

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CAMERON THOMAS, Petitioner

v.

THE STATE OF NEVADA, Respondent

On Petition for Writ of Certiorari to the
Supreme Court of the State of Nevada

**APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE
NEVADA SUPREME COURT**

VOLUME 4

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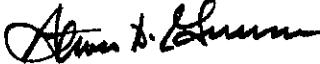
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1 CASE NO. C-11-277559

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CLERK OF THE COURT

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5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 * * * * *

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9 THE STATE OF NEVADA,)
10 Plaintiff,)
11 vs.)
12 CAMERON THOMAS, #1669751,)
13 Defendant.)
14

15

16 REPORTER'S TRANSCRIPT

17 OF

18 JURY TRIAL

19 BEFORE THE HONORABLE KERRY EARLEY

20 DEPARTMENT IV

21 DATED THURSDAY, MAY 26, 2016

22

23 REPORTED BY: KRISTY L. CLARK, RPR, NV CCR #708,
24 CA CSR #13529

25

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1 LAS VEGAS, NEVADA, THURSDAY, MAY 26, 2016;

2 12:33 P.M.

3

4 P R O C E E D I N G S

5 * * * * *

6

7 THE COURT: Okay. We're now going to do NRS
8 51.385 hearing. That's why we're all convened at 12:30
9 with smily faces. Just wanted to make sure we're back
10 on track of what we're doing here. I felt like I just
11 left you all.

12 MS. KOLLINS: That's what I said to Dena as
13 we were rolling our carts across the street again.
14 Didn't we just do this?

15 THE COURT: Oh, I know. Okay. We're good.
16 All right. You ready to call your first?

17 Are you ready, Mr. Mann?

18 MR. MANN: That's a relative statement. Yes,
19 Your Honor.

20 THE COURT: You are such a nice man,
21 Mr. Mann. Are you ready?

22 MR. MANN: Yes.

23 THE COURT: Okay. At least as ready as you
24 will be?

25 MR. MANN: Yes.

1 THE COURT: What is that expression? As
2 ready as you can be?

3 MR. MANN: Ready as I ever will be.

4 THE COURT: I know there's an expression on
5 this. Okay. We're ready. This is an evidentiary
6 hearing pursuant to NRS 51.385. And you're going to
7 put your witness on.

8 MS. RINETTI: Correct. We have two today.

9 THE COURT: You have two witnesses for the
10 same hearing or for two hearings?

11 MS. KOLLINS: Two hearings.

12 MS. RINETTI: Two hearings.

13 MS. KOLLINS: Separate statements.

14 THE COURT: That's fine. That's fine. I
15 assume it must have been. We got it. So one witness
16 per statement.

17 MS. RINETTI: Correct.

18 THE COURT: Got it. Okay. Call your first
19 witness for your first statement.

20 MR. MANN: And, Your Honor, the courtroom is
21 open, and I can -- I can --

22 THE COURT: They're not -- no, they're not
23 children obviously. No problem. You can bring them
24 in. Okay. Let's go.

25 MS. RINETTI: Kathleen Vangordon. She's just

1 in the anteroom.

2 THE COURT: Okay. Her name is Kathleen.

3 MS. RINETTI: Kathleen.

4 THE COURT: Kathleen. Okay. Here we go.

5 Remain standing. The clerk is going to swear
6 you in.

7 THE CLERK: You do solemnly swear the
8 testimony you're about to give in this action shall be
9 the truth, the whole truth, and nothing but the truth,
10 so help you God.

11 THE WITNESS: I do.

12 THE CLERK: Thank you. Please be seated.

13 Will you please state your full name spelling your
14 first and last name for the record.

15 THE WITNESS: It's Kathleen, K-a-t-h-l-e-e-n
16 Vangordon, V-a-n-g-o-r-d-o-n.

17 THE CLERK: Thank you.

18 THE COURT: All right. All right. Direct
19 exam, Ms. Rinetti.

20

21 DIRECT EXAMINATION

22 BY MS. RINETTI:

23 Q. Ms. Vangordon, were you ever in law
24 enforcement?

25 A. Yes, I was.

1 Q. And where were you in law enforcement?

2 A. With the Phoenix Police Department.

3 Q. How long were you with the Phoenix Police

4 Department for?

5 A. Twenty-five years.

6 Q. And have you retired from the Phoenix Police

7 Department?

8 A. Yes, I have.

9 Q. And when did you retire?

10 A. January of 2012.

11 Q. And during your time at the Phoenix Police

12 Department, specifically in 2010, were you assigned to

13 a particular unit within the Phoenix Police Department?

14 A. Yes, I was assigned to the child crimes unit.

15 Q. What is the child crimes unit?

16 A. It's the unit that investigates crimes

17 against children.

18 Q. Were you ever forensically trained?

19 A. Yes, I was.

20 Q. And what is a forensic interview?

21 A. Basically a forensic interview is an

22 interview we do with a child that is nonleading. It's

23 open-ended questions and kind of allows the victim to

24 tell her story.

25 Q. And when were you forensically trained? Do

1 you remember?

2 A. I had an eight-hour and a 40-hour course in
3 2004.

4 Q. And do you remember what protocol that you
5 used back then?

6 A. As far as?

7 Q. For forensic interviews.

8 A. Basically you start with a rapport building
9 where you would try to get to know the victim a little
10 bit, and then you go into whether she knows the
11 difference between a truth and a lie. And then you go
12 into the story. And then I might, during the story,
13 ask a few additional questions. And then at the end,
14 we kind of just talk about school or whatever.

15 Q. And during a forensic interview, is it
16 typical to use open-ended questions?

17 A. Yes.

18 Q. Try to avoid repetitive questions?

19 A. Yes.

20 Q. And use the child's words?

21 A. Correct.

22 Q. In this particular case, were you asked to do
23 a courtesy interview for the Las Vegas Metropolitan
24 Police Department with a child by the name of Zailey
25 Flores?

1 A. Yes.

2 Q. Was she approximately nine years old at the
3 time of your interview?

4 A. Yes.

5 Q. And did your interview -- where did it take
6 place?

7 A. It took place at the child advocacy center.

8 Q. What's the child advocacy center?

9 A. It's a center where it's kind of like a
10 one-stop shop where a child can be interviewed,
11 medically examined, she has therapy, counseling. I
12 mean, everything -- it's a one-stop shop so the victim
13 doesn't have to be going all the over the place.

14 Q. And is there a particular room that is
15 devoted to interviews with children at that child
16 advocacy center?

17 A. Yes.

18 Q. And can you just briefly describe the
19 interview room that was used.

20 A. Okay. At that time we had three separate
21 interview rooms. The interview room I used had a chair
22 and a little table and a teddy bear. And it's just
23 this really small, small room.

24 Q. And was your interview with Zailey audio and
25 video recorded?

1 A. Yes, it was.

2 Q. Is that kind of protocol back then in 2010?

3 A. Yes.

4 Q. And at that particular time when you met with
5 Zailey Flores, can you just briefly describe her
6 demeanor to you during this interview?

7 THE COURT: Can I ask a question so I'm not
8 confused? Is this the child advocacy center in Phoenix
9 or the one that we have here?

10 THE WITNESS: In Phoenix.

11 THE COURT: In Phoenix. Okay. I just wanted
12 to make sure because I remember the doctor yesterday,
13 and I wasn't sure. Thank you very much.

14 MS. RINETTI: I apologize.

15 THE COURT: I just wanted to make sure I
16 understood.

17 THE WITNESS: And your question again?

18 THE COURT: What was her demeanor?

19 BY MS. RINETTI:

20 Q. What was her demeanor? She writes down
21 everything.

22 A. She was very smart, very articulate. If I
23 said something incorrectly, she would correct me.

24 Q. Was she able to respond to your questions
25 appropriately?

1 A. Yes.

2 Q. Okay. Did she use kind of age-appropriate
3 language when speaking to her?

4 A. Yes.

5 Q. And you mentioned a moment ago that part of
6 the -- the first part of your interviews is rapport
7 building. What types of things did you discuss with
8 Zailey for rapport building?

9 A. I discussed what school she went to, what
10 grade she was in, how --

11 Q. Was she able to identify her elementary
12 school as Madison Rose Elementary School?

13 A. Yes.

14 Q. Was she able to identify the grade she was
15 in?

16 A. Yes.

17 Q. And was that fourth grade?

18 A. Yes.

19 Q. And you mentioned that during the course of
20 your interview you typically have the child identify
21 the difference between a truth and a lie. Did you do
22 so in this particular interview?

23 A. Yes, I did.

24 Q. Okay.

25 (Interruption in proceedings.)

1 THE COURT: I have no idea what that is. Do
2 not look at me.

3 MS. RINETTI: I didn't do it.

4 THE COURT: I don't know what that is. Is
5 that like just --

6 THE CLERK: Just one second. Let me --

7 THE COURT: Is it JAVS?

8 MS. KOLLINS: It's on my desk, but it's not
9 near a microphone.

10 THE COURT: I'm so sorry. We'll keep going.

11 BY MS. RINETTI:

12 Q. And was she able to -- were you able to
13 establish with Zailey that she knew the difference
14 between a truth and a lie?

15 A. Yes.

16 Q. And how did you begin the interview as far as
17 did you ask the question why she was there at the child
18 advocacy center?

19 A. Yes.

20 Q. And what did Zailey tell you?

21 A. She said because of the situation with
22 Cameron.

23 Q. Did she tell you who Cameron was?

24 A. She said Cameron was her mom's best friend
25 and their God dad.

1 Q. Did she tell you how long she had known the
2 defendant or Cameron Thomas for?

3 A. Since she was five.

4 Q. And did she mention to you that she would go
5 to his house a lot?

6 A. Yes.

7 Q. Almost every day?

8 A. Yes.

9 Q. Did you then begin kind of a narrative as far
10 as had anything happened to her?

11 A. Correct.

12 Q. And when you began that narrative, how did
13 she kind of disclose the sexual abuse? How did it come
14 out?

15 A. She said the first time it happened when he
16 took her to his room and took her pants down.

17 Q. During the interview did she say on occasion
18 that it happened so many times she just couldn't
19 remember all of them?

20 A. Yes.

21 Q. And did you specifically ask about the first
22 time anything happened?

23 A. Yes.

24 Q. And she mentioned it happened in his house?

25 A. In his old house.

1 Q. Okay. And did she tell you how old she was
2 at the time?

3 A. Five.

4 Q. Did she mention to you when this first time
5 happened in relationship to when she met him?

6 A. I think it was just within a couple of months
7 of meeting him.

8 Q. She say it was a couple times after spending
9 the night with him? Would that be fairly accurate?

10 A. Correct.

11 Q. And what happened -- according to Zailey,
12 what happened that first time?

13 A. She said he took her to his room and pulled
14 her pants down and she immediately knew that was wrong
15 so she pulled them up and ran out of the room.

16 Q. And did she indicate if there was any one
17 else in the house at the time?

18 A. Yes, I believe her mom was outside. One mom
19 was outside and another was in the loft. And I think
20 the kids were all playing.

21 Q. Did Zailey tell you how she was feeling
22 during this first time?

23 A. Very strange.

24 Q. Did she also talk to you about a time -- kind
25 of to transition from the first time to another time

1 happening, did you pose the question, Tell me about
2 something else?

3 A. Yes.

4 Q. And was she able to articulate another time?

5 A. Yes.

6 Q. And I'm going to specifically reference what
7 we call the laundry incident. Did she mention
8 something happening while she was folding laundry?

9 A. Yes.

10 Q. And did she tell you where this happened?

11 A. In his room.

12 Q. And did she -- can you tell us a little bit
13 about what she told you.

14 A. Basically she told me that Cameron asked her
15 to help fold clothes. And she said that's something
16 she would normally do because she was living there. So
17 she went up to his room and was sitting on the bed and
18 he proceeded to remove her skirt and underwear and put
19 his mouth on her private part.

20 Q. Was she able to identify the type of shirt
21 she was wearing?

22 A. Yes.

23 Q. And what did she say?

24 A. It was a pink shirt with a little heart on
25 it.

1 Q. And where did his mouth go? I apologize.

2 A. On her private part.

3 Q. And did she actually use the word "private
4 part"?

5 A. Yes.

6 Q. Did she describe how that felt?

7 A. Nasty.

8 Q. Did she say anything to the defendant after
9 it happened?

10 A. She told him that she was not going to help
11 him fold clothes anymore so she pushed him off and
12 left.

13 Q. Did she tell you if there were any other
14 people in the house at the time?

15 A. Again, I believe they were all downstairs
16 playing video games.

17 Q. Did she mention something about a dog being,
18 Max, there at the time?

19 A. Yes.

20 Q. Did she also talk to you about another time
21 that referred to regarding some ejaculate that had
22 gotten on her body?

23 A. Yes.

24 Q. And did she mention where this incident
25 occurred?

1 A. She said this occurred in Dante's room.

2 Q. And did she indicate to you, was this at the
3 defendant's house or Cameron's house?

4 A. Yes.

5 Q. And can you tell us what she told you
6 happened in Dante's room?

7 A. Basically it was -- she said she was in
8 Dante's room cleaning, putting away some of his
9 birthday toys he'd just received. And she was on the
10 bed reading a box, trying to look at things he had
11 gotten. And that before she knew it, Cameron was in
12 the room, came in the room, and pulled her pants down
13 and proceeded to unzip his zipper and took his penis
14 out of his boxers.

15 Q. Was she able to describe what his penis
16 looked like?

17 A. Yes.

18 Q. Now, did she use the word "penis" or
19 something else?

20 A. Private.

21 Q. And how did she describe the defendant's
22 private?

23 A. She said it was pink and rusty. When I asked
24 her what rusty meant, she meant like dead skin. She
25 said it was sticking up, and there was a lot of hair.

1 Q. And did she say what the defendant did with
2 his private part?

3 A. He took it out and started to get on top of
4 her and then white stuff came out of his P.

5 Q. Did she say where the white stuff went?

6 A. It went on -- a little bit on her leg and
7 some on Dante's bed.

8 Q. Did she indicate to you whether or not the
9 defendant said anything?

10 A. No.

11 Q. Did she mention that the defendant had said
12 sorry?

13 A. Yes. Sorry.

14 Q. Now, during this interview at all did she
15 talk about any oral sex that happened while playing
16 Hide and Go Seek?

17 A. No.

18 Q. And did she mention anything about the
19 defendant asking her to touch his penis?

20 A. No.

21 Q. Or try to get her to touch his penis?

22 A. No.

23 Q. And did she ever mention an incident about a
24 jacuzzi?

25 A. No.

1 Q. Okay. During your interview, did Zailey
2 mention anything about whether or not the defendant
3 said she could tell what was going on between her and
4 the defendant?

5 A. No, she could not tell.

6 Q. And did she, during this interview, tell you
7 who the first person she --

8 (Interruption in proceedings.)

9 THE COURT: Do we know what it is by any
10 chance? No?

11 THE MARSHAL: My guess is construction, Your
12 Honor, either above or below us. I can have Kelly
13 reach out to see.

14 THE COURT: Would you mind? I hate to do
15 this with the jury. It is what it is, but it is a
16 little disruptive. Thank you.

17 THE MARSHAL: You're welcome.

18 THE COURT: All right. Sorry, Ms. Rinetti.

19 MS. RINETTI: No, no, no.

20 BY MS. RINETTI:

21 Q. Did Zailey tell you who the first person she
22 told?

23 A. I believe it was a patrol officer.

24 Q. And did she mention anything about talking to
25 her sister beforehand?

1 A. She did not tell her sister until she did
2 talk to her sister like three weeks prior to the
3 disclosure.

4 Q. Okay. Now, during your interview, it was 35
5 minutes, did Zailey's demeanor ever change?

6 A. No.

7 Q. Was she fairly appropriate for the type of
8 interview that you were conducting?

9 A. Yes.

10 Q. And she used words like privates to describe
11 her vagina?

12 A. Yes.

13 Q. And she used the word private to describe the
14 defendant's penis or Mr. Cameron's penis?

15 A. Yes.

16 Q. And so she used age-appropriate language?

17 A. Yes.

18 Q. And did you try to avoid as much as possible
19 some repetitive questions?

20 A. Yes.

21 Q. Obviously there was some clarifying questions
22 that needed to be done in order to clarify what the
23 child was saying.

24 A. Yes.

25 Q. During this interview, was it for 35 minutes,

1 was there anyone else inside the room besides yourself
2 and Zailey?

3 A. No.

4 MS. RINETTI: I will pass the witness, Judge.

5 THE COURT: Okay. Cross exam, Mr. Mann, if
6 you want to.

7 MR. MANN: Thank you, Your Honor.

8 THE COURT: You're welcome.

9

10 CROSS-EXAMINATION

11 BY MR. MANN:

12 Q. Detective -- still call you detective;
13 correct?

14 A. That's fine.

15 Q. -- you conducted this interview for the
16 purpose of any sort of prosecution later down the road;
17 correct?

18 A. Correct.

19 Q. That this was in order to find out details
20 for a prosecution of the accused?

21 A. It was to find -- to -- to corroborate or not
22 corroborate what, you know, the victim's saying
23 happened.

24 Q. All right. And this was about a week after
25 Zailey allegedly originally disclosed?

1 A. I don't understand your question.

2 Q. Sure. Zailey disclosed before you met with
3 her; correct?

4 A. Yes.

5 Q. Okay. And you said that she had disclosed to
6 a patrol officer?

7 A. Correct.

8 Q. That disclosure to a patrol officer was a
9 week before you had this interview; correct?

10 A. Correct.

11 Q. Okay. So your interview was, in fact, a week
12 later after she originally disclosed?

13 A. Correct.

14 Q. Okay. And she knew in advance that she was
15 coming to your office?

16 MS. RINETTI: Speculation, Judge. I'm sorry.
17 Objection.

18 THE COURT: You know, if the objection is
19 lack of foundation, if you know. If you don't, don't
20 want you to guess or speculate.

21 THE WITNESS: I don't know.

22 BY MR. MANN:

23 Q. Okay. You asked her a question of do you
24 know why you're here today?

25 A. Correct.

1 Q. All right. And she said, My mom told me why
2 I was coming; right?

3 A. Correct.

4 Q. And that was the leading off point for you to
5 start asking about Cameron Thomas?

6 A. Then she also mentioned that she was there
7 because of the situation with Cameron.

8 Q. Okay. And it was based on that that you then
9 started asking questions?

10 A. Correct.

11 Q. You conducted this interview in Phoenix at a
12 location whereas you put it it was a one-stop shop for
13 all child issues regarding abuse?

14 A. Correct.

15 Q. Was it at this time -- when you say one-stop
16 shop, do you -- what do you mean by that?

17 A. Basically, we bring the victim in for an
18 interview, and during that interview, we figure out or
19 find out if she's going to need a medical exam. Then
20 we do the medical exam on site right then and there.
21 If we need to have her in therapy, we put her in
22 therapy right then and there. If she needs therapy, we
23 have all our counselors there. Everything's done right
24 there for the victim so she doesn't have to drive all
25 over town and tell a lot of people her story.

1 Q. Now, the -- this interview occurred on
2 December 16th, 2010; correct?

3 A. Correct.

4 Q. Do you know when her physical evaluation was
5 done?

6 A. No. We didn't do one in Phoenix.

7 Q. Not that you're aware of?

8 A. No.

9 Q. Okay. Now, you have reviewed the statement
10 that Zailey has made, the transcript from the
11 statement?

12 A. Yes.

13 Q. You have watched the video yourself?

14 A. Yes.

15 Q. You would agree that the transcripts of the
16 statements are 34 pages long?

17 A. Yes.

18 MR. MANN: I have no more questions at this
19 time.

20 THE COURT: Okay. Any redirect?

21 MS. RINETTI: No, Your Honor.

22 THE COURT: Okay. All right. Thank you very
23 much.

24 THE WITNESS: Thank you.

25 THE COURT: I assume she's going to come

1 back; right?

2 MS. RINETTI: Yeah, she's coming right back.

3 THE COURT: I didn't want her to think the
4 judge was saying all right. I have reviewed the
5 factors under NRS 51.385 regarding the statement that
6 was given by Zailey to Officer Kathleen -- is it Dan --
7 Dan Gordon?

8 MR. MANN: Vangordon.

9 THE COURT: Vangordon. I thought that
10 sounded -- I apologize. Vangordon; correct? Does
11 anybody want to do argument? Just want --

12 MR. MANN: I would absolutely.

13 THE COURT: Okay. Well, let me -- since it's
14 their --

15 MS. RINETTI: Obviously we know that this is
16 a child interview that was conducted at the child
17 advocacy center that's dedicated to doing these type of
18 interviews. In fact, it was done in a kind of
19 interview room specifically designed for these type of
20 interviews. And that this -- this witness was actually
21 forensically trained in regards to disclosure of
22 children in the proper questions to ask.

23 She mentioned that these interviews last
24 about 35 minutes, that Zailey was able to appropriately
25 respond. She used age-appropriate language. For

1 instance, vagina she used as private. She used the
2 penis as private which corroborates from both Zailey's
3 statement here at trial as well as her mother's
4 statement that that's what kind of word she used at the
5 time when she was nine years old. She wasn't prone --
6 she wasn't prompted. There was no repetitive questions
7 or very little repetitive questions. She had an
8 appropriate demeanor for the interview. She was -- she
9 was able to disclose certain events. She had some
10 detail to them.

11 I believe under NRS 1 -- 51.385, we have met
12 the factors. I know Mr. Mann is going to stand up and
13 suggest that there's a motive to fabricate because it
14 was -- it took a week to forensically interview the
15 child, but based upon the interview and the testimony
16 at trial, that's nothing to elicit that there's this
17 huge motive to fabricate at the time of the interview.
18 She was alone, without her parents, in a room with a
19 forensic interview, and it was audio and video
20 recorded.

21 THE COURT: Okay. Thank you.

22 Mr. Mann.

23 MR. MANN: Your Honor, obviously, you have
24 discretion to decide if this hearsay statement should
25 be allowed in or not. And --

1 THE COURT: Well, within the factors under
2 51.385.

3 MR. MANN: Well, as much that is, but it
4 doesn't say that you "must" if it meets the factors.

5 THE COURT: It just says I "shall" consider.

6 MR. MANN: And you shall consider those
7 factors, but ultimately the decision of whether you
8 allow it to come in or not, obviously, Your Honor needs
9 to consider all the other things such as, you know,
10 relevance, repetitiveness, cumulative, prejudicial,
11 things like that as a basis.

12 Now, my -- my first argument is --

13 THE COURT: Well, I have to consider this
14 first whether I will let it in as a hearsay exception.
15 Then if you want to do the next step and say, Even if,
16 Judge, you allow it under hearsay exception, you are
17 going to have an argument it's re -- when it's being
18 offered, this is repetitive, so...

19 MR. MANN: I was just prefacing -- I was just
20 prefacing my argument. I apologize. I'm going to get
21 to the 51.385 and then I'm going to backtrack.

22 THE COURT: I'm sorry. You know me. I want
23 to -- I focus on the statute in front of me, but I -- I
24 guess I want to say you're not waiving any of those
25 arguments as far as whether it gets in at trial. I am

1 making a decision pursuant to the factors of 51.385.

2 So that's all I wanted to clarify. Okay.

3 Sorry, Mr. Mann.

4 MR. MANN: So first and foremost, I think the
5 overarching issue is this statement was not
6 spontaneous. This was the complete opposite of
7 spontaneous. This was planned, this was arranged, and
8 this was timed out. It wasn't a time where a child
9 just walks up and knocks on someone's door and says,
10 Okay, I have been sexually abused. This was, okay,
11 Zailey, we're going to schedule a time for you to come
12 down, and you're going to interview with this
13 detective. You're going to tell the detective
14 everything that you have to say.

15 So this was planned. It wasn't spontaneous.
16 It's my understanding of 51.385 that the whole reason
17 of allowing this hearsay statement coming in is because
18 when children initially disclose, which is a very
19 important moment when children initially disclose, it's
20 not at a point where it can be recorded or it can be
21 captured in such a way, and so because they're
22 children, because things happen, that the legislature
23 has said, okay, well, let's -- let's allow certain
24 instances when they originally disclose to come in.

25 This was not that time. This was the time

1 where it was planned. She was going down for an
2 interview. She was going for her one-stop shop to have
3 everything evaluated, to have everything detailed.
4 The -- the detective specifically said that the purpose
5 of this interview was to collect testimonial evidence.
6 That this was in fact for the purpose of prosecution.
7 That this was nothing more than them collecting
8 evidence, the police collecting evidence of her
9 testimony. This wasn't something where it was
10 spontaneous.

11 Now, one of my arguments is obviously my
12 client has due process rights. And I think it's
13 fundamentally unfair for him to battle those rights
14 from all these hearsay statements. And so I am saying
15 that NRS 51.385 -- that because it wasn't spontaneous,
16 because this was not an incident where it was something
17 that -- that just kind of came out of the kid and
18 needed to be documented through another person's
19 testimony because of their statement, that this was
20 planned. That -- that it's not reliable because of
21 that. Or better yet that there are better ways which
22 we have already had, which is Zailey actually
23 testifying, to talk about what was said. Because this
24 was an interview from someone who, as Ms. Rinetti put
25 it, is trained to do these interviews in such a way

1 that they collect these -- this evidence. So that's my
2 argument on 51.385.

3 THE COURT: Okay.

4 MR. MANN: I'd now like to have a chance to
5 argue on whether if you approve the 51.385 if it should
6 be admitted or if you want me to wait until after you
7 make your ruling.

8 THE COURT: Let me make my ruling on 51.385
9 so we have a complete record. And then -- because if I
10 don't admit it, then we don't need your -- in fairness
11 to you.

12 MR. MANN: Fair enough.

13 THE COURT: I have looked at the factors of
14 NRS 51.385 and what it tells the Court is that the
15 Court should find in the hearing out of the presence of
16 the jury, which we have done, that the time, content,
17 and circumstances of the statement provide sufficient
18 circumstantial guarantees of trustworthiness. This is
19 a hearsay exception. What the reason that the law does
20 not allow hearsay is because the public policy has been
21 that it's not trustworthy, necessarily. So this is a
22 hearsay exception, and that's how you look at it.

23 Now, for the hearsay exception, and this can
24 come in whether the child is testifying, which she has,
25 at the trial or whether the child is unavailable or

1 unavailable to testify. The statute considers all
2 three of those. And in determining the
3 trustworthiness, the factors I shall consider, without
4 limitation, which means I can consider other factors.
5 I understand that part. The statement was spontaneous,
6 repetitive questioning, motive to fabricate,
7 terminology unexpected of a child of similar age, and
8 the child was in a stable mental state. I look at it
9 as the totality of the circumstances.

10 I can't just take whether it was spontaneous,
11 and I look at spontaneous more as something that she
12 wasn't just agreeing, Didn't this happen? Didn't that
13 happen? In other words, it's something that the child
14 brought up. Hence, when Ms. Vangordon said I used
15 open-ended questions and nonlegal questions and she was
16 trained -- trained as forensic interviewer, I look at
17 that as making sure that it was more spontaneous, that
18 the child brings it up, that you do not do leading
19 questions. So I looked at -- and I'll be honest, the
20 cases that I've read have talked about spontaneous in
21 that way. So hence, the judge needs to look to make
22 sure they weren't leading to questions to this child,
23 that the child is just not agreeing to whoever the
24 person is who is taking the statement.

25 Looking at the terminology, obviously the

1 officer says was appropriate and is consistent. She
2 appeared to have a stable mental state. I feel like
3 that the training of this officer to me adds more to
4 the trustworthiness because she has been trained to
5 make sure that she doesn't do the repetitive
6 questioning or anything that would make this statement
7 not be trustworthy. I have not read the cases to limit
8 it that it should not be in a forensic-type setting at
9 all -- God bless. And I do agree spontaneous is one
10 thing, but looking at the factors, I am going to find
11 that under NRS 51.385, based on the totality of the
12 circumstances taking into the factors required under
13 that statute that her statement, Zailey Flores's
14 statement to Kathleen Vangordon is permissible under
15 NRS 51.385. Then if you want to -- since you're going
16 to offer it at trial, do you want to go ahead and let's
17 do the argument? That would be fine. You are sure?

18 Then, Mr. Mann, you're not going to have a
19 motion based on that; correct?

20 MR. MANN: That's correct, Your Honor. I
21 understand Your Honor has approved allowing the hearsay
22 arguments in now.

23 THE COURT: Statement. Uh-huh.

24 MR. MANN: I'm sorry. Statement. Thank you.

25 THE COURT: Yeah.

1 MR. MANN: I -- I am now objecting on other
2 grounds to that statement being allowed in. Those
3 objections are that this is repetitive. It -- it is a
4 cumulative testimony. And that the accumulation and
5 the -- essentially the repetitiveness touts to nothing
6 more than vouching for Zailey as a witness and
7 adding -- trying to bolster her -- her statements.

8 Specifically, the -- we have heard from now
9 three separate witnesses regarding hearsay statements
10 that Zailey has said. Three separate witnesses. The
11 State is now asking for No. 4, and I believe that
12 they're going to be later asking for No. 5.

13 THE COURT: Okay.

14 MR. MANN: This is overrepetitive. It is a
15 cumulative. It is prejudicial to my client because all
16 it's doing is hammering into the jury's head something
17 that -- that Zailey has already testified to and talked
18 about. That it is bolstering Zailey's claim to show
19 that she is more of a -- more of a -- sorry -- a -- a
20 valid witness than --

21 THE COURT: It goes to her -- to her
22 credibility.

23 MR. MANN: It goes -- it goes to her
24 credibility to -- to such a degree that, you know, it's
25 not like I can bring in hearsay statements of my client

1 to bolster his claims or anything of that point. Now,
2 we have -- we have Zailey. We have Ms. Rand that
3 testified. We have April that testified. We have Kay
4 that testified. Those are four people saying the same
5 thing over and over and over again for no other purpose
6 than to convince the jury that if you hear it from four
7 other people, then it must be -- must be valid, must be
8 right. And you should ignore all those things -- all
9 those inconsistencies and other things that may have
10 been said without -- without any sort of way to combat
11 that. Because here we have -- no one was there at
12 that -- at some of those discussions. And I -- and I
13 think the conversation with the teacher and I think the
14 conversation with the moms, to me, that is more what
15 51.385 is actually really about.

16 Because it is about this -- you know, and I
17 said this, and obviously Your Honor disagreed, but that
18 it's more of this spontaneous discussion when it's not
19 for the purpose of prosecution, but more for of, Oh, my
20 gosh, what happened to you? Let's talk about this and
21 find out, and so we can then get you to the next level.
22 To then have the officer come in and say, okay, you
23 know after she's spoken to four different people, she
24 now spoke to me, and now this is what she said as
25 being, you know, valid and accurate and allowed in as

1 actual testimony I think is overly prejudicial to my
2 client.

3 THE COURT: Okay.

4 MS. RINETTI: Judge, the State finds
5 Mr. Mann's argument to be a bit disingenuous and this
6 is why: The defense filed on March 20 of 2015, a
7 notice of expert witness, and I know we've had some
8 pretrial litigation.

9 THE COURT: Right. On this.

10 MS. RINETTI: And that's from Dr. O'Donahue
11 who's going to testify. He will be called as an expert
12 witness to discuss ways a child's statement of abuse
13 can be tainted or manipulated, how a child accuser can
14 believe that he or she was abused without actually
15 being abused. He will educate the jury regarding
16 issues surrounding true or false allegations. We
17 believe that the heart of his testimony is regarding
18 the factors and the contamination factors. And I
19 believe in opening statement Mr. Mann talked about how
20 there's outside influences and internal influences that
21 can affect a child's disclosure. And, therefore, I
22 think it's highly relevant this forensic interview that
23 is done by, retired now, Detective Vangordon. Mr. Mann
24 is incorrect in regarding case law regarding 51.385 and
25 that the purpose is some type of spontaneous statement

1 more in line with the teacher or her parents.

2 Time and time again, the Nevada Supreme Court
3 has affirmed sexual assault prosecutions where issues
4 have been raised regarding forensic interviews and that
5 each and every time the Nevada Supreme Court has said
6 those forensic interviews were admissible under 51.385
7 and affirmed those convictions. So I believe for --
8 under Nevada law as well as given the defense's expert
9 notice, we believe it's not -- it's not cumulative and
10 it's highly relevant.

11 THE COURT: Okay. And I will say each time I
12 have allowed it in, the defendant has been given a
13 chance to cross examine that person to get out all of
14 the inconsistencies in the statements, you know. You
15 said they're vouching for her statements, but as you
16 know, we have spent a lot of testimony on the different
17 inconsistencies in the statements. So I -- I -- as far
18 as repetitive, I might -- I would find that argument a
19 little -- have a little more merit if Zailey's
20 statement was the same to everybody every single time.
21 And I see your point, at some point, the -- but that,
22 as we all know from the testimony, that is not
23 necessarily true. There's bits and pieces. I'm not
24 arguing, but as you have pointed out in cross exam of
25 these people, there are different inconsistencies,

1 different things in each statement. So in that point,
2 I don't think -- I don't feel it is repetitive. And I
3 don't think there necessarily -- I think they go
4 strictly to her credibility which is exactly at the
5 heart of this case. And I'm -- I do not find that your
6 client is being prejudiced because it's repetitive.

7 Once again, if it was the same exact
8 statement every time, that would be different, but the
9 testimony will show it is not, and I don't think it's
10 becoming too cumulative at this point because I just --
11 at this stage based on the status of the evidence, I
12 think it is appropriate, and I'm going to allow it.
13 All right. Now, do we have somebody else? Yes?

14 MS. KOLLINS: We do, Your Honor.

15 Officer Sink.

16 THE COURT: Officer Sink as in S-i-n-k?

17 MS. KOLLINS: It's actually S-z, as in
18 Zachary, i-n-k.

19 MR. MANN: So S-z --

20 THE COURT: S-z-i-n-k. And I assume the Z is
21 silent.

22 MS. KOLLINS: Maybe I'm wrong.

23 MR. MANN: I was like, I have never seen
24 that.

25 MS. KOLLINS: Maybe it's my handwriting.

1 THE COURT: Let's get it right. Well, I bet
2 he can spell it.

3 MS. KOLLINS: I'm wrong. I am wrong. Drop
4 the Z. My apologies.

5 THE COURT: I just wanted to make sure I
6 heard since I -- okay.

7 THE CLERK: You do solemnly swear the
8 testimony you're about to give in this action shall be
9 the truth, the whole truth, and nothing but the truth,
10 so help you God.

11 THE WITNESS: I do.

12 THE CLERK: Thank you. Please be seated.

13 THE WITNESS: Thank you.

14 THE CLERK: Will you please state your full
15 name spelling your first and last name for the record.

16 THE WITNESS: Officer James Sink, J-a-m-e-s
17 Sink, S-i-n-k.

18 THE CLERK: Thank you.

19 THE COURT: All right.

20 MS. KOLLINS: Good afternoon, sir.

21 THE COURT: Direct exam, let's go.

22 MS. KOLLINS: Thank you.

23

24 ////

25 ////

1 DIRECT EXAMINATION

2 BY MS. KOLLINS:

3 Q. Sir, how are you employed?

4 A. I work for the City of Phoenix Police
5 Department.

6 Q. How long have you been employed by the City
7 of Phoenix Police Department?

8 A. It would be 20 years in August.

9 Q. In what capacity?

10 A. I work as a police officer.

11 Q. What unit?

12 A. Currently I work in the downtown operations
13 unit.

14 Q. Okay. Is that a detective position or a
15 patrol position?

16 A. It is a specialty first responder position,
17 so patrol support division.

18 Q. Okay. In 2010, how were you assigned?

19 A. I was working in the dayshift patrol squad in
20 the 600 precinct.

21 Q. Specifically on December 9th of 2010, was
22 that your assignment?

23 A. Yes, it was.

24 Q. Did you receive a call out regarding child
25 sexual abuse?

1 A. Yes.

2 Q. And where did you travel after you received
3 that call?

4 A. I went to the Madison Rose Elementary School
5 on East Rose.

6 Q. How did you receive that information?

7 A. It was a radio call of abuse and sexual abuse
8 of a student at the school there which had been
9 given -- been called in by a fourth grade teacher who
10 was acting as principal at the school and had been
11 advised by another parent of a possible abuse of a
12 child, a nine-year-old girl, Zailey Flores.

13 Q. Okay. Specifically our focus today is the
14 sexual abuse component of this --

15 A. Okay.

16 Q. -- do you recall that? When you arrived at
17 the school, who did you speak with?

18 A. I spoke with the witness that was the fourth
19 grade teacher. I can't remember her name off the top
20 of my head, but ...

21 Q. Did you speak to her in front of the child
22 that was the subject of this investigation or did you
23 speak to her by herself?

24 A. I spoke to her by herself initially and then
25 had the child brought to the office later.

1 Q. Okay. And did you meet the child in the
2 office?

3 A. Yes.

4 Q. And do you recall her name?

5 A. Zailey Flores.

6 Q. Okay. And do you know how old she was?

7 A. Nine years old.

8 Q. Okay. Prior to you meeting in the room with
9 Zailey, what did the teacher inform you about the
10 sexual abuse?

11 A. She just, regarding the sexual abuse, told me
12 that while she was talking with Zailey that she had
13 confided in her to being sexually abused by a friend, a
14 family friend when they lived in Las Vegas.

15 Q. Okay. Now, as a patrol officer, when you go
16 out to a call like this, is it your responsibility to
17 do a full forensic interview of that child?

18 A. No. We're trained to get basic information
19 to substantiate elements of a crime, and then
20 detectives will interview the child later.

21 Q. Okay. Detectives are forensic interviewers?

22 A. Yes.

23 Q. So was that your goal on that day?

24 A. Yes. Just get the basic information for the
25 report.

1 Q. And not every detail of the abuse?

2 A. Correct.

3 Q. So you said you met with Zailey in a room.

4 What room was that?

5 A. It was the front, like the principal's office
6 in the school.

7 Q. Okay. Was the principal present for that
8 meeting?

9 A. No.

10 Q. Just you and the child?

11 A. Yes.

12 Q. Okay. And did you begin a conversation with
13 her?

14 A. Yes.

15 Q. And how did you begin that conversation?

16 A. Well, we talked about the other nonrelated
17 stuff not regarding the sexual abuse. And then I asked
18 her to tell me about that -- about what happened in
19 Las Vegas. And then she identified this family friend
20 by name as a Cameron Thomas and stated that he had
21 sexually abused her by placing his penis in her vagina
22 on one occasion. She stated that he had tried to do it
23 on a previous occasion, but she was able to get away
24 from him.

25 Q. Now, the words "penis" and "vagina," were

1 those the child's words or are those your words?

2 A. If I recall, she actually used those words,
3 and then I usually clarify with a child of that age
4 what they mean by describing it and where it is on the
5 body and stuff like that to be specific.

6 Q. Now, would you typically indicate those words
7 in quotes in your report if those were the child's
8 words, or would you just leave them as part of the
9 sentence?

10 A. It depends.

11 Q. It depends. Okay. So as you sit there
12 today, you believe those were her words?

13 A. Yes, I believe she used the word "penis."

14 Q. Now, the information that you just imparted
15 to me that she said he tried to put -- he put his penis
16 in her vagina and then he tried to put his penis in her
17 vagina and she got away from him, did she deliver that
18 in one sentence or was that because you had to question
19 her about that information?

20 A. Well, I would have had to question her about
21 that.

22 Q. Okay. Which thing did she tell you first,
23 that he tried or he did?

24 A. I don't recall.

25 Q. Okay. After she told you that -- well, let's

1 go back just a second. What was her demeanor like?

2 A. She was pretty calm and direct in answering
3 questions. She did not seem uncomfortable talking
4 about it.

5 Q. Did she seem happy?

6 A. No. But she didn't seem uncomfortable with
7 it.

8 Q. Okay. How was her eye contact?

9 A. I don't remember.

10 Q. Okay. Was she appropriately responsive to
11 you? And what I mean by that is did she understand the
12 questions that you were posing to her and was able to
13 give you a response that was appropriate for that
14 question?

15 A. It appeared so, yes.

16 Q. Did you use any leading questions with her?

17 A. No.

18 Q. Do you know even as a patrol -- are you
19 forensically trained as a patrol officer or even in
20 what you do now today to deal with children?

21 A. Oh, no.

22 Q. But you know not to use leading questions?

23 A. Oh, yeah, that's just basic police work.

24 Yeah.

25 Q. Okay. Did you ask her repeated questions

1 specifically about the sexual component of what you
2 were discussing with her?

3 A. No. And I didn't have to. Like I said, she
4 was direct in answering the questions, so I would just
5 ask her direct questions. And then once I established
6 what I needed to establish to complete the report, then
7 I ended the interview.

8 Q. Did you take her language skills and her --
9 or her terminology to be appropriate for her age?

10 A. Yes.

11 Q. Okay. Did she ever express to you in that
12 short conversation that she didn't like this family
13 friend?

14 A. No.

15 Q. Okay. Did she ever express to you in that
16 short conversation that somebody told her what to say?

17 A. No.

18 Q. And you said she named the family friends?

19 A. Yes.

20 Q. Do you recall that name as you sit there
21 today?

22 A. Cameron Thomas.

23 Q. How long did you spend with Zailey in that
24 office? Like how long did this conversation that we're
25 talking about take place?

1 A. I think we had to call somebody out for
2 additional photos. So there's why -- and then my
3 supervisor had to make phone calls to other detectives,
4 so probably total when we were at the school maybe an
5 hour.

6 Q. Okay. And if you -- if you can, I mean, I
7 know we don't all look at our watch for everything
8 we're doing, but regarding your discussion regarding
9 the sexual abuse component of this case, how long did
10 you talk to Zailey?

11 A. Ten minutes at the most.

12 MS. KOLLINS: Court's indulgence.

13 THE COURT: That's fine.

14 BY MS. KOLLINS:

15 Q. You said you did not remember the principal's
16 name. If I showed you a copy of your report, would
17 that refresh your recollection?

18 A. Yes, ma'am.

19 MS. KOLLINS: Okay. May I approach the
20 witness?

21 THE COURT: Yes.

22 MS. KOLLINS: Page 3 of his report, Mr. Mann.

23 THE WITNESS: Okay. Yeah.

24 BY MS. KOLLINS:

25 Q. Does that refresh your recollection, sir, as

1 to what her name was?

2 A. Yes, ma'am.

3 Q. For the record, what was her name?

4 A. Amanda Halpern.

5 MS. KOLLINS: I'll pass the witness, Your
6 Honor.

7 THE COURT: Okay. Mr. Mann.

8 MR. MANN: I have no questions at this time.

9 THE COURT: Okay. All right. Thank you,
10 Officer.

11 THE WITNESS: All right. Thank you.

12 THE COURT: Just before we do the 51.385, I
13 want to make sure to speak to him. I got concerned on
14 some -- I'm sure you're -- you caught the same thing
15 the Court did. You know, when he said taking photos,
16 I -- that's going to -- that could open a real horrible
17 thing. If you could limit your questions or explain --
18 you did it with the follow-up, Ms. Kollins, and I
19 appreciate it, but I know why he did it. He's thinking
20 in his mind, but I really would like to emphasize that.

21 MS. KOLLINS: And for the record, we spent an
22 extensive portion of time with him on the phone in
23 Phoenix, and cautioned him as to talking about the
24 physical abuse. For purposes of not being in front of
25 the jury, obviously I let him answer. I mean, we'll

1 admonish him again. I mean, we went through that so
2 maybe --

3 THE COURT: I'm not -- I'm not casting
4 dispersions. I just wanted to reiterate, because it's
5 obvious he's from Phoenix. I understand the
6 limitations of working with people and witnesses. I
7 just -- if you could just emphasize that because that
8 would be -- and then he said he came because of the
9 abuse and the sexual abuse. If you could just kind of
10 emphasize that, I would just appreciate it. That's --
11 that's all -- I'm not saying anybody's at fault.
12 Just -- I just put my notes down. Okay. The NRS --
13 I'm sorry, 51.385 hearing now.

14 MS. KOLLINS: Your Honor, you know, we
15 offered a statement pursuant to 51.385. There's
16 probably somewhat of a difference spontaneity component
17 to this statement because of the investigation of the
18 physical abuse was concomitant to the sexual abuse
19 disclosure. So he is in a little different position
20 than any other of our 51.385 witnesses because he was
21 there to investigate both or talk about both where
22 everyone else has been proffered so far was not. So
23 I -- I hope the Court can, you know -- and I'm sure the
24 Court can dissect that from just the sexual component.

25 THE COURT: Well, I think that's why I made

1 my original comments. I'm glad I understand that, that
2 there's an issue there.

3 MS. KOLLINS: Again, I think the environment
4 was appropriate. Her responses were appropriate. They
5 were spontaneous in that they were in response to what
6 he characterized as open-ended questions. He did not
7 lead her. He did not suggest information to her.
8 There's no information that the child had a motive to
9 fabricate. She expressed no disdain for Mr. Thomas.
10 She -- I mean, this was at the very inception of this
11 investigation. Nothing suggested that she was in an
12 unstable mental state. He said that she was age
13 appropriate and she was linear in her responses in that
14 she could respond appropriately to the content of
15 whatever he was asking her. He -- he also testified
16 she was not subjected to repetitive questioning. So I
17 will submit it to the Court.

18 THE COURT: Okay. All right. Thank you.

19 Mr. Mann.

20 MR. MANN: Thank you, Your Honor. I think --
21 and Your Honor, we're outside the presence of the jury.
22 I am going to talk about the physical abuse as part of
23 my argument.

24 THE COURT: That's fine.

25 MR. MANN: I just wanted to make sure I'm not

1 violating your order.

2 THE COURT: The Court brought it up, so
3 you're not violating. I know we're outside the
4 presence of the jury.

5 MR. MANN: So you know, Ms. Halpern or Rand,
6 she obviously was investigating the -- asking the four
7 questions for the physical abuse. Officer Sink was
8 there to talk about the physical abuse. I think that
9 goes directly to Zailey's mental state at the time. I
10 mean, here she is being looked at for abuse by her own
11 mother at that point. And I think her mental state at
12 that point is that, you know, hey, look, they're
13 looking at my family. I'm concerned about that. And
14 so obviously that should be a factor that Your Honor
15 considers in the 51.385 issue as to her mental state
16 and her understanding of what is going on.

17 I think the fact that she is calm and direct,
18 I think also is another indication that, you know,
19 she's void of any emotion at this point when she's
20 allegedly, you know, telling everyone for the first
21 time that she's been sexually abused for years. And
22 there's -- I don't think it is an appropriate response
23 for a child who's been sexually abused -- and I don't
24 think her terminology was appropriate for a child as
25 well considering that it's changed.

1 I mean, we hear from Rand -- Rand/Halpern and
2 Sink that she specifically said penis to vagina. And
3 then later on she's now talking, you know, on private
4 part and things like that and changing the
5 terminologies that she is using.

6 So with that, I will submit it.

7 THE COURT: Okay.

8 MS. KOLLINS: Your Honor --

9 THE COURT: Yes, go ahead.

10 MS. KOLLINS: I apologize for interrupting.

11 THE COURT: Now you can complete your record.

12 MS. KOLLINS: Before you decide, the State's
13 going to withdraw their proffer of Officer Sink.

14 THE COURT: Makes my job easy.

15 MS. KOLLINS: Okay.

16 THE COURT: All right. So are you going to
17 bring him on at all?

18 MS. KOLLINS: No, ma'am.

19 THE COURT: All right. Okay.

20 MS. KOLLINS: So if you want him, I'm sending
21 him back to Phoenix right now. So if you want him...

22 MR. MANN: Court's indulgence.

23 THE COURT: I'm not pushing you. And I hope
24 what I said before didn't in any way --

25 MS. KOLLINS: No.

1 THE COURT: Thank you.

2 MS. KOLLINS: May we approach?

3 THE COURT: Yes. Please come on up. I'm
4 just very cognizant of opening doors here.

5 (A discussion was held at the bench,
6 not reported.)

7 (Whereupon a short recess was taken.)

8 THE COURT: We're on. Okay. Are we ready to
9 get the jury? Have we made some decision?

10 MS. RINETTI: Just put it on the record.

11 THE COURT: Absolutely, yes. We're here.
12 We're outside the presence of the jury.

13 MR. MANN: Your Honor, the State withdrew
14 their desire to call Officer Sink. I then spoke with
15 my client, and based on what Officer Sink had to say,
16 we did have a desire to question him. The State has
17 graciously decided to call him and question him, and
18 then we'll be able to cross examine him.

19 THE COURT: Okay.

20 MR. MANN: I did go back into the room with
21 him and Ms. Rinetti, and him being Officer Sink, just
22 wanted to be clear.

23 THE COURT: That's okay. I followed.

24 MR. MANN: And spoke to him and hopefully
25 that we will --

1 THE COURT: Keep the straight and narrow
2 on --

3 MR. MANN: Keep it --

4 THE COURT: -- on the sexual abuse and not
5 include the physical abuse.

6 MR. MANN: Correct.

7 THE COURT: Thank you. I appreciate you both
8 trying.

9 MR. MANN: Did I miss anything?

10 MS. RINETTI: No.

11 THE COURT: Okay. Perfect. We're ready to
12 go then. We got it. Okay. So let's get the jury in,
13 and whichever one you're calling first, we'll do it.

14 THE MARSHAL: All rise for the jury.

15 (The following proceedings were held in
16 the presence of the jury.)

17 THE MARSHAL: Please be seated.

18 THE COURT: Okay. Counsel stipulate to the
19 presence of the jury?

20 MR. MANN: Yes, Your Honor.

21 MS. KOLLINS: Yes, Your Honor.

22 THE COURT: All right. State, call your next
23 witness, please.

24 MS. KOLLINS: State calls Officer Sink.

25 THE CLERK: Please remain standing, raise

1 your right hand.

2 You do solemnly swear the testimony you're
3 about to give in this action shall be the truth, the
4 whole truth, and nothing but the truth, so help you
5 God.

6 THE WITNESS: I do.

7 THE CLERK: Thank you. Please be seated.

8 THE WITNESS: Thank you.

9 THE CLERK: You will please state your full
10 name spelling your first and last name for the record.

11 THE WITNESS: James Sink, J-a-m-e-s. Sink
12 S-i-n-k.

13 THE CLERK: Thank you.

14 THE COURT: Okay. Direct exam, please.

15 MS. KOLLINS: Thank you, Your Honor.

16

17 DIRECT EXAMINATION

18 BY MS. KOLLINS:

19 Q. Good afternoon, sir. How are you?

20 A. Good.

21 Q. How are you employed?

22 A. City of Phoenix Police Department.

23 Q. How long have you been with the City of
24 Phoenix and the police department?

25 A. Be 20 years in August.

1 Q. How are you currently assigned?
2 A. Work at the downtown operations unit which is
3 a patrol support division of the police department.
4 Q. How were you assigned in December of 2010?
5 A. I was working day shift patrol in the 600
6 precinct which is North Central Phoenix.
7 Q. On December 9th of 2010, were you working?
8 A. Yes.
9 Q. On that same date, did you receive a callout
10 to Madison Rose Elementary School regarding a case of
11 sexual abuse?
12 A. Yes.
13 Q. And who is the child that that case involved?
14 A. Zailey Flores.
15 Q. Okay. From whom did you receive that
16 information?
17 A. It was the fourth grade teacher at the
18 school, Amanda Halpern.
19 Q. Did you speak to Amanda Halpern directly
20 before you got to the school or did you receive the
21 call some other way?
22 A. I received the call from dispatch so I
23 responded to the -- to the school and I spoke with
24 Amanda Halpern in the principal's office because she
25 was acting principal for the day.

1 Q. Okay. When you spoke to Amanda Halpern
2 initially in the principal's office, was Zailey Flores
3 present?

4 A. No.

5 Q. Okay. Did you get Amanda Halpern to get her
6 to come to the principal's office?

7 A. Yes.

8 Q. Did Zailey come to the principal's office?

9 A. Yes.

10 Q. Do you remember how old she was on
11 December 9th of 2010?

12 A. Nine years old.

13 Q. Okay. Did you have an occasion to have a
14 conversation with Zailey regarding sexual abuse that
15 day?

16 A. Yes.

17 Q. Where did that take place?

18 A. In the principal's office at the school.

19 Q. Okay. Door open or closed, if you remember?

20 A. I don't recall.

21 Q. Okay. Was anyone else present besides you
22 and Zailey?

23 A. No.

24 Q. As a patrol officer, was it your duty to do
25 the full investigation of the allegation of sexual

1 abuse?

2 A. Not the full investigation. My role would
3 have been to get a basic information enough to
4 substantiate if a crime had occurred and then write a
5 report for detectives to follow up on.

6 Q. Okay. Is that typical in how those types of
7 cases are handled in the Phoenix Police Department, a
8 patrol officer goes out, gathers preliminary
9 information, and then forwards it to a specialty
10 detective or a sexual abuse detective?

11 A. Correct.

12 Q. Okay. So when you spoke to Zailey in this
13 room, was anyone else with you?

14 A. No. My supervisor, Sergeant Casenza was on
15 scene, but I don't remember if he was standing in the
16 room when I had -- when I had conversation with her or
17 portions of the conversation or was outside. I
18 couldn't tell you, but I know he was at the scene at
19 some point.

20 Q. So he would have been your partner that day
21 essentially?

22 A. My supervisor.

23 Q. Your supervisor?

24 A. Yeah.

25 Q. When you talked to Zailey, what was her

1 demeanor like?

2 A. She was calm. It was -- she presented her
3 account of what happened very matter of fact.

4 Q. Okay. Did she seem happy, sad, something
5 different?

6 A. Indifferent.

7 Q. Okay. Did she make eye contact with you?

8 A. In general I don't recall.

9 Q. When you start a conversation like this with
10 a nine year old, as a patrol officer, do you ask
11 leading questions?

12 A. No, I don't ask leading questions. In
13 general, in police work with interviewing somebody,
14 I'll ask broad questions and then narrow things down to
15 get to, you know, the point where I am getting
16 information that I need.

17 Q. To gather the information that you need to
18 make the decision to forward it to a detective or not?

19 A. Correct.

20 Q. Okay. So in this conversation, what did
21 Zailey tell you regarding the report you had of sexual
22 abuse?

23 A. She told me that when she lived in Las Vegas
24 that she had been sexually abused by a family friend
25 named Cameron Thomas who had -- who was a family

1 friend, and the abuse consisted of him placing his
2 penis in her vagina.

3 Q. Okay. Now, the words "sex abuse," your words
4 or her words?

5 A. Those would be my words.

6 Q. Okay. The words penis and vagina, your words
7 or her words?

8 A. Both. Both. So they would have -- depending
9 upon how she initially explained it, I would have
10 narrowed it down to get to those words so that we were
11 being very specific about what had occurred. So if she
12 used different terminology, I would have explained, you
13 know, the terminology that -- you know, that I was
14 looking for. This would be the penis. This would be
15 the vagina --

16 Q. Okay.

17 A. -- that kind of thing.

18 Q. Would you have explained to her or asked her?

19 A. Well, I would have asked her, made sure that
20 she understood what the terminology that she was
21 talking about or what I was asking. I would have made
22 sure everything was clear.

23 Q. And made sure that you understood what she
24 was talking about; right?

25 A. Correct, correct.

1 Q. Okay. So she indicated to you that he placed
2 his penis in her vagina.

3 A. Yes.

4 Q. Is that correct?

5 A. Yes.

6 Q. Did she talk to you about any other time
7 besides that?

8 A. She had told me that he had attempted to do
9 it one prior time, but she was able to pull her pants
10 on and get away from him.

11 Q. Okay. And she identified that person by
12 name?

13 A. Yes.

14 Q. And that name was again?

15 A. Cameron Thomas.

16 Q. Now, you didn't know who Cameron Thomas was
17 to that child at that time; correct?

18 A. Correct.

19 Q. Did you ask her -- well, strike that.

20 Was she able to respond to you appropriately?
21 And by "appropriately," I mean understand the context
22 of your questions?

23 A. Yes, she didn't seem confused.

24 Q. Okay.

25 A. She was direct in her responses.

1 Q. Okay. Are you forensically trained, sir?

2 A. For interviewing children, no.

3 Q. Now, after you -- well, let me ask you one
4 more question. Was her -- were her language skills age
5 appropriate in your mind?

6 A. Yes.

7 Q. Okay. After you gathered the information
8 from Zailey that there had been -- the two times that
9 she talked about, did you terminate the questioning?

10 A. Yeah. As soon as I gathered the information
11 I needed to establish that a crime had most likely
12 occurred, then I would have completed the investigation
13 on my end and authored the report for the detective to
14 follow up on.

15 Q. Okay. And, again, that interview was not
16 designed to be a complete forensic interview; correct?

17 A. Correct. I'm just looking for basic
18 information.

19 Q. And after you got that basic information,
20 what did you do with it?

21 A. I authored the report, and it was followed up
22 by somebody at the child crimes unit.

23 Q. Okay. So you were -- you ultimately referred
24 that information that you received to the child crimes
25 unit in the Phoenix Detective Bureau?

1 A. Yes. Yes. I notified the on-duty sex crimes
2 sergeant, which was Sergeant Roberts on that date, by
3 phone of the incident, and notified Child Protective
4 Services.

5 Q. Okay.

6 MS. KOLLINS: Pass the witness.

7 THE COURT: Okay. Cross exam.

9 **CROSS-EXAMINATION**

10 BY MR. MANN:

11 Q. Officer Sink, when you were in the room with
12 Zailey, you said that her demeanor was calm?

13 A. Yes.

14 Q. Indifferent?

15 A. Yes.

16 Q. And matter of fact?

17 A. Yes.

18 Q. This demeanor of calm, indifferent, and
19 matter of fact, that was when she was discussing this
20 alleged sexual abuse?

21 A. Yes.

22 Q. And in your discussion with -- how long did
23 you speak with her?

24 A. Well, I mean total we were out there for
25 maybe about an hour, but specifically regarding this

1 incident, maybe ten minutes.

2 Q. Okay. So when you spoke with her, you spoke
3 with her for ten minutes regarding this?

4 A. Yeah, probably thereabout.

5 Q. And she told you that Cameron Thomas sexually
6 assaulted her by placing his penis in her vagina?

7 A. Yes.

8 Q. And that she further stated to you that there
9 was another time where he attempted to do it, but she
10 pulled her pants up and ran away?

11 A. Yes.

12 Q. Do you remember what grade she was in then?

13 A. No. Probably fourth grade because there was
14 a fourth grade teacher that reported this to me, so I
15 would assume fourth grade.

16 Q. But the terminology that was used was her
17 terminology not your terminology?

18 A. Yes.

19 Q. And you had asked about that you explained to
20 her parts of the body, or that's what I inferred from
21 what you were saying; is that correct or incorrect?

22 A. That's a general rule if I'm interviewing
23 somebody and they're not understanding something and I
24 have to explain something further. I'm just trying to
25 get to the point of me hearing what I would need to

1 hear to either substantiate that a crime occurred or
2 that it was something else.

3 Q. So my question to you is: Did you, in fact,
4 explain to her what a penis was?

5 A. If she did not understand, I would have.

6 Q. Do you remember having --

7 A. I don't.

8 Q. Okay.

9 A. I don't.

10 Q. But you do remember her specifically saying
11 penis to vagina?

12 A. Yes, I do remember her specifically saying
13 penis to vagina.

14 MR. MANN: No further questions.

15 THE COURT: Thank you. Redirect?

16 MS. KOLLINS: Very briefly, Your Honor.

17

18 REDIRECT EXAMINATION

19 BY MS. KOLLINS:

20 Q. Did Zailey use the words "sexually assault"?

21 A. No.

22 Q. Okay. So when Mr. Mann asked you if those
23 were her words, sexually assault was not Zailey's
24 words?

25 A. No. That's just what I would have put

1 together.

2 Q. That is your translation of what occurred?

3 A. Yes.

4 Q. Okay. And in terms of explaining further,
5 you never suggested to that child that she was sexually
6 abused or sexually assaulted by a person unknown to
7 you, Cameron Thomas; right?

8 A. No, I never.

9 MS. KOLLINS: Okay. Nothing further.

10 THE COURT: Okay.

11 MR. MANN: Nothing further, Your Honor.

12 THE COURT: Okay. Thank you very much,

13 Officer. You're released. You're excused.

14 THE WITNESS: Thank you.

15 THE COURT: You're welcome. Thank you for
16 coming.

17 Next witness, please.

18 MS. RINETTI: Kathleen Vangordon.

19 THE CLERK: You do solemnly swear the
20 testimony you're about to give in this action shall be
21 the truth, the whole truth, and nothing but the truth,
22 so help you God?

23 THE WITNESS: I do.

24 THE CLERK: Thank you. Please be seated.

25 Please state your full name, spelling your first and

1 last name for the record.

2 THE WITNESS: It's Kathleen, K-a-t-h-l-e-e-n.

3 Last name is Vangordon, V-a-n G-o-r-d-o-n.

4 THE COURT: All right. Direct exam.

5 MS. RINETTI: Thank you.

6

7 DIRECT EXAMINATION

8 BY MS. RINETTI:

9 Q. Ms. Vangordon, did you ever work in law
10 enforcement?

11 A. Yes.

12 Q. And where did you work in law enforcement?

13 A. With the Phoenix Police Department.

14 Q. And how long did you work with the Phoenix
15 Police Department for?

16 A. Twenty-five years.

17 Q. Did you retire from the Phoenix Police
18 Department?

19 A. Yes, I did, in 2012.

20 Q. Okay. Congratulations.

21 A. Thanks.

22 Q. Back in 2010, were you assigned to a
23 particular unit within the Phoenix Police Department?

24 A. Yes, I was in the -- I was in the child
25 crimes unit.

1 Q. And what kind of crimes does the child crimes
2 bureau investigate?

3 A. We investigate crimes against children, which
4 would include molestation, abuse, neglect.

5 Q. And how long did you work for that particular
6 unit?

7 A. Eight years.

8 Q. And during those eight years, did you ever
9 have any specialized training involving interviewing
10 children?

11 A. Yes.

12 Q. Can I ask you, when were you trained?

13 A. In 2004.

14 Q. Can you briefly describe to the ladies and
15 gentlemen of the jury what a forensic interview is?

16 A. Okay. Basically -- basically, in order to
17 interview children, you have to go through an
18 eight-hour and a 40-hour training session. And you
19 have to pass it. And then you have to view several
20 interviews of children before you're able to interview
21 your own children.

22 So a forensic interview is basically an
23 interview that we do with children. It's -- it's a
24 nonleading interview. It's open-ended questions, and
25 allows the victim to tell her story.

1 Q. And do you remember approximately how many
2 forensic interviews you conducted in your career?

3 A. Thousands.

4 Q. Okay. Did you use a certain type of
5 protocol, or kind of what were the steps in a typical
6 forensic interview back in 2010?

7 A. Basically, what we first do is we bring the
8 victim into a room. It's just me and the victim. And
9 I start with rapport building questions, which gives me
10 an idea of how the victim will interact with questions
11 and see how -- give me a sample of how intelligent or,
12 you know, her language is.

13 And then, from there, I go in and discuss
14 whether she knows the difference between the truth and
15 a lie. And if she answers me for that, and then I go
16 into the -- into what happened. And after that, I ask
17 some questions, follow-up questions. And at the end,
18 we kind of go off topic and discuss maybe what they're
19 going to do for the evening.

20 Q. In a forensic interview, do you use leading
21 questions or open-ended questions?

22 A. Open-ended.

23 Q. In a forensic interview, do you use
24 repetitive questions at all?

25 A. Sometimes. You can.

1 Q. And is that for kind of clarification
2 reasons?

3 A. Yes.

4 Q. Okay. And in this particular case, were you
5 asked, as a courtesy, to interview a child by the name
6 of Z: F_____ in Phoenix?

7 A. Yes.

8 Q. And is it customary that agencies will ask
9 for courtesy interviews or help with an investigation?

10 A. Yes.

11 Q. And based upon some information you received,
12 did you know that the crime actually occurred not in
13 Phoenix, but in Arizona?

14 A. It occurred in --

15 Q. I mean, excuse me. Hello.

16 Didn't happen in Arizona, but it happened in
17 Las Vegas.

18 A. Correct.

19 Q. I need a latte.

20 These courtesy interviews, where do they take
21 place in Phoenix?

22 A. We have what we call a child advocacy center
23 where all the children are brought into one center.

24 Q. And what is a child advocacy center?

25 A. Basically, a child advocacy center is like --

1 the simplest way to describe it is like a one-stop
2 shop. We take the victim there. We do the interviews.
3 If they need the medical, the medical's done there. If
4 they need therapy, the therapy's done there. It's a
5 one-stop shop.

6 Q. Is there any particular room or rooms that's
7 devoted to a forensic interview at the child advocacy
8 center in Phoenix?

9 A. Yes, at the child advocacy center, we
10 actually had three interview rooms.

11 Q. And did you utilize one of those rooms to
12 interview Z. F. ?

13 A. Yes, I did.

14 Q. Can you describe a little bit about what the
15 room looked like when you interviewed Zailey?

16 A. It's a very small room. It contains a
17 chair -- or two chairs; my chair and a chair and maybe
18 a little table.

19 Q. Now, is this room, are you able to audio and
20 video record your interview with the child in this
21 particular room?

22 A. Yes.

23 Q. Okay. And on this particular occasion, when
24 you met with Zailey, was there anyone else in the room
25 besides yourself and Z. ?

1 A. No.

2 Q. And what was Z. 's demeanor like when she
3 came into the room and throughout your interview?

4 A. She was very articulate, she very -- was very
5 smart, very calm.

6 Q. Was she able to answer your questions?

7 A. Yes.

8 Q. Was she able to answer them appropriate
9 meaning on topic?

10 A. Yes.

11 Q. Did her demeanor at all change during the
12 interview where you had concerns about her state of
13 mind?

14 A. No.

15 Q. During your interview, did it last
16 approximately 35 minutes?

17 A. Yes.

18 Q. And, in fact, was there a transcript done
19 in -- in connection to your interview?

20 A. Yes.

21 Q. And have you had an opportunity to look at
22 that video of your interview with Z. F. ?

23 A. Yes.

24 Q. And did you also have an opportunity to look
25 at the transcript that was prepared?

1 A. Yes.

2 Q. Fair to say the transcript is approximately
3 34 pages in length?

4 A. Correct.

5 Q. Okay. And during this 35-minute interview,
6 did Z use age-appropriate language?

7 A. Yes.

8 Q. And excuse me. At the time of her interview,
9 how old was Z?

10 A. She was nine years old.

11 Q. Okay. How did you -- you mentioned that one
12 of your first things you do in a forensic interview is
13 kind of rapport building. Did you do any type of
14 rapport building with Z?

15 A. Yes.

16 Q. What type of rapport building did you do?

17 A. Basically, I asked her what school she went
18 to, what grade she was, how she liked living in
19 Phoenix.

20 Q. Was she able to answer those questions?

21 A. Yes.

22 Q. What school did she attend at the time?

23 A. Madison Rose.

24 Q. And what grade was she in?

25 A. Fourth grade.

1 Q. And after you did some rapport building with
2 Z. , did you kind of give her some guidelines or
3 rules that needed to be followed in the interview?

4 A. Yes.

5 Q. And what kind of rules were in the interview
6 that were explained to Z. ?

7 A. Basically, I told her that I had a few rules.
8 I said the first one is that we always talk -- we talk
9 the truth. And I asked her if she knew the difference
10 between the truth and a lie, and she was able to answer
11 me.

12 Q. Were you -- did you also establish in that
13 interview that Z. would have the opportunity to
14 correct you if you were wrong about any factor or
15 anything like that?

16 A. Yes.

17 Q. Okay. And did she acknowledge that she
18 understood that rule?

19 A. Yes.

20 Q. Okay. How did you begin the conversation in
21 regards to this investigation to sexual abuse?

22 A. I asked her if she knew why she was here to
23 talk with me.

24 Q. And how did Z. respond?

25 A. She said, "Yes, it's about the situation with

1 Cameron."

2 Q. And is that her exact words, "the situation
3 with Cameron"?

4 A. Yes.

5 Q. Was she able to identify to you who Cameron
6 was?

7 A. Yes. She said he was her mom's best friend
8 and described him as their God dad.

9 Q. Did she tell you when she met Cameron?

10 A. When she was five years old.

11 Q. And did she indicate how frequently she
12 interacted with Cameron?

13 A. Almost every day.

14 Q. Did she indicate that she'd actually go out
15 to his house a lot?

16 A. Yes.

17 Q. In transitioning into the abuse, did you ask
18 Z to describe the very first time something
19 happened?

20 A. Yes.

21 Q. And that was kind of you prompting, hey,
22 let's talk about the first time?

23 A. Correct.

24 Q. And was she able to describe to you that
25 first time?

1 A. Yes.

2 Q. And can you just briefly describe to the
3 ladies and gentlemen of the jury what Z. talked to
4 you about during this first time of abuse?

5 A. She stated that Cameron had taken her into
6 his room and pulled down her pants, and she knew that
7 was wrong, so she pulled them up and ran out of the
8 room.

9 Q. Did she tell you how old she was during this
10 first time?

11 A. She was five.

12 Q. Did she indicate to you where other people
13 were when this first time occurred?

14 A. Yes, she said her mom -- one mom was in the
15 loft and the other was outside, and I believe the kids
16 were all downstairs playing videos.

17 Q. Did she mention anything else about children
18 in Dante's room?

19 A. Other children in Dante's?

20 Q. Yes.

21 A. I don't recall.

22 Q. Do you remember her telling you something to
23 the effect that a cop had told her that the rest of the
24 kids were in Dante's room?

25 A. Yes.

1 Q. Did she mention to you during this first time
2 how she felt?

3 A. She said it was very strange.

4 Q. And did she tell you why she felt it was
5 strange?

6 A. Because she knew it was wrong.

7 Q. Did she indicate to you she didn't know what
8 he was doing?

9 A. Right.

10 Q. In addition to this first time, did you ask
11 Z - to talk about another time?

12 A. Yes.

13 Q. And was she able to describe another time to
14 you, and in fact, several different instances?

15 A. Yes.

16 Q. Did Z tell you that she had any
17 difficulty remembering instances?

18 A. Yeah, because they happened so much.

19 Q. Okay. So let's talk about another time. We
20 referred to it here as kind of the "laundry, the
21 folding of the clothes incident," okay?

22 Was she able to describe to you that
23 particular incident?

24 A. Yes.

25 Q. And can you tell us a little bit about what

1 Z -- told you about that particular incident?

2 A. Basically, she said that Cameron asked her if
3 she wanted to help fold clothes, and she said because
4 she was living at Cameron's house at that time, that
5 that was one of her duties. So she went upstairs with
6 him to fold clothes. She said that she was sitting on
7 the bed, and Cameron proceeded to take off her skirt
8 and underwear, and that he put his mouth on her private
9 part.

10 Q. When she described the fact that she was
11 wearing clothing, and you said -- you indicated
12 underwear and skirt. Was she able to describe what
13 kind of shirt she was wearing?

14 A. Yes.

15 Q. What did she say?

16 A. It was a pink shirt with a heart on it.

17 Q. And when she said that the defendant put
18 his -- and I don't want -- his penis -- his mouth on
19 her vagina, did she use the word penis?

20 A. No.

21 Q. Did she use the word vagina?

22 A. No.

23 Q. What word did she use to describe vagina?

24 A. Private part.

25 Q. And what word did she describe a penis?

1 A. Private part.

2 Q. And in reviewing the video of your
3 interviews, as well as the 34 pages of -- for the
4 transcript, at any point did Z ever refer to her
5 vagina as a vagina?

6 A. No.

7 Q. Did she consistently refer to her vagina as a
8 private part?

9 A. Yes.

10 Q. And during her interview, did she
11 consistently describe the defendant's penis as his
12 private part?

13 A. Yes.

14 Q. Okay. Did she describe to you how it felt
15 when the defendant's mouth went on her vagina?

16 A. She said it was nasty.

17 Q. What happened after he had placed his mouth
18 on her vagina?

19 A. She pushed him off and ran out of the room.

20 Q. Did she say anything to him?

21 A. She said that she didn't want to help him
22 fold clothes anymore.

23 Q. Did she indicate where -- at this time, what
24 the other kids were doing in the house?

25 A. I believe they were downstairs playing video

1 games.

2 Q. Did she mention a dog by the name of Max?

3 A. Yes.

4 Q. I also want to talk to you about an incident.

5 Did Z mention an incident in which ejaculation got
6 onto her leg and onto a bed?

7 A. Yes.

8 Q. And I want to talk to you a little bit about
9 that incident. Was that something that you prompted --
10 were you aware of that particular incident prior to
11 interviewing Z ?

12 A. No.

13 Q. And so she kind of came, and she was the one
14 that approached this topic, this event; correct?

15 A. Correct.

16 Q. And what did she describe about this event?

17 A. She stated she was in Dante's room, and I
18 believe that's one of Cameron's children, and she was
19 cleaning Dante's room because he had just had a
20 birthday and she was putting the toys and stuff away.
21 And she was facing the bed and reading something off of
22 one of the boxes. And then Cameron had walked into the
23 room and pulled down her pants, and then he unzipped
24 his own zipper, and he was wearing boxers, and he took
25 his penis out and started to get on top of her, and

1 then white stuff came out. White pee came out is the
2 way she described it.

3 Q. You mentioned that he unzipped his pants.

4 Did Z describe whether or not his pants actually
5 went down or not?

6 A. They did not go down.

7 Q. Excuse me. And did you mention that she
8 described that his penis went on top of her vagina?

9 A. Yes.

10 Q. I'm sorry. Was she able to describe his
11 penis?

12 A. Yes.

13 Q. And at nine years old, how did Z
14 describe his penis?

15 A. She said it was pink. She said it was
16 sticking up. She described it as hard and rusty. When
17 I had her clarify rusty, she said it was like dead
18 skin. And then she also said he had a lot of black
19 hair.

20 Q. And she said that white, about the white
21 stuff, did she indicate where that white stuff came
22 from?

23 A. From his pee.

24 Q. Did she say where the white stuff went?

25 A. It a little bit went on her leg, and then it

1 also went on Dante's bed.

2 Q. Did Z mention if the defendant said
3 anything to her?

4 A. He said, "Sorry."

5 Q. Did she -- did he say anything else about
6 doing this again?

7 A. He apparently left the room and then came
8 back in the room and told her that she couldn't do this
9 to him anymore, that it has to stop or she's going to
10 get caught.

11 Q. During the course of this 35-minute
12 interview, did Z F ever talk to you about an
13 incident of oral sex between herself and Cameron while
14 some other kids were playing Hide and Go Seek?

15 A. No.

16 Q. And during your interview, did Z mention
17 an incident in which the defendant touched her vagina
18 while there was, like, Sponge Bob cartoons on or a
19 movie?

20 A. No.

21 Q. And during your interview, did Z mention
22 that the defendant had tried to get her to touch his
23 penis?

24 A. No.

25 Q. And during your interview, did she ever

1 mention a jacuzzi?

2 A. No.

3 Q. And this interview lasted approximately 35
4 minutes?

5 A. Yes.

6 Q. Okay. In speaking with Z, did you ask
7 her any questions regarding whether or not she was
8 allowed to say anything about what was going on with
9 her?

10 A. Right.

11 Q. And did she mention if the defendant said
12 anything to her in this context?

13 A. Yeah. He told her not to tell.

14 Q. Did Z mention to you who the very first
15 person she disclosed this abuse to?

16 A. I believe it was the patrol officer.

17 Q. Did she mention that she may -- that she had
18 spoken to her sister about her abuse?

19 A. Yes.

20 Q. And did she indicate if they were living here
21 in Las Vegas or in Arizona when that conversation
22 between the sisters took place?

23 A. They were in Arizona.

24 Q. And did she indicate that it was before her
25 mother found out about her abuse?

1 A. Yes.

2 Q. During your 35-minute interview with Z
3 Flores, did she ever mention that she hated the
4 defendant -- or Cameron, excuse me?

5 A. No.

6 Q. In your 35-minute interview with Z
7 F. , did she ever mention that someone had told her
8 what to say?

9 A. No.

10 Q. And during your 35-minute interview, did she
11 ever say that Mama Kay told her what to say?

12 A. No.

13 Q. And in that 35-minute interview, did she ever
14 tell you that mommy or Mommy April told her what to
15 say?

16 A. No.

17 MS. RINETTI: Pass the witness at this time.

18 THE COURT: Cross exam.

19 MR. MANN: Yes, Your Honor.

20

21 CROSS-EXAMINATION

22 BY MR. MANN:

23 Q. Ms. Vangordon, you said that you were a
24 forensic interviewer?

25 A. Yes, sir.

1 Q. Forensic, what does that mean?

2 A. It's a special type of interview that we do
3 with children.

4 Q. So the word "forensic," meaning that to
5 investigate?

6 A. Correct.

7 Q. Okay. When you are a forensic interviewer,
8 does that mean that you have a purpose of the
9 interview?

10 A. Yes.

11 Q. To collect evidence?

12 A. Correct.

13 Q. To support the allegation of abuse?

14 A. Correct.

15 Q. So when you go into a interview with a child
16 who's making a claim, you go in with a hypothesis that
17 abuse has occurred?

18 A. No, I do not.

19 Q. You go in with the hypothesis that abuse
20 didn't occur?

21 A. No.

22 Q. What is the purpose of going in at that
23 interview? What is your intention?

24 A. My intention is to gather evidence to either
25 support or corroborate the victim's statement or not

1 support it.

2 Q. And since your intention is to do either
3 support it or -- or to find information to support it
4 or not support it, you obviously, then, as a forensic
5 interviewer are detailed in looking at both sides of
6 the interview; correct?

7 A. Correct.

8 Q. That, if there was something that gave you
9 pause as to what the child was saying, that you would
10 explore that as well?

11 A. Correct.

12 Q. One of those things that you need to find out
13 as a forensic interviewer is whether this child has
14 been manipulated?

15 A. Correct.

16 Q. Whether the child has been told what to say?

17 A. Correct.

18 Q. Whether the child in some way is making this
19 up?

20 A. Correct.

21 Q. Now, you had an interview with Zailey, and
22 during direct examination, there was a question by
23 Ms. Rinetti when you talked about the first incident;
24 right? The first incident you asked Zailey about. Do
25 you remember that?

1 A. Yes.

2 Q. And that first incident that you asked Zailey
3 about, you asked where people were?

4 A. Yes.

5 Q. And she told you one of her moms was
6 downstairs.

7 A. Correct.

8 Q. Another mom was up in the loft?

9 A. Correct.

10 Q. And then she said, a cop said all the rest of
11 the kids were in Dante's room?

12 A. Correct.

13 Q. But you didn't ask a follow-up question
14 regarding that cop, did you?

15 A. I'm still not clear as far as the transcript
16 the way it's written if -- we tried to listen to it,
17 and we're not even sure it says cop. It sounds like
18 cop, but we're not -- I wasn't 100 percent sure.

19 Q. Did you inform the prosecution that you were
20 sure -- that you weren't sure whether the transcripts
21 actually said cop or not?

22 A. Yes.

23 Q. When did you make that declaration to the
24 prosecution?

25 A. Yesterday when we -- when I viewed the video.

1 Q. And so it's fair to say that you came in
2 today after reviewing the transcript and the video to
3 prepare for today?

4 A. Correct.

5 Q. And that you had conversations with the
6 prosecution in order to prepare for today?

7 A. Correct.

8 Q. But you were in that interview in December of
9 2010. You didn't ask any further questions about what
10 she was saying?

11 A. Because I didn't hear at the time the word
12 "cop." I never picked it up.

13 Q. You never picked it up. Well, let me ask you
14 this: In order for you to be a forensic interviewer --
15 interviewer, you are very much dependent on the person
16 you're interviewing telling you the truth?

17 A. Correct.

18 Q. So if Zailey had later said that she made up
19 where everyone was, would that call into question your
20 interview with Z? ?

21 A. I don't understand the question.

22 Q. If Z? ? had informed people that she had
23 made things up in her interview to you --

24 MS. RINETTI: Judge, I'm going to object as
25 to commenting on trial testimony at this point.

1 THE COURT: You changed the question on what
2 she said to you, totally changed it, so you need to ...

3 MR. MANN: I haven't finished my question for
4 one, but ...

5 THE COURT: Well, the -- the -- the beginning
6 statement changed from your other beginning statement,
7 and I think that's what you're objecting to.

8 MS. RINETTI: Correct.

9 THE COURT: So maybe you didn't mean to. Why
10 don't you just -- you probably -- just rephrase it.

11 MR. MANN: Thank you, Your Honor.

12 THE COURT: Let's all listen again.

13 BY MR. MANN:

14 Q. If you became aware afterwards that Zailey
15 indicated that she made things up in her statement to
16 you, would that change the quality of your interview
17 with Zailey?

18 MS. RINETTI: I'm going to object as to
19 mischaracterization of Zailey's trial testimony.

20 THE COURT: Okay. Let me do it. You are to
21 remember -- let me caution you. Please remember the
22 testimony as you heard it. Okay? And that's the
23 objection. You have to rely on your own -- you heard
24 the testimony. So you notice, he -- this is what
25 Mr. Mann feels he was, but you are to rely on your own

1 testimony. Okay? All right. Just want to make sure.

2 Based on that, I'll go ahead and let her
3 answer. If you understand the question.

4 THE WITNESS: I can't base my interview on
5 something that she said she didn't tell or she lied to
6 us. She didn't lie to me as far as I know.

7 I mean, I don't know how to explain that
8 because I don't really understand your question.

9 BY MR. MANN:

10 Q. Your interview we talked about is dependent
11 on the person you're interviewing telling you the
12 truth?

13 A. Correct.

14 Q. If the person you're interviewing did not
15 tell you the truth, it's no longer a good interview?

16 A. That portion of what she may have
17 misconstrued would probably not be a good -- you know,
18 good.

19 Q. So if she lied about one thing, you're saying
20 let's disregard that and take everything else to be
21 true?

22 A. No, it's the totality of the whole case --
23 the whole interview.

24 Q. Now, when you interview Zailey, you go into
25 this interview with some facts, some understanding of

1 the situation; correct?

2 A. Correct.

3 Q. Your, you know, for example, some basic
4 details about Zailey. You know when her birthday is?

5 A. Correct.

6 Q. You know what her family makeup is?

7 A. Correct.

8 Q. You know what the supposed allegations are?

9 A. Some of the allegations, yes.

10 Q. You have a rough idea?

11 A. Right.

12 Q. And before you have a discussion with Zailey,
13 you actually, in this particular case, had a discussion
14 with her mothers?

15 A. Correct.

16 Q. The interview -- now, you did an interview
17 with April and Kay together?

18 A. Yes.

19 Q. Was that interview with April and Kay, was
20 that before or after you spoke to Zailey?

21 A. Before.

22 Q. And so you now have, going into this
23 interview with Zailey, you have a perspective, a frame
24 of mind from April and Kay?

25 A. Yes.

1 Q. You know their story?

2 A. Yes.

3 Q. And is it your testimony that knowing that
4 information doesn't cloud your judgment in how you
5 conduct your interview?

6 A. Correct.

7 Q. Now, in order to be a forensic interviewer --
8 interviewer, sorry -- one of those details is to
9 challenge the testimony of the child or what the child
10 is saying; correct?

11 A. What do you mean by challenge?

12 Q. To -- to ask them poignant questions about
13 what they're saying.

14 A. I will ask follow-up questions, yes.

15 Q. If they say something that doesn't sound
16 right, you ask them, What do you mean by that,
17 et cetera; right?

18 A. Yes.

19 Q. You want to get in deeper; you want to know
20 details?

21 A. Correct.

22 Q. You don't want to leave anything hanging out
23 there that isn't accurate?

24 A. Correct.

25 Q. And part of your understanding of the witness

1 is understanding their mental state as well?

2 A. Correct.

3 Q. You would imagine that -- you would imagine
4 that a child of nine years old knows their birth date;
5 correct?

6 A. Some do. Some don't.

7 Q. And if -- you said in your testimony that
8 Zailey was very smart?

9 A. Yes.

10 Q. Articulate?

11 A. Yes.

12 Q. And -- and on topic; correct?

13 A. Yes. Yes.

14 Q. Now, you had a conversation with Zailey about
15 the folding clothes incident?

16 A. Correct.

17 Q. You asked her when that occurred?

18 A. I believe I did, yes.

19 Q. And she said that she knew it happened close
20 to her birthday?

21 A. Correct.

22 Q. Do you know when her birthday is?

23 A. Not offhand, no.

24 Q. If I told you it was May 17th, 2011, or I'm
25 sorry. 2001, does that seem right?

1 A. Possibly, yes.

2 Q. And you reviewed the file before you came
3 today?

4 A. Yes.

5 Q. And so you -- that information would be in
6 the file?

7 A. Yes.

8 Q. Now, in your interview with Zailey, on
9 page 11, she, Zailey, tells you that her birthday is in
10 June.

11 A. Correct.

12 Q. You didn't ask any follow-up questions about
13 that?

14 A. No.

15 Q. You didn't think it was important that a
16 child of nine years old doesn't know her own birthday?

17 A. No.

18 Q. You didn't think that it was unusual that a
19 smart and articulate girl in fourth grade doesn't know
20 when her birthday is?

21 A. I didn't assume anything.

22 Q. You didn't ask any follow-up questions about,
23 are you sure that's when your birthday is?

24 A. No, I -- I don't think when I was doing my
25 interview I kept in my head when her birthday was. I

1 didn't even know when her birthday was at the time.

2 Q. Did you provide, in the set of rules that you
3 discussed with Ms. Rinetti, did you ever provide Zailey
4 with -- well, let's see. You provided the rule of you
5 need to tell the truth?

6 A. Yes.

7 Q. You provided the rule of correct me where I'm
8 wrong?

9 A. Correct.

10 Q. Did you ever provide her with the rule of --
11 about repeated questions, that don't take my repeated
12 questions as something I'm -- something you may have
13 done wrong?

14 A. No.

15 Q. Did you ever -- did you ever instruct the
16 child about not understanding a question?

17 A. No.

18 Q. Did you make any errors in this interview?

19 A. Possibly. We're all human.

20 Q. Now, being in this interview with this
21 hypothesis of either support or deny the allegations,
22 did you do anything to explore that these allegations
23 might not be true?

24 A. No. Basically, I was doing the interview for
25 another agency, so I didn't -- I just did the interview

1 as told, and it was the other detective from Vegas to
2 continue with the investigation.

3 Q. So you were merely there to record what she
4 had to say?

5 A. Correct.

6 Q. It wasn't because you were delving into
7 anything or challenging her questioning; correct?

8 A. Correct.

9 Q. It was just to record what she had to say?

10 A. Correct. And ask questions, yes.

11 Q. Now, this interview occurred one week after
12 she allegedly disclosed at school?

13 A. Correct.

14 Q. Why did this interview not happen sooner?

15 A. Because the allegations that were -- I guess
16 it was Clark County, because apparently the allegations
17 were coming from Vegas, so I got ahold of the
18 detective. Detective called me a week later and asked
19 me to do the interviews for him.

20 Q. The child advocacy center, you said it was a
21 small room?

22 A. Yes.

23 Q. Now, this room, other people are watching
24 while you're interviewing this child?

25 A. Yes.

1 Q. The moms are watching?

2 A. No.

3 Q. Who's watching?

4 A. Just another detective.

5 Q. And who was that detective?

6 A. I believe it was Detective Fimbress
(phonetic).

7 Q. When you do the interview, is your job to
8 tell whether the child is telling the truth or not?

9 A. No.

10 Q. You can't say whether this child is telling
11 the truth or not, can you?

12 A. It would be a personal opinion.

13 Q. And you have no basis to -- to say that other
14 than your own personal opinion?

15 A. Correct.

16 Q. You have no professional ability to say that?

17 MS. RINETTI: Objection. I'm going to --
18 because no witness can, by Nevada law, can give their
19 comment --

20 THE COURT: Give their opinion.

21 MS. RINETTI: -- about the truthfulness of a
22 witness.

23 MR. MANN: And that's exactly what I'm
24 getting at, Your Honor.

1 THE COURT: Okay. You are getting that she
2 can't do in Nevada -- I guess ...

3 MS. RINETTI: Because she has an opinion, she
4 just can't say it.

5 THE COURT: Correct. I think --

6 MR. MANN: Fair enough.

7 THE COURT: And you explained that. All
8 right. Keep going.

9 I guess that's a sustained. I'm not sure
10 what we got in the middle of that, but ...

11 BY MR. MANN:

12 Q. The incident in Dante's room, she said that
13 she was in there because of Dante's birthday?

14 A. She was in there to clean and put his
15 birthday presents in the closet.

16 Q. So she wasn't watching TV in there?

17 A. No.

18 Q. She wasn't playing with the toys?

19 A. No.

20 Q. And she said to you that his penis was very
21 pink; is that right?

22 A. Yes.

23 Q. And rusty.

24 A. Yes.

25 Q. Did you ever -- and then you followed up and

1 she said penis with dead skin; is that right?

2 A. I don't believe she used ...

3 Q. Well, I apologize. Private with dead skin?

4 A. Yes.

5 Q. Did she ever say how he left the room after
6 that white stuff coming out of his penis?

7 A. I just believe he said he was sorry, and he
8 left.

9 Q. Did she say what she did about the white
10 stuff?

11 A. No.

12 Q. Did she indicate how she got rid of the white
13 stuff?

14 A. No.

15 Q. Did you ask her about the white stuff?

16 A. No.

17 Q. Did she explain to you that someone told her
18 what the white stuff was?

19 A. No.

20 Q. Did she tell you that her mothers had a
21 conversation with her about the white stuff?

22 A. No.

23 MR. MANN: Court's indulgence.

24 THE COURT: That's fine.

25 MR. MANN: Nothing further, Your Honor.

1 THE COURT: Okay. Redirect.

2

3 REDIRECT EXAMINATION

4 BY MS. RINETTI:

5 Q. I'll just ask you some follow-up questions if
6 that's okay. How many forensic interviews have you
7 done?

8 A. Thousands.

9 Q. Thousands?

10 A. In eight years.

11 Q. Have some interviews resulted in disclosures
12 of abuse?

13 A. Yes.

14 Q. And have other interviews not disclosed
15 abuse?

16 A. Yes.

17 Q. Mr. Mann asked you some questions regarding
18 kind of if one answer may later on be determined to be
19 false, that you kind of disregard the entire interview.
20 Are you looking for core details when kids are
21 disclosing sexual abuse?

22 A. Yes.

23 Q. Talking about what happened?

24 A. Yes.

25 Q. Okay. And who -- who did it?

1 A. Yes.

2 Q. And not necessarily some peripheral facts?

3 MR. MANN: Objection. Leading.

4 THE COURT: Okay.

5 MS. RINETTI: I'll rephrase.

6 THE COURT: I will sustain.

7 BY MS. RINETTI:

8 Q. Did you look at peripheral facts, like
9 weather, time of year, and things like that?

10 A. Yes.

11 Q. Okay. And during the mom's interview, I
12 believe you interviewed both April and Kashonda; is
13 that fair to say?

14 A. Yes.

15 Q. Did you use their interview in any -- what
16 was the purpose of interviewing them first and not
17 Zailey?

18 A. Basically, just to get some information on
19 Zailey, what she'd been told, what Zailey told them, as
20 much as what they knew.

21 Q. Okay. Mr. Mann asked you about the folding
22 clothes incident and that Zailey had mentioned that her
23 birthday was in June.

24 A. Right.

25 Q. This interview room, kind of a fairly sterile

1 environment?

2 A. Yes.

3 Q. There's not, like, a lot of happy-go-lucky
4 pictures, like, hanging there, kitty cats and things
5 like that?

6 A. We might have a teddy bear sitting in the
7 chair.

8 Q. Did you know Zailey Flores prior to you
9 interviewing her?

10 A. No.

11 Q. Ever go to her house for a party or for
12 dinner or things like that?

13 A. No.

14 Q. It was the first time you were meeting Zailey
15 Flores?

16 A. Yes.

17 Q. She's talking about to you about intimate
18 details about sexual abuse?

19 A. Right.

20 Q. In your thousands of interviews with
21 children, children are sometimes nervous when talking
22 about abuse?

23 A. Oh, absolutely.

24 Q. Can be apprehensive at times?

25 A. Yes.

1 Q. That folding clothes incident, Zailey, did
2 she indicate that she was living with the defendant at
3 that time?

4 A. Yes.

5 Q. And that she was eight years old; correct?

6 A. Correct.

7 Q. During the 35-minute interview, the 34 pages
8 of the transcript, is there anywhere where Zailey does
9 not understand any of your questions?

10 A. No. She even corrected me a couple of times.

11 Q. Okay. You mentioned that there were other
12 people watching, and specifically another detective. I
13 have to ask you, you mentioned that it was just
14 yourself and Zailey in the room. So how did this other
15 detective watch the interview?

16 A. The room was wired to a different room so the
17 monitor equipment is in a separate room.

18 Q. And what is the purpose of having this
19 monitored room?

20 A. Basically to maybe catch something that I
21 might have missed, or, you know, she might have
22 additional questions for me to ask the victim.

23 Q. And Mr. Mann asked you some questions about
24 an incident in Dante's room and that Zailey was
25 cleaning some toys?

1 A. Right.

2 Q. So specifically, Zailey mentioned it was some
3 birthday presents that Dante had received?

4 A. Correct.

5 Q. And but during that context of this incident
6 she -- Zailey never disclosed that his birthday was
7 exactly that particular day; correct?

8 A. Correct.

9 MS. RINETTI: Nothing further.

10 THE COURT: Okay. Any recross?

11 MR. MANN: Yes, Your Honor.

12

13 RECROSS-EXAMINATION

14 BY MR. MANN:

15 Q. Zailey wasn't nervous, was she?

16 A. No, she didn't appear nervous.

17 Q. And the incident in Dante's room -- Court's
18 indulgence.

19 She actually told you that she was putting
20 away Dante's toys that he got from his birthday; right?

21 A. Correct.

22 Q. And that because there was all these toys in
23 the room that she actually didn't see Mr. Cameron --
24 I'm sorry, Mr. Thomas allegedly come into the room?

25 A. Correct.

1 Q. And she actually told you that Mr. Thomas
2 came into the room to clean himself?

3 A. Right.

4 Q. To clean up the room himself?

5 A. Correct.

6 Q. And it was at that time that he pulled down
7 her pants?

8 A. Correct.

9 Q. Now, these peripheral facts that Ms. Rinetti
10 asked you about, you know -- you've -- you said you've
11 done thousands of interviews?

12 A. Yes.

13 Q. Investigated thousands of cases?

14 A. Yes.

15 Q. You often -- you know, as an investigator,
16 that sometimes even the smallest of details become a
17 big deal.

18 A. Correct.

19 Q. That when someone gives a date, that can be a
20 very significant issue whether something did or did not
21 happen.

22 A. It's possible.

23 Q. A date can put someone in a certain location
24 at a certain time; correct?

25 A. Correct.

1 Q. Whereas no date can leave it wide open where
2 there's no indication of when this happened?

3 A. True.

4 Q. And so those peripheral facts become
5 extremely important in your investigation.

6 A. Correct.

7 Q. And it's important for a forensic interviewer
8 to pay attention to those peripheral facts?

9 A. Correct.

10 Q. It's important for a forensic interviewer to
11 understand the nuance of those small facts?

12 A. What do you mean by that?

13 Q. Why they're important.

14 A. Yes.

15 Q. What they mean.

16 A. Yes.

17 Q. It's also important for a forensic
18 interviewer to understand what is being said to you?

19 A. Correct.

20 Q. So if someone says something to you that you
21 don't understand, you ask them to repeat it?

22 A. Yes.

23 Q. If you can't quite hear them, you ask them to
24 repeat it?

25 A. Yes.

1 Q. And when Zailey told you the cop was in there
2 or the cop told you that -- I apologize. The cop told
3 her that the kids were in Dante's room, you didn't ask
4 her again?

5 A. Again, while I was doing the interview, I
6 never even heard the word cop. I didn't hear, so I
7 still don't know if what she's saying on that tape is
8 cop or not cop. I never picked it up.

9 Q. And you never asked her again?

10 A. I never heard it.

11 MR. MANN: No further questions.

12 THE COURT: Okay. Any redirect?

13

14 FURTHER REDIRECT EXAMINATION

15 BY MS. RINETTI:

16 Q. Mr. Mann asked you about the importance of
17 small details; correct?

18 A. Yes.

19 Q. Small details like a nine-year-old child
20 saying white stuff came out of a male's penis?

21 A. Right.

22 Q. Small stuff like a child describing a penis
23 as very pink?

24 A. Yes.

25 Q. Small detail like a nine-year-old child

1 describing a penis as being sticking up?

2 A. Yes.

3 Q. Small detail like a nine-year-old child
4 saying that there was a lot of hair on the penis?

5 A. Yes.

6 Q. And a small detail like a nine-year-old child
7 saying that the penis was rusty or had a lot of dead
8 skin on it?

9 A. Yes.

10 MS. RINETTI: Nothing further.

11 MR. MANN: No questions.

12 THE COURT: Okay. Thank you very much,
13 Ms. Vangordon.

14 Oh, I'm sorry. You're right. In Nevada we
15 have a different thing. Actually, the jurors can ask
16 questions, although I'm going to ask them of you.

17 THE WITNESS: Okay. I get it. We do it in
18 Phoenix too.

19 THE COURT: Do you do it in Arizona? Okay,
20 good. That's kind of unusual here. I even have a note
21 and I keep forgetting.

22 (A discussion was held at the bench,
23 not reported.)

24 THE COURT: All right. One of them we can't
25 give under Nevada law. But here's one: Did Zailey

1 | become emotional when discussing abuse?

2 THE WITNESS: No.

3 THE COURT: Did the detective watching from
4 another room catch the word "cop" during the interview?
5 Or was, if you know -- this is if you know -- or was
6 this not heard by either of you?

7 THE WITNESS: I don't believe it was heard by
8 either of us.

9 THE COURT: Okay. All right. Got them all.
10 Okay. Thank you. All right. We have to -- we have
11 another witness coming, but they --

12 MS. RINETTI: Judge, I just have a follow-up
13 question.

14 THE COURT: Oh, of those? I'm sorry.

15 MS. RINETTI: I apologize.

16 THE COURT: You got it.

17

18 | Page

19 BY MS. RINETTI:

20 Q. Ms. Vangordon, you had an opportunity to

21 review the video recording of Zailey's interview?

22 A Yes

23 Q. In the portion where it -- in the transcript
24 says that Zailey said "cop," did you have an
25 opportunity to view that segment of the interview

1 multiple times?

2 A. Yes.

3 Q. And were you still -- were you able to
4 determine whether that word was used?

5 A. No.

6 MS. RINETTI: Okay. Nothing further.

7 MR. MANN: No questions, Your Honor.

8 THE COURT: Okay. All right. We're good.

9 Thank you. Thank you for coming.

10 Now, you still need a quick break for the --
11 to get the witness ready? We're going to just take a
12 quick break because the witness is being prepared. So
13 during this recess you're admonished not to talk or
14 converse among yourselves or with anyone else on any
15 subject connected with this trial or read, watch, or
16 listen to any report of or commentary on the trial by
17 any person connected with this trial or by any medium
18 of information, including, without limitations,
19 newspapers, television, radio, or Internet. Or form or
20 express any opinion on any subject connected with this
21 trial until the case is finally submitted to you.

22 We'll make it a brief recess so we can get
23 more testimony. Thank you.

24 (Whereupon a short recess was taken.)

25 THE COURT: Get back on. One of the jurors

1 handed a note to the marshal: Please clarify, the
2 fourth grade teacher has two different last names, Rand
3 and Halpern. I don't know how we can clarify it. I
4 don't know if we can --- do you want to do a
5 stipulation?

6 MS. KOLLINS: She was married and her last
7 name changed.

8 MR. MANN: At the time she was Halpern and
9 she's since been married and now Rand.

10 THE COURT: Do you want to do it as a, me
11 present it as a stipulation or just the information
12 that the parties have both agreed that I will clarify
13 that.

14 And then the next one, will we see the video
15 with the interviewer? I can't answer that. But I will
16 clarify the other thing. Okay. I just wanted you to
17 know that came from a juror on the way out. You want
18 to know the number? 124, Juror 2. It's a note and
19 it's -- well, it's two questions. I'm not going to
20 ask, give them information on this, but I will tell
21 them this.

22 (Discussion was held off the record.)

23 THE COURT: Her name was Halpern, wasn't it?
24 She's got Halpern.

25 MS. RINETTI: I thought it was just P-e-r-n.

1 MR. MANN: I have it as ...

2 THE COURT: I thought it was H-a-l-b-e-r-n.

3 MS. RINETTI: No, it's a P.

4 THE COURT: P? P-e-r-n. Okay. You tell me

5 and we'll say it.

6 MS. RINETTI: It's P-e-r-n.

7 THE COURT: You're right, it's H-a-l-p-e-r-n.

8 MR. MANN: P-e-r-n. Halpern.

9 THE COURT: Okay. So Ms. Halpern, she was

10 Ms. Halpern in December of 2010, but when she

11 testified, she is married, so she's now Rand. What's

12 her first name?

13 MS. RINETTI: Amanda.

14 THE COURT: Amanda. I'll go ahead and give

15 that clarification. All right. We ready to go? Are

16 we ready or we're not ready? We're ready to go? Are

17 you ready, Mr. Mann?

18 MR. MANN: I am.

19 THE COURT: Ready, State?

20 MS. RINETTI: Yeah.

21 MS. KOLLINS: Can we just have --

22 THE COURT: If you're not, you're not.

23 Do we need to clear the courtroom, whoever's

24 next?

25 MS. RINETTI: Yes.

1 THE COURT: The answer's yes, I'm sorry. The
2 answer is yes.

3 MR. MANN: Okay. I'm told --

4 THE COURT: He can stay. He's with your
5 office? That's fine. Ready? I think so. Okay. We
6 should get going.

7 THE MARSHAL: All rise for the jurors.

8 (The following proceedings were held in
9 the presence of the jury.)

10 THE COURT: Okay.

11 THE MARSHAL: Please be seated.

12 THE COURT: Okay. Counsel stipulate to the
13 presence of the jury?

14 MR. MANN: Yes, Your Honor.

15 MS. KOLLINS: Yes.

16 THE COURT: Also I got a note from one of the
17 jurors. It says, "Please clarify the fourth grade
18 teacher has two different names." She does. In
19 December of 2010, she was Amanda Halpern. She has
20 since got married. And she is now Amanda Rand. That's
21 why she had a different name on the thing, so that we
22 wanted to make sure we clarified that.

23 JUROR: Can you spell Halpern?

24 THE COURT: Halpern, H-a-l-p-e-r-n.

25 JUROR: Okay. Thank you.

1 THE COURT: I think so from what I heard.
2 And Rand is okay. And the other question I cannot
3 answer, but I wanted to give you that. All right.

4 JUROR: All right.

5 THE COURT: All right. We got it. Okay.
6 Next witness.

7 MS. KOLLINS: State calls Mahairi Slattery.

8 THE COURT: Okay. Ma S . I think
9 it's Ma .

10 THE CLERK: Raise your right hand.

11 You do solemnly swear the testimony you're
12 about to give in this action shall be the truth, the
13 whole truth, and nothing but the truth, so help you
14 God.

15 THE WITNESS: So help me God.

16 THE CLERK: Okay. Go ahead and have a seat,
17 please. And I need you to state your full name, and
18 spell your first and last name for the record.

19 THE WITNESS: Okay. Ma S .
20 Ma . , S .

21 THE COURT: Okay.

22 THE CLERK: Thank you.

23 THE COURT: Direct exam.

24 MS. KOLLINS: Thank you, Your Honor.

25 Permission to talk to Ma from the podium?

1 THE COURT: That's fine.
2 MS. KOLLINS: May I stand?
3 THE COURT: No problem, as long as it -- she
4 can see.

5

6 DIRECT EXAMINATION

7 BY MS. KOLLINS:

8 Q. Hi, Ma .

9 A. Hi.

10 Q. How are you today?

11 A. I'm okay.

12 Q. You're okay? This nice young lady here, she
13 has to write down everything we say, so it's kind of
14 like playing rock star, or karaoke, you have to talk in
15 that microphone. Okay?

16 A. Okay.

17 Q. All right. That means you can't shake your
18 head because she can't write down when you shake your
19 head or she can't write down when you say mm-hmm, or
20 uh-huh. Can you remember that?

21 A. Yes.

22 Q. Okay. How old are you right now?

23 A. Fourteen.

24 Q. When's your birthday?

25 A. January 25, 2002.

1 Q. Where did you go to school? Where do you go
2 to school right now?

3 A. Grant Sawyer Middle School.

4 Q. What grade are you in?

5 A. Eighth.

6 Q. And school just about over --

7 A. Yeah.

8 Q. -- for the year?

9 A. Uh-huh.

10 Q. Okay. Who did you come to court with?

11 A. My mom, my dad, my grandma, and my little
12 brother.

13 Q. Who's the mom?

14 A. Mona.

15 Q. And who's dad?

16 A. Michael.

17 Q. And who's your little brother?

18 A. Hayden.

19 Q. Is he super annoying or just a little bit?

20 A. Super.

21 Q. Super annoying. Okay.

22 Do you know what you came here to talk about
23 today?

24 A. Yes.

25 Q. Okay. Do you know Cameron Thomas?

1 A. Yes.

2 Q. Do you see him here today?

3 A. Uh-huh, yes.

4 Q. Where is he sitting and what's he wearing

5 right now in court?

6 A. He's wearing a -- he's like a jacket, a suit

7 with a purple shirt and purple tie.

8 MS. KOLLINS: May the record reflect

9 Mahairi's identification of the defendant?

10 THE COURT: Yes. The record shall so

11 reflect.

12 MS. KOLLINS: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 BY MS. KOLLINS:

15 Q. How do you know Cameron from?

16 A. Kids R Kids.

17 Q. What's Kids R Kids?

18 A. A day care.

19 Q. And did you go to that day care?

20 A. Yes.

21 Q. Is that here in Las Vegas?

22 A. Yes.

23 Q. How old were you when you started going to

24 that day care? Do you remember?

25 A. I was like a baby.

1 Q. You were a baby?

2 A. Uh-huh.

3 Q. So is that a "yes"?

4 A. Yes. Sorry.

5 Q. That's okay. Did you keep going there as you

6 got a little older?

7 A. Yes.

8 Q. Okay. Did you go there when you were five

9 years old?

10 A. Yes.

11 Q. Did you go there when you were six years old?

12 A. Yes.

13 Q. Did you go there when you were seven years

14 old?

15 A. Yes.

16 Q. Did you go there when you were eight years

17 old?

18 A. Yes.

19 Q. Now, when you started going there, do you

20 know if your mom, Mona, met Cameron?

21 A. Yes.

22 Q. Okay. And did Cameron sometimes babysit you?

23 A. Yes.

24 Q. Do you remember what grades you would be in

25 or how old you would be when Cameron would babysit you?

1 A. Third grade.

2 Q. Okay. Would that be at Cameron's house or
3 somewhere different?

4 A. His house.

5 Q. Is his house here in Las Vegas?

6 A. Yes.

7 Q. Was it a one-story house or two-story house?

8 A. Two.

9 Q. Okay. I'm going to show you a picture --

10 MS. KOLLINS: Showing the witness, Your
11 Honor, what's previously been marked for purposes of
12 identification as State's Proposed 4 and shown to
13 Mr. Mann.

14 BY MS. KOLLINS:

15 Q. Do you recognize what's in that picture?

16 A. Yes.

17 Q. What or who is in that picture?

18 A. Me.

19 Q. Me -- when -- how old were you in that
20 picture?

21 A. Three.

22 Q. Three. You're that young in that picture?

23 A. Yes, I think so.

24 Q. You think so. Okay.

25 Now, when you would go to Cameron's house to

1 get baby sat, who would go with you?

2 A. My brother.

3 Q. And what's your brother's name again?

4 A. Hayden.

5 Q. How old is Hayden right now?

6 A. Ten.

7 Q. He's ten, so he's younger than you?

8 A. Yes.

9 Q. By four years.

10 A. Yes.

11 Q. And you said -- how old were you the first

12 time you got babysat by Cameron? Do you remember?

13 A. No.

14 Q. No. Were you in school?

15 A. Yes.

16 Q. Okay. Kindergarten? First grade? Do you

17 remember?

18 A. Maybe first grade.

19 Q. Okay. Now, when you would get babysat by

20 Cameron at his house, who would be there?

21 A. His kids.

22 Q. Who are Cameron's kids?

23 A. Dante and JJ.

24 Q. JJ. Is JJ a bigger kid or a littler kid?

25 A. Little.

1 Q. Okay. Is that a boy -- JJ a boy or a girl?

2 A. Girl.

3 Q. Do you know JJ by another name?

4 A. I only called her JJ.

5 Q. Okay. Do you -- do you remember a time
6 that -- what's your dad's name again?

7 A. Michael.

8 Q. Michael. Do you remember a time when your
9 mom and Michael went to Mt. Charleston?

10 A. Yes.

11 Q. Okay. Do you remember how old you were when
12 they went to Mt. Charleston?

13 A. Seven?

14 Q. Okay. You're saying seven like you're asking
15 me a question. Do you remember or are you sure or not
16 sure?

17 A. Not sure.

18 Q. Not sure. Okay. That time that mom and
19 Michael -- mom and dad went to Mt. Charleston, did
20 someone have to babysit you?

21 A. Yes.

22 Q. Who had to babysit you?

23 A. Cameron.

24 Q. Was that during a daytime thing or was that
25 an over-the-night thing?

1 A. Over the night.

2 Q. So did you spend the night at Cameron's house
3 that night?

4 A. Yes.

5 Q. Was it during the school year or not in the
6 school year?

7 A. It wasn't in the school year.

8 Q. Wasn't in the school year. Do you -- did you
9 stay one night or more than one night?

10 A. I think it was like three nights.

11 Q. You think it was three nights?

12 A. I believe so.

13 Q. Okay. Do you believe so or you know so?

14 A. Believe.

15 Q. You believe that's what -- is that what you
16 remember best right now?

17 A. Yes.

18 Q. Okay. When you stayed the night on this
19 Mt. Charleston time, where did you sleep?

20 A. In his daughter's room.

21 Q. Is that JJ?

22 A. Yes.

23 Q. Okay. Now, what kinds of stuff would you do
24 at Cameron's house on that weekend when you stayed?

25 A. We would play with Nerf guns, and play like

1 Hide and Go Seek, and ...

2 THE COURT: Stacey, the juror can't see, can
3 you --

4 MS. KOLLINS: Sorry.

5 THE COURT: That's okay. Thank you.

6 BY MS. KOLLINS:

7 Q. I won't stand up there. That makes me way
8 too tall standing over you. Better?

9 A. Yes.

10 Q. Okay. You played Nerf guns, and you played
11 Hide and Seek. Would you play Hide and Seek with
12 Cameron's kids?

13 A. Yes.

14 Q. Okay. Are there places on our body people
15 aren't supposed to touch?

16 A. Yes.

17 Q. Okay. And I want to talk about that
18 Mt. Charleston weekend. Okay? Did something happen to
19 your body that wasn't supposed to?

20 A. Yes.

21 Q. Can you tell me about that?

22 A. Cameron touched inappropriate places.

23 Q. Touched inappropriate places?

24 A. (Witness nods head.)

25 Q. Is that a "yes"?

1 A. Yes.

2 Q. What does inappropriate mean?

3 A. Like the -- sorry.

4 Q. Okay. Let's take a deep breath. I'm going

5 to get you some water. Okay? We can come back to

6 that.

7 You brought somebody with you today? You

8 brought something to hold on to today? Is that "yes"?

9 A. Yes.

10 Q. Does that make you feel better?

11 A. (Witness nods head.) Yes.

12 Q. Okay. Can we take a deep breath? Breathe in

13 through our nose and out through our mouth. Take a

14 deep breath. Make us feel better. Yes? Can I get you

15 some water?

16 A. Yes, please.

17 Q. Okay. I got it.

18 MS. KOLLINS: Okay. Let's not wipe our tears

19 on our sweater. Okay. I trust Judge Earley made sure

20 this is fresh water and not pond water. And it hasn't

21 been in there for a week. Okay? So I hope it tastes

22 good.

23 THE COURT: I just love being set up. I'm a

24 multi-tasker. I want everybody to know.

25 MS. KOLLINS: She knows I'm teasing.

1 THE COURT: I know. No, my marshal gave me
2 the high sign because he is so good at the water. Are
3 you okay? All right. See, you laughed. All right.
4 Let's try again.

5 BY MS. KOLLINS:

6 Q. In through our nose, out through our mouth,
7 and we'll start again. Okay. So you brought -- you
8 brought something to hold on to today. What is that?
9 Who is that?

10 A. Elly.

11 Q. Elly. Is Elly -- how long have you had Elly?

12 A. Like eight years maybe.

13 Q. Elly, the elephant?

14 A. Uh-huh.

15 Q. Okay. If you repeat it, I will deny it, but
16 I have stuffed animals too.

17 We started talking about some stuff that you
18 said was inappropriate. So I want to start out by
19 asking you what does inappropriate mean?

20 A. Like things people aren't supposed to do to
21 other people.

22 Q. Okay. So wrong things?

23 A. Uh-huh. Yes.

24 Q. Okay. So you had your hand up here on the
25 top of your body. Were you talking -- what place are

1 you -- were you referring to?

2 A. Like the top of the chest, like, right here,
3 and then like down further.

4 MS. KOLLINS: If the record could reflect the
5 witness has placed her right hand on the top of her
6 left breast as well as under her arm.

7 THE COURT: Okay. The record shall so
8 reflect.

9 MS. KOLLINS: Thank you.

10 BY MS. KOLLINS:

11 Q. Did someone touch you in that place?

12 A. Yes.

13 Q. Who did that?

14 A. Cameron.

15 Q. You used your right hand to show me. Where
16 were you with Cameron when that happened?

17 A. On the couch.

18 Q. On the couch where?

19 A. In his living room.

20 Q. Okay. And we're talking about Mt. Charleston
21 time?

22 A. Yes.

23 Q. Okay. So you were on the couch. What was
24 Cameron doing on the couch when this happened?

25 A. Reclined.

1 Q. He was reclined?

2 A. Uh-huh.

3 Q. Okay.

4 A. Yes.

5 Q. Does the couch we're talking about, does it

6 have the pieces that kick back like that?

7 A. Yes.

8 Q. Okay. And that's where Cameron was?

9 A. Yes.

10 Q. And you said that you got touched -- well,

11 you showed me where you got touched, but I need you to

12 use your words. Okay? What part of his body touched

13 that part of your body that you showed us before?

14 A. His hand.

15 Q. Okay. And what part of your body, in your

16 words, are we talking about?

17 A. The breast and armpit area.

18 Q. Okay. And when he used his hand to touch

19 your breast and armpit area, did the skin of his hand

20 touch the skin of your breast and armpit area?

21 A. Yes.

22 Q. Okay. Did you have clothes on?

23 A. Yes.

24 Q. Did you wear a bra at that time?

25 A. No.

1 Q. Okay. When the skin of his hand touched the
2 skin of your breast and your armpit area, did it stay
3 still, move around, do something different?

4 A. It moved.

5 Q. It moved?

6 A. Uh-huh.

7 Q. His hand moved. Okay. How far down on your
8 breast did his hand go?

9 A. Like the top of it.

10 Q. The top of it. So when you say the top, do
11 you know how -- do our breasts have nipples on them?

12 A. Yes.

13 Q. Did his hands go below the nipple or above
14 the nipple?

15 A. Above.

16 Q. Above the nipple, okay. And that's where it
17 moved around?

18 A. Yes.

19 Q. How did his hand -- did you have your shirt
20 on?

21 A. Yes.

22 Q. Do you remember what kind of shirt you had
23 on?

24 A. It was a T-shirt.

25 Q. T-shirt. And did you have pants on or shorts

1 or something different?

2 A. Shorts.

3 Q. Shorts. Okay. Now, how did his hand get in
4 your T-shirt so that there was skin to skin touching?

5 A. Through the neckline.

6 Q. Through the neckline. And when you showed me
7 through the neckline, you showed me the front of your
8 shirt. Is that what you mean the front of your shirt?

9 A. Yeah, the front.

10 Q. Okay. Was anybody in the room when that
11 happened?

12 A. No.

13 Q. Okay. Is that where Cameron's hand stayed,
14 or did it go somewhere else?

15 A. It went other places.

16 Q. Okay. It went other places. Can we talk
17 about the next place that it went?

18 A. It went on the bum area where the pocket is
19 at.

20 Q. On the bum area where the pocket is at.

21 A. (Witness nods head.)

22 Q. Was that inside your clothes or outside your
23 clothes?

24 A. Inside.

25 Q. Okay. Did you have underwear on?

1 A. Yes.

2 Q. Okay. Was -- and we're talking about his
3 hand; right?

4 A. Yes.

5 Q. Okay. Did his hand go inside your underwear
6 or outside your underwear?

7 A. Inside.

8 Q. Okay. So did the skin of his hand touch the
9 skin -- you called it your bum?

10 A. Yes.

11 Q. And when you mean your bum, is that what
12 you're sitting on right now?

13 A. Yes.

14 Q. Okay. And you said it went down to the
15 pocket. What do you mean it went down to the pocket?

16 A. It went in the area where the pocket is at.

17 Q. Okay. Is -- do you have pockets on your
18 jeans right now?

19 A. (Witness nods head.)

20 Q. Can you show me what you mean by the pocket?

21 A. Like it went right here.

22 MS. KOLLINS: If the record could reflect
23 she's using her left hand to touch the back pocket of
24 her jeans.

25 ////

1 BY MS. KOLLINS:

2 Q. So when you say it went by the pocket, did it
3 go farther than the waistband of your pants, then?

4 A. Yes.

5 Q. Okay. And did you say under underwear or
6 over underwear?

7 A. Under.

8 Q. Under. Okay. So the skin of his hand
9 touched the skin of your bum; is that right?

10 A. Yes.

11 Q. When his hand got down there, did it stay
12 still, move around, or something different?

13 A. Move around.

14 Q. Okay. Did that last for a little bit of time
15 or a big part of time or do you not know how much time?

16 A. I don't know how much time.

17 Q. Were you looking at a watch to figure that
18 out?

19 A. No.

20 Q. No. Okay. Do you know what made Cameron
21 stop?

22 A. I think it was -- no. One of the kids had
23 came down, because they were all upstairs playing.

24 Q. Okay. And when you say "all the kids," what
25 kids are we talking about?

1 A. My brother and his kids.

2 Q. Okay. So your brother and who else?

3 A. And Dante and JJ.

4 Q. Okay. Those were -- you kids were the only

5 ones that were there?

6 A. Yes.

7 Q. Was Jennifer there?

8 A. No, she was at work.

9 Q. She was at work. Okay. And who's Jennifer?

10 A. His wife.

11 Q. Okay. And you knew Jennifer when you started

12 going over there too?

13 A. Yes.

14 Q. Okay. Now, you said before that other places

15 after your boob got touched.

16 A. Yes.

17 Q. So when you say places, does that mean more

18 than one place besides your boob and your bum?

19 A. Yes.

20 Q. Can you tell me about the other place?

21 A. It was on my back.

22 Q. On your back.

23 A. (Witness nods head.)

24 Q. Okay. What -- what part of your back got

25 touched?

1 A. Like the middle part.

2 Q. The middle part?

3 A. Right here (witness indicating).

4 MS. KOLLINS: The record could reflect the
5 witness is indicating above her hip on her left-hand
6 side with her hand.

7 THE COURT: Okay.

8 BY MS. KOLLINS:

9 Q. Any place else that got touched?

10 A. Yes.

11 Q. Okay. Where is that?

12 A. The crease where your underwear is at like
13 here.

14 MS. KOLLINS: If the record could reflect the
15 witness is indicating where her thigh meets her pelvic
16 area in the crease.

17 THE COURT: Okay.

18 BY MS. KOLLINS:

19 Q. We're going to talk about that just a little
20 bit because we have to use your words and not mine.
21 And they're sitting over there, and they can't really
22 see what you're showing me, and I don't think you want
23 to stand up and show them that, do you?

24 A. Huh-uh.

25 Q. I didn't think so. When you wear underwear,

1 where does it go in the front? Describe it in your
2 words for me.

3 A. Like where it stops?

4 Q. Uh-huh.

5 A. Like, on the top of the thigh but in like the
6 inner part of thigh.

7 Q. Okay. So did you have underwear on this day
8 we're talking about?

9 A. Yes.

10 Q. Okay. And you said you got touched on that
11 line right there?

12 A. Yes.

13 Q. Okay. When you got touched on that line
14 right there, was that over your clothes or under your
15 clothes?

16 A. Under.

17 Q. Okay. Was it under your underwear or just
18 under your pants?

19 A. Underwear.

20 Q. Okay. So, again, and I know I keep asking
21 you kind of the same questions, but I have to. Okay?
22 We talked about that; right?

23 A. Yeah.

24 Q. That I would make you crazy; right? So did
25 the skin of Cameron's hand touch the skin by the crease

1 of your panties?

2 A. Yes.

3 Q. Okay. And what did it do when it got down
4 there?

5 A. It moved back and forth.

6 Q. Okay. Now, your underwear goes all the way
7 around the top of your leg; right?

8 A. Uh-huh.

9 Q. Is that a "yes"?

10 A. Yes.

11 Q. So was it near the inside where you go to the
12 bathroom? Was it at the front of your leg? Was it at
13 the side of your leg? Or something different?

14 A. The inside.

15 Q. Okay. And you say "inside"?

16 A. The part where you go to the restroom.

17 Q. The part where you go to the restroom. And
18 his hand was touching the skin right there?

19 A. Yes.

20 Q. Okay. But not all way to where your private
21 part is; right?

22 A. No.

23 Q. Okay. But it moved around?

24 A. Yes.

25 Q. Now, we talked about those four places you

1 got touched. Did you tell me the right order that that
2 happened, if you remember?

3 A. It started with the top of the chest, and
4 then to the back, the bum, and then the underwear
5 crease.

6 Q. Okay. And then you said what made him stop
7 is kids were coming down?

8 A. Yes.

9 Q. Now, you said you spent the night more than
10 one night you think?

11 A. Yes.

12 Q. Was that the first day, the second day, do
13 you know?

14 A. I don't remember.

15 Q. You don't remember. Okay. Now, after you
16 stayed at Cameron's house for the Mt. Charleston time,
17 did you still go to Kids R Kids?

18 A. Yes.

19 Q. Okay. So when you would stay at his house,
20 that was in between -- I mean, you still -- gosh, I
21 can't even figure out my own question. I'm sorry.

22 A. That's okay.

23 Q. Kids R Kids happened for a long time, and
24 then you knew the defendant and went -- or you knew
25 Cameron and went to his house over the course of time

1 you were at Kids R Kids. Does that make sense?

2 A. Yes.

3 Q. Now, was there another time that Cameron
4 babysat you that we can talk about today?

5 A. Yes.

6 Q. Okay. And is this after the Mt. Charleston
7 time?

8 A. I don't remember.

9 Q. You don't remember. Okay. Do you remember
10 whether it was daytime or nighttime?

11 A. Daytime.

12 Q. Okay. Do you remember who was home?

13 A. Cameron, his kids, and Hayden.

14 Q. And Hayden? Same thing as before?

15 A. Yes.

16 Q. Okay. And do you know why you were at
17 Cameron's that time?

18 A. For a play date.

19 Q. For a play date?

20 A. Yeah.

21 Q. Okay. And why would you be at Cameron's for
22 a play date?

23 A. Because we would play with his kids.

24 Q. Okay. Do you remember how you got to
25 Cameron's house that day?

1 A. My mom drove us.

2 Q. Your mom drove you. Was your mom working

3 that day or something different?

4 A. Yes.

5 Q. She was working?

6 A. Yes.

7 Q. Okay. And do you remember how old you were

8 that day, if you remember?

9 A. I don't remember.

10 Q. Okay. What room did this stuff happen in

11 that we're about to talk about?

12 A. The living room.

13 Q. Okay.

14 MR. MANN: I'm sorry. I couldn't hear.

15 THE COURT: I couldn't hear either. What

16 room?

17 THE WITNESS: The living room.

18 BY MS. KOLLINS:

19 Q. I'm sorry, Mahairi. I'm probably talking

20 quieter and so you talk quieter.

21 It happened in the living room. Who was in

22 the living room?

23 A. Me and Cameron.

24 Q. Okay. What were you and Cameron doing in the

25 living room?

1 A. On the couch.

2 Q. What were you hanging out on the couch,
3 watching TV on the couch, what were you doing?

4 A. Had he one of the kids call me down.

5 Q. He had one of the kids call you down?

6 A. Yes.

7 Q. Which kid?

8 A. I don't remember.

9 Q. You don't remember. Where were you that you
10 got called down from?

11 A. I was upstairs in the loft playing with the
12 other kids and then I got called down.

13 Q. And then you got called down. Do you
14 remember what was said when you got called down?

15 A. That he wanted me downstairs.

16 Q. Okay. Did you listen?

17 A. Yes.

18 Q. Did you go downstairs, then?

19 A. Yes.

20 Q. Okay. When you got downstairs, who was down
21 there?

22 A. Cameron.

23 Q. And the person that called you down, even
24 though you don't remember who that was, was that person
25 there?

1 A. Yes.

2 Q. Okay. Was it a boy or girl? Do you
3 remember?

4 A. I don't remember.

5 Q. You don't remember. Did that person stay in
6 the room?

7 A. No. They went back upstairs.

8 Q. Okay. And where did you go?

9 A. I stayed downstairs.

10 Q. Okay. And when you got downstairs, did
11 Cameron talk to you?

12 A. Yeah. He told me to sit on his lap.

13 Q. Okay. He told you to sit on his lap?

14 A. Yes.

15 Q. Where was he sitting?

16 A. On the couch.

17 Q. Okay. You talked about being reclined
18 before. Is that the same place he was sitting this
19 time or somewhere different?

20 A. The same place.

21 Q. Okay. Was the recliner kicked out, or was he
22 sitting with his feet on the ground, or something
23 different?

24 A. It was kicked out.

25 Q. Okay. Did you -- when he told you to sit on

1 his lap, did you listen to him?

2 A. Yes.

3 Q. Okay. And when you sat on his lap, were you
4 facing him, or sideways, or facing away from him, or
5 something different than that?

6 A. Like how you would sit on Santa Claus.

7 Q. How you would sit on Santa Claus. Does that
8 mean, because -- well, Santa, it's been a minute for
9 me. So does that mean where your feet are dangling
10 from the edge, or you're sitting in the middle of
11 somebody's legs?

12 A. In the middle.

13 Q. In the middle. So were both of your legs
14 between both of Cameron's legs?

15 A. Yes.

16 Q. Okay. So what, when you sat on his lap,
17 where was your bum at?

18 A. On his leg.

19 Q. On his leg. Okay. And what happened after
20 you sat on his lap?

21 A. He would touch me in the same places.

22 Q. Okay. He would touch you in the same places.
23 Can we talk about those again?

24 A. Yes.

25 Q. Okay. Where -- what got touched first?

1 A. The armpit/breast area.

2 Q. The armpit/breast area. And do you remember
3 what you were wearing?

4 A. No.

5 Q. Okay. Was it -- did your clothes stay on?

6 A. Yes.

7 Q. Okay. Did the skin of Cameron's hands touch
8 the skin of your breast/armpit area?

9 A. Yes.

10 Q. Okay. How did he have -- if your clothes
11 stayed on and you got touched skin to skin, how did his
12 hand get there?

13 A. The front of the shirt.

14 Q. The front of your shirt. Do you remember if
15 it was a shirt with buttons, or a zipper like my shirt,
16 or a shirt like you have on?

17 A. Like a regular T-shirt.

18 Q. Like a regular T-shirt you think. Okay.

19 When his hand got in there, did it stay still, move
20 around, something different?

21 A. Moved around.

22 Q. Moved around. Okay. Did he say anything to
23 you besides sit on the couch before he did that?

24 A. No.

25 Q. Okay. Did his hand stay there, or did it go

1 somewhere else?

2 A. It went somewhere else.

3 Q. Where is the next place it went?

4 A. My bum.

5 Q. Your bum.

6 A. (Witness nods head.)

7 Q. Okay. How did it touch your bum?

8 A. It moved.

9 Q. It moved. Okay. Did the skin of his hand

10 touch the skin of your bum?

11 A. Yes.

12 Q. Okay. Did your clothes stay on?

13 A. Yes.

14 Q. Okay. How did his hand get in your clothes,

15 then?

16 A. Through the waistband.

17 Q. Okay. And how far down did his hand go?

18 A. Like near the pocket area.

19 Q. Okay. Same that you showed us before?

20 A. Yes.

21 Q. Okay. And when his hands got down there near

22 the pocket area, did it stay still, move around, or

23 something different?

24 A. Move around.

25 Q. Did you say anything to him?

1 A. No.

2 Q. Did you tell him to stop?

3 A. I don't remember.

4 Q. You don't remember. Okay. And did his hand

5 stay on the skin of your bum?

6 A. Yes.

7 Q. Okay. Did it go any place else after that?

8 A. My back.

9 Q. Your back?

10 A. (Witness nods head.)

11 Q. Just one hand?

12 A. Yeah.

13 Q. Okay. Did -- both these times, did Cameron

14 stay sitting down when this was going on? Did he stay

15 on the couch like we were talking about?

16 A. Yes.

17 Q. Okay. You talked about your breast/armpit

18 area, and we talked about your bum and your back. Any

19 place else that day?

20 A. The underwear crease.

21 Q. The underwear crease the same as before?

22 A. Yes.

23 Q. Okay. Did you have underwear on that day?

24 A. Yes.

25 Q. Okay. Do you remember anything about your

1 clothes that day?

2 A. No.

3 Q. Okay. When you talk about the underwear
4 crease, was it hands inside or outside the underwear?

5 A. Inside.

6 Q. Inside. So did the skin of his hand touch by
7 the skin where the crease of your underwear is?

8 A. Yes.

9 Q. And you know how we talked about how your
10 underwear crease goes all the way around your leg;
11 right?

12 A. Yes.

13 Q. And so where did his hand go this time?

14 A. The front.

15 Q. The front by --

16 A. By the part where you go to the restroom.

17 Q. By the part where you go to the restroom. Do
18 you have another name for that part that you go to the
19 restroom?

20 A. The vagina.

21 Q. The vagina. Okay. And when you talked about
22 the Mt. Charleston time and you said the part by where
23 you go to the restroom, is that the same part we were
24 talking about?

25 A. Yes.

1 Q. Okay. And when his hand got in there that
2 second time, did it stay still, move around, or
3 something different?

4 A. It moved around.

5 Q. Okay. Did it get near where you go to the
6 bathroom?

7 A. Just where the underwear crease is at.

8 Q. Okay. Do you know why he stopped?

9 A. I don't remember.

10 Q. You don't remember? Do you remember anybody
11 else coming in the room?

12 A. No.

13 Q. No? Okay.

14 Now, do you remember -- first of all, did you
15 ever tell anybody about this?

16 A. Not till my mom told me that he got arrested.

17 Q. Okay. Not till that happened? And then did
18 you tell your mom what happened?

19 A. Yes.

20 Q. After you told your mom what happened, did
21 you have to go talk to some people?

22 A. Yes.

23 Q. Who did you have to talk to?

24 A. A lady.

25 Q. And that lady, did you -- was it just you and

1 the lady by yourself?

2 A. Yeah, we were in a room.

3 Q. Okay. Do you remember how old you were when
4 that happened?

5 A. No, I don't remember.

6 Q. You don't remember how old you were?

7 A. No.

8 Q. And did she ask you questions kind of like
9 I'm asking you questions today except for not so many
10 people?

11 A. Yeah.

12 Q. Okay. And then did you have to go to a
13 doctor's appointment?

14 A. Yes.

15 Q. And what happened at your doctor's
16 appointment?

17 A. They checked me in the down there area.

18 Q. Down in that area. Okay. And after that
19 happened, did you have to come to court another time?

20 A. Yes.

21 Q. Okay. And did you come to court and get
22 asked questions?

23 A. Yes.

24 Q. But not by me; right?

25 A. No.

1 Q. Okay. And after that time, you went to court
2 and got asked questions and you had to come here today?

3 A. Yes.

4 Q. And you don't remember how long ago that time
5 was that you had to go to court?

6 A. Seven years ago.

7 Q. Okay. And were your doctor appointments and
8 when you talked to the lady, were those at the same
9 time?

10 A. Yes.

11 Q. Kind of close together?

12 A. Yeah.

13 Q. Okay. Did you -- did your mom tell you what
14 you had to come here and say?

15 A. No.

16 Q. Okay. All right. I'm going to go ask Dena
17 if I did everything okay. All right? And then
18 we'll -- I might be right back. Okay?

19 MS. KOLLINS: Your Honor, I'll pass the
20 witness.

21 THE COURT: Okay. Cross exam.

22

23 CROSS-EXAMINATION

24 BY MR. MANN:

25 Q. Good afternoon, Ma .

1 A. Good afternoon.

2 Q. I'm going to ask you some questions. Is that
3 all right?

4 A. Yes.

5 Q. All right. The time that your parents went
6 to Mt. Charleston, do you remember that?

7 A. Yes.

8 Q. That was a time that both your parents were
9 going to be going up to Mt. Charleston?

10 A. Yes.

11 Q. Together?

12 A. Yes.

13 Q. For a couples' retreat?

14 A. Yes.

15 Q. And you were dropped off at the Thomas'
16 family house?

17 A. Yes.

18 Q. Cameron's house?

19 A. Yes.

20 Q. And Jennifer and Dante and you said JJ?

21 A. Yes.

22 Q. And do you remember when that was?

23 A. I don't remember.

24 Q. But you do remember that the only people that
25 were there were yourself --

1 A. Yes, and his kids and my brother.

2 Q. His kids and your brother.

3 A. Yes.

4 Q. And Jennifer, was she gone the whole time?

5 A. Yeah. I think she was at work.

6 Q. But you stayed there for a night; right?

7 A. Yeah. But the day it happened, she was at

8 work.

9 Q. And do you know what day it happened?

10 A. I don't remember.

11 Q. Do you know what day you were dropped off?

12 A. I don't remember.

13 Q. Was it on a Monday?

14 A. I don't remember.

15 Q. You don't have any recollection of what day

16 of the week it was?

17 A. No.

18 Q. Okay. And when -- you had not told anyone

19 about this incident; correct?

20 A. Yes.

21 Q. That it wasn't until all the news came out

22 about Cameron being arrested that you said something?

23 A. Yeah.

24 Q. Now, you had heard from your mother that

25 Cameron was arrested?

1 A. Yes.

2 Q. And you actually had heard lots of people
3 talking about Cameron being arrested before that.

4 A. I don't remember.

5 Q. Did you see -- you saw information about
6 Cameron on the news; correct?

7 A. Yes.

8 Q. And you saw it on Fox News?

9 A. Yes.

10 Q. And you saw that the news said that Cameron
11 was doing bad things to other children?

12 A. Yes.

13 Q. It was after you saw that on the news that
14 you had a conversation with your mom?

15 A. I don't remember.

16 Q. That conversation with your mom would have
17 been the time that you told her something happened to
18 you?

19 A. Yes.

20 Q. Now, do you remember being interviewed by
21 somebody?

22 A. Yes.

23 Q. And do you remember them -- you being in a
24 small room?

25 A. Yes.

1 Q. Just you and another woman?

2 A. Yes.

3 Q. And she had a discussion with you about what
4 you said happened?

5 A. Yes.

6 Q. Now, when -- did she ever ask you about what
7 was going on?

8 A. Yes.

9 Q. And you told her that your mom told you?

10 A. Yes.

11 MS. KOLLINS: Objection. Foundation.

12 THE COURT: You haven't refreshed -- you're
13 reading from something; correct? So...

14 MR. MANN: She agreed with me. I don't --

15 THE COURT: Well, you're asking her to agree.
16 You haven't even refreshed her recollection. Could you
17 at least give a foundation for it? You didn't give her
18 any foundation whatsoever, so I'm not sure she
19 understood. All I'm trying to find is the foundation.
20 So why don't you ask her where she said it, when she
21 said it just to give her some foundation for her
22 agreeing to she did or did not say that statement.

23 MR. MANN: Sure.

24 BY MR. MANN:

25 Q. Ma , after you told your mom what

1 happened, you eventually went and talked -- and talked
2 to somebody at -- in that small room we were talking
3 about?

4 A. Yes.

5 Q. And do you remember when that was?

6 A. I don't remember.

7 Q. It was a while ago, though; right?

8 A. Yes.

9 Q. And you had a conversation with this woman
10 about what had happened?

11 A. Yes.

12 Q. And that conversation, she asked you things
13 about why you were there; is that right?

14 A. Yes.

15 MR. MANN: Page 7.

16 May I approach, Your Honor?

17 THE COURT: Yes, absolutely.

18 BY MR. MANN:

19 Q. Showing you page 7. Can you read that to
20 yourself.

21 A. (Witness reviewing document.)

22 Q. Did you finish?

23 A. Uh-huh.

24 Q. When she asked you about what was going on,
25 you responded about a daycare worker; is that right?

1 A. Yes.

2 MS. KOLLINS: Well, objection.

3 Mischaracterizes.

4 THE COURT: I don't know, because I don't
5 have it in front of me, so what did you have her
6 refresh her recollection about? You know, it's --
7 page 7 is all I wrote down here.

8 MS. KOLLINS: Correct. And I mean, that just
9 doesn't reflect the question that was asked, so that's
10 my problem.

11 THE COURT: Okay. So I'm going to -- okay.
12 I'll sustain the objection. So go over what you showed
13 her.

14 MR. MANN: Sure. Sure.

15 BY MR. MANN:

16 Q. She asked you, "So what did they say that you
17 should be talking about?" Right?

18 A. I don't -- can you repeat that, please?

19 Q. Sure. You were asked, "So what did they say
20 that we should be talking about?"

21 THE COURT: Do you recall that?

22 THE WITNESS: Yeah.

23 THE COURT: Okay.

24 BY MR. MANN:

25 Q. And you responded --

1 MS. KOLLINS: Well, objection.

2 THE COURT: Say --

3 MR. MANN: If I may approach, I'll let her
4 review it again just to make sure.

5 THE COURT: Okay. I mean, I --

6 MR. MANN: I showed her, but I just want to
7 make sure she has it.

8 THE COURT: Okay. We can try again, but make
9 sure you show her the question and answer. Okay?

10 MR. MANN: Okay. Absolutely.

11 THE COURT: It's confusing.

12 MR. MANN: Right. All the way down to here.

13 You done?

14 THE WITNESS: Uh-huh.

15 MR. MANN: Okay.

16 THE COURT: Okay.

17 BY MR. MANN:

18 Q. Now, in that statement, you -- you
19 indicated --

20 THE COURT: No.

21 MS. KOLLINS: Your Honor --

22 THE COURT: Your objection is how he's using
23 it?

24 MS. KOLLINS: Correct. He's refreshed her
25 recollection now.

1 THE COURT: Now ask the question that she
2 asked and see if she remembers the answer. If she
3 doesn't remember the answer or if the answer is
4 different, then you can ask her what it is. All right?
5 That's fine. That's okay.

6 BY MR. MANN:

7 Q. Do you remember what you responded to when
8 she asked, "So, um, what did they say that we should be
9 talking about?"

10 A. Yes.

11 Q. Okay. And what did you say?

12 A. That Cameron was touching other kids
13 inappropriately.

14 Q. Okay. And you said "other kids
15 inappropriately"?

16 A. Yes.

17 Q. At that point, she was --- before that
18 statement, you indicated that your mom told you about
19 it?

20 A. Yes.

21 Q. And that it was then that Ms. Ibrahim asked
22 you about why you're here.

23 A. Yes.

24 Q. And you said, "That's because Cameron Thomas,
25 he's a day care worker that's been touching kids

1 inappropriately"?

2 A. Yes.

3 Q. And you said "kids," not yourself.

4 A. Yes.

5 Q. Yes?

6 A. (Inaudible response.)

7 Q. And you also, during direct examination,
8 indicated that your mom told you --

9 THE COURT: You're talking about this direct
10 examination?

11 MR. MANN: This direct examination.

12 THE COURT: All right. I just want to make
13 sure she switched.

14 BY MR. MANN:

15 Q. In trial today, you indicated --

16 THE COURT: Thank you.

17 BY MR. MANN:

18 Q. -- that --

19 MR. MANN: Sorry. Court's indulgence?

20 THE COURT: That's okay. I just don't want
21 her confused. I want to help.

22 BY MR. MANN:

23 Q. That you didn't tell anyone until your mom
24 told you he got arrested?

25 A. Yes.

1 Q. And she told you that he got arrested for
2 touching people inappropriately?

3 A. Yes.

4 Q. Do you remember -- do you know how your mom
5 found out that he had been arrested?

6 MS. KOLLINS: Objection. Calls for
7 speculation.

8 THE COURT: If you know. Overruled. If you
9 know. We don't want you to guess or speculate. If you
10 know the answer, how your mom found -- if you don't,
11 say you don't know. Okay?

12 Why don't you ask it again, Mr. Mann. I'm
13 going to overrule.

14 BY MR. MANN:

15 Q. Do you know how your mom found out about
16 Cameron being arrested?

17 A. Her friend.

18 Q. Were you there when she heard it from her
19 friend?

20 A. No. She was outside.

21 Q. Did you hear the conversation that she had
22 with her friend?

23 A. No.

24 Q. Could you hear your mom on the phone?

25 A. No. Because I went outside, and she told me

1 to go up to my room.

2 Q. Do you know why she told you to go up to your
3 room?

4 A. Because she wanted to talk to me.

5 Q. And this was after you had already seen it on
6 the news?

7 A. No. It was before.

8 Q. And the -- after you had talked to your mom,
9 you then waited a week before you had that interview
10 with Ms. Ibrahim; right?

11 A. Yes.

12 Q. And in between that time, you actually told
13 other people about what had happened?

14 A. Only my family.

15 Q. Was there ever a time that you talked to
16 people at your church about it?

17 A. Yes.

18 Q. And that was before the interview?

19 A. I don't remember.

20 Q. And was there ever a time where people at the
21 church would come up to you and comfort you?

22 A. I don't remember.

23 MR. MANN: Court's indulgence.

24 THE COURT: That's fine. Take your time.

25 MR. MANN: Showing -- page 41.

1 May I approach? Sorry.

2 THE COURT: Yes.

3 MS. KOLLINS: Is there a question pending?

4 THE COURT: I have no idea. Is there a
5 question pending that you're going to refresh her
6 recollection?

7 MR. MANN: The question was, Your Honor,
8 about her talking to people at the church. She said
9 she didn't remember.

10 THE COURT: Okay.

11 MS. KOLLINS: No. Actually, she said she did
12 remember talking to people at the church, and he asked
13 her was she comforted by people at the church. And her
14 response was, "I don't remember."

15 THE COURT: Okay.

16 MS. KOLLINS: So is there a question?

17 MR. MANN: Sure. I'll ask a question.

18 BY MR. MANN:

19 Q. After you told your mom, did you go and talk
20 to the people at the church?

21 A. I don't remember.

22 Q. It's -- you talked to your mom, and then a
23 week later you gave a voluntary statement to
24 Ms. Ibrahim?

25 A. Yes. Because we had an interview.

1 Q. The interview, I'm sorry. And do you know if
2 that interview was recorded?

3 A. Yes.

4 MR. MANN: Now, may I approach, Your Honor?

5 THE COURT: What's the question? Was the
6 interview recorded? She said, "Yes."

7 MR. MANN: She said she didn't recall talking
8 to people at the church.

9 THE COURT: Well, just ask the question
10 again, because --

11 MR. MANN: Okay. I'm sorry.

12 THE COURT: -- I'm confused, so...

13 BY MR. MANN:

14 Q. Did you talk to the people at the church?

15 A. I still don't remember.

16 MR. MANN: May I approach, Your Honor?

17 THE COURT: Yes.

18 MR. MANN: It's page 41, Your Honor.

19 THE COURT: Okay.

20 BY MR. MANN:

21 Q. Showing you line 13 down to line 23.

22 Did you finish?

23 A. Uh-huh.

24 Q. Is that a "yes"?

25 A. Yes.

1 Q. Thanks.

2 After looking at that, do you remember
3 talking to people at your church?

4 A. Yes.

5 Q. So this would be after you had told your mom,
6 but before you had given a statement to Ms. Ibrahim,
7 interview?

8 A. I don't remember.

9 Q. Was that what you had just read?

10 A. I read that I talked to my family and people
11 at church about it.

12 Q. Okay. Now, when you talked to the people at
13 church about it, did you indicate that they were loving
14 towards you?

15 A. Yes.

16 Q. That every time they saw you, they would give
17 lots of hugs?

18 A. Yes.

19 Q. So is it fair to say that the people at the
20 church knew what was going on with you?

21 A. Yes.

22 Q. That this was before you gave a statement to
23 Ms. Ibrahim?

24 A. It was during the interview that I had said
25 that.

1 Q. And if you said it at the interview, it's
2 fair to say that it happened before the interview?

3 A. Yes.

4 Q. Now, the only time that he would touch you
5 would be when you were sitting on his lap?

6 A. Yes.

7 Q. And did the two incidents, the Mt. Charleston
8 incident and then the other incident, did those happen
9 close together?

10 A. I don't remember.

11 Q. Do you -- how did you feel at the time that
12 this happened?

13 MS. KOLLINS: Objection. Foundation. Which
14 time?

15 THE COURT: Which time? I'm going to
16 sustain.

17 BY MR. MANN:

18 Q. When the Mt. Charleston incident happened --
19 when -- I'm sorry. The incident when your parents were
20 up at the Mt. Charleston retreat happened, how did you
21 feel when this -- when he touched you?

22 A. I don't remember.

23 Q. When the other time happened, how did you
24 feel when he touched you?

25 A. I don't remember.

1 Q. Now, when he stopped touching you, was it
2 because you asked him to stop?

3 MS. KOLLINS: Objection. Foundation.

4 MR. MANN: I'm sorry, Your Honor.

5 THE COURT: It's okay. We'll get it cleared
6 up.

7 BY MR. MANN:

8 Q. During the Mt. Charleston incident -- let me
9 rephrase. During the time that your parents went up to
10 the Mt. Charleston retreat and you were staying the
11 night at the Thomas house, had -- how did he stop?

12 A. I don't remember.

13 Q. Did you tell him to stop?

14 A. I don't remember.

15 Q. So let's talk about the time that your
16 parents were up at the Mt. Charleston retreat. You
17 said that you came downstairs; correct?

18 A. Yes.

19 Q. He was on the couch.

20 A. Yes.

21 Q. He asked you to sit near him?

22 A. Yes.

23 Q. While you're sitting near him, you said that
24 he takes his hand and puts it through your neckline?

25 A. It wasn't near him; I was on his lap.

1 Q. You were on his lap?

2 A. Yes.

3 Q. And he takes his hand and puts it through
4 your shirt neckline.

5 A. It was the front of the shirt, but I don't
6 remember if it was the neckline or the arm sleeve.

7 Q. So it could have been either the neckline or
8 you're saying the arm sleeve?

9 A. Yes.

10 Q. And when he put his hand into your shirt --
11 let's start with the arm sleeve. When he put his hand
12 into your shirt through the arm sleeve, you said that
13 he touched the upper part of your chest?

14 A. Yes.

15 Q. But he did not touch your nipple?

16 A. No. No.

17 Q. And I think Ms. Kollins asked you, were you
18 wearing a bra back then?

19 A. No.

20 Q. So you were just wearing a shirt and nothing
21 under the shirt?

22 A. Yes.

23 Q. So through the arm hole, touched your upper
24 chest, and -- and you said also maybe the armpit; is
25 that right?

1 MS. KOLLINS: And I'm going to object because
2 it mischaracterizes the testimony. She said arm hole
3 or neckline, not just arm hole, so...

4 But she wasn't sure, so to say it just
5 happened the way he is characterizing is not what she
6 said.

7 MR. MANN: And I said let's talk about the
8 arm hole first, which is ...

9 THE COURT: Well, you're trying to say let's
10 talk about in case it was through the arm hole or the
11 neckline. It's the same event, so I think what she's
12 trying say -- I just don't want you to confuse her.

13 So why don't you say the event that occurred,
14 whether it went through the arm hole or the neckline,
15 because that's the same event; correct? That's your
16 objection. That's all she's trying to say. If we
17 could do it that way, at least we all know it's the
18 same event.

19 BY MR. MANN:

20 Q. So do you remember how his hand got into your
21 shirt?

22 A. No.

23 Q. Do you remember how his hand got on your
24 back?

25 A. Through my shirt.

1 Q. I'm sorry?

2 A. Through my shirt.

3 Q. Do you remember how? Did he come from the

4 top of your shirt?

5 A. Under it.

6 Q. Under it. Were you wearing a long shirt or a

7 short shirt?

8 A. It was just like a T-shirt.

9 Q. Was it hot or cold outside?

10 A. I don't remember.

11 Q. And when he put his hands onto your back, did

12 you move away?

13 A. I don't remember.

14 Q. Did you tell him to stop?

15 A. I don't remember.

16 Q. He put his -- you said that he put his hand

17 on your bum.

18 A. Yes.

19 Q. How did his hand get on your bum?

20 A. Through my pants.

21 Q. Do you remember what hand he did that with?

22 A. No.

23 Q. Do you remember what side of your bum he

24 touched?

25 A. No.

1 Q. Was his hand there just for a second or
2 longer?

3 A. I don't remember.

4 Q. Did you get up and move?

5 A. Don't remember.

6 Q. When this was happening, was there anyone
7 else around?

8 A. His kids and my brother, and they were
9 upstairs.

10 Q. They were upstairs. In the loft?

11 A. Yes.

12 Q. So and, if I'm correct, the -- correct me if
13 I'm wrong, the loft, you can actually hear what's going
14 on in there from down below; correct?

15 A. Yes.

16 Q. Is that a "yes"?

17 A. Yes.

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

19 And so the kid -- you could hear the kids
20 playing upstairs?

21 A. Yes.

22 Q. And they could hear you if they wanted to?

23 MS. KOLLINS: Objection. Calls for
24 speculation. She doesn't know what those kids could
25 hear.

1 THE COURT: I'm going to overrule. I think
2 she said that the way it's -- it's, unless there's --
3 it's basically, the physical layout when if you could
4 hear. I guess speculation whether they could hear or
5 not is what you're saying?

6 MS. KOLLINS: Speculation. Because we don't
7 know what activities are going on upstairs; if they're
8 playing video games or there's music on. We don't
9 know.

10 THE COURT: If you know. Do you know what
11 they could hear from up there, were you aware?

12 THE WITNESS: No.

13 THE COURT: Okay. We'll just do it that way.
14 BY MR. MANN:

15 Q. Have you been upstairs before?

16 A. Yes.

17 Q. When you were upstairs, could you hear things
18 going on downstairs?

19 A. Yes.

20 Q. Now, the time that your parents went up to
21 Mt. Charleston for a couples' retreat, you said that he
22 also touched the crease of your underwear.

23 A. It was both times.

24 Q. I'm going to talk about the time that you
25 went up to Mt. Charleston -- or that your parents went

1 up to Mt. Charleston.

2 A. Okay.

3 Q. He touched the crease of your underwear?

4 A. Yes.

5 Q. He never touched your vagina?

6 A. The top of it. Like, you know, it's hard to
7 explain, but, you know, where like when you're sitting
8 and it creases, and that's where your underwear ends in
9 the front. It was like on top like that.

10 Q. Okay. So would it be on your stomach
11 portion.

12 A. Lower.

13 Q. Lower down here?

14 A. Yes.

15 MR. MANN: So down here. And, Your Honor,
16 I'm touching the part between my genitalia and my leg.

17 THE COURT: Okay. But you're not a girl.

18 MR. MANN: I understand that.

19 THE COURT: Okay. Just for -- just for
20 description, I'm a little concerned.

21 MR. MANN: She confirmed that that was the
22 location.

23 THE COURT: That would have been on you as a
24 girl; correct?

25 THE WITNESS: Yes.

1 MR. MANN: And thank you, Your Honor, for
2 pointing out I'm not a girl. Hopefully that was
3 obvious but maybe not.

4 THE COURT: I don't know.

5 BY MR. MANN:

6 Q. Now, the other time that you described, you
7 said that was during a play date?

8 A. Yes.

9 Q. Do you remember if it was hot out or cold?

10 A. No.

11 Q. Do you remember who was there?

12 A. His kids and my brother.

13 Q. So the same group of people?

14 A. Yes, because it was a play date.

15 Q. It was a play date. And was Jennifer there
16 then?

17 A. No. She was at work.

18 Q. And how long had you been playing there?

19 A. Just the day.

20 Q. So you were there the whole day?

21 A. I remember it was during the day, but I don't
22 know how long of a time that it would have been.

23 Q. Do you remember your mom dropping you off?

24 A. Yes.

25 Q. Do you remember your mom picking you up?

1 A. I don't remember.

2 Q. Okay. Now, what you described at the time
3 that your parents went up to Mt. Charleston, that's
4 very similar to what happened during the play date?

5 A. Yes.

6 Q. In fact, it sounds like it was identical to
7 what you described during the play date.

8 A. No, they were separate times.

9 Q. I understand that they were separate times,
10 but the exact same thing happened?

11 A. Yes.

12 MS. KOLLINS: Objection. Argumentative.

13 THE COURT: I'm going to overrule. Go ahead
14 and answer. You answered.

15 BY MR. MANN:

16 Q. So you said, "yes"?

17 A. Yeah.

18 Q. Now, after the Mt. Charleston time where your
19 parents went up to Mt. Charleston, you would see
20 Cameron after this?

21 A. Can you repeat that?

22 THE COURT: I'm sorry. I'm lost too. Go
23 ahead.

24 BY MR. MANN:

25 Q. When your parents went up to Mt. Charleston,

1 you remember that time?

2 A. Yes.

3 Q. After you stayed the night, you went home.

4 A. Yes.

5 Q. Did you see Cameron after that time?

6 A. I don't remember.

7 Q. Would you go to Kids R Kids after that time?

8 A. I don't remember.

9 Q. Would he babysit you other times after that
10 time?

11 A. I don't remember.

12 Q. Would you go on field trips with Kids R Kids?

13 A. Yes.

14 Q. And would Cameron go on these field trips?

15 A. No.

16 Q. You went to Kids R Kids since, you said, you
17 were a baby all the way up to eight years old?

18 A. Yes.

19 Q. And you were born in 2002?

20 A. Yes.

21 Q. And so eight years old would be 2010?

22 A. Yes.

23 Q. Did you go to Kids R Kids after that, after
24 eight years old?

25 A. No.

1 Q. So you stopped going to Kids R Kids when you
2 were eight years old?

3 A. Well, I don't remember the exact age, but I
4 know I was in, like, second or third grade.

5 Q. Do you remember why you stopped going to Kids
6 R Kids?

7 A. Because all this happened.

8 Q. So you stopped going after you told your mom?

9 A. I don't remember the exact time, but I know
10 it was after all this happened.

11 Q. So after the news came out?

12 A. I don't remember the exact time. But I know
13 it was after all this happened.

14 Q. Okay. Ma . . . , I understand that you don't
15 understand the exact time, and I'm not asking you the
16 exact time. I'm just trying to get a reference. The
17 news came out; do you remember that?

18 A. Yes.

19 Q. Did you stop going after the news came out?

20 A. I don't remember.

21 Q. But you did stop going after all this came
22 out about Cameron?

23 A. I believe it was a little before, but I'm not
24 100 percent sure.

25 Q. Okay. Did you ever -- after Cameron had did

1 this to you, did you ever stop hanging out around
2 Cameron or his kids?

3 A. Yes.

4 Q. Was it right after he did this to you?

5 A. Do you mean like when everyone knew about it
6 or?

7 Q. No, before. Let me -- let me rephrase then.

8 The Mt. Charleston, the time that your
9 parents went up to Mt. Charleston, was that right
10 before all this news came out about Cameron?

11 A. I don't remember.

12 Q. Is it fair to say there was a time period
13 between when they went up to Mt. Charleston and the
14 time that all the news came out?

15 A. Yes.

16 Q. During that time period, did you continue to
17 see Cameron and his family?

18 A. I don't remember.

19 Q. Do you know if the play date incident
20 occurred before or after the Mt. Charleston incident?

21 A. I don't remember.

22 Q. Do you remember testifying in a preliminary
23 hearing back in 2011?

24 A. Like going to court?

25 Q. Going to court.

1 A. Yes.

2 Q. A room similar to this?

3 A. Yes.

4 Q. Was there a lady in front of you like that,

5 taking -- writing down what you had to say?

6 A. Yes.

7 Q. And there was a judge?

8 A. Yes.

9 Q. Do you remember testifying about things at

10 that time?

11 A. Yes.

12 Q. Do you remember standing up and swearing to

13 tell the truth?

14 A. Yes.

15 Q. Was there a time that you saw the news and

16 you became upset and talked to your grandma about it?

17 A. Yes.

18 Q. And was that before you had a conversation

19 with Ms. Ibrahim?

20 A. I don't remember.

21 Q. Was that before you had a discussion with

22 your mom?

23 A. It was after.

24 Q. Now, you had seen the news, and you had

25 testified that the news said it was a dirty secret;

1 right? You had testified today that the news said it
2 was a dirty secret?

3 MS. KOLLINS: Objection. Mischaracterizes
4 the testimony. I don't recall her saying that the news
5 said that.

6 THE COURT: I don't know, but I assume you
7 have a foundation for that. Let me look at my -- once
8 again, keep your recollection from the testimony. Why
9 don't you just ask her straight up whether -- unless
10 you had the notes, because -- just ask her the question
11 straight up.

12 BY MR. MANN:

13 Q. Did the news have a dirty secret about
14 Cameron?

15 A. All I remember it saying was he was arrested
16 because he was doing things to other kids.

17 Q. When you spoke to Ms. Ibrahim, did you
18 indicate that the news had a dirty secret?

19 A. I don't remember.

20 MR. MANN: May I approach, Your Honor?

21 THE COURT: Yes.

22 BY MR. MANN:

23 Q. Can you look at page -- or line 11.
24 You finished?

25 A. Uh-huh.

1 Q. Did you tell Ms. Ibrahim that it was a dirty
2 secret the news said?

3 A. Yes.

4 Q. And what did you mean when you said, "It was
5 a dirty secret the news said"?

6 A. That it was like dirty that he was doing
7 things to other -- to kids.

8 Q. And so it was the news that was saying it was
9 dirty?

10 A. Yes.

11 MR. MANN: I have no further questions at
12 this time.

13 THE COURT: Okay. Any redirect, Ms. Kollins?

14 MS. KOLLINS: Your Honor, I do have some
15 redirect, but could we approach very briefly?

16 (A discussion was held at the bench,
17 not reported.)

18 THE COURT: We have another witness who needs
19 to get on who's going to catch a plane. So we're not
20 finished with this witness. We're just going to
21 have -- Ma_____, we're going to have someone take you
22 just in the back, and we'll find you a place. So
23 please keep your notes, but we're trying to keep this
24 moving. We don't want to lose this witness. So we
25 still have more redirect. Okay? Can you take her?

1 She can go in my office, just tell them to go to the
2 JEA. And there's nobody in my office. She can go sit
3 there. Okay.

4 MR. MANN: Your Honor, can we --

5 THE COURT: So we stopped on redirect. I
6 just want to make sure in my notes.

7 MS. RINETTI: Correct.

8 MR. MANN: Can we approach, Your Honor?

9 THE COURT: Certainly.

10 (A discussion was held at the bench,
11 not reported.)

12 THE COURT: All right. Okay. She -- can you
13 call that witness?

14 MS. RINETTI: Yes. State recalls Kathleen
15 Vangordon.

16 THE COURT: All right. You just testified,
17 so you are still under oath. We're not -- we know
18 you're Kathleen Vangordon for the record; correct?

19 THE WITNESS: Yes.

20 THE COURT: Okay. Because you were just in
21 this courtroom just a few minutes ago. All right.
22 We're going to reopen and ask you a few more questions.
23 All right. State?

24

25 FURTHER REDIRECT EXAMINATION

1 BY MS. RINETTI:

2 Q. Ms. Vangordon, I know you were in a cab on
3 the way to the airport so I appreciate you coming back.
4 Okay? I just have very few questions for you. You
5 mentioned during your testimony that Z. interview
6 with you was video and audio recorded. Is that fair to
7 say?

8 A. Yes.

9 Q. And you had an opportunity in my office to
10 view that video; correct?

11 A. Yes.

12 MS. RINETTI: And I want to have this marked.

13 THE COURT: That's fine. State's -- what's
14 next in line?

15 THE CLERK: It will be State's Proposed
16 No. 5.

17 THE COURT: No. 5. Okay.

18 BY MS. RINETTI:

19 Q. And did you have an opportunity to view this
20 disk in our break room at our office?

21 A. Yes.

22 Q. And in viewing that video, that video, and
23 I'm going to show you the disk. After reviewing it,
24 did it fairly and accurately depict the forensic
25 interview that you conducted with Z. back in

1 December of 2010?

2 A. Yes.

3 Q. All right. Thank you so much.

4 THE COURT: Okay. Any cross exam on that?

5 MR. MANN: No, Your Honor.

6 THE COURT: And that's State proposed

7 Exhibit 5; correct?

8 THE CLERK: Yes.

9 MS. RINETTI: Is it 5 or 6?

10 THE CLERK: It's 5.

11 THE COURT: 5. So we have the right number.

12 Okay. Thank you. Go find a cab.

13 THE WITNESS: Are we sure?

14 MS. RINETTI: You can get on your flight.

15 THE COURT: I don't know if I'm sure.

16 THE WITNESS: I don't know if I'll make it.

17 Thank you.

18 MS. RINETTI: You'll make it. I promise.

19 MS. KOLLINS: All right.

20 THE COURT: Now, we need to go.

21 MS. KOLLINS: Your Honor, may we take a
22 couple minutes to get Ma from the back?

23 THE COURT: Yes.

24 Ma , you remember you're still under
25 oath. Okay?

1 THE WITNESS: Yes.

2 THE COURT: Okay. I wanted to make sure to
3 remind you. All right.

4 Redirect, then, please.

5 MS. KOLLINS: Thank you, Your Honor.

6 Permission again to approach?

7 THE COURT: Yes. Just be cognizant to make
8 sure the jurors can see Ma .

9

10 REDIRECT EXAMINATION

11 BY MS. KOLLINS:

12 Q. Hi, Ma . Did you get to take a little
13 tour back there for a minute?

14 A. Yes.

15 Q. She has a nice place to live back there;
16 right?

17 A. Yeah.

18 Q. Mr. Mann had a bunch of questions for you;
19 right?

20 A. Yes.

21 Q. A lot of them had to do about where your
22 panty line is?

23 A. Yes.

24 Q. Do you remember those questions?

25 A. (Witness nods head.)

1 Q. And I told you I wasn't going to make you
2 stand up and show people that part of your body.
3 That's okay? Do you think you could show me on Elly
4 where that is?

5 A. Yeah.

6 Q. Okay. Where on -- where are we talking
7 about?

8 A. If Elly had underwear on?

9 Q. If Elly had underwear on.

10 A. And this was the front part where she went to
11 the restroom.

12 Q. And you're touching Elly's lower part of her
13 stomach; right?

14 THE COURT: Can she stand up? Can you all
15 see it?

16 MS. KOLLINS: Can you stand up and show that?

17 THE COURT: Ma , is that okay if you
18 stand up and show Elly? Okay. Good. All right.

19 THE WITNESS: Like right here.

20 BY MS. KOLLINS:

21 Q. Okay. Right here, and you have --

22 A. Like this is like the thigh, and then that's
23 the top of belly.

24 Q. Okay. Is that where his hand was?

25 A. Yeah, like right here.

1 Q. Okay. Is that by where Elly would go pee
2 like you said?

3 A. Yes.

4 Q. Okay. So not on Elly's stomach?

5 A. No.

6 Q. Okay.

7 A. It was lower than the stomach.

8 Q. Okay. Lower than the stomach?

9 A. Like right on the top of the thigh in the
10 pelvic area.

11 Q. Okay. How about I just point on my body?
12 You tell me where to stop.

13 A. Keep going. Keep going. Right there.

14 Q. Like right there; is that right?

15 A. Yes.

16 Q. Okay.

17 THE COURT: Put it on the record.

18 MS. KOLLINS: I don't know how we're going to
19 make that record.

20 THE COURT: I was looking at you,
21 Ms. Kollins.

22 MS. KOLLINS: I know. If the record could
23 reflect my left hand was at the top of my thigh.

24 THE COURT: Okay.

25 ////

1 BY MS. KOLLINS:

2 Q. Now, when we stopped my hand right there, was
3 it between the legs or on the outside front like we
4 were just showing?

5 A. The -- where we were just showing.

6 Q. Where you were just showing? Okay.

7 I want to talk to you about Fox News.

8 A. Okay.

9 Q. Do you remember that, all these questions
10 about Fox News and how you found out about Cameron?

11 A. Yes.

12 Q. Okay. Do you -- and tell me if you remember
13 this or not. Do you remember a day where you were
14 looking for a cartoon to watch?

15 A. Yes.

16 Q. And where was that cartoon or whatever you
17 were going to watch?

18 A. On the TV.

19 Q. Okay. Was it recorded on something? Do you
20 remember that?

21 A. I don't remember.

22 Q. Do you remember watching a recording you
23 weren't supposed to watch?

24 A. Yes.

25 Q. Okay. What was that recording of?

1 A. The Fox 5 News.

2 Q. The Fox 5 News. And what was in the Fox 5
3 News that you weren't supposed to watch?

4 A. Where it said that Cameron was arrested
5 because he was touching kids inappropriately.

6 Q. Okay. So when you watched that, whatever,
7 whether it was recorded on TV or something else, that
8 you weren't supposed to watch, did your mom show you
9 that?

10 A. No.

11 Q. Did your grandma show you that?

12 A. No.

13 Q. Did somebody tell you to watch that?

14 A. No.

15 Q. How did you know you weren't supposed to
16 watch it?

17 A. Because after I went downstairs to get
18 cereal, and my grandma was down there, and I had told
19 her I watched it, and she asked why.

20 Q. Okay. And do you remember what you told
21 grandma?

22 A. I just told her that I watched it.

23 Q. Okay. Now, had you talked to mom about
24 Cameron before you watched that tape?

25 A. Yes.

1 Q. You had?

2 A. (Witness nods head.)

3 Q. About the stuff you talked to mom about?

4 A. Yes.

5 Q. So you already knew about it and then you saw

6 the tape?

7 A. Yes.

8 Q. Did mom tell you what to come in here and

9 say?

10 A. No.

11 Q. Did anybody tell you what to come in here and

12 say?

13 A. No.

14 Q. What's the one big rule about coming to

15 court? What do you promise when you come in here?

16 A. To tell the truth.

17 Q. Okay. Are you doing your best to do that

18 today?

19 A. Yes.

20 Q. Okay. Did people at church tell you what to

21 say about this?

22 A. No.

23 Q. Okay. The words "dirty secret," do you know

24 where that came from?

25 A. I don't remember.

1 Q. You don't remember. Do you remember how old
2 you were when you talked to the lady in the interview
3 room?

4 A. No.

5 Q. Okay. Mr. Mann, in his questions, told
6 you -- talked to you about a lady named Ms. Ibrahim.
7 Do you remember those questions?

8 A. Yes.

9 Q. Do you know the name of the lady in the
10 interview room?

11 A. I don't remember.

12 Q. Okay. Her name's Ms. Ibrahim if you don't
13 remember. Okay. So that's what those questions had to
14 do with. Okay? I can't read my own Post-its, ma'am.
15 Sorry.

16 You talked about Cameron touching the top of
17 your breast. You remember that?

18 A. Yes.

19 Q. By your armpit with your hand. Do you
20 remember that?

21 A. Yes.

22 Q. And when we first talked, you told me
23 neckline. Remember that? Remember when we were first
24 talking a little while ago before Mr. Mann asked you
25 questions, we talked about neckline?

1 A. Yes.

2 Q. And then you said maybe it was arm hole?

3 A. (Witness nods head.)

4 Q. Do you know which one?

5 A. I don't remember.

6 Q. Okay. Do you still remember skin touching

7 skin of your boob, though?

8 A. Yes.

9 Q. And that was Cameron's skin of his hand

10 touching the top of your breast?

11 A. Yes.

12 Q. Even though you don't know which way his hand

13 got in?

14 A. Yeah. I don't remember.

15 Q. And is that both times or just the one time

16 you don't remember?

17 A. Both.

18 Q. Both times? Okay.

19 Tell me if I'm right. Okay? One time this

20 happened when mom was at a retreat at Mt. Charleston;

21 right?

22 A. Yes.

23 Q. And you were getting babysat; right? Was

24 that a babysitting time?

25 A. We were spending the night because it was

1 overnight that they were there.

2 Q. Okay. Well, you had to have a grownup watch
3 out for you because you were too little to stay by
4 yourself?

5 A. Yes.

6 Q. That would be with Hayden?

7 A. Yes.

8 Q. And Hayden was like?

9 A. Like three or two.

10 Q. Okay. And the play date time, was Hayden a
11 little older? Or was he still three or two?

12 A. He was still young.

13 Q. Still little? Okay. And the play date time,
14 was that set up by mom and dad for you to have a play
15 date?

16 A. No.

17 Q. How was that -- how did that happen, the play
18 date time?

19 A. I had -- well, because we -- we were like
20 family friends, so I had his number, and I had my own
21 phone because mom wanted me to have my own phone, and I
22 called him and asked him if we could come over and play
23 with his kids.

24 Q. Did you like to play with his kids?

25 A. Yes.

1 Q. Is that a "yes"? Okay. And did Cameron care
2 if you came and played with his kids?

3 A. No, he would let us.

4 Q. Okay. Did you want to come in here and talk
5 about this stuff today?

6 A. Not really.

7 Q. Okay. Kind of got you a little upset
8 earlier?

9 A. (Witness nods head.) Yeah.

10 Q. Okay. Again, has anybody told you what to
11 say?

12 A. No.

13 Q. All right. Ma , I don't have any more
14 questions for you right now. Okay? There are
15 sometimes people from the jury, they can write
16 questions and then we'll decide -- the judge will
17 decide if they get to be answered. So we'll have to
18 wait just a few more minutes, and Mr. Mann might have
19 questions too. Okay?

20 THE WITNESS: Okay.

21 THE COURT: Rerecross?

22 MR. MANN: Thank you, Your Honor.

23 THE COURT: You're welcome.

24

25

RECROSS-EXAMINATION

1 BY MR. MANN:

2 Q. Ma , this was all over the news; right?

3 A. Yes.

4 Q. And you remember seeing news trucks, and news
5 people outside the day care facility where you were?

6 A. I don't remember that part.

7 Q. Do you remember your friends talking about
8 everything that was going on?

9 A. I don't remember.

10 Q. And do you remember your mom talking to you
11 about the news?

12 A. Well, that morning that I had went downstairs
13 and talked to my grandma when she asked me why I was
14 crying, and she heard me crying because she was
15 sleeping, because it was like 6:00 in the morning, and
16 she had asked what was wrong, and I told her.

17 Q. And it was at that time that she told you
18 that you could get nightmares?

19 A. Yeah.

20 MR. MANN: No further questions.

21 THE COURT: Okay.

22 MS. KOLLINS: I don't have anything else from
23 Mahairi.

24 THE COURT: All right. Juror questions. All
25 right.

1 (A discussion was held at the bench,
2 not reported.)

3 THE COURT: Ma , here's what I'm going to
4 do. I'm going to ask you some questions, because the
5 jury listened to your testimony, and they wanted to see
6 if you could answer a few of their questions. All
7 right? So I'm going to ask them and then you need to
8 answer if you can. If you don't know something, please
9 just tell the judge you don't know. If you don't
10 remember something, then tell us you don't remember.
11 We don't want you to guess or speculate. Okay?

12 THE WITNESS: Okay.

13 THE COURT: And if you don't understand one
14 of my questions I'm reading, please tell me and I'll
15 attempt to rephrase it. Okay?

16 THE WITNESS: Okay.

17 THE COURT: Do you remember sitting on
18 Mr. Thomas' lap both times you were touched?

19 THE WITNESS: Yes.

20 THE COURT: Did Mr. Thomas tell you something
21 would happen if you told? Like getting in trouble or
22 threaten to hurt family -- your family.

23 | THE WITNESS: I don't remember.

24 THE COURT: You don't remember? Okay. How
25 long was the two incidents between the Mt. Charleston

1 and the other time did the second incident happen?

2 THE WITNESS: Can you repeat that?

3 THE COURT: Do you know the time frame that I
4 think -- you recall two incidents, when your parents
5 went on the retreat to Mt. Charleston; correct?

6 THE WITNESS: Yes.

7 THE COURT: And then the play date. Do you
8 have any recollection at all of what the time span, how
9 much time occurred between the two?

10 THE WITNESS: No, I don't remember.

11 THE COURT: Okay. Did -- did Mr. Thomas
12 threaten you after each incident or your family if you
13 told?

14 THE WITNESS: I don't remember.

15 THE COURT: Okay. How old were you when
16 those incidents happened? Can you recall at all?

17 THE WITNESS: No, I don't remember.

18 THE COURT: Why didn't you call your mom or
19 dad after this happened with Cameron, if you had your
20 own cell?

21 THE WITNESS: Because I didn't know anything
22 was happening.

23 THE COURT: Okay.

24 THE WITNESS: Like I didn't --

25 THE COURT: Can you hear her?

1 JUROR: No.

2 THE COURT: Okay. You need to speak up,
3 sweetheart. Do you want me to ask it again, or do you
4 remember what I asked?

5 THE WITNESS: Yeah, I remember.

6 THE COURT: So look at them. I know, and --
7 and speak up.

8 THE WITNESS: I -- like can you repeat it,
9 please?

10 THE COURT: I knew I confused you. I'm sorry
11 I did that.

12 Why didn't you call your mom or dad after
13 this happened with Cameron, if you had your own cell?

14 THE WITNESS: Because I didn't know anything
15 was happening.

16 THE COURT: Did he touch -- touch where you
17 use the bathroom more or less the first time or second
18 time?

19 THE WITNESS: I don't remember.

20 THE COURT: Okay. You're starting to cry
21 already. Okay. All right. It's okay. I'm so sorry,
22 sweetie, but we're just trying to get information.
23 Okay? Don't cry on me. Okay? Okay. We're almost
24 done, sweetheart. I promise. Okay. Take your time.
25 It's okay.

1 You're being very brave. Okay? We all know.
2 Everybody understands this is tough. All right? All
3 right.

4 What side were you -- was Cameron sitting
5 on -- okay. Hold on. What side of you, Mahairi,
6 that's you, was Cameron sitting on at time of breast
7 touch? Do you know which side he was on of yours?

8 THE WITNESS: I was sitting on his lap, so he
9 was like behind me.

10 THE COURT: Okay. All right. Did your mom
11 ask you first or did you get information without your
12 mom's lead?

13 THE WITNESS: Can you rephrase that?

14 THE COURT: Okay. When you told your mom,
15 did your -- did you just volunteer information to your
16 mom initially, or did she ask you something?

17 THE WITNESS: She had asked if anything had
18 happened.

19 THE COURT: Okay. All right. Okay. Now
20 they get to follow up, if they would like to.

21 Ms. Kollins, would you like to follow up on
22 any of these questions?

23 MS. KOLLINS: Just one of them.

24 THE COURT: All right. That's fine.

25

1 FURTHER REDIRECT EXAMINATION

2 BY MS. KOLLINS:

3 Q. Am I okay here, Ma , or do you want me to
4 come back up there?

5 A. It's up to you.

6 Q. When you said you didn't know anything was
7 happening, what did you mean by that?

8 A. Well, because I called him like "uncle," so I
9 thought he was like close to us, so I didn't know
10 anything he was trying do anything.

11 Q. Okay. Did you know those touches were bad
12 then? Did you know that was wrong when it happened?

13 A. I don't remember.

14 Q. You don't remember? Okay. Did they make you
15 upset enough to go tell someone?

16 A. I don't remember.

17 Q. Okay. Well, when you say you didn't know if
18 anything was happening, and the stuff you talked about
19 that really happened; right?

20 A. Yeah.

21 Q. Okay. So when you say I don't know if
22 something happened, what do you mean?

23 A. Like, you know how when you're young and you
24 have family members and they like pat you on the back,
25 or they like --

1 Q. Show you affection?

2 A. Yes, I thought -- that's what I thought he
3 was doing. I didn't think he was trying to do anything
4 bad.

5 Q. Okay. All right.

6 MS. KOLLINS: I don't have any more
7 questions.

8 THE COURT: Okay. Any questions?

9 MR. MANN: No questions, Your Honor.

10 THE COURT: Okay. Thank you very much.
11 Okay? Thank you for coming.

12 All right. Do we have another witness to go?

13 MS. RINETTI: No, we don't. Not for today.

14 THE COURT: Okay. All right. It's 4:33.

15 What time -- can you approach? I want to get --
16 tomorrow I have all day. What time do you think you
17 could be here? I'm sorry.

18 (A discussion was held at the bench,
19 not reported.)

20 THE COURT: All right. Due to scheduling of
21 witnesses, the first one can be here at 10:30. So
22 we're going to go ahead and have you come back at 10:30
23 tomorrow. And we'll go all day; right?

24 MS. RINETTI: Yes.

25 MR. MANN: Yes.

1 THE COURT: Want to make sure. All right.
2 This is your overnight admonishment. You're
3 admonished not to converse amongst yourselves or with
4 anyone else on any subject connected with this trial,
5 or read watch or listen to any report of or commentary
6 on the trial by any person connected with this case, or
7 by any medium of information, including without
8 limitation, newspapers, television, the Internet, or
9 radio. You are further admonished not to form or
10 express any opinion on any subject connected with this
11 trial until the case is finally submitted to you.
12 We'll see you tomorrow here at 10:30, and we'll start
13 with the witnesses.

14 (The following proceedings were held
15 outside the presence of the jury.)

16 MS. RINETTI: Could I put one thing on the
17 record?

18 THE COURT: Yes, absolutely. It's only 4:35.
19 We're good.

20 MS. RINETTI: All right.

21 THE COURT: Right, Mr. Mann.

22 MR. MANN: I always like an extra few minutes
23 to breathe.

24 THE COURT: Yeah, I bet. Okay. Yes, we're
25 back on the record.

1 MS. RINETTI: I'm going to ask the Court's
2 permission, on State's Exhibit 5, we have not asked for
3 its admission yet. We talked at the bench after laying
4 the proper foundation. I'm going to take it back to my
5 office, because there are some things that should not
6 be in that video that are prejudicial to the defendant
7 and are inadmissible, so I need to redact portions. I
8 will show Mr. Mann the redacted ones to make sure he
9 agrees with those redactions.

10 THE COURT: Absolutely.

11 THE CLERK: Okay. I have already marked
12 this, so I'm going to need the original back, and it
13 will have to be probably marked as a court's exhibit
14 now.

15 MS. RINETTI: Okay.

16 THE CLERK: And then we'll have to redo, or
17 we can leave it as 5, not introduce it, and use the
18 redacted version. But I'll have to have this back
19 because I've already marked it.

20 MR. MANN: I mean, technically, I don't know
21 how that would work, but I can just, well, let me -- my
22 idea -- I have the objection to the video, that I think
23 it's, you know, redundant, cumulative.

24 THE COURT: But we haven't introduced it into
25 evidence yet.

1 MR. MANN: Ms. Rinetti, I mean, who are you
2 using to actually introduce it?

3 MS. RINETTI: We're not. We're going to
4 be -- I mean, it's already laid the foundation. We'll
5 ask for admission and we can play it or not play it.

6 THE COURT: So whenever you want to do it,
7 right now I'm -- until you agree to a redacted version,
8 I'm not going to make a ruling. Because I want to make
9 sure if you -- if we have discussion on what even
10 should be in it, that would supersede before the
11 cumulative.

12 MR. MANN: So I'll just say this: I have a
13 preliminary objection.

14 THE COURT: Okay.

15 MS. RINETTI: Right.

16 THE COURT: All right. You feel it would be
17 cumulative, et cetera, but I will let you preserve any
18 objection to it once we determine what it is, what
19 exactly the component of Exhibit 5 is. And then you
20 can, when you want to introduce it, we'll do it outside
21 the presence of the jury so we make sure you keep your
22 record complete. Okay?

23 And what do you have there?

24 MR. MANN: Your Honor, I have a video that my
25 expert had requested that he use during his testimony

1 to demonstrate suggestibility, which is one of the
2 things that you said that he could testify about.

3 THE COURT: Right. Yes.

4 MR. MANN: I'm handing a copy to the State
5 for them to review. They're not taking it. They are
6 taking it.

7 THE COURT: They are taking it.

8 MR. MANN: It sounded like that they may have
9 an objection. I got, I think, two or three days ago.

10 THE COURT: And what is it?

11 MR. MANN: It's a video of someone
12 interviewing a four-year-old, I believe it's a four
13 year old, and just -- it will talk -- it will show how,
14 nothing sexual or anything like that. It's talking
15 about, he says that he went to Disneyland, and she's
16 asking him questions, and by the way that she asks the
17 question, essentially leads him to say that, you know,
18 things like, Bugs Bunny was at Disneyland, which Bugs
19 Bunny is never at Disneyland, and things like that.

20 THE COURT: So it's his way of saying, here's
21 how -- here's my opinion, and based on my experience,
22 children are suggestible based on how they're asked --
23 asked questions, and then here's an example for
24 demonstrative purposes of what I'm talking about.

25 MR. MANN: Exactly.

1 THE COURT: I'm just trying to figure out
2 exactly what it says.

3 MR. MANN: Thank you for saying that very
4 succinctly.

5 THE COURT: I've done it before. I get it.
6 Okay. And please look at it first. And -- or --

7 MS. RINETTI: I have an idea of what it's
8 going to be.

9 THE COURT: Have you seen it before?

10 MS. RINETTI: No, but here's our objections.

11 THE COURT: Okay.

12 MS. RINETTI: One, it's late. I mean, he's
13 got an expert witness that's going to be testifying
14 tomorrow. And he's now providing it at 4:30 p.m.
15 knowing that we have a rebuttal expert witness. And in
16 order to somehow show this to our expert and figure
17 out, you know, plan A, plan B, plan C, this is late
18 disclosure of discovery.

19 Second thing is, we find it wholly irrelevant
20 for these reasons: The video's going to show a
21 four-year-old. We don't have a four-year-old that was
22 interviewed in this case. We have the youngest one
23 being eight years old. And there's a big difference
24 between an eight-year-old's interview, an
25 eleven-year-old's interview versus a four-year-old's

1 interview. I mean, A four-year-old's developmental
2 capacity and language skills --

3 THE COURT: Here's my answer to that. He has
4 to lay the foundation before he gets into it, so if it
5 is a four-year-old, he's going to have to lay the
6 foundation that, hey, this is a four-year-old, but it
7 is the same, and based on my experience, and give me a
8 foundation as to why looking at a four-year-old is the
9 same, is representative of what could have happened to
10 an eight-year-old, and how -- Zailey was ten years old;
11 right?

12 MS. RINETTI: Bree was 11, Zailey was nine,
13 and the other two were eight.

14 THE COURT: Okay. Just so I have the -- let
15 me write down the ages; eight, nine --

16 MS. RINETTI: Eight, eight, nine.

17 THE COURT: Two eights -- an eight-year-old.
18 I'm sorry. An eight-year-old, a nine-year-old.

19 MS. RINETTI: Eight, eight, nine, eleven.

20 THE COURT: Eleven. Okay. And Zailey's not.
21 Okay.

22 MR. MANN: And that was at the time of --

23 THE COURT: There has to be a foundation laid
24 anyway. You may be -- commonsense may tell me that,
25 but I -- he would have to lay the foundation before we

1 could use it. So here's my question: Do we look at
2 it, do we need to then have a hearing before this
3 person goes on to make sure the proper foundation is
4 laid? Because I get nervous when we try to do that in
5 front of the jury, because then they're going to go,
6 well, I wanted to see that video. You and I both know
7 how that goes. So when are you putting him on?
8 Tomorrow; right?

9 MR. MANN: Tomorrow at 1:00 o'clock.

10 THE COURT: When did we tell them to come
11 back? 10:00?

12 MR. MANN: 10:30.

13 MS. RINETTI: 10:30.

14 THE COURT: Can we put it on in the morning
15 here?

16 MS. RINETTI: His expert's not --

17 THE COURT: Oh, he's not going to be here
18 till 1:00.

19 MR. MANN: His plane lands --

20 THE COURT: He's from Reno?

21 MR. MANN: His plane lands --

22 THE COURT: Before he goes on, he has -- I
23 would -- I think it needs to be done outside the
24 presence of the jury that the proper foundation to put
25 it in.

1 MS. RINETTI: And then I guess, kind of
2 twofold, because it's a relevancy objection as well as
3 foundation.

4 THE COURT: If there's no foundation that it
5 would even be relevant to the ages of the children
6 here, it could not get in.

7 MS. RINETTI: We -- then we still have the
8 lateness issue. It's a late disclosure at 4:30 the day
9 before the witness is going to testify.

10 THE COURT: On the lateness, I guess my --
11 and you started to say, you have a rebuttal expert, but
12 you would still have time, if it does get in, to show
13 it to your rebuttal expert. When is your rebuttal
14 expert?

15 MS. RINETTI: Tomorrow.

16 THE COURT: Tomorrow?

17 MS. KOLLINS: Correct.

18 MS. RINETTI: Or part of it, yeah. Because
19 she's going to be here to listen to Mr. --
20 Dr. O'Donahue's testimony.

21 THE COURT: And then is she going to testify
22 right after Mr. O'Donahue?

23 MS. RINETTI: That was going to be the plan.

24 MS. KOLLINS: That's not much.

25 THE COURT: I get it how --

1 MS. KOLLINS: This expert was noticed when,
2 in 2015?

3 THE COURT: I know, because I did them ...

4 MS. KOLLINS: And you know he forwards this
5 today.

6 THE COURT: How did this come about? Just, I
7 assume -- I don't -- I'm not saying you held on to it.
8 You just said you got it.

9 MR. MANN: So I received the -- the video --
10 it was actually a link to a video, a couple of days
11 ago. I then had to --

12 THE COURT: Download it.

13 MR. MANN: -- download it and capture it for
14 the DVD, and I had it prepared yesterday, I think,
15 afternoon.

16 THE COURT: When did your expert tell you he
17 wanted you -- he wanted to use this for his testimony
18 in court today?

19 MR. MANN: The -- I think it was Tuesday.

20 THE COURT: Tuesday of this week?

21 MR. MANN: Yes. And today's Thursday;
22 correct? Yes. Sorry.

23 THE COURT: I know we do make leeways with
24 demonstrative evidence, and it's demonstrative.

25 MR. MANN: Absolutely. That's ...

1 THE COURT: I understand that. So let me do
2 this: I make more leeways for demonstrative. I don't
3 know how long it is -- or do you have any?

4 MR. MANN: It's ten minutes.

5 THE COURT: It's ten minutes? Well,
6 that's -- that's quite a bit of time. I'm a little
7 concerned. Ten minutes of an interview between a
8 person we don't know, and do we know the
9 qualifications? I mean, there has to be a foundation.

10 MR. MANN: Obviously, he'll have to talk
11 about, you know ...

12 THE COURT: No, I know there has to be a
13 foundation. I get that.

14 MS. KOLLINS: And may I just very briefly --

15 THE COURT: Let me think about this one. I
16 haven't had one that long.

17 MS. KOLLINS: Just very briefly, Your Honor?

18 THE COURT: Yes.

19 MS. KOLLINS: I don't want to go back and
20 forth, but demonstrative evidence is something that
21 assists the tryer of facts, something they can look at.
22 Generally, it's not a moving video. I mean, this is
23 tantamount to reconstruction, if you will. You know,
24 you're telling the jury that whatever flaws are in this
25 video that they're going to watch are going to be

1 imposed on all of our interviews. That's why he's
2 trying to get it in. It's not demonstrative; it's
3 almost reconstructive.

4 In other words, accept these flaws, accept
5 the way this child at four years old was suggestible
6 and impute that to the interviews that were done here.
7 And so I don't think it's demonstrative at all. I
8 mean -- I mean demonstrative to me would be if they had
9 videotape from Kids R Kids and they're showing, you
10 know, what angles you could see in the -- in the
11 daycare or something like that. But in terms of saying
12 this child was interviewed in this manner and was
13 subject to suggestibility, that's not really
14 demonstrative.

15 He can testify to his expertise and how
16 children can be manipulated or led or anything like
17 that, but I don't believe that's a true demonstrative
18 piece of evidence in the essence of the word. I mean,
19 that is testimony essentially that's imputed --
20 these -- the characteristics and the flaws in this
21 interview to what happened here. It's not --

22 THE COURT: Well --

23 MS. KOLLINS: -- demonstrative like --

24 THE COURT: It would be -- it would be
25 something that would be shown to the jury, not for

1 someone to testify from, which is what usually
2 demonstrative is, it's a chart saying here's the
3 diagram and stuff. I'm just thinking it through, since
4 it's -- just trying to think it through. And/or
5 demonstrative even though he moved into the evidence
6 the anatomy of a woman's genitalia, even though you
7 moved it in. That, to me, would have been
8 demonstrative for the doctor. And this is a ten-minute
9 interview. Do you have one that I could see?

10 MR. MANN: Yes, I was going to.

11 THE COURT: Let me go back and --

12 MR. MANN: But --

13 THE COURT: -- do it. I mean, because once
14 they view it, it is in evidence -- it's -- it's -- even
15 though it doesn't go back, it is -- is this the only
16 one you have?

17 MR. MANN: Well, that was what I was going to
18 end up using to mark as the Court's exhibit.

19 THE COURT: Okay. So let me do this. I do
20 understand the distinction. You can -- of
21 demonstrative. Once it's played for the jury, it is --
22 I have used videos as demonstrative, but usually
23 they're like anatomies or somebody doing a surgery and
24 the surgery was identical to the surgery that was done.

25 This -- so I understand we're kind of a

1 hybrid. The biggest concern I have is, how could we
2 lay a foundation that this child and what happened to
3 them was anywhere near the same facts and
4 circumstances -- or, I mean, of -- of the same
5 background for this child, the same, you know, IQ level
6 of this child. The same type -- I mean, there's so
7 many things that would go into it. I would find it
8 very difficult, honestly, to lay a foundation, but I
9 still would like to look at it.

10 Yes?

11 MR. MANN: Do you mind if I respond to
12 Ms. Kollins?

13 THE COURT: Yeah, it's your record.

14 MR. MANN: The demonstration that that video
15 would do would be talking about where he could -- the
16 expert could demonstrate that here is how a -- a
17 question could be a leading question, that seems like a
18 very innocuous question that could have the child go
19 down a path where they know something didn't happen and
20 yet they're still saying it. And to show that to the
21 jury is much different than to just say that.

22 And it's not reconstructive of anything that
23 has happened because it's not video of anything that
24 has happened. It's -- it's just talking about
25 techniques and saying, okay, right here where this

1 interviewer starts to say this, this is where she's
2 moving the child over to -- to say what she wants the
3 child to say. And right here, where the interview --
4 interviewer supports what the child is saying, that,
5 you know, she doesn't like Bugs Bunny, and the child
6 says, well, you know, "Bugs Bunny is nice to me," shows
7 that -- that the child is now adopting what the
8 interview has -- interviewer has said and is now using
9 it as their own evidence.

10 So I think it shows what a suggestibility
11 would look like. I'm not saying that it is the
12 suggestibility in this case. I'm not saying anything.
13 I'm trying to educate the jury on what suggestibility
14 could look like so that they're aware that how -- how
15 small techniques and little things could easily move a
16 child to -- to a different level. And I -- and I can
17 tell you my expert's going to say a four-year-old is
18 much different than an eight-year-old. There's
19 absolutely no doubt about it, but that an
20 eight-year-old is still susceptible to suggestibility.

21 THE COURT: But then that concerns me if
22 we're showing a four-year-old on this, that if they're
23 different than looking at four-year-old and we already
24 have -- and here's my other question: What leading
25 questions -- everybody who has spoken, I have not -- is

1 there any testimony from anybody who interviewed Zailey
2 that they did use leading questions? I thought the
3 state of this testimony is they did not.

4 MS. KOLLINS: And that's kind of the point,
5 Your Honor. Here's the thing, you know, if I
6 understand the perimeters of this court order and this
7 expert's testimony is, he can't vouch for a kid. He
8 can't say a kid lied.

9 THE COURT: Right.

10 MS. KOLLINS: He is free to analyze the
11 interviews that transpired in this case.

12 THE COURT: Right.

13 MS. KOLLINS: So if he wanted to put our
14 videos up and analyze the actual questions that were
15 given in the responses and whether those were leading
16 or --

17 THE COURT: Suggestive or whatever.

18 MS. KOLLINS: Suggestive or any of those
19 factors that he wants to discuss, then he should have
20 to limit that analysis to the interviews in this case,
21 not another interview and then try to juxtapose it
22 without the -- the jurors being able to see every video
23 from beginning to end of every kid. I mean, that's
24 not ...

25 THE COURT: I mean, like you're -- you're

1 going to put in the interview of Vangordon.

2 MR. MANN: Z 's.

3 THE COURT: Z 's. Right. If he wanted
4 to take that interview, absolutely, and say for
5 demonstrative purposes -- or even for his testimony,
6 because we just don't have it in -- say, here's where I
7 feel suggestibility, absolutely. That's why my
8 question is, when he started with leading questions, we
9 don't even have anything, any state of the testimony
10 here. They all denied leading questions, every one
11 that was asked would do that. So I'll look at it, but
12 that's my first blush. And has he looked at this
13 interview tape?

14 MR. MANN: Who? Which?

15 THE COURT: Your expert. The one that they
16 want to put into evidence.

17 MR. MANN: Z ?

18 THE COURT: Really the most critical one.
19 The one of Z done by Vangordon.

20 MR. MANN: Absolutely not. What our
21 discussion was is that he -- it was all going to be
22 general questions about proper interview techniques,
23 suggestibility, false memory, things like that. But
24 nothing specific about this particular case.

25 THE COURT: I remember that. Okay.

1 MS. RINETTI: No, I remember -- I mean --

2 THE COURT: I thought you --

3 MS. RINETTI: The order said that he --

4 THE COURT: Where -- I just had the order.

5 MR. MANN: The order was 2/7/16.

6 THE COURT: I have it right here. I have an
7 order, date of hearing November, the State filed a
8 motion to strike Dr. O'Donahue as an expert, to limit
9 his testimony. I've got the order right here. I've
10 been working on it if you want to look at it.

11 MS. RINETTI: And if you look at it --

12 MR. MANN: And I apologize, Your Honor,
13 because what I received -- I received a order from -- I
14 believe it was sent to me via e-mail, and it was two
15 sentences saying that --

16 THE COURT: This one was filed March 10,
17 2016.

18 MR. MANN: I know I was very surprised when I
19 saw it because I even asked Ms. Rinetti about it, that
20 we had worked on a proposed order, but that's fine. I
21 mean, if that's the same as our proposed order, that's
22 fine. I just --

23 THE COURT: It should be.

24 MR. MANN: -- never thought that it had been
25 filed, because I thought Your Honor had decided to just

1 file a very --

2 THE COURT: Nope.

3 MR. MANN: -- short one.

4 THE COURT: No. No. No. Because I
5 wanted -- I wanted to make sure we -- I knew the
6 extent. No, in fact, I think Austin talked to you
7 about it and you were working on it. At least my
8 understanding.

9 MR. MANN: No, that is true.

10 THE COURT: That is what I signed, because I
11 wanted to --

12 MR. MANN: We both submitted it, and then I
13 saw something different come back, and so I was kind of
14 surprised by that.

15 THE COURT: I don't know why, it was filed
16 March 10, 2016, off e-mail.

17 MR. MANN: Okay.

18 THE COURT: In fact, I pulled it to look at
19 it. So let me do this too. I started looking at this.
20 Let me look back and look at this. And let me look at
21 this. If you don't mind, I'll give it right back to
22 you. And at least it gives me a heads up what we're
23 talking about. All right? And I'll make a ruling on
24 that.

25 MR. MANN: Do you want to give it back to me

1 tomorrow?

2 THE COURT: Do you want it back tonight?

3 MR. MANN: No, that's fine. That's fine,
4 Your Honor. So we start at 10:30.

5 THE COURT: Okay. I will have it for you. I
6 will have reviewed it to educate myself by 10:30
7 absolutely. No problem.

8 Your expert is aware of this order; right?

9 MR. MANN: I have sent him -- what I sent him
10 was -- the strange thing is what I sent him was the
11 proposed order, because, again, I didn't think -- I
12 didn't have the filed copy, and didn't think it had
13 actually been filed, but I believed that the proposed
14 order was best reflective of what you had stated on the
15 record. So I did send him what Ms. Rinetti --

16 THE COURT: You will confirm, please, with
17 him that he has --

18 MR. MANN: Can I get a copy of that,
19 because --

20 THE COURT: Absolutely. I'll run back and
21 get one.

22 (Thereupon, the proceedings
23 concluded at 4:54 p.m.)

24

25

CERTIFICATE OF REPORTER

STATE OF NEVADA

ss:

COUNTY OF CLARK

I, Kristy L. Cl

5 Notary Public, Clark County, State of Nevada, do hereby
6 certify: That I reported the proceedings commencing on
7 Thursday, May 26, 2016, at 12:33 o'clock p.m.

That I thereafter transcribed my said

9 shorthand notes into typewriting and that the
10 typewritten transcript is a complete, true and accurate
11 transcription of my said shorthand notes.

12 I further certify that I am not a relative or
13 employee of counsel of any of the parties, nor a
14 relative or employee of the parties involved in said
15 action, nor a person financially interested in the
16 action.

17 IN WITNESS WHEREOF, I have set my hand in my
18 office in the County of Clark, State of Nevada, this
19 26th day of September, 2016.

KRISTY L. CLARK, CCR #708

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