers, television, Internet and radio, or form or express any opinion on any subject connected with this trial until the case is finally submitted to you.

And we'll start again on Monday at 10:00 a.m. Monday, 10:00 a.m.

MS. LUZAICH: Judge, are you -- you know what, can we approach real quick?

THE COURT: Sure.

(Bench Conference)

THE COURT: I apologize, I thought you said this

was your last witness.

MS. LUZAICH: No, just for the day, but I thought I was going to be (inaudible).

THE COURT: I think you meant today, so I'm sorry.

MS. LUZAICH: Are you going to tell them that we're not going to be in session Tuesday?

MS. ALLEN: Tuesday.

MR. MACARTHUR: Right.

THE COURT: Okay, I'll tell them that.

MR. MACARTHUR: They also don't know that -- well, I guess they know that we're going into next week now.

THE COURT: Yeah, they know. The hands started going up.

MS. ALLEN: You just try to slip past and run?

THE COURT: I just try.

MS. LUZAICH: Oh, if you don't want to. Yesterday you said you were going to at the end of the day.

THE COURT: No. I'll tell them we'll be dark on Tuesday, okay.

(End of Bench Conference)

THE COURT: All right. I assume everyone has figured out that we're not done and we're going to go into next week. I also just want to inform you that on Tuesday we will be dark. So we'll be here Monday. If we have to go further than Monday, then it will be Wednesday.

So again, I want to thank you very much for your willingness to be here and I apologize that it's taking longer than we anticipated. But again, thank you very much. I hope you have a great weekend and we'll see you on Monday, 10:00 a.m.

(Court recessed at 4:31 p.m. until Monday, April 7, 2015 at 10:00 a.m.)

* * * * *

INDEX

NAME	DIRECT	CROSS	REDIRECT	RECROSS
STATE'S WITNESSES				
Teresa B. Tibbs	29	59	78	82
Taquanda Duke	85	155	204/218	214
Rose Smith	220	237	--	--
DEFENDANT'S WITNESSES				
Shrday Green	11	24	28	--

* * *

EXHIBITS

DESCRIPTION:	ADMITTED
STATE'S EXHIBIT NO.	
1 Photograph of Ann Cook	91

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CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146

Liz Garcia

Liz Garcia, Transcriber

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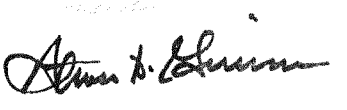

CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA	.	
	.	
Plaintiff	.	CASE NO. C-291374
	.	
vs.	.	
	.	DEPT. NO. XII
FREDERICK HARRIS, JR.	.	
	.	**Transcript of**
Defendant	.	**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: TRANSCRIPTION BY:

KRISTINE CORNELIUS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

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

LAS VEGAS, NEVADA, MONDAY, APRIL 7, 2014, 10:16 A.M.

(Court was called to order)

(Jury is present)

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

MS. LUZAICH: Yes.

MS. ALLEN: Yes, Your Honor.

THE COURT: Okay. You can call your next witness.

MS. LUZAICH: Thank you. The State calls Taharah Duke.

TAHARAH DUKE, STATE'S WITNESS, SWORN

THE COURT: Is that a yes?

THE WITNESS: Yes.

THE COURT: Thank you.

THE CLERK: Thank you. Please be seated. Could you please state your full name, spelling your first and last name for the record.

THE WITNESS: Taharah Duke.

THE MARSHAL: Use the microphone, please.

THE WITNESS: Taharah Duke.

THE CLERK: Can you spell that.

THE COURT: Can you spell it.

THE WITNESS: Uh-huh. T-A-H-A-R-A-H, last name D-U-K-E.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. LUZAICH:

Q Thank you. Good morning, Taharah.

A Hey.

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

A Okay.

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

A Okay.

Q Thank you. Taharah, how old are you?

A I'm 14.

Q What is your birthday?

A October 9, 1999.

Q Do you go to school?

A Uh-huh.

Q Is that a yes?

A Yes.

Q What grade are you in?

A I'm in eighth grade.

Q What school do you go to?

A Brown Middle School.

Q Brown Middle School. Where is that?

A In Henderson.

Q Do you live in Henderson now?

A Uh-huh. Yes.

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

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

Q Okay. Do have a favorite --

A -- it's okay.

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

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

Q Okay. Are you a little nervous, Taharah?

A Yes.

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

A Yes.

Q What school did you go to?

A Sedway.

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

A Yes.

Q Did you like Sedway?

A It was fun.

Q What was fun about Sedway?

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

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

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

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

A No.

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

A It was my English and my reading class.

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

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

Q Okay. What does that mean?

A Like it was fun.

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

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

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

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

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

A HP.

Q HP? Is that Fitzgerald?

A Uh-huh.

Q Is that a yes?

A Yes.

Q Is that an elementary school?

A Yes.

Q Okay. So you liked Ms. Clark and you like English. What else do you like about school? Have there been anything that you really loved to do at school?

A There was PE. I like PE in there because there are like a lot of fun activities we did and stuff.

Q Okay. Anything else?

A No.

Q Okay. You talked about going to different schools. Have you lived in a bunch of different places as you were growing up?

A Yes.

Q Okay. Who do you live with right now?

A I live with my mom.

Q What's your mom's name?

A Tina Duke.

Q Where do you and your mom live?

A We live in Henderson.

Q Do you live in a house or an apartment?

A We live in an apartment.

Q Do you know what street your apartment is on?

A Center Street and Warm Springs.

Q Okay. Who else lives in the Center Street apartment with you and mom?

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

Q Okay. So Mahlica and Taquanda, you and mom. What's Mom's name?

A Tina Duke.

Q Do you have other brothers and sisters?

A Yes.

Q Who else?

A Shabazz and Vicky.

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

A No.

Q Do you know where Vicky lives?

A She live in Cali, in Watts.

Q Okay. Is Cali California?

A Uh-huh.

Q Is that a yes?

A Yes.

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

A No.

Q Do you talk to Shabazz sometimes?

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

Q Do you see him sometimes?

A Yes.

Q Does he kind of do his own thing?

A Yes.

Q Okay. When you go to school, Taharah, do you go to any kind of special classes?

A Yes.

Q What kind of special classes?

A Like for basically my reading and English.

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

A I'm doing good. Okay.

Q Okay. How come you switched from Sedway Middle School to Brown Middle School?

A Oh, because I was with Ms. Johnson when I was going to Brown Middle -- I mean, Sedway Middle School. So when I got back with my mom, we had to switch so I went to Brown Middle School and I was with my mom, which would be right now.

Q Do you know when you came back to mom?

A No.

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

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

Q Do you know what month?

A No.

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

A October 9, 1999.

Q Where did you spend your birthday this past October?

A At my mom's house.

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

A I was living there.

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

A Yes.

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

A My foster mom.

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

A Like almost a year.

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

A No.

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

A I was in Utah.

Q Okay.

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

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

A I had to be at least six or seven.

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

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

A Not far. I mean, like --

Q Not far.

A -- a little.

Q Okay.

A Like a little ways, I mean.

Q Okay. Let me ask you this. Where is the first place that you can remember living?

A First was in Louisiana.

Q Okay. So you remember living in Louisiana?

A Uh-huh.

Q Is that a yes?

A Yes.

Q When you were living in Louisiana, were in Louisiana did you live?

A In West Monroe.

Q When you lived in West Monroe, who did you live with?

A I lived with my mom and I lived with my brother Vicky -- not my brother Vicky, but my brother Shabazz. And I lived with my sisters and my mom, too.

Q Okay. So all three of your sisters, your brother, you mom, and you lived in Monroe, West Monroe; right?

A Yes.

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

that so far back you don't remember?

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

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

A Yes.

Q Do you remember that?

A I think she went to Vegas or something.

Q Okay. Do you know why --

A Yeah, she went --

Q -- she went --

A -- to Vegas.

MS. LUZAICH: Is that a siren?

MS. RHOADES: Yeah.

MR. MacARTHUR: It is?

MS. ALLEN: I think it was outside.

MS. LUZAICH: Oh. Okay. Sorry.

BY MS. LUZAICH:

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

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

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

A She came out here to see Fred.

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

A I was in Louisiana.

Q You stayed in Louisiana?

A Uh-huh.

Q Is that a yes?

A Yes.

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

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

Q Okay. Also your brother and sisters?

A Uh-huh. Yes.

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

A Yes.

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

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

Q Okay. So you met Fred and he brought you suckers?
A Yeah, me and my sister.
Q Okay.
A That's how I remember meeting him in Louisiana.
Q When you say you and your sister, was it one sister or all your --
A Like all my sisters and then my brother.
Q Oh. Okay. When mom was in Las Vegas, did you talk to her while you were still in Louisiana?
A No.
Q Okay. Did you leave Louisiana?
A Yes.
Q Where did you go when you left Louisiana?
A To Vegas.
Q How did you get here? Do you remember?
A Well, all I remember is I think Fred's brother had came and got us from Louisiana, and then took us to Vegas where our mom was at.
Q Okay. Do you remember what his name was?
A It was John.
Q Okay. When John picked you up and brought you to Vegas, where in Vegas did he take you? If you don't --
A To where my mom lives on -- I think it was Trish Lane.
Q Okay.

A Yeah, Trish Lane.

Q Trish Lane where mom was. Who else was at Trish Lane when you came, if anybody?

A I'm trying to remember.

Q That's okay. Take your time.

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

Q Okay. Now, you mentioned Fred and Ann. Did you see Fred when you went to Trish Lane?

A Yes.

Q Do you see him here in court today?

A Yes.

Q You keep looking in a particular direction. Can you point him out and describe something that he's wearing?

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

MS. LUZAICH: May the record reflect identification of the defendant.

THE COURT: So reflected.

MS. LUZAICH: Thank you.

BY MS. LUZAICH:

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

A I'm trying to think of the words to say because I'm like -- I think that was Fred's girlfriend, I think.

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

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

A He lived, I think. Yeah.

Q Do you remember him having an apartment also?

A Yes.

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

A I don't know.

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

A It's Sha'karia.

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

A It's Ms. Ann's daughter.

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

A She close in age with my sister, Vicky.

Q Okay. So she was older than you?

A Yes.

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

A I think she was living there.

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

A Yes.

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

A I think that was back in like 2005.

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

A Yes.

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

A I can't remember.

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

A Yes.

Q What school did you go to?

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

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

A Yes.

Q What did she do?

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

Q At a restaurant?

A Like at a restaurant.

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

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

was at work.

Q Okay. Did Ms. Ann work?

A Yeah.

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

A At that time I really didn't know.

Q Okay. Did you ever go to Fred's apartment while you guys were living at the house on Trish Lane? If you remember.

A Sometimes.

Q Okay. When -- did there come a time that you left Las Vegas and went someplace else?

A Yes.

Q Where did you go?

A We went to Utah.

Q Do you know why you moved to Utah?

A No.

Q When you moved to Utah, where did you guy live? I mean, a house, an apartment?

A We lived in an apartment.

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

A Yes.

Q Do you remember when you moved up there what grade did you start?

A I'm trying to remember.

Q If you remember.

A I think it was -- it was kindergarten.

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

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

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

A Right.

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

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

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

A Yes.

Q Did that baby come home with you?

A No.

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

A She went back to Vegas.

Q She what?

A She went back to Vegas.

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

A She came to see Fred.

Q Do you know when that was?

A Some years ago. It's a --

Q Okay. That was a bad question.

A It was [unintelligible].

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

A No.

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

A Yes.

Q What happened?

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

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

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

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

A I really don't remember.

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

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

Q Which sister?

A Me and Taquanda were in foster care together, and then it was Mahlica and Vicky was together, and then Shabazz was by himself.

Q Okay. Did there come a time that you guys went back to mom?

A Yes.

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

A Like a year.

Q In the time that mom didn't have you while you were in Utah, were you able to see her?

A We would do visits.

Q Okay. And did there come a time that you got to go back to her?

A Yes.

Q After you went back to mom did you guys stay in Utah? Did you go somewhere? What did you do?

A At first -- like at first when we got back to her we kind of like stayed in Utah. And then by then I was in -- I think I was in first grade.

Q Did you like Utah?

A It was cool.

Q What was cool about Utah?

A Okay. It snowed there, so we got to play in the

snow and stuff, and then it was kind of like the people that we knew that was cool, too.

Q Okay. Did there come a time that you left Utah?

A Yes.

Q Can you tell me how that happened?

A Well, first, our mom, she was like we're going to move, but first she told us that we was going to move somewhere in Utah.

MS. ALLEN: Judge, objection. Hearsay.

THE COURT: Sustained.

MS. LUZAICH: It's not offered for the truth. It's state of mind.

THE COURT: Okay. But it's still hearsay.

THE WITNESS: Can I talk?

THE COURT: Yeah, she's going to ask you another question.

BY MS. LUZAICH:

Q That means you shouldn't tell me what your mom said.

A Oh.

Q That's okay.

THE COURT: It's okay. You're fine.

BY MS. LUZAICH:

Q So you knew that you were going to move.

A Uh-huh. Yes.

Q But?

A But it happened so weird, though.

Q How did it happen? What was weird?

A It was like I guess we got woken up out of our sleep real quick. I guess we got -- I ain't trying to do nobody, but it was like we kind of got snatched and we just got put in this car. And I didn't know who this person was. I was just all of the sudden in the car up out my sleep real quick. I guess we had left all our stuff, all our baby pictures, and all our memories. We lost, for the second time in a row, everything.

Q Did there come a time that you realized who was in the car?

A Yeah.

Q When did you realize who was in the car?

A As soon as we got to Walmart because Walmart was the first place I remember being back in Vegas again.

Q Okay. You said you got woken up and put in the car.

A Basically just dragged out our sleep and put in a car.

Q Who was put in the car?

A It was my sisters and my brother.

Q And you.

A And me.

Q Okay. Mom was there, too?

A Yes.

Q Okay. So you got in the car and you came -- the first place you remembered was Walmart. Was that back here in Las Vegas?

A Yes.

Q And when you realized at Walmart who it was in the car, who was it?

A It was Fred. He was in the car.

Q When you say that you got woken up out of your sleep, does that mean that it was dark when you got in the car?

A Yes, it was dark. I didn't know what was going on. All we took was like -- all we took was like two bags of cloths and a couple of our stuff. And all the other stuff, like our baby pictures and some memories that I cannot get back til this day. It's still at that house probably. Probably not even there no more. I'm just saying.

Q When you got back to Las Vegas, where did you go?

A Well, first we went to Walmart, and then we went to -- I guess they moved from Trish Lane, so I guess they was living on 966 Blankenship Avenue.

Q Who was living at 966 Blankenship?

A It was Fred, Ann, and then I think it was some of Fred's family, too. And then it was my sisters and my brother and me again. And then my sister Vicky and mom, they didn't live there because I guess they had got they place on Walnut.

Q Okay. Before you get there.

A Okay.

Q When you get to the house on Blankenship, who was actually already there when you got to the house on Blankenship?

A Ms. Ann was there.

Q Was any of Ms. Ann's family there, or just her, if you remember?

A I don't remember because I know it was just Ms. Ann there, and then there was some of Fred's family, too.

Q Okay.

A But they moved out.

Q When you got to the house on Blankenship, who actually stayed there, specifically who stayed from your family?

A From my family?

Q Yes.

A It was Mahlica, Taquanda, Shabazz, and me.

Q Did Fred tell you why Vicky and mom were not staying there, if you remember?

A I don't remember.

Q You don't remember, is that what you said?

A Uh-huh. Yes.

Q Okay. So Vicky and your mom went somewhere else; is that right?

A Yes.

Q When is the next time you saw Vicky and your mom? Like was it a day later, a week later, a month later, somewhere in between?

A Somewhere in between.

Q Was it days or weeks, do you know?

A Well, I don't know because sometimes Fred would take us over there like to visit them.

Q Where is the first place that you remember visiting them?

A At the apartment on Walnut.

Q Okay. Did you ever visit them at Ms. Dorothy's?

A Yes.

Q Okay. Was that before the apartment on Walnut or after, do you know?

A I don't really remember.

Q Okay. Did you ever go see them at a -- at a weekly place like a Siegel Suites or Americana kind of place?

A What is that?

Q Okay. Never mind.

A What is that?

Q When you got to the house on Blankenship, did you start school?

A Yes.

Q What grade did you start?

A Second grade.
Q Do you remember what school it was?
A It was HP Fitzgerald.
Q Okay. Did Taquanda start school?
A Yes.
Q What school did she go to?
A She went to the same school that I went to. Yeah.
Q Okay. How about Shabazz, did he go to school?
A Yes.
Q What school did he go to?
A He went to Sedway Middle School.
Q Okay. Is that the middles school that you went to later?
A Yes.
Q And what about Mahlica, did she go to school?
A She went to West.
Q Okay. And do you know what kind of school West is, like what grades West has?
A I think they have all grades, K through 12.
Q Okay. So when you got to the house at Ms. -- at Blankenship, was Ms. Ann working?
A Yes.
Q Do you know what Ms. Ann was doing for work?
A Now. Now I know. She's like -- she's a caregiver, like she helps people like that can't help themselves like

that's in wheelchairs and stuff.

Q And do you know how she did that? Like did she go to their home, did she do it at the hospital or an office?

A She went to their home and helped them like wash up and stuff because they couldn't do it for themselves.

Q Okay. And what about Fred, was he working while you lived at Blankenship?

A Yes.

Q What did he do, if you know?

A He worked for Embarq, but now they call it CenturyLink.

Q Okay. And did Ann and Fred kind of work the same days and hours?

A Kind of. Kind of.

Q Would they both be at work while you guys were at school?

A Yes.

Q You said that Fred would take you to visit mom and Vicky. Did Ms. Ann also take you to visit mom and Vicky?

A Yes.

Q How often would you guys go, do you know?

A It was like sometimes. Sometimes like on the weekends or something.

Q Okay. Did there come a time later that mom and Vicky moved into the house at Blankenship?

A Yes.

Q Do you know what time of year it was, like in the winter, in the spring, in the summer, in the fall?

A I don't really know. I know they moved back in.

Q Back in or just in to begin with?

A Well, they just moved in to begin with.

Q Okay. Okay. How about this, after they moved in, what grade did you start?

A Third grade.

Q Okay. Before mom and Vicky moved into the house, how was it living at the house? How did Fred treat you guys?

A Like the days kind of evened out. Like there was good days and there was bad days.

Q Okay. Tell me about the good days. What were the good days like?

A Like we would like go somewhere or sometimes he would like barbeque or like we would go out to eat sometimes.

Q Okay. Tell me about the bad days. What were the bad days like?

A There was like -- there was just not good days, like --

Q What was not good about it?

A It was like when there's -- it would have been like a day where you want to do all your chores, get everything done so like won't get yelled at, in trouble, or get a

whooping or just -- just want to be line that day.

Q Why?

A So you wouldn't get a whooping, so you wouldn't get yelled at, so you wouldn't have to do pushups, so you just wouldn't get in trouble.

Q Okay. Well, tell me about that. You say -- did he yell a lot?

A Sometimes.

Q Okay. What about the pushups, tell me about that.

A Well, we'd have to do pushups like if we just didn't do our chores or if we got in trouble that day from school or got suspended or RPC-ed.

Q You said something about a whooping. If you had to do pushups for that, what would happen -- like what would happen to make you get a whooping?

A Sometimes if you wasn't the pushups right or it kind of depended on what you did that day.

Q If you didn't do your pushups right you got a whooping?

A Yeah.

Q Is there a right way to do pushups? Like what -- what would you be doing wrong that he would whoop you for with pushups?

A I guess you would be going too low or it just wouldn't be right. I don't know.

Q When you got a whooping, how did you get a whooping?
A Just with the belt, I mean.
Q Did you ever get a whooping?
A Yes.
Q One time or more than one time?
A More than one time.
Q Now, before mom and Vicky moved into the house did you get a whooping more than one time?
A I can't remember because it's just like --
Q Okay. Can you give me a description about what -- how you got a whooping? Like what happened that caused you to get a whooping?
A Sometimes either when I got suspended from school or I wasn't doing good or --
Q How would he do it?
A Actions?
Q Yep.
A Oh. I guess first he would just be like come in the room, and then it was -- it would be like you're about to get a whooping or he would just break out the belt and I would get a whooping.
Q When you say he would say come in the room, what room?
A Like his room, like Ann and Fred's room.
Q Okay. Did it always happen in Ann and Fred's room?

A Yes.

Q Did you ever see Taquanda get a whooping? Actually, would you ever actually see each other get whoopings generally, or would you just hear it?

A Sometimes we would hear it, or sometimes we would be getting in trouble together.

Q Did things change at all when mom and Vicky moved into the house, or was it pretty much the same?

A It kind of changed a little bit.

Q What was different when mom and Vicky moved into the house?

A It was like more people in the house, so I guess they had to live in the garage, like they stayed out in the garage because they kind of made the garage like as a house. Not like as a house, but, you know, like --

Q A bedroom?

A -- when you kick back, bedroom place.

Q You know what, let me ask this. Do you know how many bedrooms -- when you moved into the house on Blankenship when you came back from Utah, how many bedrooms were in the house?

A I've got to count.

Q You don't know?

A I do know, but I've just got to count because --

Q You've got to count. Okay.

A -- I'm like I've got to make sure. There was four. There was four.

Q Okay. And is that before they made the garage a bedroom or kickback room?

A Yeah, that was like before.

Q So when you moved into the house and it was you and Mahlica, Taquanda, and Shabazz, tell me who had bedrooms, like who slept where when you first moved in?

A Well, at first we all slept in the living room.

Q For how -- do you know for how long, like for days or for weeks or for months?

A It was just until Fred's family -- well, there's was only like a couple of his family members, until like -- until they moved out we just slept in the living room.

Q When his family members moved out, was that before school started or after school started? If you remember.

A I really can't remember.

Q That's okay. So once they did move out and you guys moved into bedrooms, who got which bedrooms? Who slept in -- like together, or who shared bedrooms is a better question.

A When we finally got our rooms it was my sister Taquanda and me and my sister Mahlica, we all slept in the same bed, and then like we shared a room. And then Shabazz, he got his own room.

Q And who had the other two bedrooms?

A Ann and Fred had one, and then I think Ronnie, he was like staying with us at that time.

Q Who is Ronnie?

A One of Ms. Ann's relatives.

Q Okay. Are all of these bedrooms as you walk down the same hallway, or are any of them down another?

A It's like first when you walk in the house it's the kitchen. Like not -- it's like when you walk in, like you're walking into the living room and then it's the kitchen and then you turn and you face -- like there's a hallway going straight down. And then on the right side there's a room, there's like a room right on the right side with a window in it and stuff, and then when you go farther down the hallway there is on the right-hand side there's the garage going straight down and then there's a bathroom, too. And then there's like rooms because like the hallway is kind of shaped.

Q Whoops. We're going to put new microphone -- or batteries in the microphone for you. Okay. The microphone killed my computer. Sorry. All right. So the -- the hallway with the garage, you said there's a room on the right and a second room on the right?

MS. ALLEN: It's not us.

MS. LUZAICH: It's one of those days.

THE COURT: It's one of those days.

///

BY MS. LUZAICH:

Q Taharah, am I right, there's two rooms -- am I correct that garage hallway there's two rooms on the right? Is that what you said?

A No, there's like -- it's like -- I'm trying to think of the shape.

Q How many bedrooms are down that hallway?

A Down that hallway, first -- when you first walk in there's a bedroom on the right-hand side when you first walk in. And then when you go further down the hallway there's -- the garage is on the right-hand side, too. Oh, and there's a laundry room, too, right by the garage. Then as you walk further up there's going to be a bathroom. And then there's also another bedroom on the right-hand side. Then on the left-hand side there's Fred and Ann's bedroom, and then there's -- there's me and my sister's bedroom, too, on the left-hand side.

Q Okay. So all four bedrooms are on that same hallway?

A Uh-huh.

Q Is that a yes?

A Yes.

Q Okay. So Fred and Ann -- Ann's bedroom was on one side.

A Yes.

Q Who was -- the other bedroom on that side, who had that bedroom when you first moved in?

A Ronnie.

Q Well, when you guys got bedrooms.

A Oh. When we got bedrooms, Ronnie, he had that bedroom on the right-hand side.

Q Okay. And what about the other bedrooms?

A The other bedrooms, one was Shabazz's and then one was my sisters and me, and then one was Fred and Ann's.

Q Okay. Whose room was next to yours and your sisters?

A Well, it's kind of like in the middle of Ronnie's room and Fred and Ann's room.

Q Okay. And then you said that you guys changed rooms at times?

A Yes.

Q When -- when did you change rooms after that? I don't mean what month. I mean what caused you to change rooms?

A Sometimes we'd be cleaning or sometimes another person would move in or something.

Q Who was the next person to move in after you guys did?

A Well, Sha'karia, she had moved back in.

Q Okay. Do you know what grade you were in when

Sha'karia moved back in?

A Third grade, getting ready to go to fourth grade.

Q Okay. So was that before Vicky and mom moved in or after Vicky and mom moved in? If you know.

A I don't.

Q You don't know. That's okay. What about Ronnie, did he stay there or did he move out?

A I think he moved out.

Q Do you remember when he moved out, around when he moved out or --

A No.

Q -- what grade or what year? Did he move out before or after mom and Vicky moved in?

A I don't remember.

Q Okay. So originally when you got rooms, you, Mahlica, and Taquanda shared a room. When that changed, who got what rooms?

A Okay. This is when we made the garage a hangout spot, so I guess Shabazz, he stayed in the garage, and Vicky and mom stayed in the garage. And then Mahlica and Taquanda and me, we all just lived in the same room and a couple of people got moved to the garage.

Q Okay. What about Sha'karia, was Sha'karia living there at the time? If you remember. Did she kind of live there for one long period of time, or did she kind of come and

go?

A She kind of came and gone.

Q Okay. When she would come, would she sometimes stay for awhile?

A Yeah, like awhile, like a minute.

Q Okay. A minute to me I don't think is the same as a minute to you.

A Well, like, okay, I would just say for awhile, for a long time.

Q Okay.

A And then she would go, and then she would come.

Q Okay. So tell me, you originally shared a room with Mahlica and Taquanda, one particular room. Did you change rooms?

A Yes.

Q When did you change rooms? Where did you go?

A When -- I guess there came a time when Mahlica, Shabazz, and Vicky and my mom, they moved out into the St. Andrews. So I guess me and my sister Taquanda, at first we was living in the front room with the window, the one I told you about with the window, and then we was living -- we was staying in that room for awhile, and then we got moved to the back room.

Q Which back -- oh, a bedroom that's in the back of the house?

A Yes.

Q Okay. And is that bedroom kind of near the laundry room?

A Yes.

Q Okay. And did you stay in that room until you didn't live in that house anymore?

A Yes.

Q Okay. So I'm going to go back again. Before mom and Vicky moved into the house, did you see or hear Fred do anything to hurt Mahlica?

A Yes.

Q What did you see or hear Fred do?

A One time me and my sister Mahlica, we had got a whooping together. I forgot what we got in trouble for, but that time was basically the only time. Not the only time, but I just -- I can just remember that time.

Q Okay. You got a whooping together. So where did that happen?

A It happened in our old -- it was like our old room.

Q The room that the three of you shared?

A Yes.

Q Did Fred come into the room and -- and do that?

MS. ALLEN: Objection. Leading.

THE COURT: You are leading.

MS. LUZAICH: Okay.

THE COURT: Sustained.

MS. LUZAICH: I'll rephrase.

BY MS. LUZAICH:

Q How did it come about that it happened in that room?

A We just got a whooping in the room. I guess we just walked in there and then he would tell us to lay across the bed and then he would just start whooping us with the belt.

Q When he whooped you with the belt, where did he whoop you?

A On my bottom.

Q And did you see him or hear him do it to Mahlica, as well?

A Yes.

Q When he did that, did it --

A She was laying --

Q -- leave a mark?

A She was laying right next to me.

Q Okay.

A So --

Q When he did that, did it leave --

MS. ALLEN: Judge, objection. At this point I know the question she's going to ask and it's leading. Can we approach for a moment?

THE COURT: Sure.

(Bench conference)

MS. ALLEN: You're going to ask about the red marks, am I wrong?

MS. LUZAICH: No. No, you're not wrong.

MS. ALLEN: Oh. Okay. I understand it's very difficult to get these people to say what they want them to say, but I do understand --

THE COURT: It's difficult to get them to say anything.

MS. ALLEN: I get it. I know. But I would just as the State be reminded not to lead, just to -- she has to have her own memory of it.

THE COURT: Okay. Ms. Luzaich has been doing really well.

MS. ALLEN: I know she has.

MS. LUZAICH: The question did it leave marks isn't leading.

MS. ALLEN: Well, the word red came out.

MS. LUZAICH: Oh. Did it?

MS. ALLEN: Yeah.

MS. LUZAICH: No, did it leave marks.

MS. ALLEN: You said red. Yeah. Did it leave marks is leading.

MS. LUZAICH: Did I? Oh.

THE COURT: I don't recall her saying red.

MS. RHOADES: I don't think she did.

THE COURT: But if you say she said it, then --

MS. LUZAICH: I didn't intend to say red. I intended to say did it leave marks. Are you sure?

MS. ALLEN: I'm pretty sure you said red. Yeah.

MS. LUZAICH: Sorry.

THE COURT: Okay. Thank you.

(End of bench conference)

THE COURT: You can proceed.

BY MS. LUZAICH:

Q You there, Taharah? When Fred did that, when he whooped your bottom, did it leave any marks?

A Yes. It just left red marks for like two days and then it just went away.

Q Okay. And do you know when he did it to Mahlica that day did it leave marks on Mahlica? Only if you know.

A I don't know, but I'm guessing since we got the whooping together --

Q No, don't guess. Don't guess.

A Oh.

Q Let me ask you this way. Did you see Mahlica's bottom in the next couple of days?

A No.

Q Okay. You said, I think, you said that you don't remember why you got a whooping that time?

A No.

Q Is that the only --

A I don't remember why.

Q -- time you and Mahlica had gotten a whooping together?

A Yes.

Q Before mom and Vicky had moved into the house, did you see or hear Fred do anything to Taquanda?

A No, not -- not that I can remember.

Q Okay. Now, you said that mom and Vicky moved into the house when you were going into the third grade; is that right?

A Yes.

Q After mom and Vicky moved into the house, did Fred's attitude or demeanor, his attitude or behavior towards you guys change any, or was it pretty much the same?

A It was the same.

Q So after mom and Vicky moved into the house, did you see or hear Fred do anything to Shabazz?

A Yes. I just heard him getting whoopings.

Q Okay. The time that you're talking about that you heard him getting whooped, where were Fred and Shabazz when that happened?

A That was in Fred and Ann's room.

Q Okay. And where were you?

A I was in my room.

Q What did you hear?
A I just heard him getting whooped.
Q Did you hear voices?
A Yes.
Q Whose voices did you hear?
A My brother's.
Q Could you hear -- without telling me what he was saying, could you hear what he was saying, or could you just hear his voice?
A He was like kind of like yelling every time he would get hit with the belt.
Q Okay. Could you hear Fred saying anything?
A No, I just heard the belt swinging.
Q Okay. Did you ever hear anything or see anything in the garage?
A Sometimes my brother Shabazz, he would get whoopings out in the garage.
Q Did you ever see an argument with Fred and Shabazz that either started in the kitchen and moved to the garage or the other way around? You're nodding your head. Can you answer out loud?
A Yes.
Q Tell me --
A Well, I heard --
Q -- what you saw or heard that either started in the

kitchen into the garage, or stated in the garage and into the kitchen.

A I think this time -- I think I remember what happened. I guess my brother used to go to Sedway Middle School, so I guess he got suspended for beating up this kid in the bathroom. And I guess that's what the --

Q But what did Fred do?

A He kept on asking him like why did he do it and stuff. When -- that was in the kitchen.

Q Now, could you see what happened in the kitchen or could you hear?

A No, I could only like hear.

Q Okay. What did you hear?

A I guess --

Q I mean, did you hear more than words? Okay. Did you see Shabazz afterwards?

A First after that he was walking, after the kitchen scene, he was walking down the hall and then he went into -- he went into Ann and Fred's room and then he got a whooping.

Q How do you know he got a whooping?

A I heard the belt swinging. I heard my brother screaming.

Q Okay. Did you see anything on Shabazz?

A And then after that I guess my brother and Fred, I guess they went up in the garage and then they shut the door.

Q Could you hear what was happening in the garage?
A I really couldn't hear nothing because it was like part of outside, so you really can't hear nothing.
Q Okay. Did you see anything afterwards?
A No.
Q On Shabazz, did you see anything relating to Shabazz, to his body afterwards?
A No.
Q Okay.
A I wasn't really looking at him like that.
Q Okay. That's fine. Did you -- after mom and Vicky moved into the house did you see Fred do or hear Fred do anything to Mahlica? You shook your head. Is that a no?
A No.
Q Thank you. After mom and Vicky moved into the house did you see or hear Fred do anything to Taquanda?
A I think she got in trouble a few times.
Q Okay. But did you see or hear anything?
A No.
Q Okay. So you didn't. Did Fred -- well, did Fred do anything to you after to physically hurt you after mom and Vicky moved into the house while they were there?
A I got in trouble sometimes.
Q Okay. And what, if anything, did he do?
A I guess I had to do pushups, and then a couple of

times I had got a whooping. Then the other times I just got yelled at.

Q Tell me about the whoopings.

A I guess a couple of them was for getting suspended from school, and then the others was for like not doing chores and stuff.

Q Where would he whoop you?

A He would be -- it would be in his room, in like Ann and Fred's room.

Q Okay. And what would he whoop you with?

A A belt.

Q When he would whoop you, did it leave marks?

A On my bottom.

Q Each time? Answer out loud.

A Yes.

Q Thank you. Was there an occasion that something happened in the hallway?

A No.

Q Okay. While they were living in the house, mom and Vicky were living in the house, did you ever see Fred do anything to hurt Vicky?

A No.

Q While they were living in the house, mom and Vicky, did you see Fred do anything to hurt mom, or did you hear or see anything?

A Well, I heard when I was asleep, I guess, in my mom's room while she was asleep I just heard somebody banging on a door like very hard.

Q Which room was she in?

A She was in the last room I stayed in before I left. And I guess, I don't know if that door is still there, but if you go back to that house there's going to be a door with some glue and --

Q Well, here, rewind for one second. You said that you were in your room.

A Uh-huh.

Q Mom was in that other room --

A Yes.

Q -- and you heard banging. Could you hear any voices?

A No, I just heard banging.

Q Did you hear any yelling?

A No.

Q When you heard banging, where was it in the direction of?

A It was in the room next to us.

Q And what kind of banging did you hear?

A It was like loud.

Q Banging on what?

A Like banging on a door or something?

Q Okay. Did the banging stop at some point?
A Yeah, at some point it did.
Q What did you hear when the banging stopped, if anything? Did you hear anybody yelling?
A I can't remember. I just know that the banging stopped.
Q Okay. Did you get up and look and see what was going on?
A No.
Q Did you see that door at some point?
A Yes.
Q When did you see the door?
A I seen the door like -- I don't know. I seen the door when it had like the glue.
Q When in time, like did you see it right after the banging, did you see it a day later or a week later?
A I don't know specifically, but like a couple of weeks later.
Q Did you see it the next morning?
MS. ALLEN: Objection, Your Honor. Leading.
THE COURT: Sustained.
BY MS. LUZAICH:
Q Did you live in that house?
A Uh-huh?
Q Yes? Did you get up in the morning after you heard

the banging?

A Yes --

Q What did you --

A -- to go to school.

Q -- see when you got up in the morning after you heard the banging?

A Like I don't -- like when I wake up I don't really look around like that, so -- but I know I remember seeing the door. It was like -- it was like -- like somebody just busted in like -- but it's like broken.

Q Where was it broken?

A Like, you know where the handle is, where you twist the handle?

Q Uh-huh. Yes.

A And you know like that corner?

Q Microphone towards your mouth.

A Like you know that corner like for [unintelligible] for instance that corner, but it was like that corner was kind of crashed in a little bit, broken.

Q Okay. Did somebody try to fix it?

A Yes.

Q Who tried to fix it?

A Fred.

Q Did you see him try to fix it?

A No.

Q How do you know he tried to fix it?

A Because that was -- that was him that was banging on the door.

Q How do you know that it was him that was banging on the door?

A Because that was the only dude in the house. So I don't think a woman would have enough strength to like crack a door or bust in a door.

Q Okay. And did you see after Fred tried to fix it, could you tell that it had been tried to be fixed?

A Yes, because it was like -- I don't even know if that door is still there at this house, but if you go into that house and look at the door where the handle was, you can see like it's like glue like someone tried to glue it back. It's like someone just tried to fix it back. You could tell someone just like broke it, broke -- broke the door kind of like in. You can tell.

Q Did you live in the house for a long time after that?

A Yes.

Q And did it look like that the whole time you lived there --

A Yes.

Q -- after that? Okay. Did -- you said there came a time that mom and Vicky and Mahlica and Shabazz moved out of

the house?

A Yes.

Q I think you earlier said something about St. Andrews Apartments?

A Yes.

Q Do you remember what grade were you in when they moved out of the house?

A I was -- I was about to go into like the sixth grade, like fifth grade about to go into the sixth grade.

Q When they moved out of the house, who still lived in the Blankenship house?

A It was me and my sister Taquanda.

Q By yourselves?

A Yes.

Q With Fred and Ann?

A Oh. With Fred and Ann.

Q Okay. What about Sha'karia? When mom and Vicky and Shabazz and Mahlica moved out, was Sha'karia living there?

A I think she moved back in, yes.

Q For the whole time that you stayed there, for part of the time?

A The whole time that I stayed there until me and my sister left.

Q Okay. What about the other people that you talked about? I think there was a Ronnie there. Did he come back or

was he living there when mom and Shabazz, Mahlica, and Vicky moved out? If you know.

A I can't remember.

Q Okay. So you continued to live in the house. Did you continue to go to school?

A Yes.

Q And you had been at Fitzgerald Elementary School. Where did you go when you stopped going to Elementary School?

A I went to West Prep Middle School.

Q When mom and Vicky, Shabazz, and Mahlica moved to the St. Andrews apartments, would you go visit them there?

A Yes.

Q How would you get there?

A Fred and Ann would either drive us or sometimes Ann would drive us or sometimes Fred would drive us.

Q Do you know how often you would go visit?

A Sometimes we would go visit like on the weekends or something.

Q Okay. And when they moved into those apartments, the St. Andrews apartments, was it still kind of close to the house?

A It was -- it was like it was close, but then again like you had to drive there because walking there would be a lot.

Q Okay. Too far to walk.

A So it was in driving distance.
Q Too far to walk, but not a long drive?
A Yes.
Q Did there come a time that they moved from the St. Andrews Apartments to another apartment?
A Yes.
Q Where did they move to?
A They moved to the one in Henderson on Center Street and Warm Springs.
Q Is that the one you're living in now?
A Yes.
Q Do you know what grade you were in when they moved from the St. Andrews to the Henderson apartment?
A I was in seventh grade.
Q Okay. And were you still at West Prep?
A No.
Q What school did you go to then?
A I was going to Hyde Park.
Q Do you know why you went from West Prep to Hyde Park?
A Oh. Because -- because we like wanted to transfer because Anya (phonetic), I wanted to go to the school as Anya. So I got transferred to Hyde Park with Anya so we can go to school together.
Q Who is Anya?

A She was one of Ms. Ann's relatives.
Q Okay. What's her last name, do you know?
A Thomas.
Q And how old is Anya? Actually, let me ask that a different way. Is Anya close to your age?
A She's closer to my sister's age.
Q Which sister? You have a couple.
Q Taquanda's.
Q Okay. So Anya is close to Taquanda's age?
A Yes.
Q And how much older -- wait, is Taquanda older or younger than you?
A She's younger.
Q How much younger than you is Taquanda?
A She's one year younger than me.
Q One year. Is she also one grade younger?
A Yes.
Q Okay. So Anya is Taquanda's age?
A Yes.
Q Okay. So you moved schools again. You went to Hyde for seventh grade, is that what you just said? Or did I get that wrong? I'm sorry.
A I went to Hyde Park for my seventh grade -- well, part of my seventh grade year. And then after that I got transferred to Sedway Middle School.

Q Okay. I'm going to go back again. So mom and Vicky -- oh, and I'm sorry, the apartment in Henderson, was that really far from the Blankenship house?

A Yes.

Q But would you be able to go visit mom, Vicky, Shabazz, and Mahlica in the Center Street apartment, the Henderson apartment?

A Sometimes.

Q Who would take you?

A Fred or Ann or both.

Q So going back to the house on Blankenship, after mom and Vicky and Mahlica and Shabazz moved out, did Fred continue to act the same way that he had? Would you still get whoopings?

A He kind of changed a little bit.

Q Okay. What changed about it?

A I guess he started to be like nicer and like we really didn't have a lot of chores and stuff to do since there was only like less people at the house.

Q Okay. Do you know were there times that Fred would -- well, never mind. Did Fred continue to work the whole time that you lived there?

A I don't know. I don't remember.

Q You don't know if there came a time that he stopped working while you were living there? Were there times that

you would come home from school and he would be there?

A Yes.

Q Okay. How -- when you were -- when you were going to West Prep, how did you get to school?

A He would -- he would like drive me to school --

Q And how would --

A -- and then --

Q -- you get home?

A Ms. Ann or Fred would come pick me up and take me back home.

Q Okay.

A And then -- and then I started walking home, and walking to school sometimes.

Q Did there come a time that Fred did something else that made you uncomfortable?

A Yes.

Q Do you know when, around when that was?

A No.

Q Do you know about what grade you were in?

A Around fifth grade, sixth grade.

Q Was it -- who was living in the house at the -- well, did, what we're about to talk about, did that happen one time or more than one time?

A More than one time.

Q The first time that we're about to talk about, who

was still living in the house at the time?

A I don't remember.

Q Well, were Vicky and mom and Mahlica and Shabazz still living in the house the first time that happened?

A I think they already moved.

Q Okay. So tell me what happened the first time that you can remember. Where you home in the Blankenship house? You're nodding your head, Taharah.

A I'm sorry. Yes.

Q Was anybody else home?

A It was only my sister.

Q Which sister?

A Taquanda.

Q Okay. What were you doing?

A I think I was asleep. I was asleep.

Q And then what?

A And then I guess I got woken up out of my sleep. And then because it was the day after school and I got woken up out my sleep and I guess we -- I guess he had took me to the laundry room.

Q Which room were you in?

A I was in my old room, like the last room that I stayed in.

Q Okay. When you say it was after school and you were asleep, where in the room were you?

A I was laying on my bed and my bed was next to the window.

Q Okay. What about -- you said your sister was home. Where was she?

A My sister? She was asleep on the floor.

Q Okay. You got woken out of your sleep by who?

A By Fred.

Q What did he do?

A He had took me to the laundry room and --

Q And what?

A He had touched me.

Q Where did he touch you?

A On my private part.

Q Is there a word that you use for your private part? Is it -- where on your body is it? In front or in back?

A In front.

Q Is it above your knees or below your knees?

A Above.

Q Was it above your waist or below your waist?

A Say that again? I'm sorry.

Q Was it above your waist or below your waist?

A I still didn't get that.

Q Okay. Is it above your belly button or below your belly button?

A Below.

Q Is there something that you do with that part of your body every day?

A Use the bathroom.

Q When he touched you there, what did he touch you with?

A His fingers.

Q What did he do with his fingers?

A He put them up me.

Q Up that part of your body?

A Yes.

Q How did that feel?

A It hurt.

Q Did he say anything to you?

A He said, shh, don't tell.

Q Where in the laundry room where you?

A We was like in the -- we was just like -- the laundry room is little, so we was in the -- we was like in the middle of the laundry room.

Q What position were you in? Were you standing, sitting, laying down?

A I was standing.

Q Were you up against anything?

A No.

Q What -- do you know where his other hand was?

A No.

Q Did he, besides putting his finger up inside you, did he do something else? You're nodding your head, Taharah.
A Yes, but --
Q What did he do?
A -- not at that time.
Q I'm sorry?
A Not at that time.
Q Okay. Right now just at that time did he do anything while you were -- okay, let me rephrase that. Did he do anything else while you were in the laundry room that day?
A No.
Q When he put his finger up inside you, what -- where were your clothes?
A They were -- they were like on the floor.
Q How did they get there?
A He took them off me.
Q Do you remember what you were wearing, like what kind of clothes were you wearing?
A No.
Q Did you want him to do that?
A No.
Q What happened after he did that?
A I think my sister, I think she had woke up and I guess somebody was walking down the hallway so he stopped.
Q Did he say anything at that point?

A He just told me not to tell no one.

Q Okay. Did -- how did you get to be out of the laundry room?

A I just walked out.

Q Who walked out first, you, Fred, do you remember?

A I think I had walked out and then he walked out.

Q Okay. Did Taharah -- or did Taquanda ask you anything later?

MS. ALLEN: Your Honor, objection.

THE WITNESS: Yes.

MS. ALLEN: Hearsay.

MS. LUZAICH: I didn't ask her what and I'm not going to ask her what.

THE COURT: Right. So she just responded yes or no, so it's fine.

BY MS. LUZAICH:

Q And when Taharah -- or, sorry, when Taquanda asked you something later, did you talk with her about what had occurred?

A No.

Q Did there come a time that you did tell her what occurred in the laundry room, what happened?

A Yes.

Q Was that later?

A That was like later on.

Q Okay. Now, is that the first time he did something to you like that?

A No.

Q Were there other times before that in the house?

A Yes.

Q Was that the first time in the laundry room or was that the only time in the laundry room?

A I can't remember because he did it like multiple times.

Q Okay. Where else? Where else in the house did he do that?

A He would do it at -- in his bathroom, sometimes in some of my old rooms, or in the garage.

Q Okay. When you say in his bathroom, is there a bathroom in the room that he and Ann shared?

A Yes.

Q Did it happen one time or more than one time in his bathroom?

A More than one time.

Q Tell me about the first time that you can remember in his bathroom.

A I'm trying to remember.

Q How did you get to be in his bathroom that time?

A He took me in his bathroom.

Q Where were you that he took you from to go to his

bathroom?

A I was in my room.

Q When he took you into the bathroom, what did he say? How did he get you to go into the bathroom?

A He just told me to come to the bathroom.

Q Okay. Did you go with him?

A Yes.

Q What happened when you got to the bathroom?

A He started touching me and then taking my clothes off.

Q Where in the bathroom were you?

A It was like -- it was like right by the shower.

Q Okay. When he was touching you, where was he touching you?

A On my private part.

Q What was he touching you with?

A His hands.

Q Did the skin of his hands touch the skin of your private part?

A Yes.

Q And is that the private part that's in front or in back?

A In front.

Q Can you say the -- have you talked about a word for that part of your body? Okay. That's okay.