

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 5

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IN THE SUPREME COURT OF THE STATE OF NEVADA

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CAMERON THOMAS,) ORIGINAL

Appellant,)

vs.)

THE STATE OF NEVADA,)

Respondent.)
_____)

S.C. NO.: 70144

CASE NO.: C-13-294579-1

DEPT. NO.: IV


CLERK OF THE COURT

REPORTER'S TRANSCRIPT

OF

EVIDENTIARY HEARING RE NRS 51.385 and JURY TRIAL

BEFORE THE HONORABLE KERRY L. EARLEY
DISTRICT COURT JUDGE

FRIDAY, MAY 20, 2016

AT 9:30 A.M.

LAS VEGAS, NEVADA

APPEARANCES:

For the State:

DENA I. RINETTI, ESQ.
STACEY L. KOLLINS, ESQ.
Deputy District Attorney

For the defendant:

JOEL M. MANN, ESQ.

REPORTED BY: GINA M. SHRADER, CCR NO. 647, RPR

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1 LAS VEGAS, NEVADA; FRIDAY, MAY 20, 2016

2 9:44 A.M.

3 -oOo-

4
5 THE COURT: Good morning. This is
6 C277559-1, State of Nevada versus Cameron Thomas.

7 MS. RINETTI: Good morning.

8 THE COURT: I'm ready.

9 MS. RINETTI: I just have a couple of
10 things really quickly, Judge.

11 My secretary actually brought it to my
12 attention that the Second Amended Information,
13 actually it needs to be amended again because
14 there's two Count 19s and we don't have a Count 20.

15 We need to make sure it's 19, 20, 21.

16 MS. KOLLINS: A clerical item.

17 THE COURT: Mr. Mann, any objection? So
18 would we call it the Third Amended?

19 MS. KOLLINS: Third Amended.

20 MS. RINETTI: Third Amended.

21 MR. MANN: Other than my original
22 objection to the Second Amended, no, Your Honor.

23 THE COURT: Okay.

24 MS. RINETTI: The second matter is we're
25 going to be opening today at 12:30 and, you know,

1 obviously both sides are well prepared on where
2 each other's going.

3 One of the issues being bias, one of the
4 pieces of evidence that has been marked, not
5 admitted, but it has been marked by the defense is
6 the order regarding the civil suit in this case.

7 All the victims in this case sued the
8 day care that was Kids 'R' Kids where the defendant
9 was employed at.

10 THE COURT: In a civil action?

11 MS. RINETTI: In a civil action. A
12 settlement was reached in this case. The State
13 understands its obligation that it cannot argue
14 that the civil suit somehow infers any type of
15 liability or culpability on the defendant's part
16 merely because they settled that civil suit.

17 However, the defense may use it as a
18 means for bias. And that's why I didn't file a
19 motion in limine because it is relevant to bias if
20 he wants to go down that road. It's a double-edged
21 sword for sure.

22 THE COURT: I understand that.

23 MS. RINETTI: For the defense, I just
24 need clarification just to figure out if it's going
25 to be used, because I do want to address it in

1 opening statement if it's going to Cameron in
2 because I don't want it to be a surprise, like the
3 State was hiding the fact that these victims had a
4 civil suit.

5 If we're going to be introducing it, I
6 want to own it now in opening statements rather
7 than waiting for the defense to bring it up, which
8 puts us in an unfair position in front of the jury,
9 as though we were hiding the fact that these four
10 victims filed a civil action.

11 THE COURT: So you're basically -- it's
12 marked. It's not in evidence. You want
13 basically an evidentiary, my ruling or -- I guess,
14 Mr. Mann, are you going to -- you don't move
15 everything in evidence.

16 Are you going to move it into evidence
17 or are you planning to introduce it into evidence?
18 I can't give an advisory opinion, I understand
19 that, on how I'll rule evidence.

20 MR. MANN: Your Honor, to be 100 percent
21 honest with you, we keep going back and forth on
22 this piece of evidence, you know. Like Ms. Rinetti
23 said, this cuts both ways, you know. I don't know
24 if I'm going to introduce the actual order.

25 And just to be fair to everyone, I do

1 think I will definitely ask the parties about hey,
2 you guys filed a civil suit about this --

3 THE COURT: Did you get some money for
4 it and --

5 MR. MANN: No. I don't even know if I'm
6 going to ask them if they got money. That may take
7 it down a road I don't necessarily want to go down.

8 So you know -- but honestly, I kind of
9 want to see how the testimony's going before I
10 decide for sure. It's not -- I do not mention it
11 in my opening.

12 THE COURT: But sure. Your concern is
13 you don't want them to say it when you didn't.
14 It's my understanding what you're saying is you
15 plan to at least ask questions about it, about the
16 Order.

17 MR. MANN: As it stands right now, yes,
18 a civil suit. Not --

19 THE COURT: Not the Order.

20 MR. MANN: Not necessarily about the
21 Order.

22 THE COURT: Are you okay -- well, you
23 know, he doesn't have to do that. If you want to
24 bring it up in your opening, what you're trying to
25 say is at least talk about the fact they did file a

1 civil suit.

2 MS. RINETTI: Here's the thing, Judge.
3 It's all or nothing. We can't just say it because
4 the inference is it's a pending lawsuit. So what
5 happens matters to the civil case. That's why
6 we're still --

7 THE COURT: You could bring that in and
8 he doesn't have to. If he opens the door on asking
9 about the civil suit, absolutely.

10 MS. RINETTI: Okay.

11 THE COURT: Is the Order a dismissal?

12 MS. RINETTI: It's an Order of
13 Dismissal.

14 THE COURT: It must be because it's a
15 confidential settlement and all those things.

16 MR. MANN: And the interesting thing
17 about the Order itself is the Order dismisses
18 Cameron Thomas completely and no settlement as to
19 Mr. Thomas. But as to the other entities, there
20 was a settlement.

21 THE COURT: Okay. So you can argue it
22 however way. I understand how that works in civil.

23 MR. MANN: I was just explaining what
24 the Order said.

25 THE COURT: I guess my answer is if he

1 opens the door, then the Order will get in once he
2 opens the door. If he doesn't open the door --
3 however you want to handle it.

4 MS. RINETTI: He's planning right now to
5 open that door at least with some questions and I
6 need to be able to address it in opening.

7 MR. MANN: Honestly, Your Honor.

8 THE COURT: It's like --

9 MR. MANN: Game day. It's my decision
10 for me.

11 THE COURT: If he's going to address it
12 during trial at all, I mean, I can't tell him what
13 he should put into evidence. I understand what
14 you're saying. I will tell you that I do find it
15 relevant to bias, if that's what you want to know.

16 MS. RINETTI: I'll bring it up then.

17 THE COURT: Then I'm not going to keep
18 it out because I read cases on that because it has
19 come up before. In fact, one of my other cases it
20 came up. People quite often do these civil suits.
21 I am not going to know how much he opens it up. It
22 will kind of be the flow of evidence.

23 How about that?

24 MS. RINETTI: I'm just -- I am going to
25 say that this was a civil suit and there was a

1 settlement and leave it at that.

2 THE COURT: I think that would address
3 what he potentially is going to do. If he opens
4 the door more, than you can, you know, answer that
5 and then you can do that at closing.

6 MS. RINETTI: Awesome. Thank you.

7 MR. MANN: Your Honor, I just want to
8 apologize. I am going to keep my phone out. My
9 son is home sick so I'm just communicating.

10 THE COURT: I will tell you I take no
11 offense on cellular's as long as they don't ring,
12 ring, singing tones. You even mentioned it,
13 Ms. Kollins. I have no issue with that.

14 And honestly, I think your jury thinks
15 you're working, looking things up legal-wise.
16 That's fine. I have no problem. The only issue I
17 ever have is if they go off all the time, that
18 disrupts what's going on.

19 I have no problem with that at all.
20 There's no disrespect to the Court because you're
21 checking on your children or you're checking on the
22 district attorney's that need help. Anyway, I'm
23 good, okay. I have pretty thick skin. We all have
24 bigger fish to worry about than that kind of thing.

25 We're ready to go forward then with the

1 evidentiary hearing on NRS 51.385. I've got it all
2 in front of me.

3 MS. RINETTI: State's going to call
4 April Reed as our first witness. The first one
5 will be April Reed.

6 (The witness entered the courtroom.)

7 Whereupon,

8 APRIL REED,
9 having been called as a witness, and having been
10 first duly sworn to testify to the truth, the whole
11 truth, and nothing but the truth, was examined and
12 testified as follows:

13 THE WITNESS: I do.

14 THE CLERK: Please be seated.

15 Please state your full name, spelling
16 your first and last name for the record.

17 THE WITNESS: April, A-p-r-i-l; last
18 name, Reed, R-e-e-d.

19 THE COURT: Thank you, Ms. Reed.

20 MS. RINETTI: Thank you so much.

21 THE COURT: You're welcome.

22
23 EXAMINATION

24 BY MS. RINETTI:

25 Q. May I call you April?

1 A. That's fine.

2 Q. Okay. April, do you have any children?

3 A. Yes, I do.

4 Q. Do you have a daughter by the name of

5 Z. ?

6 A. Yes, I do.

7 Q. What Z. 's last name?

8 A. F. .

9 Q. And Z. 's date of birth?

10 A. .

11 Q. I'll take you back to December of 2010.

12 A. Okay.

13 Q. Would Z. have been nine years old at
14 that time?

15 A. Yes.

16 Q. And she was in fourth grade?

17 A. Yes.

18 Q. Okay. Do you remember what school she
19 was going to?

20 A. She was going to Rose Lane Elementary
21 School.

22 Q. Is that here in Las Vegas or somewhere
23 else?

24 A. It's in Phoenix, Arizona.

25 Q. On December 9th of 2010, do you get some

1 information regarding Z: and some sexual abuse?

2 A. Yes, I do.

3 Q. Was that from the authorities in
4 Arizona?

5 A. Yes.

6 Q. Is that the first time that you learned
7 about Z: , potentially being a victim of sexual
8 abuse?

9 A. Yes.

10 Q. Okay. Do you remember where you were
11 when you found this information out?

12 A. I was at home.

13 Q. Was "at home" in Phoenix?

14 A. Yes.

15 Q. Were you with anyone when you received
16 this information?

17 A. K: was home.

18 Q. K: ?

19 A. K: is my youngest daughter.

20 Q. What's K: 's date of birth?

21 A. 5/25 -- or 3/25/2006.

22 Q. So at the time, she would have been four
23 years old?

24 A. Correct.

25 Q. So you had a four-year-old at home?

1 A. Yes.

2 Q. Based upon the information that you
3 received, what did you do?

4 A. I cried.

5 Q. Okay. At some point after you were done
6 crying, did you contact a Kashonda Williams?

7 A. Yes, I did.

8 Q. And who is Kashonda Williams?

9 A. Kashonda Williams is my fiancée.

10 Q. At the time, were you in a dating
11 relationship back in December of 2010?

12 A. Not with Kashonda.

13 Q. You had broken up for a period of time?

14 A. Yes, ma'am.

15 Q. Did the girls, Z... in particular,
16 still see Kashonda as a parental figure?

17 A. Absolutely.

18 Q. And does Z... refer to Kashonda
19 Williams in any way?

20 Is that a yes?

21 A. Yes. She calls her Mommy K.

22 Q. Okay. And does she refer to you as
23 Mommy Mommy?

24 A. Yes.

25 Q. Based upon the information that you

1 received from the authorities in Phoenix, did you
2 make a phone call to Kashonda Williams?

3 A. Yes, I did.

4 Q. And was that based upon her relationship
5 with Zailey, you felt that she needed to know the
6 information?

7 A. Yes.

8 Q. Based upon that conversation with
9 Mommy K, was a decision made to pick up any of the
10 girls from school?

11 A. Yes.

12 Q. Okay. What decision was that?

13 A. We got Brie from school first, and
14 Z , we let her catch the bus home because it
15 was too much information and we needed to process
16 it before we had seen Z .

17 Q. When you say "too much information," is
18 that because you have two girls you're dealing
19 with?

20 A. Yes.

21 Q. At the time, did Z , and Amber go to
22 the same school?

23 A. No.

24 Q. Did Z , attend an club school?

25 A. Correct.

1 Q. And did Ambree, or I believe she's
2 referred to as "Brie" often?

3 A. Yes.

4 Q. Did she attend a middle school?

5 A. Yes, she did.

6 Q. Who picked up Brie from school?

7 A. Kashonda.

8 Q. And after, did Brie come home after
9 school?

10 A. Brie was picked up about 12:00 o'clock
11 that day.

12 Q. And then did she come home?

13 A. Yes, she did.

14 Q. Did you have a discussion with Brie at
15 home?

16 A. Yes.

17 Q. Subsequent to that conversation, did
18 Z. come home?

19 A. Did Z. come home? Yes.

20 Q. Do you remember what time Z. came
21 home?

22 A. About 3:30.

23 Q. And how did Z. get home?

24 A. Z. caught the bus home.

25 Q. When she got home, who was present in

1 your household?

2 A. Karter, which is our youngest daughter
3 was home. And Zoë got home with Z , that day
4 because they went to the same school, and Brie was
5 already at home and Kashonda was there.

6 Q. We know all these names in some form,
7 but who's Zoë?

8 A. Zoë is our middle child, I guess. She's
9 13.

10 Q. She's 13 now. Back in 2010, how old
11 would she have been?

12 A. I have no idea.

13 Q. Six? Four?

14 A. Seven.

15 Q. Was a decision made who would have a
16 conversation with Z: ?

17 A. Yes.

18 Q. And was that based upon the information
19 that you had received from the Phoenix authorities?

20 A. Yes.

21 Q. Where did the conversation with Z:
22 take place?

23 A. In my bedroom.

24 Q. Does your bedroom have a door?

25 A. Yes.

1 Q. Who was inside that bedroom when you
2 talked to Z. . ?

3 A. It was Kashonda, myself and Z. . .

4 Q. Were either of the other kids -- Brie,
5 Zoë or Karter -- inside the bedroom?

6 A. No.

7 Q. Was the door to the room open or closed?

8 A. The door was closed.

9 Q. And why was the door closed?

10 A. Because it needed to be a private
11 conversation and we didn't feel that it was a good
12 idea to expose the younger two children with the
13 information that we were given.

14 Q. Where was Z. . inside your bedroom
15 when this conversation took place?

16 A. She was sitting on the floor in front of
17 my bed.

18 Q. Where were you?

19 A. On my bed.

20 Q. Where was Mommy K?

21 A. On my bed.

22 Q. How did the conversation start? Who
23 broached the topic?

24 A. I did.

25 Q. And how did you broach that topic?

1 A. Um, I told her that CPS came to the
2 house today, and I told her that I wasn't upset.
3 And I asked her, um, had Cameron been touching her
4 inappropriately.

5 Q. Is that because you had received some
6 information from CPS that was concerning to you?

7 A. Yes. That is the only reason I asked
8 because I didn't think that that was the case until
9 they notified me otherwise.

10 Q. So prior to that date, you had no idea
11 that Z may have been a victim of sexual abuse?

12 A. No.

13 Q. When you asked that question to Z: ,
14 what was her demeanor like?

15 A. She put her head down and she started
16 crying.

17 Q. Was she able to answer your question?

18 A. Yes.

19 Q. And what did Z: tell you?

20 A. She said, yes, mommy.

21 Q. And she refers to you as "mommy"?

22 A. Yes.

23 THE COURT: Is that a yes?

24 THE WITNESS: Yes.

25 THE COURT: That's okay. I'm trying to

1 follow you.

2 BY MS. RINETTI:

3 Q. Did you ask any other questions about
4 Zailey's abuse to Z...?

5 A. Yes.

6 Q. Okay. And I know this is an emotional
7 time. I am going to ask you to speak up a little
8 bit.

9 A. Yes.

10 Q. How did the conversation go?

11 A. I asked Z... what happened. What did
12 he do to you. And she said, um, that he touched
13 her privates is what we call them in the house,
14 also known as vagina. She had said that he put his
15 mouth on her vagina. She also told me that he was
16 rubbing his genitals on her leg, and in her words,
17 she said that he "peed" on her. And I didn't
18 really understand what that meant but we asked her
19 what color was the urine and she said that it was
20 white.

21 Q. So I want to ask you some questions
22 about that.

23 When she described her body parts, you
24 mentioned that he touched her vagina both with his
25 hand and with his mouth.

1 Is that fair to say?

2 A. Yes.

3 Q. And you refer to it as vagina. You
4 mentioned that Z: used a different word?

5 A. Yes.

6 Q. What word did she use?

7 A. She said privates.

8 Q. Is that the name at the time back in
9 2010 that Z: called her vagina?

10 A. Yes.

11 Q. Did all the kids call it the privates?

12 A. Yes.

13 Q. You also mentioned that Z: disclosed
14 to you that the defendant was rubbing his genitals
15 on her body.

16 Did Z: use the word "genitals"?

17 A. No, she didn't.

18 Q. What word did she use?

19 A. She said he was rubbing his privates --
20 privates on her leg.

21 Q. At the time, back in 2010, did Z:
22 refer to the male penis as "privates"?

23 A. Yes.

24 Q. So the words or the word she was using
25 to describe her body parts as well as the

1 defendant's body parts were words that she used at
2 the time of her disclosure?

3 A. Yes.

4 Q. At the time of this disclosure in
5 December of 2010, had you had any type of sex talk
6 with Z. . ?

7 A. No.

8 Q. Had you ever talked to her about
9 ejaculation?

10 A. No.

11 Q. Did you ever tell her that stuff comes
12 out of a male's penis?

13 A. No.

14 Q. When she mentioned that the defendant
15 was rubbing his genitalia against her body, did she
16 use any words to describe the motion or the act
17 that he was doing?

18 A. Humming.

19 Q. And that was her word she used?

20 A. Yes.

21 Q. Is that a word that Z. . at the time
22 in 2010 used?

23 A. Yes.

24 Q. And in what context did Z. . use the
25 word "humming" or where did that come from, if you

1 know?

2 A. Just general conversations that you have
3 with your children about what other children should
4 not be doing to other children.

5 Q. Okay. So is it fair to say that prior
6 to this disclosure in 2010, you had what we refer
7 to as the "good touch, bad touch "talk with Z? "

8 A. Yes.

9 Q. When I say that, there are areas on your
10 body that people weren't supposed to touch?

11 A. Yes.

12 Q. And certain things that people shouldn't
13 do to her body?

14 A. Yes.

15 Q. And during that conversation, did you
16 talk about humming?

17 A. Yes.

18 Q. Okay. When Z described that the
19 defendant -- that Cameron was touching her
20 privates, putting his mouth on her privates and
21 things of that sort, did she refer to him by name?

22 A. Yes.

23 Q. Okay. Did she use the word "Cameron" or
24 something else?

25 A. Cameron.

1 Q. Is that what she would call him?

2 A. Yes.

3 Q. Back in 2010?

4 A. Yes.

5 Q. During this time frame when she is
6 describing these sexual acts, what is Zia's
7 demeanor like? You mentioned she put her head
8 down. She was crying. Now what was she doing?

9 A. Giving us eye contact and she was
10 crying.

11 Q. And when you say "she's crying," is she
12 can't catch her breath or kind of the silent tears
13 or something else?

14 A. A combination of the two.

15 Q. Okay. How long did your conversation
16 last with Zia?

17 A. About 10, 20 minutes.

18 Q. During this conversation, you said Mommy
19 K was present.

20 Did both you and Mommy K ask her
21 questions?

22 A. Yes.

23 Q. When you did so, both you and Mommy K,
24 did you raise your voice in any way?

25 A. Not at all.

1 Q. Did you talk kind of in the voice you're
2 talking right now?

3 A. Absolutely.

4 Q. Is it fair to say it's kind of a soft
5 voice right now?

6 A. Yes.

7 Q. I've asked you to kind of speak up a
8 bit.

9 A. Yes.

10 Q. When you asked her the questions, did
11 you ask her over and over the same question?

12 A. No.

13 Q. Why not?

14 A. Because I didn't think that it was a
15 good idea to ask more than once if she was being
16 honest. I can hear her and I understood what she
17 meant when she said what she said. There was no
18 need to repeat it.

19 Q. Did you use leading questions or did you
20 kind of give her kind of open-ended questions to
21 answer?

22 A. Open-ended questions.

23 Q. Okay. Did you ever ask her or prompt
24 her to say an answer?

25 A. I'm sorry.

1 Q. Did you ever prompt her or ask her? I
2 apologize.

3 THE COURT: Prompt?

4 BY MS. RINETTI:

5 Q. Did you prompt or suggest any answers
6 during this conversation?

7 A. No.

8 Q. How did the conversation end?

9 A. We hugged. We cried. And we told her a
10 few things and we sent her to her room or to go
11 play or to go and relax because it was a lot of
12 emotions for a nine-year-old to take on. And we
13 were -- it was very intense in the home. Very
14 tense.

15 Q. Let me ask you this: What was your
16 demeanor like in that bedroom as Z. 's
17 discussing these things?

18 A. I was in complete shock.

19 Q. Were you yelling at her?

20 A. No.

21 Q. Were you crying hysterically?

22 A. I tried not to.

23 Q. What about Mommy K? Did she yell at
24 all?

25 A. No.

1 Q. Did she cry hysterically?

2 A. Not really.

3 Q. During your conversation, did Z
4 ever deny that Cameron or Cameron Thomas ever
5 touched her?

6 A. No.

7 Q. I know this happened almost six years
8 ago at this point. But has she ever denied the
9 accusation that she's levied against Cameron
10 Thomas?

11 A. No.

12 Q. Let me ask you a couple additional
13 questions. Is it fair to say that -- how did
14 Z know Cameron Thomas?

15 A. Cameron interviewed me for the position
16 at Kids 'R' Kids and I got the job. And shortly
17 thereafter, she started to attend Kids 'R' Kids
18 while I worked there. And Kashonda ended up
19 working there not long after I got hired on and
20 they were close friends and he was always smiling
21 and nice.

22 So it was -- I thought it was okay to
23 hang out with him and we did.

24 Q. Okay. At some point, did the
25 relationship become strained?

1 A. Yes.

2 Q. Okay. And was that approximately the
3 end of 2009?

4 A. Yes.

5 Q. Was Z... aware of the strained
6 relationship, to your knowledge?

7 A. Not to my knowledge.

8 Q. Okay. But during this point in time,
9 the end of 2009, when there was this strained
10 relationship, isn't it true to say that Z...
11 didn't see Mr. Thomas?

12 A. That is true.

13 Q. So something different was going on; is
14 that fair to say? Is that a yes?

15 A. Yes.

16 Q. And when did you move to Arizona?

17 A. January 2010.

18 Q. At the time you moved, what was your and
19 Mommy K's relationship with the defendant? Were
20 you on the outs still or had you mended fences?

21 A. We were still on the outs.

22 Q. At some point, did your friendship, did
23 you reconnect?

24 A. Yes.

25 Q. And when did you kind of reconnect?

1 A. It was around Mother's Day that year.

2 Q. So May of 2010?

3 A. Yes.

4 Q. Okay. Is it fair to say that subsequent
5 to kind of mending fences, the defendant came --
6 the defendant and his family came to visit you?

7 A. Yes.

8 Q. And your children?

9 A. Yes.

10 Q. Okay. And from May until the disclosure
11 in December, did Z -- ever see the defendant
12 after that?

13 A. I'm not sure. Um, we had come to Vegas
14 a few times in between. I believe that she may
15 have seen him once or twice during that period.

16 Q. And during that period of time, if she
17 may have had contact, was there any ill will that
18 you could observe between Z -- and the defendant?

19 A. Not anything different from their
20 relationship that they had before.

21 Q. And you said the relationship before.
22 Is it fair to say that the defendant would babysit
23 her?

24 A. Yes.

25 Q. That Z -- would spend the night at his

1 house?

2 A. Yes.

3 Q. That Z. would play with his kids?

4 A. Yes.

5 Q. That they would go out and do things
6 together?

7 A. Yes.

8 Q. Fun things?

9 A. Yes.

10 Q. Okay. And so the last time -- so let me
11 ask you this: In December of 2010, between May and
12 December, there were no other altercations between
13 Z. and the defendant or anything like that?

14 A. No.

15 Q. I shouldn't say "any" because we haven't
16 talked about "any." Is that fair to say?

17 A. No.

18 Q. Thank you so much.

19 MS. RINETTI: I will pass the witness at
20 this time.

21 THE COURT: Okay. Cross-examine, Mr.
22 Mann.

23 MR. MANN: Court's indulgence.

24 THE COURT: That's fine.

25 MR. MANN: Your Honor, the defense will

1 pass.

2 THE COURT: Okay. Then we probably have
3 no redirect. Is that how that works?

4 MR. MANN: Apparently.

5 THE COURT: She's dismissed just from
6 this hearing, right?

7 MS. RINETTI: I'll have her wait
8 outside.

9 (The witness exited the courtroom.)

10 THE COURT: That's fine. Thank you very
11 much. We appreciate it very much, Ms. Reed, for
12 coming in and testifying.

13 MS. KOLLINS: The State calls Kashonda
14 Williams.

15 (The witness entered the courtroom.)

16 Whereupon,

17 KASHONDA WILLIAMS,
18 having been called as a witness, and having been
19 first duly sworn to testify to the truth, the whole
20 truth, and nothing but the truth, was examined and
21 testified as follows:

22 THE WITNESS: I do.

23 THE CLERK: Please be seated.

24 Please state your full name, spelling
25 your first and last name for the record.

1 THE WITNESS: Kashonda Williams.
2 K-a-s-h-o-n-d-a, W-i-l-l-i-a-m-s.

3 THE CLERK: Thank you.
4

5 EXAMINATION

6 BY MS. KOLLINS:

7 Q. Good morning, Ms. Williams. We're going
8 to talk about a conversation that you had back in
9 December of 2010 today.

10 A. Okay.

11 Q. So this is the limited part of your
12 testimony we talked to you about the other day.

13 A. Yes, ma'am.

14 Q. Who's April Reed?

15 A. She's now my wife.

16 Q. Congratulations.

17 A. Thank you.

18 Q. Does April have biological children?

19 A. Yes.

20 Q. Who are those children?

21 A. A , Zi , Zi and K .

22 Q. How old is Zi ?

23 A. Zi is 15.

24 Q. When is her birthday?

25 A. May 17th.

1 Q. Okay. In December of 2010, what was the
2 status of your relationship with April?

3 A. Um, we were at the time separated.

4 Q. Okay.

5 A. But still a part of the girls' lives.

6 Q. Prior to that, had you cohabitated with
7 April Reed?

8 A. Yes.

9 Q. Okay. So you were a parental figure in
10 all the children's lives that you just mentioned,
11 correct?

12 A. Yes, ma'am.

13 Q. But you were separated in December of
14 2010?

15 A. Yes.

16 Q. And where were you living?

17 A. I was still living in Phoenix. I was
18 living in an apartment. I don't remember the
19 street name but --

20 Q. Not here in Las Vegas?

21 A. No.

22 Q. In Phoenix?

23 A. I was still in Phoenix, yes.

24 Q. On December 9th of 2010, did you receive
25 a phone call from April that contained some

1 disturbing information?

2 A. Yes, ma'am.

3 Q. What was that information?

4 A. Um, she called me when I was at work and
5 told me that CPS had just left the house and that
6 Cameron was molesting the girls.

7 Q. Okay. Which girls specifically was she
8 referring to? Did you know at that time?

9 A. Yes. She said B and Z.

10 Q. Okay. Is this information anything that
11 you had ever heard prior to December 9th of 2010?

12 A. No.

13 Q. Is it anything that you and April had
14 discussed prior to December of 2010?

15 A. Absolutely not.

16 Q. You had no idea?

17 A. No, not at all.

18 Q. In response to that information, did you
19 and April make a decision about the girls and what
20 would happen the rest of the day?

21 A. We did.

22 Q. Okay. And what did you decide?

23 A. We decided that we would -- that I would
24 go pick up A from school, um, and just bring
25 her home and spend time with her and let Z.

1 ride the bus home so we could spend separate time
2 with them to console them in any way we needed to.

3 Q. Now, in December of 2010, how old was

4 A ?

5 A. She was -- she's in junior high. Fifth
6 grade, I believe. Fifth or sixth grade.

7 Q. Older than Z: for sure?

8 A. Older than Z: , yes.

9 Q. What is A 's birthday?

10 A. March 11, 1999.

11 THE COURT: What year? I'm sorry.

12 THE WITNESS: 1999.

13 BY MS. KOLLINS:

14 Q. And Z 's birthday?

15 A. May 17th, 2001.

16 THE COURT: Thank you.

17 BY MS. KOLLINS:

18 Q. In December of 2010, was Z: and

19 A attending the same school?

20 A. No.

21 Q. So you go pick up A from school?

22 A. Um-hmm.

23 Q. Is that a yes?

24 A. Yes. Sorry. Yes.

25 Q. That's okay. And do you tell her about

1 anything that has transpired or any information
2 that you got from April?

3 A. No. When I picked her up -- I picked
4 her up, I hugged her. She -- she cried a little
5 bit and I told her. I am going to take you home.
6 Don't worry about it. And we went to the house.

7 I didn't talk about anything in the car.
8 I didn't want to. I felt like it was something
9 that April and I should be present to talk to her
10 together for.

11 Q. Did you give her any information about
12 Z. at that time?

13 A. Absolutely not.

14 Q. Okay. So how did Z. get home that
15 day?

16 A. Z. rode the bus home.

17 Q. Okay. Did you call Z. and talk to
18 her at school or do anything like that regarding
19 the subject of why we're here today?

20 A. No.

21 Q. Did April, if you know?

22 A. No, not to my knowledge.

23 Q. When Z. came home, you said you
24 wanted to have a private conversation with April
25 and Z. ?

1 A. Correct.

2 Q. Did you guys create an environment so
3 you could have a private conversation?

4 A. Yes, we did. We went into April's room
5 in the master bedroom and let the other kids kind
6 of just play in the other room so that we could
7 just talk to her and make sure she was all right.

8 Q. Did you close the door?

9 A. We did.

10 Q. So none of the other kids were in the
11 room?

12 A. No. Absolutely not.

13 Q. What was Z: 's demeanor when you went
14 in the room?

15 A. She was very sad. Um, she was -- she
16 thought that we were upset with her, that, um, we
17 were disappointed with her and we explained to her
18 that we weren't. We loved her and it wasn't her
19 fault.

20 Q. Who starts the conversation when you
21 went in there?

22 A. I believe, if I'm not mistaken, April
23 started the conversation. April was pretty
24 emotional about it.

25 Q. Do you remember the first couple

1 questions or comments that were asked? I know it's
2 six year ago so I'm trying to ask. Do you know?

3 A. I don't remember who asked the first
4 question. I just remember Z: 's first statement
5 was that the police came to her school and talked
6 to her, and that the counselor talked to her and
7 asked her was anyone hurting her. That was what
8 she told us. And then that's when she started to
9 not really disclose everything but disclosed what
10 she -- the environment, how it was at school for
11 her.

12 Q. The questioning by the police?

13 A. Correct.

14 Q. By the police? By the police and the
15 counselor?

16 A. Correct.

17 Q. Did she kind of tell you what happened
18 between the police and the counselor and her?

19 A. Yeah, she did. She said that they asked
20 her -- um, they asked her if she -- if Cameron
21 still lived at the house. She said no. He never
22 did. I guess they were under the assumption that
23 he lived in the home with us. And they asked
24 her -- she told us that they asked her if she knew
25 -- if she knew where he was. I remember that.

1 Q. Okay. You described her as sad. What
2 about her physical demeanor indicated to you that
3 she was sad?

4 A. Z. 's a very -- she's a lighter
5 complexion so when she we cries, you can tell that
6 she's crying. Her eyes get puffy and her nose gets
7 really red. She was tiny, you know. She's still
8 in elementary school so you could tell she had been
9 crying.

10 And when she walked in the door, you
11 know, you just -- you could look at her as a
12 parent. You could tell when someone's crying.
13 Immediately I knew she had a rough day.

14 Q. Okay. Did you have any talks about
15 Cameron's specific conduct with her?

16 A. Yes. Um, she started to talk about it.
17 And she talked about a bunch of different things
18 and the one thing that stood out to me the most,
19 the one particular part where she stated that, um,
20 it happened at his house and that we weren't there.
21 And that she was in his room and he peed on her
22 leg.

23 Q. When she said "peed" on her leg, what
24 did you think?

25 A. I immediately -- I kind of like paused

1 for a second, like, peed on your leg? And then I
2 asked her well, what was the substance? What was
3 it like?

4 Q. Did you use the word "substance"?

5 A. No. I asked her what did it feel like?
6 What did it look like? And that's when she told
7 me, she said it was warm. It was white, and it was
8 sticky. And that's when I told her it wasn't.

9 I had to have the birds and the bee's
10 talk with her because that's not what pee is
11 obviously.

12 Q. Did she say where it went?

13 A. Yeah. She said it was on her leg. It
14 was on her thigh.

15 Q. Now, that's the one part of Cameron's
16 conduct that sticks out in your mind.

17 Did you ask her any leading questions or
18 suggest to her any additional behaviors that
19 Cameron did?

20 A. No, I didn't. She -- after. Sorry.

21 Q. Do you need some water? There's some
22 water right there.

23 A. No. After she said that, I was kind
24 of -- I didn't want to talk to her about it anymore
25 because her demeanor changed.

1 Q. How did it change?

2 A. It was like almost like she paused, like
3 her mind had like flashback to -- you know how,
4 when someone's like they have an "ah-ha" moment?

5 Q. Yes, ma'am.

6 A. That's how she looked. And she said,
7 Mommy -- once we explained to her the birds and the
8 bee's talk, basically she said -- she said I didn't
9 like it. I didn't want him do it. And so she --
10 she started crying. And I said I know, you know.
11 It's okay.

12 And then we kind of ended the
13 conversation because I just felt like one, I
14 didn't -- I wasn't ready to hear any more. And I
15 didn't want her to feel like she had to go through
16 that not knowing what we were going to be up
17 against.

18 Q. Now, in 2010, Z: do well in school?

19 A. Yeah.

20 Q. A smart girl?

21 A. Yeah, she is.

22 Q. Back in 2010, was she using kid words to
23 describe what she was telling you? Like, for
24 instance, she said, he peed on me.

25 A. Um-hmm.

1 Q. Did she say where the pee came from?

2 A. Yeah. She did tell us that, because she
3 said that she didn't have -- she didn't have any
4 underwear on and his pants were pulled down.

5 Q. Okay.

6 A. And she didn't say like --

7 Q. Did she have names for the body parts?

8 A. No, she didn't really. She didn't.

9 Q. Now, do you remember anything else she
10 had to say about Cameron's conduct in that
11 conversation? And if you don't, that's fine. I
12 know it's been a long time.

13 A. I don't. No, I don't.

14 Q. Now, you have known Cameron Thomas for
15 how long?

16 A. Since I was -- to my knowledge, what I
17 remember is since we were like in the sixth,
18 seventh grade.

19 Q. And just for the record, do you see
20 Mr. Thomas here in court today?

21 A. I do.

22 Q. Where is he seated and what is he
23 wearing for the record today?

24 A. He's seated over there and he's wearing
25 a grey suit on with a red shirt.

1 MS. KOLLINS: May the record reflect
2 identification of the defendant?

3 THE COURT: The record shall so reflect.

4 MS. KOLLINS: Thank you. Your Honor.

5 THE COURT: Um-hmm.

6 BY MS. KOLLINS:

7 Q. It sounds like you've known -- how old
8 are you now?

9 A. Thirty-three.

10 Q. Okay. So sixth grade is how many years
11 ago?

12 A. Too many to remember. Over 20 years, I
13 mean.

14 Q. Okay. In the time that you've known
15 Cameron Thomas, has your relationship had good
16 parts and bad parts?

17 A. Absolutely.

18 Q. Was there a portion of time when you met
19 -- excuse me. When you met April -- when you met
20 April where you and your kids with April spent a
21 lot time with Cameron?

22 A. Absolutely.

23 Q. And Z -- spent a lot time at Cameron's
24 house?

25 A. She, yes, did.

1 Q. She spent time with Cameron at Kids 'R'
2 Kids?

3 A. Yes.

4 Q. And then you actually resided with them
5 with April and her children for a period of time in
6 2009, correct?

7 A. Yes, ma'am.

8 Q. And there was some disagreements back
9 and forth, correct?

10 A. Yes.

11 Q. And you moved out; is that correct?

12 A. Correct.

13 Q. And moved to Arizona?

14 A. Correct. Yes.

15 Q. Now, the adult disagreements, was Z
16 part of any of that?

17 A. No, ma'am. Not at all, no.

18 Q. Because Z 's how old now?

19 A. Fifteen.

20 Q. She was nine years old back then; is
21 that correct?

22 A. I want to say she was a little bit
23 younger than that.

24 Q. I'm talking about 2010.

25 A. Oh, yeah. Yeah.

1 Q. Did Z , if you know, have any reason
2 to dislike or be angry with Cameron when she was
3 living in Arizona in December of 2010?

4 A. No. I mean, we were just down there
5 visiting a few months before that.

6 Q. How long did the -- and I didn't ask you
7 this before. How long did the conversation last
8 that was in April's master bedroom with Z ?
9 How long was that conversation about?

10 A. We were probably in there roughly --
11 maybe, I would say in total 20 minutes or so. We
12 spent 20 minutes talking about it. We didn't
13 spend -- we were in there about 20 minutes just to
14 kind of let her warm up and feel okay that, you
15 know, we weren't upset with her. A lot of just
16 telling her that we love her and that we're here
17 for her.

18 Q. Okay. Did anybody yell at her?

19 A. No.

20 Q. Raise their voice?

21 A. Not at all.

22 Q. Let her think she was in trouble?

23 A. No.

24 Q. Did either yourself or April suggest to
25 her any additional conduct, other than what she

1 disclosed?

2 A. No.

3 Q. Okay.

4 MS. KOLLINS: Pass the witness, Your
5 Honor.

6 THE COURT: Okay. Cross-examine?

7 MR. MANN: We'll pass, Your Honor.

8 THE COURT: Okay. All right. Thank you
9 very much.

10 THE WITNESS: Thank you.

11 THE COURT: Thank you so much, Ms.
12 Williams for coming.

13 (The witness exited the courtroom.)

14 THE COURT: State, do you have anymore
15 witnesses or does that conclude the witnesses for
16 this hearing?

17 MS. KOLLINS: Your Honor, that concludes
18 our witnesses for this hearing. We would have
19 scheduled differently had we anticipated no cross.

20 THE COURT: I'm good.

21 MS. KOLLINS: Okay.

22 THE COURT: If I do it now, the work's
23 still back there. It's not an issue.

24 MS. KOLLINS: Great.

25 THE COURT: I have no problem. Do you

1 want to -- I was going to allow argument or is
2 there any discussion before I rule?

3 MS. KOLLINS: Well, since we're
4 proponents, do you want us to argue first?

5 THE COURT: I would think so. That
6 would be the hint.

7 MS. KOLLINS: It's going to be
8 Ms. Rinetti's day today so I'll go ahead and take
9 this one.

10 THE COURT: Okay. I assume you want to
11 have the statements by Z: admitted, right?

12 MS. KOLLINS: We do, Your Honor.

13 At this time, the State's position is
14 this: Under 51.385, it is our position we have met
15 the factors in the statute for this Court to
16 exercise its discretion and permit those statements
17 of defendant's conduct by Z. to both April and
18 Kay to be admissible into evidence.

19 The child was not subject to repeated
20 questioning. The child had no motive to fabricate
21 at that time. At that time, she was separated from
22 defendant by geography and time. So she had been
23 away from him. There wasn't any catalyst that
24 caused her some anxiety towards the defendant that
25 there was a motive to fabricate.

1 Both women testified she was not subject
2 to repeated questioning. Both women testified that
3 she was age appropriate in that her syntax and her
4 vocabulary was age appropriate for what she knew.
5 She called privates "privates."

6 And by context, she even described the
7 ejaculation as "he peed on me" because she didn't
8 know what it was. She knew that it was white and
9 sticky and it came from the place you pee from but
10 she thought it was the same thing as urine. I
11 think that suggests that she was age appropriate.

12 There's nothing to indicate that there
13 was any instability in her mental State, in her
14 demeanor. And her emotions are age appropriate for
15 the subject matter she was talking about.

16 The police had just come and talked to
17 her at school and so I think that can rattle a
18 nine-year-old I think. And she was at home at a
19 point of safety with her mothers and was able to
20 communicate her victimization in her
21 child-appropriate language.

22 Unless the Court has anymore questions
23 for me, I submit it. I think I've given Your Honor
24 enough to make that admissible under 51.385.

25 THE COURT: I went through the factors

1 under Subsection (2)(a) through (e). I read the
2 case law and there can be other factors. Those are
3 ones that the Court shall consider in addition to
4 other facts and circumstances that they testified
5 to.

6 Okay. Mr. Mann.

7 MR. MANN: Your Honor, at this time,
8 I'll just submit it.

9 THE COURT: Okay. All right. I did
10 listen to the testimony of both April Reed and
11 Kashonda Williams.

12 I feel under NRS 51.385 based on the
13 totality of the circumstances, including the
14 circumstances that I have to consider, must
15 consider under NRS 51.385 (2)(a), in determining
16 the trustworthiness of the statements that were
17 made to April Reed and Kashonda, I do feel that the
18 statement was spontaneous the way the testimony has
19 gone. I don't feel that Z: was subjected to
20 any repetitive questioning.

21 I considered the fact of motive to
22 fabricate. I did not see that in the testimony.
23 The terminology that they both referred to that "He
24 peed on her leg." I think that is a term that
25 would be expected from child of her age at the

1 time.

2 Although she was of crying coming in, I
3 do feel the total circumstances, that based on the
4 context of how this discussion came forward, that
5 she was in a stable mental State.

6 So I rule that based on the totality of
7 the circumstances, I feel that the child's
8 out-of-Court hearsay statement to both of those
9 witnesses, Ms. April Reed and Ms. Kashonda
10 Williams, are of trustworthy character and I find
11 that can be admitted under the exception to the
12 hearsay rule under NRS 51.385.

13 MR. MANN: Your Honor, I just want to
14 get a clarification on your ruling. It wasn't
15 stated by the State. I assume some things but I
16 want to make sure it's clear.

17 THE COURT: Sure.

18 MR. MANN: Part of the ruling also is
19 whether the child witness is going to testify or
20 not or is unavailable. I'm assuming the child
21 witness is testifying.

22 MS. KOLLINS: Yes, Your Honor. And that
23 statute applies in either circumstance and the
24 children are testifying.

25 THE COURT: It does.

1 MR. MANN: Obviously, the unavailability
2 would have been an issue had they not been. So
3 that's --

4 THE COURT: I understand, Mr. Mann. I
5 actually underlined it. Since they didn't give me
6 information on "I'm unavailable to testify" or "I'm
7 available to testify," the statute does allow it to
8 come in even if the child is testifying. It's a
9 three-parter. So I was under the same assumption.

10 If the child does not testify, then they
11 have not proven under NRS 51.385, and that, if
12 something happens, that may be another hearing.
13 But right now --

14 MR. MANN: Excuse me. I did have
15 another issue that I wanted to bring up.

16 THE COURT: Okay. Beyond this?

17 MR. MANN: Moving from this.

18 MS. RINETTI: I have a comment on that
19 really quickly.

20 Just for the record, even if the child
21 were not available under 51.385, based upon the
22 case law, it still applies.

23 THE COURT: Absolutely. But you have to
24 give me facts. There's cases --

25 MS. RINETTI: Yes. Yes.

1 THE COURT: You want me to go through
2 the cases? I've read all the cases. I will.

3 I have to have information that I can
4 rule on that: There's a reason why the child's
5 unavailable or if the child is unable to testify.
6 You can certainly give me that information. That's
7 what I was referring to since that was in this
8 hearing.

9 I'm making this ruling right now based
10 on that the child will testify because I have no
11 other information. All right?

12 MS. RINETTI: Thank you, Your Honor.

13 THE COURT: You're welcome. Mr. Mann.

14 MR. MANN: Your Honor had made a
15 previous ruling on a State's motion in limine
16 regarding the abuse that went on by April to Zailey
17 in December of 2010. If Your Honor remember --

18 THE COURT: The electrical cord.

19 MR. MANN: Exactly.

20 THE COURT: Yes, I do.

21 MR. MANN: That the disclosure of this
22 so-called sexual abuse from Z to officials was
23 in response to them actually investigating the
24 marks on her and things like that.

25 THE COURT: Correct.

1 MR. MANN: And so considering in light
2 of Your Honor letting in testimony from Z:
3 through April and through -- well, actually through
4 April.

5 I think the issue that there was this
6 prior abuse that she had been investigated, the
7 fact that they -- that April was responsible for
8 this significant physical abuse I think definitely
9 should be an issue that we are able to explore as
10 to both the credibility disclosure to April and
11 also the credibility of April in her statements to
12 the Court and to her testimony as well.

13 I think that the -- this abuse is part
14 and parcel to everything that happened there. I
15 think this goes directly.

16 THE COURT: Everything that happened on
17 that day, December 2010?

18 MR. MANN: Absolutely. I think it goes
19 to the state of mind of Z: , to the state of
20 mind of April. It definitely plays a part in how
21 the jury perceives what is actually being testified
22 to and how there are -- how they are coming up and
23 making these statements.

24 THE COURT: Their motivation making
25 these statements I'm trying to figure out.

1 MR. MANN: Okay. No. I am saying a lot
2 of their motivation about definitely the
3 credibility.

4 Let's just take for second, we have a
5 young girl who has been whipped by an electrical
6 cord so much so that third parties are contacting
7 the school letting them know, hey, I have serious
8 concerns over this kid's welfare. Where the school
9 then starts investigating.

10 Upon that investigation is when Z... 's
11 supposedly discloses that Cameron Thomas sexually
12 molested her.

13 THE COURT: Okay.

14 MR. MANN: And so it now goes to the
15 state of mind of April as well of, hey, I'm being
16 investigated because of this whipping and my
17 daughter disclosed sexual abuse as well.

18 I think that all goes in part to what
19 the jury needs to understand regarding the witness'
20 State of mind, the credibility of the witness and
21 the relationship between the two.

22 THE COURT: And this is the exact same
23 argument you gave in the motion in limine. The
24 only thing that has changed, I am just trying -- is
25 because April has testified in this hearing, you

1 think that opens the door beyond what you knew at
2 the motion in limine? Is where we're at? Is that
3 what you're saying?

4 MR. MANN: To me I think it amplifies
5 that issue of -- because now we have April saying
6 what Zailey said.

7 And essentially they're using April and
8 Kay for that matter to vouch for -- to bolster
9 Z's claims when she's testifying and how she
10 had said things. Because now we have Z saying
11 this is what I told Momma K and this is what I told
12 Mommy Mommy or mommy, my mom, Momma April. I am
13 not sure what she --

14 THE COURT: I know what you're -- yes.

15 MR. MANN: And then they were going to
16 have Kay and April say, oh, yeah. Z said
17 this. But what we don't have and what we're void
18 of is the motivations behind that.

19 We have the State asking, you know, she
20 was -- what was her state of mind? What was her
21 being? Things like that that all come into play.
22 I think it's very relevant for the jury to
23 understand about this incident.

24 Now, I'm not asking about every incident
25 prior. I'm only asking about this whipping

1 incident to -- which, on this day -- on this day of
2 disclosure, she was being investigated for.

3 THE COURT: I understand.

4 MR. MANN: Thank you.

5 MS. RINETTI: And Your Honor, clearly
6 this is an untimely motion. And in a sense, this
7 is a motion to reconsider this Court's ruling.

8 The fact that these women were going to
9 potentially come in and testify was known by the
10 defense for quite some time. There was a 51.385
11 notice that went out prior to the even the motion
12 in limine in this particular case.

13 THE COURT: Okay.

14 MS. RINETTI: So nothing has changed.
15 The defense knew of its strategy at the time when
16 we did this. There's no causal connection between
17 the physical abuse and April Reed's credibility,
18 other than the fact that she's a bad mother.

19 Other than the fact the State can see no
20 relevancy to the credibility of April other than to
21 paint her as a bad mother. Because she didn't deny
22 the fact that she abused Z .

23 I know the Court has reviewed the CPS
24 records. I think we would have been in a different
25 position then maybe they have an instance of being

1 untruthful. But she came clean with the abuse.

2 So the fact that she -- the case was
3 substantiated and she admitted to it, clearly
4 there's no credibility issues in. Had she denied
5 it, maybe we'd be in a different boat. But we
6 didn't. So there's absolutely no relevance
7 regarding her credibility.

8 And I know we have argued over and over
9 again and so I don't want to belabor the point.

10 THE COURT: The record's very clear on
11 it, which is what I was trying to say.

12 What has changed? Nothing has changed.
13 As far as this Court has changed the arguments, Mr.
14 Mann. I really appreciate it and considered it at
15 the time.

16 You're giving me almost the identical.
17 I read it again last night because I don't know why
18 I thought it might come up. And so, um, I do
19 consider it more of a motion to reconsider and I'm
20 not changing my ruling. I still stand by that
21 ruling.

22 MS. RINETTI: Thank you.

23 THE COURT: Okay. What else do we have?
24 That's it?

25 MS. RINETTI: 12:30.

1 THE COURT: All right.

2 MR. MANN: Can we leave our items here?

3 THE COURT: Absolutely.

4 (Whereupon there was a recess at 10:46 a.m. Trial
5 resumed at 12:40 p.m.)

6 THE MARSHAL: Please remain seated.

7 Court is back in session:

8 THE COURT: This is continuation of
9 C277559-1, State of Nevada versus Cameron Thomas.

10 Did you all get the information? I
11 tried to tell you as soon as we got it about the
12 juror -- Ms. Figueroa. And she was seated in the
13 last seat. So she would have been the third
14 alternate.

15 Is it okay? We have not sworn them in
16 yet. I'm glad we had gone with the two.

17 MS. RINETTI: The State is.

18 THE COURT: How about the defense?

19 MR. MANN: Court's indulgence. I'm
20 sorry. Yes, Your Honor. We're ready to proceed.

21 THE COURT: I'm very happy we did.

22 Just for the record, I did thank and
23 excuse Ms. Kara Figueroa, Badge Number 173. Her
24 father died last night unexpectedly. I felt that
25 was good cause and I did thank and excuse her. So

1 now, for the record, we do have two alternates.
2 Are we ready to go forward?

3 MS. KOLLINS: Yes, ma'am.

4 THE COURT: I did have documentation
5 provided to the Court of the death of her father.

6 MR. MANN: That's sad.

7 THE COURT: I know. How sad. I'm not
8 going to make it a Court's exhibit. It's kind of
9 private medical information. I would prefer not
10 but I did want you to know if you had a question
11 that it was documented, all right. Let's go.

12 (The jury panel entered the courtroom.)

13 THE COURT: Counsel, stipulate to the
14 presence of the jury panel?

15 MS. KOLLINS: Yes, Your Honor.

16 MR. MANN: Yes, Your Honor.

17 THE COURT: If you'll notice, we're one
18 short. Unfortunately Ms. Figueroa's father died
19 last night -- I know. After everything. So she
20 has been thanked and excused if you were wondering
21 why we're one short. But we can go forward.

22 Now you get to take your oath of office
23 as jurors. Would you please stand and put up your
24 right hand.

25 (The jury was sworn by the deputy court clerk.)

1 THE COURT: Okay. Thank you.

2 Ladies and gentlemen, you are now sworn
3 members of this jury. Before we commence with what
4 we call "opening statements" and we get going with
5 witnesses, I need to make some brief introductory
6 remarks.

7 I don't know if you remember some of
8 them from yesterday. I was trying to help you. So
9 I kind of briefly tried to not repeat myself
10 necessarily except a couple that are very
11 important.

12 I always start this off with "Now we're
13 at the serious part." We all have very serious
14 jobs. You, as the juror, are the trier of fact in
15 this case. And as you know, we've said it many
16 times but I will repeat it again.

17 You are to listen to all the evidence
18 until it is in, keep an open mind until it's in,
19 and when you go to deliberate, review the evidence
20 and follow the jury instructions and come to a
21 verdict.

22 I have a serious job as the trial judge
23 in that I have to make sure Nevada law is applied.
24 I have to make sure the rulings I make in court are
25 within Nevada law and that the jury instructions

1 are within the law.

2 Each, the State and the defense, have
3 very serious jobs now. So although sometimes I try
4 to make voir dire a little bit lighter because it
5 is such a difficult process, I want everybody to
6 know now we're all serious and I cannot emphasize
7 that enough. The Court's job and the Counsels'
8 job, we now have a serious job ahead of us.

9 You are admonished that no juror may
10 declare to a fellow juror any fact relating to this
11 case of his and her own knowledge. And if any
12 juror discovers during the trial or after the jury
13 has retired, that he or she or any other juror has
14 personal knowledge of any fact in controversy in
15 this case, he or she shall disclose such situation
16 to the Court by getting the information to my
17 marshal.

18 This means that if you learn during the
19 course of this trial that you are acquainted with
20 any of the facts or the witnesses -- remember I
21 told you that's fine but just let us know -- and
22 you have not previously told this Court of this
23 relationship, you must then declare that fact to
24 the Court. And as you know, you communicate
25 through the marshal.

1 During the course of this trial, the
2 attorneys for both sides, the parties, the
3 witnesses and the court personnel, other than
4 Marshal Campbell, cannot speak with you. We are
5 not permitted under Nevada law to talk to any
6 member of the jury.

7 We're not being antisocial. We are
8 bound by ethics and law not to talk to you. So we
9 do not want to do anything to contaminate your
10 verdict.

11 You are admonished additionally that you
12 are not to visit the scene of any of the facts or
13 occurrences made mention of during this trial
14 unless specifically directed to by the Court.

15 Please don't investigate this case or
16 any fact you hear about in Court and I always say
17 please don't Google any information you may hear in
18 this court. Remember I gave you the example of
19 Hypoxic-Ischemic Encephalopathy? They will do
20 their job to have you understand the testimony.

21 Please do not Google and do not talk to
22 anybody about anything to do about this case. That
23 means don't do any legal research, any medical
24 research. You must determine this case by the
25 facts that are given to you through the evidence in

1 this case.

2 I'm going to give you just a brief
3 overview. I kind of tell everybody it's like a
4 puzzle. We have a puzzle we are all going to put
5 together. Sometimes if you know where the pieces
6 should go, it makes it easier when you -- the trial
7 starts on how everything flows so you know the
8 overall process. And I know a lot of you haven't
9 been jurors before and this is a new process.

10 What I'm going to tell you now is just a
11 general introduction to the trial. It is not a
12 substitute for the detailed instructions of the
13 law, which I will give you at the close of the case
14 and before you retire to consider your verdict.

15 This is a criminal case commenced by the
16 State of Nevada, which I sometimes refer to them as
17 the "State." Sometimes I say the district
18 attorney. Sometimes I say the Assistant District
19 Attorney. Sometimes I point. But that's them over
20 there. It's the same people, okay.

21 This case is based -- it's the State
22 against, and as we know, Cameron Thomas. This case
23 is based on a Third Amended -- Indictment?

24 THE CLERK: Information.

25 THE COURT: Okay. Third Amended

1 Information. The clerk will now read the Third
2 Amended Information to the ladies and gentlemen of
3 the jury and state the plea of the defendant to
4 that Third Amended Information.

5 THE CLERK: District Court; Clark
6 County, Nevada; State of Nevada, Plaintiff versus
7 Cameron Terral Thomas, defendant; Case Number
8 C-11-277559-1; Dept IV; Third Amended Information.

9 State of Nevada; County of Clark; Steven
10 B. Wolfson, District Attorney within and for the
11 County of Clark, State of Nevada, in the name and
12 by the authority of the State of Nevada, informs
13 the Court that Cameron Terral Thomas, the defendant
14 above named having committed the crimes of sexual
15 assault with a minor under 14 years of age, a
16 Category A felony; lewdness with a child under the
17 age of 14, a Category A felony; and attempted
18 lewdness with a child under the age of 14, a
19 Category B felony, in the manner following, to wit:

20 That said defendant, on or between
21 January 1st, 2006 and January 5th, 2011, at and
22 within the County of Clark, State of Nevada,
23 contrary to the form, force and effect of statutes
24 in such cases made and provided and against the
25 peace and dignity of the State of Nevada:

1 Count 1. Sexual assault with a minor
2 under 14 years of age.

3 Did, on or between January 1st, 2006 and
4 January 29th, 2010, willfully, unlawfully, and
5 feloniously sexually assault and subject A
6 P, a child under 14 years of age, to sexual
7 penetration, to wit: Sexual intercourse by said
8 defendant inserting his penis into the genital
9 opening of the said A P, against her
10 will, or under conditions in which defendant knew,
11 or should have known that the said A P
12 was mentally or physically incapable of resisting
13 or understanding the nature of defendant's conduct.

14 Count 2. Lewdness with a child under
15 the age of 14.

16 Did, on or between January 1st, 2006 and
17 January 29th, 2010, willfully, lewdly, unlawfully,
18 and feloniously commit a lewd or lascivious act
19 upon or with the body, or any part or member
20 thereof, a child, to wit: A P, said
21 child being under the age of 14 years, by said
22 defendant using his penis to touch and/or rub
23 and/or fondle the genital area of the said A
24 P, with the intent of arousing, appealing to,
25 or gratifying the lust, passions, or sexual desires

1 of said defendant, or said child.

2 Count 3. Sexual assault with a minor
3 under 14 years of age.

4 Did, on or between January 1st, 2006 and
5 January 29th, 2010, willfully, unlawfully, and
6 feloniously sexually assault and subject A
7 P., a child under 14 years of age, to sexual
8 penetration, to wit: Cunnilingus, by said
9 defendant placing his mouth and/or tongue on and/or
10 into the genital opening of the said A P.,
11 against her will, or under conditions in which
12 defendant knew, or should have known, that the said
13 A P. was mentally or physically incapable
14 of resisting or understanding the nature of
15 defendant's conduct.

16 Count 4. Sexual assault with a minor
17 under 14 years of age.

18 Did, on or between January 1st, 2006 and
19 January 29th, 2010, willfully, unlawfully, and
20 feloniously sexually assault and subject A
21 P., a child under 14 years of age, to sexual
22 penetration, to wit: Cunnilingus, by said
23 defendant placing his mouth and/or tongue on and/or
24 into the genital opening of the said A P.,
25 against her will, or under conditions in which

1 defendant knew, or should have known, that the said
2 A P was mentally or physically incapable
3 of resisting or understanding the nature of
4 defendant's conduct.

5 Count 5. Sexual assault with a minor
6 under 14 years of age.

7 Did, on or between January 1st, 2006 and
8 January 29th, 2010, willfully, unlawfully, and
9 feloniously sexually assault and subject A
10 P, a child under 14 years of age, to sexual
11 penetration, to wit: Digital penetration, by said
12 defendant inserting his fingers into the genital
13 opening of the said A P, against her
14 will, or under conditions in which defendant knew,
15 or should have known, that the said A P
16 was mentally or physically incapable of resisting
17 or understanding the nature of defendant's conduct.

18 Count 6. Lewdness with a child under
19 the age of 14.

20 Did, on or between January 1st, 2006 and
21 January 29th, 2010, willfully, lewdly, unlawfully,
22 and feloniously commit a lewd or lascivious act
23 upon or with the body, or any part or member
24 thereof, a child, to wit: A P, said
25 child being under the age of 14 years, by said

1 defendant using his hands and/or fingers to touch
2 and/or rub and/or fondle the genital area of the
3 said A P, with the intent of arousing,
4 appealing to, or gratifying the lust, passions, or
5 sexual desires of said defendant, or said child.

6 Count 7. Sexual assault with a minor
7 under 14 years of age.

8 Did, on or between January 1st, 2006 and
9 January 29th, 2010, willfully, unlawfully, and
10 feloniously sexually assault and subject A
11 P, a child under 14 years of age, to sexual
12 penetration, to wit: Digital penetration, by said
13 defendant inserting his fingers into the genital
14 opening of the said A P, against her
15 will, or under conditions in which defendant knew,
16 or should have known, that the said A P
17 was mentally or physically incapable of resisting
18 or understanding the nature of defendant's conduct.

19 Count 8. Lewdness with a child under
20 the age of 14.

21 Did, on or between January 1st, 2006 and
22 January 29th, 2010, willfully, lewdly, unlawfully,
23 and feloniously commit a lewd or lascivious act
24 upon or with the body, or any part or member
25 thereof, a child, to wit: A P, said

1 child being under the age of 14 years, by said
2 defendant using his hands and/or fingers to touch
3 and/or rub and/or fondle the genital area of the
4 said A P, with the intent of arousing,
5 appealing to, or gratifying the lust, passions, or
6 sexual desires of said defendant, or said child.

7 Count 9. Lewdness with a child under
8 the age of 14.

9 Did, on or between January 1st, 2006 and
10 January 29th, 2010, willfully, lewdly, unlawfully,
11 and feloniously commit a lewd or lascivious act
12 upon or with the body, or any part or member
13 thereof, a child, to wit: A P, said
14 child being under the age of 14 years, by said
15 defendant using his mouth and/or tongue to touch
16 and/or lick and/or kiss the breasts of the said
17 A P, with the intent of arousing,
18 appealing to, or gratifying the lust, passions, or
19 sexual desires of said defendant, or said child.

20 Count 10. Attempt lewdness with a child
21 under the age of 14.

22 Did, on or between January 1st, 2006 and
23 January 29th, 2010, willfully, lewdly, unlawfully,
24 and feloniously attempt to commit a lewd or
25 lascivious act upon or with the body, or any part

1 or member thereof, a child, to wit: A P, ,
2 said child being under the age of 14 years, by said
3 defendant attempting to cause and/or direct the
4 said A P to use her hands and/or fingers
5 to touch and/or rub and/or fondle the penis of said
6 defendant, with the intent of arousing, appealing
7 to, or gratifying the lust, passions, or sexual
8 desires of said defendant, or said child.

9 Count 11. Sexual assault with a minor
10 under 14 years of age.

11 Did, on or between January 1st, 2006 and
12 January 29th, 2010, willfully, unlawfully, and
13 feloniously sexually assault and subject Z: .
14 Fl , a child under 14 years of age, to sexual
15 penetration, to wit: Cunnilingus, by said
16 defendant placing his mouth and/or tongue on and/or
17 into the genital opening of the said Z: . F: ,
18 against her will, or under conditions in which
19 defendant knew, or should have known, that the said
20 Z: . F: was mentally or physically incapable
21 of resisting or understanding the nature of
22 defendant's conduct.

23 Count 12. Lewdness with a child under
24 the age of 14.

25 Did, on or between January 1st, 2006 and

1 January 29th, 2010, willfully, lewdly, unlawfully,
2 and feloniously commit a lewd or lascivious act
3 upon or with the body, or any part or member
4 thereof, a child, to wit: Z. F., said
5 child being under the age of 14 years, by said
6 defendant using his penis to touch and/or rub
7 and/or fondle the genital area of the said Z.
8 F., with the intent of arousing, appealing to,
9 or gratifying the lust, passions, or sexual desires
10 of said defendant, or said child.

11 Count 13. Lewdness with a child under
12 the age of 14.

13 Did, on or between January 1st, 2006 and
14 January 29th, 2010, willfully, lewdly, unlawfully,
15 and feloniously commit a lewd or lascivious act
16 upon or with the body, or any part or member
17 thereof, a child, to wit: Z. F., said
18 child being under the age of 14 years, by said
19 defendant using his hands and/or fingers to touch
20 and/or rub and/or fondle the genital area of the
21 said Z. F., with the intent of arousing,
22 appealing to, or gratifying the lust, passions, or
23 sexual desires of said defendant, or said child.

24 Count 14. Lewdness with a child under
25 the age of 14.

1 Did, on or between January 1st, 2006 and
2 January 29th, 2010, willfully, lewdly, unlawfully,
3 and feloniously commit a lewd or lascivious act
4 upon or with the body, or any part or member
5 thereof, a child, to wit: Z: F: , said
6 child being under the age of 14 years, by said
7 defendant using his hands and/or fingers to touch
8 and/or rub and/or fondle the genital area of the
9 said Z: F: , with the intent of arousing,
10 appealing to, or gratifying the lust, passions, or
11 sexual desires of said defendant, or said child.

12 Count 15. Attempt lewdness with a child
13 under the age of 14.

14 Did, on or between January 1st, 2006 and
15 January 29th, 2010, willfully, lewdly, unlawfully,
16 and feloniously attempt to commit a lewd or
17 lascivious act upon or with the body, or any part
18 or member thereof, a child, to wit: Z: F: ,
19 said child being under the age of 14 years, by said
20 defendant attempting to cause and/or direct and/or
21 encourage the said Z: F: to use her hands
22 and/or fingers to touch and/or rub and/or fondle
23 the penis of said defendant, with the intent of
24 arousing, appealing to, or gratifying the lust,
25 passions, or sexual desires of said defendant, or

1 said child.

2 Count 16. Lewdness with a child under
3 the age of 14.

4 Did, on or between January 1st, 2006 and
5 January 5th, 2011, willfully, lewdly, unlawfully,
6 and feloniously commit a lewd or lascivious act
7 upon or with the body, or any part or member
8 thereof, a child, to wit: Ma S , said
9 child being under the age of 14 years, by said
10 defendant using his hands and/or fingers to touch
11 and/or rub and/or fondle the breasts and/or body of
12 the said Ma S , with the intent of
13 arousing, appealing to, or gratifying the lust,
14 passions, or sexual desires of said defendant, or
15 said child.

16 Count 17. Lewdness with a child under
17 the age of 14.

18 Did, on or between January 1st, 2006 and
19 January 5th, 2011, willfully, lewdly, unlawfully,
20 and feloniously commit a lewd or lascivious act
21 upon or with the body, or any part or member
22 thereof, a child, to wit: Ma S , said
23 child being under the age of 14 years, by said
24 defendant using his hands and/or fingers to touch
25 and/or rub and/or fondle the genital area and/or

1 body of the said Ma S , with the intent
2 of arousing, appealing to, or gratifying the lust,
3 passions, or sexual desires of said defendant, or
4 said child.

5 Count 18, lewdness with a child under
6 the age of 14.

7 Did, on or between January 1st, 2006 and
8 January 5th, 2011, willfully, lewdly, unlawfully,
9 and feloniously commit a lewd or lascivious act
10 upon or with the body, or any part or member
11 thereof, a child, to wit: Ma S , said
12 child being under the age of 14 years, by said
13 defendant using his hands and/or fingers to touch
14 and/or rub and/or fondle the buttocks of the said
15 Ma S , with the intent of arousing,
16 appealing to, or gratifying the lust, passions, or
17 sexual desires of said defendant, or said child.

18 Count 19. Lewdness with a child under
19 the age of 14.

20 Did, on or between January 1st, 2006 and
21 January 5th, 2011, willfully, lewdly, unlawfully,
22 and feloniously commit a lewd or lascivious act
23 upon or with the body, or any part or member
24 thereof, a child, to wit: Ma S , said
25 child being under the age of 14 years, by said

1 defendant using his hands and/or fingers to touch
2 and/or rub and/or fondle the breasts and/or body of
3 the said Ma S , with the intent of
4 arousing, appealing to, or gratifying the lust,
5 passions, or sexual desires of said defendant, or
6 said child.

7 Count 20. Lewdness with a child under
8 the age of 14.

9 Did, on or between January 1st, 2006 and
10 January 5th, 2011, willfully, lewdly, unlawfully,
11 and feloniously commit a lewd or lascivious act
12 upon or with the body, or any part or member
13 thereof, a child, to wit: Ma S , said
14 child, being under the age of 14 years, by said
15 defendant using his hands and/or fingers to touch
16 and/or rub and/or fondle the genital area and/or
17 body of the said Ma S , with the intent
18 of arousing, appealing to, or gratifying the lust,
19 passions, or sexual desires of said defendant, or
20 said child.

21 Count 21. Lewdness with a child under
22 the age of 14.

23 Did, on or between January 1st, 2006 and
24 January 5th, 2011, willfully, lewdly, unlawfully,
25 and feloniously commit a lewd or lascivious act

1 upon or with the body, or any part or member
2 thereof, a child, to wit: Ma S , said
3 child being under the age of 14 years, by said
4 defendant using his hands and/or fingers to touch
5 and/or rub and/or fondle the buttocks of the said
6 Ma S , with the intent of arousing,
7 appealing to, or gratifying the lust, passions, or
8 sexual desires of said defendant, or said child.

9 Count 22. Lewdness with a child under
10 the age of 14.

11 Did, on or between January 1st, 2006 and
12 January 5th, 2011, willfully, lewdly, unlawfully,
13 and feloniously commit a lewd or lascivious act
14 upon or with the body, or any part or member
15 thereof, a child, to wit: Mr S , said
16 child being under the age of 14 years, by said
17 defendant using his hands and/or fingers to touch
18 and/or rub and/or fondle the genital area of the
19 said Mr S , with the intent of arousing,
20 appealing to, or gratifying the lust, passions, or
21 sexual desires of said defendant, or said child.

22 Count 23. Lewdness with a child under
23 the age of 14.

24 Did, on or between January 1st, 2006 and
25 January 5th, 2011, willfully, lewdly, unlawfully,

1 And feloniously commit a lewd or lascivious act
2 upon or with the body, or any part or member
3 thereof, a child, to wit: M S, said
4 child being under the age of 14 years, by said
5 defendant using his hands and/or fingers to touch
6 and/or rub and/or fondle the genital area of the
7 said M S, with the intent of arousing,
8 appealing to, or gratifying the lust, passions, or
9 sexual desires of said defendant, or said child.

10 Steven B. Wolfson, Clark County District
11 Attorney. Signed by Dena Rinetti, Chief Deputy
12 District Attorney, to which the defendant has
13 entered pleas of not guilty.

14 THE COURT: Thank you. This case is
15 based on the Third Amended Information, which was
16 just read to you by the clerk.

17 You should distinctly understand that
18 the Third Amended Information is simply charges and
19 that the Third Amended Information is not in any
20 sense evidence of the allegations it contains. The
21 defendant has pled not guilty.

22 The State therefore has the burden of
23 proving each of the essential elements of the
24 charges beyond a reasonable doubt. As the
25 defendant sits here now, he is not guilty.

1 There are certain ground rules that
2 apply in every criminal case in the United States.
3 It doesn't make any difference whether the case is
4 prosecuted here in Las Vegas or Texas or New York
5 or any other state because the ground rules are the
6 same. The defendant is presumed innocent.

7 In a criminal trial, the person on
8 trial, the defendant, is presumed innocent and I
9 know that you will remember back in government
10 class or civics and we've talked about it
11 extensively in voir dire. Whatever class you
12 actually studied the court system that we all
13 learned about the presumption of innocence.
14 However, I think that unless you work within the
15 court system, perhaps you don't understand exactly
16 what it means.

17 Ladies and gentlemen, I hope that what I
18 say here will help you understand exactly what we
19 mean by this "presumption of innocence." In the
20 United States, there are only two ways that any
21 person can be guilty of a crime. The first way is
22 that the time of arraignment when the charges are
23 presented to the defense, the defendant is allowed
24 to enter a plea. A defendant may plead guilty or
25 the defendant may plead not guilty.

1 If the defendant pleads guilty,
2 ultimately, he is adjudged guilty and then
3 sentenced. On the other hand, if the defendant
4 pleads not guilty, he goes to trial or she goes to
5 trial. And the defendant goes to trial, the
6 defendant will only be guilty and no longer
7 innocent if all members of the jury find that fact
8 to be true: First is these two facts to be true.
9 The first is that a crime occurred, and the second
10 is that the defendant did that crime.

11 The purpose of this trial is to
12 determine whether the State will meet the burden.
13 It is your primary responsibility as jurors is to
14 find and determine the facts. Remember I keep
15 saying you are the trier of facts. Under our
16 system of criminal procedure, you are the sole
17 judge of the facts in this case.

18 Under our system of criminal procedure,
19 you are to determine the facts from the testimony
20 you hear and the other evidence which we talked
21 about, including exhibits that will be introduced
22 into court.

23 It is up to you as the jury to determine
24 the inferences which you feel may be properly drawn
25 from the evidence.

1 I'm kind of just going to give you an
2 overview of how the trial is going to proceed. The
3 trial begins with opening statements and we're
4 going to do that pretty soon. I promise. The
5 district attorney or the State will make an opening
6 statement, if they so desire, which is an outline
7 to help you understand what the State expects to
8 prove.

9 Next, the defendant's attorney may, if
10 he so desires, make an opening statement. They do
11 not have to. Opening statements serve as an
12 introduction to the evidence that will come forward
13 in this case which the party making the opening
14 statement intends to prove. The opening statements
15 are not evidence. They are what each side feels
16 the evidence will show in this case.

17 I say it's like they try to give you a
18 road map, because it's very hard if you don't -- as
19 you hear evidence, if you don't have an overall
20 road map or as I always call a "puzzle piece," so
21 that when you get different pieces of evidence, you
22 can kind of put it in place. Once again, because
23 you have to keep an open mind until all the
24 evidence is in, that's why we give opening
25 statements.

1 Next the State will commence what we
2 call its "case in chief." This is the State's
3 opportunity to present its evidence. This consists
4 of calling witnesses, and the production of
5 physical items of evidence such as documents, and
6 photographs and things like that.

7 Counsel for the defendant may
8 cross-examine the State's witnesses. Following the
9 State's case in chief, the defendant may present
10 evidence and the district attorney may
11 cross-examine the defense witnesses; however, as
12 you have been told, the defendant is not obligated
13 to present any evidence.

14 There are two kinds of evidence you are
15 going to hear. There's what's called "direct
16 evidence" and "circumstantial evidence." Direct
17 evidence is testimony -- testimony by a witness
18 about what that witness personally saw or heard or
19 did.

20 Circumstantial evidence is testimony or
21 exhibits which are proof of a particular fact from
22 which, if proven -- so if you believe that fact,
23 you may infer the existence of a second fact. And
24 I always give an example I've always used.

25 You woke up this morning and you went

1 outside to get your paper and it was raining. You
2 could come to court today from that witness stand
3 and say from your own direct evidence, it was
4 raining this morning. Okay. You get up this
5 morning and go out to get your paper and your
6 sidewalk is wet. The paper has one of those
7 cellophane covers over it and there's raindrops on
8 it. Okay. This is circumstantial evidence. You
9 did not see it rain but you can come to this court
10 and testify it rained last night because I went out
11 this morning and the concrete was wet. There was
12 raindrops on my paper.

13 Those facts you then can do the
14 inference that that's circumstantial that it rained
15 last night. That's the difference between direct
16 evidence. You saw it raining last night and,
17 circumstantial evidence, you saw the wet pavement
18 and you saw your paper wet. Or hopefully had one
19 of those covers that had the raindrops on it.

20 Under Nevada law, you may consider both
21 direct evidence -- you saw it raining, and
22 circumstantial evidence, you went out and found the
23 pavement wet, in deciding the facts of this case.

24 The law permits you to give equal weight
25 to both. But it is for you as jurors to decide how

1 much weight to give any evidence.

2 Anything you may have seen or heard
3 outside the courtroom is not evidence and must be
4 disregarded. That's true through the entire trial.
5 Once again, explains why we don't want to look at
6 you or make comments to you that might be something
7 that could influence you.

8 Regarding the presentation of evidence,
9 it is the duty of an attorney to object to evidence
10 which he or she feels may not properly be brought
11 before the jury. At times, I may sustain an
12 objection, which means I agree with that objection
13 or I may overrule that objection saying I don't
14 agree.

15 I'm here to try as best I can to apply
16 Nevada law to their objections. If I sustain an
17 objection or direct you to disregard any type of
18 evidence, because sometimes they object to it, but
19 the witness may get that information out, so I take
20 it as it goes. But if you are directed by this
21 Court to disregard any certain testimony or
22 exhibits, you are to follow the Court's direction
23 or order, you must not consider any evidence to
24 which an objection has been sustained or which I
25 have instructed you to disregard.

1 Regarding the testimony of witnesses and
2 considering the weight and value of the testimony
3 of any witness, you may take into consideration the
4 appearance, attitude and behavior of the witness,
5 the interest of the witness and the outcome of the
6 case, if any, the relation of the witness to the
7 defendant or the State, the inclination of the
8 witness to speak truthfully or not, and the
9 probability or improbability of the witness'
10 statements and all of the facts and circumstances
11 in evidence.

12 Thus, you may give the testimony of any
13 witness just such weight and value as you believe
14 the testimony of the witness is entitled to
15 receive.

16 If the defendant does present evidence,
17 the State will have an opportunity to present what
18 we call rebuttal evidence and the defendant may
19 have an opportunity to present surrebuttal
20 evidence, but we just have to see how the trial
21 goes. After all the evidence has been presented, I
22 will instruct you on the law.

23 After the instructions on the law have
24 been read to you, I will, actually under Nevada
25 law, read them to you. Each side will have the

1 opportunity and you also take them back to the jury
2 room. I should tell you that because sometimes
3 jurors think they have to takes notes and I would
4 explain that at jury instruction time. They are so
5 important, the law, that I actually under Nevada
6 law will read them to you before you deliberate.

7 After the instructions have been read to
8 you, each side will have an opportunity to present
9 what we call "closing argument." What is said in
10 closing argument is not evidence just like what is
11 going to be said in opening statements is not
12 evidence.

13 The closing arguments are designed to
14 summarize for you the juror and interpret the
15 evidence that you have heard during the trial while
16 discussing with you how to apply the law to that
17 particular evidence.

18 Since the State has the burden of
19 proving the defendant guilty beyond a reasonable
20 doubt, the State has the right to do an opening
21 closing argument and a closing-closing argument.
22 This means the State will make a closing argument
23 followed by a closing argument from the defendant,
24 and then the State will make their rebuttal closing
25 argument. And that's after all the evidence is in.

1 After the arguments have been completed,
2 you will then retire as a jury to deliberate on
3 your verdict.

4 I may during the trial and I said this
5 briefly yesterday, take notes during witness
6 testimony. Please do not infer anything that has
7 to do with your job as a trier of the facts.

8 Like I said, I have a different job.
9 There may be motions that come up that counsels
10 have to bring before me that has nothing to do with
11 the facts. I'm not the trier of fact. You are.
12 I'm just trying to do the law.

13 I may be writing a note to not forget to
14 get groceries or go to exercise class tonight. You
15 never know what I'm writing here. So please don't
16 infer anything by that. All right.

17 If any of the jurors discover in the
18 trial -- and I said that before -- that you have
19 any personal knowledge and we've talked about that.
20 Please, please, and especially I worry about
21 witnesses because that list went very quickly and
22 you're not familiar with the case. Just let my
23 marshal know.

24 You did get your little notepads. You
25 got notepads and pens. All right. Just do any

1 notes on that. Always put your name and your juror
2 badge number so that we know who it came from.
3 Always -- anything can go through the marshal.

4 The other thing I want to tell you
5 about, don't sit. This is not a final exam. Have
6 you ever noticed in school where your professor or
7 somebody takes all the notes down, but when you're
8 taking all the notes down, you're going to miss
9 testimony that's going on at the same time. Kids
10 that did that? You're going to miss half the
11 stuff.

12 So what I ask, even though I gave you
13 notepads, do key points. If there's something you
14 want to remember, don't become such a note taker
15 that you miss the testimony of that witness that
16 would go on. Because you can't sit and concentrate
17 on what you're writing, you're going to miss the
18 next question and answer even more.

19 So I always want to tell you we're not
20 asking you to be prolific note takers but just give
21 yourself little notes if you need. We understand
22 the law just to refresh your recollection if
23 there's something you want to remember in a
24 witness' testimony.

25 Okay. Let's see. We already talked

1 about you can't go to any place or do any research.
2 Okay.

3 I told you yesterday and I'll just
4 briefly remind you. You can ask questions of
5 witnesses. And the way I do it is I've got to make
6 sure whoever presents the witness on direct exam,
7 and cross-examine, maybe a redirect exam, maybe a
8 re-cross, but when I know that the parties are
9 finished, I would look up.

10 If you want to ask a question of that
11 witness, you need to raise your hand so you get our
12 attention. And you need to write down the question
13 in your -- on a piece of paper in your notepad and
14 then my marshal will collect it. It has to be a
15 factual question. Make sure it's a factual
16 question.

17 Then what I will do is I will bring
18 counsel up and once again, I always, we do, as you
19 have seen, we have conferences up here. It's not
20 that we're trying to exclude you from anything
21 important. It's things that we're supposed to do
22 by law. And so I will show them the question. And
23 if I don't ask the question, it's because there's a
24 rule of law that says I can't.

25 So please don't take any offense if your

1 question is not asked. And then if I do ask a
2 question in front of the jurors, I give each side
3 the opportunity to ask that witness any follow-up
4 questions. But it does have to be in writing and
5 it has to be factual.

6 I did that. Once again, please do not
7 discuss the facts of this case or what happens in
8 this courtroom with anyone. As I said, when you go
9 home, just say I was at trial. That's it. With
10 fellow jurors, once again you can talk about
11 anything at lunch or anything, just nothing to do
12 with the facts of this case and what's going on in
13 this case.

14 You get to do that when you all go back
15 to deliberate and then you are to talk about the
16 facts of the case and the evidence.

17 I said it before. If you need a break,
18 raise your hand. I just try so hard to be very
19 cognisant of your time and everybody's time.
20 Sometimes I try to get pushed to get one more
21 witness in, but like the poor woman the other day.
22 If you need a break, please raise your hand. I'm
23 more than willing to do that. All right. I think
24 I did all that.

25 We're now going to commence with -- you

1 remember opening statements. And this is the
2 chance for each side to tell you, because they've
3 lived with this case, as you and I know for a long
4 time, what they -- and they're familiar with the
5 evidence, what they feel the evidence will show.

6 State, will you do your opening
7 statement -- and I don't know if we need to do
8 that.

9 MS. RINETTI: Yes, please.

10 THE COURT: Whatever. We'll work with
11 the A/C system.

12 If you can't see something, please raise
13 your hand too because it's not the best. You're
14 kind of at a funny angle. Make sure you can see
15 it. And we're ready.

16 I know it's been four days for some of
17 you. Some of you are lucky to sit through one day.

18 Ms. Kollins and Mr. Mann were able to
19 kind of talk in general terms during jury voir dire
20 about what this case is about. Now you've heard
21 the charging document. It's just simply a charging
22 document. And what my role here right now is just
23 to give you, as the judge mentioned, a road map.
24 What this evidence is about. What this case is
25 about.

1 This case is about Z F'. This
2 case is about A P'. This case is about
3 Mal S'. This case is about M
4 S'. And what I'm going to do for the next
5 couple of minutes is introduce you to these four
6 children and the relationship in what we anticipate
7 they're going to say.

8 The time period as you may have heard
9 mentioned in opening, in the opening remarks,
10 during juror voir dire as well as when it came time
11 to read the charging document, you noticed that --
12 I apologize -- the time frame for this charging
13 documents is 2006 to 2011.

14 A -- and I am going to refer to her
15 as "B'." That's what her family and friends call
16 her. B' was approximately six to ten years old
17 during this relevant time period. Z', Mal',
18 and M', were all roughly around the same ages,
19 just about to turn four or already four years old
20 to approximately eight years old.

21 That was the time frame in which they
22 were sexually abused at the hand of the defendant,
23 Cameron Thomas.

24 And what you're going to learn about
25 B', Z', M' and Ma', comes from this

1 witness stand. You will hear that B and Z
2 are sisters. You will learn that M is not
3 related to B or Z. And Ma is not
4 related to B, Z or M. But they have
5 one thing in common, all four girls. All four
6 girls went to a day care here in Las Vegas called
7 Kids 'R' Kids and the defendant worked at that day
8 care.

9 And that is the common theme between all
10 four of these children is that they all went to the
11 same day care.

12 I'm going to first talk to you about the
13 sisters, B and Z. You're going to hear
14 that B and Z have two moms. They are a
15 lesbian couple and recently just got married. They
16 call April Reed, Mommy or "Mommy-Mommy" and they
17 call Kashonda Williams, "Momma-K."

18 Mommy Kay and Mommy met at Kids 'R'
19 Kids. Both worked there on and off during this
20 relevant time period with the defendant, and that's
21 where April Reed met the defendant. But Mommy K
22 actually knew the defendant well before she started
23 working at Kids 'R' Kids.

24 You will hear that Mommy-K knew the
25 defendant for quite some period of time since

1 elementary, junior high school. They went to the
2 same high school together and they were fairly
3 close friends for a great period of time.

4 What you're going to hear throughout
5 this trial is that the sisters, their family and
6 the defendant's family were very close. The
7 defendant, his wife and his kids, April, Kashonda
8 Z and B all hung out together.

9 And you'll hear that B and Z
10 have two other younger siblings, Z and K.
11 And these two families got along and they would do
12 things together outside of the day care facility.

13 And in fact, it was kind of a fluid
14 motion at periods of time. The defendant went to
15 watch Z and B at his house, over at their
16 house. They would take turns taking the kids to
17 day care. It was very fluid.

18 And like with lots of friendships, there
19 was some peaks and some valleys and you will hear
20 that when Momma K and April first got together, it
21 was a little rough because April was kind of the
22 outsider of the group, infiltrating this new group.
23 But eventually, she was welcomed in the circle of
24 friends. And you will hear that, in fact, Mommy K,
25 Z, B and their sisters all actually moved

1 into the defendant's house in the fall of 2009.

2 You will hear that the mothers and the
3 defendant had a bit of a falling out in the fall of
4 2009. There was some issues regarding maybe a car
5 loan for a thousand dollars that needed to be
6 repaid. And that the payments were not
7 forthcoming. And so there was a period of time
8 that the two families actually stopped speaking to
9 one another.

10 And Z , B , and their family
11 actually moved out of the defendant's house. And
12 eventually in January of 2010, Z , B , their
13 moms and their sisters moved to Arizona. You will
14 hear that there was a reconnection between the
15 families, a mending of fences, if you will, in
16 roughly May of 2010. So approximately seven months
17 prior to the allegations coming forward.

18 And, in fact, the defendant and his
19 family along with another family actually came down
20 to Arizona to visit with April, Kashonda, B ,
21 Z and their sisters.

22 And there was no falling out. They kind
23 of hung out and the families went back to Las
24 Vegas. And approximately seven months later, there
25 was some allegations that came forward that B

1 and Z: finally were able to tell their stories.

2 So I want to first introduce you to

3 B . B is going to be our oldest victim that
4 comes into this courtroom. She is right now just
5 ended her 11th grade year. She's going to be a
6 senior and she takes AP classes and honors classes.

7 In fact, she has to make some final
8 exams when she goes back to Arizona next week.
9 She's looking forward to her senior year in the
10 sense it's almost done. She's taken some art
11 classes and she's very interested in animation.

12 What you're going to hear from B is
13 that during this relevant time period, she suffered
14 ongoing sexual abuse at the hands of her Uncle
15 Cameron. And not to belabor the point, I'm going
16 to mention a few instances of her abuse.

17 B is going to talk to you about the
18 first time she remembers something happening. She
19 remembers she was little. And it happened at the
20 defendant's house. She remembers it was time to go
21 to bed and her and Z went upstairs to the
22 guest room and the defendant took her upstairs to
23 tuck her in, to put her to bed.

24 She remembers laying on the bed with her
25 sister and the defendant laying in the middle. And

1 that the defendant placed his hands underneath her
2 clothing and inserted his fingers into her vagina.
3 She remembers it hurt. She remembers the other
4 times, and I'll call them the "Saturday morning
5 cartoons."

6 You'll hear from B ; that she often,
7 her and her siblings, would stay the night at the
8 defendant's house. And often, the kids would watch
9 cartoons in the defendant's bedroom. It would be
10 her, her siblings, any of the defendant's kids who
11 were home, and any other children that the
12 defendant was watching.

13 B will tell you that she remembers
14 the kids would sit at the foot of the bed and all
15 watch cartoons. And she remembers on several
16 occasions that the defendant would kind of pull her
17 up towards the head of the bed, put her underneath
18 the covers, pull down her bottoms, and put his
19 penis inside of her vagina.

20 She's also going to talk to you about an
21 incident. I call it "the pizza incident." What
22 B remembers is that Mommy K went out for pizza
23 one night, and the defendant and his son, Danté,
24 who was smaller than her, littler than her, were at
25 her house and Danté was watching a movie.

1 And that upstairs in her bedroom, the
2 defendant got in bed with her, again under the
3 covers, and put his penis inside of her vagina.
4 She also remembers that the defendant took her hand
5 and tried to get her to touch his penis and she
6 kept moving her hand away. And she actually never
7 touched his genitalia with her hand.

8 She remembers getting out of the bedroom
9 and going to her mom's bedroom where Danté was
10 watching a movie. And she remembers Danté sitting
11 pretty close to the TV watching this movie. And
12 she sat behind him closer to leaning against the
13 wall and that the defendant came in, lifted her
14 shirt and put his mouth on her breasts.

15 She's also going to talk to you about a
16 time, I call it the "Blockbuster incident." B
17 remembers going to Blockbuster with the defendant
18 one day and that he was in his big black F-150
19 truck and that it was just her and him. And she
20 was on -- in the front passenger seat and they were
21 going to Blockbuster to get popcorn and candy
22 because they were going to be watching a movie on
23 demand.

24 And she remembers that on the very short
25 drive to Blockbuster, that the defendant reached

1 his hand over underneath her clothes and inserted
2 his finger inside of her vagina. She then
3 remembers going to Blockbuster and getting back
4 into his car and going home. And she remembers on
5 the drive home, he again tried to touch her vagina
6 with his hand and she kind of like didn't want it
7 and kind of moved around.

8 And she remembers the defendant saying
9 something to the effect of, well, if you let me do
10 this, you can have some candy. And B remembers
11 saying, well, thinking I am going to get candy
12 because that's why we went to Blockbuster for the
13 movie and so nothing happened on the way home as
14 far as any penetration.

15 You're also going to hear about an
16 incident at the defendant's house. I call it the
17 "fish tank incident." What B remembers is that
18 she went over to the defendant's house because she
19 was going to help him clean his fish tank and she
20 remembers that night nothing happened. She
21 remembers that the defendant's wife made dinner.
22 And she remembers going to bed and nothing
23 happening.

24 She remembers getting up in the morning
25 and the defendant's wife, who worked at Bank of

1 America banking hours, was at work. And that she
2 ate cereal for breakfast and that she was upstairs
3 with the defendant and she remembers the defendant
4 placing his penis inside of her vagina.

5 She's then going to talk to you about --

6 MR. MANN: Your Honor, I am sorry.

7 Objection. Can we approach, please?

8 THE COURT: Certainly.

9 (Whereupon there was a conference at the bench that
10 was not requested to be reported.)

11 MS. RINETTI: We talked about the fish
12 tank and now we are on oral sex. And what you're
13 going to hear is B remembers the defendant
14 performing oral sex and she remembers a time
15 specifically kind of more after the fact.

16 She remembers it happening but she
17 remembers that after it happened, the defendant's
18 wife had come up to the defendant and said that his
19 breath smelled like pee. And she remembers on this
20 particular day, the defendant had placed his mouth
21 on her vagina.

22 You're also going to hear that she
23 remembers an instance where she was sick. She was
24 at home. She was sick. She had some issues, some
25 fainting spells type of thing and that the

1 defendant came into her bedroom and she was
2 watching TV and she remembers that on all the news
3 stations, they were talking about Michael Jackson
4 dying. And he died on June 25th of 2009.

5 And she remembers the newscast talking
6 about that, and she says at this particular time,
7 the defendant placed his mouth on her vagina. So
8 that is B and B 's abuse.

9 And next we're going to talk about
10 Z .

11 Z is again about four and half
12 years old during the time period of her abuse.
13 She's going to talk to you about a jacuzzi
14 incident. She remembers being at the jacuzzi at
15 her apartment complex. It was called, The
16 Residence. And that she was with her sisters.

17 And she was sitting on a bench in the
18 jacuzzi and the defendant was sitting next to her
19 and he placed his hand underneath of her bathing
20 suit and she remembers the bathing suit had a
21 flower on it and that he touched her vagina with
22 his hand.

23 You are also going to hear from Z ,
24 that the defendant performed oral sex on her. It
25 was at his house and his bedroom. And she

1 remembers a time when, like the kids were playing
2 hide-and-go-seek and she was going to play
3 hide-and-go-seek, and there was another one about
4 folding clothes. It happened at the defendant's
5 house in his bedroom.

6 You're also going to hear about Danté's
7 room. That's the defendant's son's room. And
8 Z remembers a time when she was in Danté's
9 room and that the defendant came in and pulled down
10 her bottoms and that he exposed his penis and
11 placed his penis, at the time of her at least
12 interview, she called it private on top of her
13 private. And she describes that white stuff came
14 out of the defendant's penis. And it got on her
15 leg and maybe a little on the bed. And you're
16 going to hear that she remembers that after that,
17 the defendant went to the bathroom.

18 Z 's also going to talk about a time
19 where the defendant tried to get her to touch his
20 penis and that she didn't want to. And she kept
21 moving her hand away. And so she remembers that
22 she kept moving her hand and she never actually
23 touched his penis. And this is the abuse that
24 Z suffered at the hand of the defendant.

25 And what you're going to hear about B

1 and Z , again that they moved to Arizona in
2 January of 2010. And that the defendant came out
3 to visit them in May of 2010. And that sometime in
4 Arizona, B and Z had a conversation about
5 their abuse.

6 They both remember it happened while
7 they were in Arizona and it happened in their
8 bedroom in the evening time. And Z was the
9 one that first brought up the topic and said
10 something to the effect of somebody's been touching
11 me. And B , being the older sister, kind of
12 responded, "Was it Cameron?"

13 And you're going to hear that Z
14 goes, how -- how -- why would you say Cameron? And
15 B reveals, because he's touching me too. You
16 will hear that the girls did not right away tell
17 their moms. They kept it to themselves as they
18 have this entire time. We'll hear they told no one
19 in Las Vegas about their abuse. They told no one
20 when they first moved to Arizona. But they did
21 tell each other.

22 You're going to hear that the abuse came
23 to light on December 9th of 2010. Z told her
24 fourth grade teacher, Amanda Halpern, at the time.
25 Now she's Amanda Rand. She's gotten married. And

1 that she told her fourth grade teacher, who was
2 acting kind of like the principal of the day, that
3 Cameron Thomas that been sexually abusing her.

4 This was at an elementary school in
5 Arizona. You're going to hear that Amanda Rand, I
6 think you heard in a little bit of jury selection,
7 that as a teacher, is a mandatory reporter. Of
8 course, police come out. You're going to hear from
9 Officer James Sink from the Phoenix Police
10 Department, from himself and his sergeant, reported
11 to Madison Rose Elementary School. And you're
12 going to hear from Officer James Sink, that he, in
13 fact, talked to Z F in the office and his
14 conversation with her.

15 You're also going to hear that the
16 authorities talked to A , or B , at her
17 middle school. The girls are two years apart in
18 age. So at this time, they are going to different
19 schools. One was in elementary school and one was
20 in middle school.

21 You're going to hear that the
22 authorities told April Reed and Kashonda Williams,
23 Mommy Mommy and Momma K, about the sexual abuse.
24 You're going to hear from April and Momma-K that
25 they had no idea that this was going on with Z

1 and B .

2 You're going to hear that when they
3 found out about the sexual abuse, the moms made the
4 decision to first go and get Brie out of school and
5 that B was taken to the house, and they had a
6 conversation with her regarding what she had told
7 authorities, as moms.

8 You're going to hear that they waited
9 for Z to come home from school to talk to her
10 because she had to deal with two kids, two kids
11 being sexually abused. So they wanted to talk to
12 each one and give each one of them their own
13 private time with their moms.

14 And you will hear from Mommy K and April
15 that they had a conversation with Z , who was
16 nine years old at the time, and that it happened in
17 their bedroom. And that Z was able to
18 communicate with them some of the instances I just
19 referred.

20 And that during this conversation, you
21 will hear that they were kind of shocked by some of
22 the things that they heard, especially about the
23 ejaculation on Z 's leg. And you will hear
24 they never had a discussion about the birds and the
25 bees talk with Z , because she was only nine

1 years old.

2 You're going to hear that once the
3 report was generated in Phoenix, the Phoenix Police
4 Department took that information and sent it to Las
5 Vegas Metropolitan Police Department. It was
6 assigned to Detective Zachary Johnson who, at the
7 time, was a sexual assault detective.

8 And what he did was he reached out to
9 Phoenix and law enforcement does this as a courtesy
10 to help each other out. Since the girls and their
11 family were in Arizona, he asked the Arizona
12 authorities to help him with the investigation.

13 And so what you're going to hear is that
14 Brie was forensically interviewed by a sexual
15 assault detective by the name of Patricia Fimbers,
16 and that Z was forensically interviewed by
17 Katherine VanGordon. You will hear from Detective
18 VanGordon.

19 Now, I just want to take a moment to
20 explain what is a forensic interview. You're going
21 to hear from our forensic interviewer as well as
22 director for the Child Advocacy Center. Both
23 interviews were done at a Child Advocacy Center.
24 We have one here as well and they are around the
25 country.

1 What a child advocacy center is is it's
2 almost like a one-stop shop. It has multiple
3 agencies under one roof that deal with abuse of
4 children. And so instead of going to various
5 different locations, children can be seen for
6 various things. They try to do it at one
7 particular location. So for instance, our child
8 advocacy center here in Las Vegas houses the
9 metropolitan, CPS, medical staff and forensic
10 interviewers.

11 And what forensic interviewers do is
12 they have certain protocols. And there's a couple
13 of different ones throughout the country. And
14 these forensic interviewers are trained
15 specifically on certain protocol to ask open-ended,
16 none-suggestive questions. And it is an interview
17 that is led by the child.

18 So if the child kind of skips a step
19 that's usually in the protocol, kind of going with
20 it, you know. So it's a certain type of interview
21 that is used and people have to be actually trained
22 on it in that technique in order to actually use
23 it.

24 You will hear that B and Z were
25 medically examined by a doctor in Arizona. And

1 what you will hear is that all four girls were
2 medically examined, Z, B, Ma and
3 M.

4 And you're going to hear from Dr. Sandra
5 Cetl. She's a child abuse pediatrician from Las
6 Vegas who works at Sunrise Children's Hospital.
7 She actually works two jobs at Sunrise. She does
8 do emergency room physician stuff, but she also is
9 the child abuse pediatrician on staff. If any one
10 of her coworkers has any concerns about physical or
11 sexual abuse, she is consulted on it.

12 She also works at the child advocacy
13 center doing sexual assault examinations there as
14 well. And Dr. Sandra Cetl will talk to you a
15 little bit about B and Z's examination,
16 what it entails, specifically what happens in a
17 sexual assault examination. It's very similar to a
18 woman's annual examination but a little bit more
19 intrusive.

20 Dr. Cetl will talk to you a little bit
21 about the anatomy of the hymen, how quickly it
22 heals. And that most of the time, there's normal
23 examinations. And in fact, B and Z's were
24 normal examinations.

25 You're going to hear about the defendant

1 was arrested on January 5th of 2011. And that a
2 media release went out in Las Vegas on January 6th
3 of 2011. And that decision was made by
4 Metropolitan Police Department based upon the
5 nature of the allegations and the fact that the
6 defendant worked at a day care facility here in Las
7 Vegas.

8 And you will hear that the police
9 department received a number of calls from
10 concerned parents. And two that become important,
11 and that is Cheryl Barbian and Ramona Slattery.
12 Both call the day after the media release. They
13 both call on January 7th, 2011. And as a result of
14 their phone calls, their children become part of
15 the investigation as well.

16 Next, I'm going to talk to you about
17 Mr. M. M. is probably the youngest victim. She
18 was three, just about to turn four. You're going
19 to hear from her mother, Cheryl. That M. and
20 Cheryl moved back to Las Vegas in 2006 because of
21 Cheryl's work. And that M. attended Kids 'R'
22 Kids day care and she also attended Bright Child
23 Day Care where the defendant also worked.

24 You will hear that Cheryl used this
25 facility as a day care, and that on occasion, she

1 also let M do Parent's Night Out. Parent's
2 Night Out were programs of the day care that gave
3 parents a break on Friday nights. And it was kind
4 of a fun event where kids would have pizza and root
5 beer floats and they could wear their jammies and
6 they could bring their pillows and their blankets
7 and they would turn the lights off. Then they would
8 watch a movie. So it was kind of a fun event.

9 And what you're going to hear from M
10 is that on several different occasions, she
11 remembers being at the day care and sitting on the
12 defendant's lap and that the defendant would touch
13 her leg, and then move his hand up to her vaginal
14 area.

15 And she remembers that all the touching
16 occurred over the clothing. And that's M 's
17 abuse. A little bit about M 's is everything
18 happened at that day care.

19 And what you're going to hear over the
20 course of this trial is that there was, in fact, a
21 civil suit related to the day care. And that yes,
22 M , Z , A , and Ma were all
23 plaintiffs in that civil suit. Okay. And so there
24 may come an allegation that they were doing -- that
25 these allegations arose because of money.

1 And I will tell you that that civil suit
2 has settled and they did receive money and it's in
3 a locked account. The children and their families
4 do not have access to that money until the children
5 are 18, and you will hear what those parents are
6 intending to do with that money. It's their
7 children's money. It's for them to decide what to
8 do with that money: School, counseling. Whatever
9 they want to do with it.

10 So what you're going to hear about M
11 is that M 's abuse came to light because Cheryl
12 learned about the allegations through the media
13 release. She heard about it and she'll tell you
14 that M also had gone to dinner with some
15 neighbors and their kids and it came up in
16 discussion. And so when M got home, M was
17 like Mr. Cameron got in trouble. And she asked her
18 questions about why and how, and Cheryl just didn't
19 want to talk about it.

20 She had to kind of figure out how she
21 was going to approach this. And you're going to
22 hear from Cheryl that she did speak with M .
23 She remembers speaking to M in her bedroom and
24 she asked M , Did Cameron touch you ever? And
25 M 's saying, yes. And based upon that

1 conversation, Cheryl calls the metropolitan police
2 department and eventually a forensic interviewer by
3 the name of Martha Mendoza forensically interviews
4 M . And several weeks later, an examination is
5 done by Dr. Sandra Cetl. Again, you will hear it
6 is a normal examination.

7 And finally, I want to talk to you about
8 Ma . Ma S knew the defendant
9 through Kids 'R' Kids as well. She went there for
10 period of time and that her parents also utilized
11 those Parents Night Out events. But Ma 's a
12 little bit different than M because Ma
13 actually -- her family used the defendant as a
14 babysitter on occasion, outside of the day care.

15 And M would go to the defendant's
16 house off of Blue Diamond, and the parents used his
17 services on a number of occasions and specifically
18 they remember using him a lot in 2009, 2010 because
19 Ramona Slattery, Ma 's mother, was going
20 through some medical procedures. She had brain
21 surgery as well as back surgery. And so they used
22 defendant as a babysitter.

23 You will hear that while the defendant
24 was babysitting her, the defendant touched her on a
25 number of occasions and that it always happened in

1 the living room, his living room, and it always
2 happened on the couch.

3 And she remembers that every time it
4 happened, he would touch the top of her breast.
5 And she's going to indicate toward her armpit area
6 and the top of her breast, and it happened under
7 the clothes. She's also going to say that the
8 defendant also placed his hand down her pants and
9 kind of along her panty line and touch her there as
10 well under the clothes.

11 And you will also hear from Ma ,
12 that the defendant would put his hand down the back
13 of her clothing, underneath the clothing, and touch
14 her butt. And that is the abuse that Ma was
15 subjected to during this relevant period of time.

16 And you will hear that Ramona Slattery
17 got a call from a friend and that's when she
18 learned about the abuse. And so, of course, she
19 needed to talk to her daughter. And she remembers
20 going into Ma 's room and Ma saying that
21 she had been sexually touched by the defendant.
22 Not Ma 's words. My words.

23 You'll hear based upon that
24 conversation, Ramona Slattery contacted the Las
25 Vegas Metropolitan Police Department and Faiza

1 Ebrahim, who was a forensic interviewer at the
2 time, forensically interviewed Ma . She's now
3 the director of the child advocacy center.

4 You will also hear that a couple weeks
5 later, Dr. Sandra Cetl did a medical evaluation.
6 You will hear there was some non-specific findings
7 that there was some redness of the areas of
8 Ma 's vagina. They are non-specific because
9 there's a lot reasons why a child of that age, nine
10 years old, would have redness to her vagina. A lot
11 of it is typically seen because of hygiene.

12 And that is our case.

13 I know you heard a lot in jury voir dire
14 about what this case is about and some of the
15 counts, but now you know. This case is about
16 Z . This case is about A . This case is
17 about Ma , and this case is about M . And
18 after Z , B , Ma , and M testify,
19 myself and Ms. Kollins will have an opportunity to
20 speak to you. And it's at that time, after these
21 girls have testified, that we're going to ask that
22 you find the defendant guilty of all charges.

23 I appreciate your time.

24 THE COURT: Thank you. Counsel, let's
25 go ahead and take a break since we have something

1 we want to put on the record.

2 We have something we need to do
3 legal-wise on the record. So we're going to give
4 you just a brief recess and then we'll continue
5 with the case.

6 You are admonished: Not to talk to
7 converse among yourselves or with anyone else on
8 any subject connected with this trial; or read,
9 watch or listen to any report of or commentary on
10 the trial or any person connected with this trial
11 by any medium of information including, without
12 limitations, newspapers, television, the Internet
13 and radio; or form or express any opinion on any
14 subject connected with the trial until the case is
15 finally submitted to you.

16 We'll take a brief recess.

17 THE MARSHAL: All rise for the jury.

18 (Whereupon the jury panel exited the courtroom.)

19 THE COURT: Okay. For the record, we're
20 outside the presence of the jury.

21 I want to do -- during the opening of
22 the State, there was an objection by the defense
23 that I said let's wait and rule on it at the first
24 break so we can be sure to get the opening done.
25 And I would like to do that now.

1 Mr. Mann.

2 MR. MANN: Your Honor, as Your Honor is
3 aware, the history of this case has been long and
4 arduous and there's been many motions. One of the
5 specific motions that I filed was that the defense
6 was not on proper notice regarding what was in the
7 Information. The Information lacks specificity and
8 that it was not clear which count was what, and
9 what certain acts apply to time frames and
10 scenarios, et cetera.

11 Now, your ruling at that time stated
12 that --

13 THE COURT: Where's the order? Before
14 you start, what's the order? Give me the day of
15 the order because I don't -- did I do that one?

16 MR. MANN: You did, Your Honor.

17 THE COURT: I just want the order. I
18 pulled out the order so give me a time frame before
19 I started this case. Let's find it.

20 MR. MANN: I apologize, Your Honor.

21 THE COURT: That's okay.

22 MR. MANN: I don't have all the
23 pleadings.

24 THE COURT: I just want to make sure
25 that I have any orders that I did. I pulled the

1 order of November 30th, that was of Dr. O'Donahue.
2 That was all concerning Dr. O'Donahue, correct?
3 That was one I signed on March 10th. An order by
4 Chuck Thompson -- it has nothing to do with it.
5 Could you pull up the order?

6 If you're going to reference an order, I
7 would like to see it so I can make sure I have the
8 proper thing in front of me.

9 What was the name of the motion?

10 MS. RINETTI: I think it was a motion to
11 dismiss.

12 MR. MANN: Motion to dismiss or in the
13 alternative, to add more specificity to the
14 information.

15 THE COURT: Okay.

16 MS. RINETTI: We're going to look.

17 THE COURT: Okay. Keep looking, please.

18 MR. MANN: So the motion was filed
19 February 4th, 2015. It's motion to dismiss the
20 information for vague and insufficient factual
21 detail.

22 THE COURT: Do you have an order from
23 that?

24 MR. MANN: I filed it February 2015.

25 THE COURT: You know, I would have just

1 started January of 2015. That doesn't mean, as you
2 know -- a lot was done prior to me getting on the
3 bench.

4 MR. MANN: So if you look to March 26th,
5 2015. It looks like the minutes --

6 THE COURT: Okay. By my looking at your
7 argument, Counts 2, 5, 3, 4, 7 and 8 are identical.

8 MR. MANN: That was my argument then.
9 That's correct.

10 THE COURT: I assume you're going to
11 relate it to what happened here. It wouldn't make
12 sense if it wasn't. I am trying to make sure your
13 argument at the time --

14 MR. MANN: Now the numbers have since
15 changed.

16 THE COURT: I understand that. They've
17 amended it.

18 MR. MANN: Yes. Just making sure we're
19 on the same page.

20 THE COURT: We are.

21 MR. MANN: Okay. Do you want me to
22 continue?

23 THE COURT: Let me finish reading the
24 thing since you referenced -- I do remember Ms.
25 Luzaich was here. That's what threw me for the

1 argument.

2 MR. MANN: Okay.

3 THE COURT: All right.

4 MR. MANN: So what Your Honor had ruled
5 at that time was that the defense was on sufficient
6 notice because of what was presented at the
7 preliminary hearing. That the Information,
8 although vague, that we were on sufficient notice
9 based on the preliminary hearing.

10 What was referenced today by Ms. Rinetti
11 during her opening statement was she referenced
12 three penile vagina penetration. In the
13 Information, it is -- Count 1 is the only one for
14 Ambree Palmer that is sexual assault by penis in
15 the genital opening of the vagina.

16 And during her opening, she stated three
17 times. Specifically, during her opening, she said
18 that it was the time that they were watching
19 Saturday morning cartoons, penis inside vagina. At
20 the time that Ambree's mom went out to get pizza,
21 penis inside vagina; and, at the time they went to
22 Blockbuster --

23 THE COURT: I don't think so.

24 MR. MANN: No. I am sorry. I am sorry.
25 And then the fish tank was penis into vagina.

1 Now during preliminary hearing, the only
2 time that Ambree talked about penis into vagina was
3 the fish tank. The fish tank incident. During the
4 preliminary hearing, there was no other reference
5 by Ambree penis into vagina. And so now, that
6 being said, Ambree did say in her voluntary
7 statement --

8 THE COURT: I was just going to say,
9 because I don't see where it was limited to the
10 preliminary hearing. You didn't do an order. No
11 order was done evidently.

12 MR. MANN: It was denied. It would have
13 been the State's obligation to do an order to my
14 understanding.

15 THE COURT: All I am telling you is all
16 I have is a minute order. It was dismissed. I see
17 nothing about it was limited to the preliminary
18 hearing. That's the only thing I am questioning.
19 It does not say it was not, but that's your
20 recollection. It was limited to the preliminary
21 hearing that ruling.

22 MR. MANN: And so you know, obviously to
23 formulate a defense to come up with times that or
24 defenses to a time period that's five years in the
25 making, that is very much speculative as to time,

1 place, occurrence, what actually happened, that
2 we're supposed to give these kids, as Ms. Kollins
3 put it, the "kid standard" where, you know, they
4 can't just not be held to any sort of specificity
5 and just be able to come up with, well, I think it
6 may have happened around this time or this is maybe
7 what happened to me.

8 The defense is obviously extremely
9 burdened and at a detriment to be able to put forth
10 any sort of defense.

11 So at a minimum, we have to -- we have
12 to stop the bleeding somewhere. We have to figure
13 out exactly what we are fighting against at some
14 point in time and it can't be left open. If at the
15 preliminary hearing, they don't present evidence of
16 those other penile to vagina incidents, then that
17 should not be brought forth to the Information.

18 Why else do we have a preliminary
19 hearing? Because the judge needs to find if
20 there's probable cause to bind it up to district
21 court based on those charges. And at that time,
22 the judge says specifically, here are the charges
23 that were binding up. And it's based on that.

24 It's at the time of that preliminary
25 hearing that, um, that they can also amend their

1 criminal complaint. In fact, it's my recollection
2 that at that time, they had pled it differently and
3 ended up amending it to discount some of those
4 penile to vagina incidents and took them away
5 because of that.

6 So now we're up here on a Third
7 Information, and for the first time, the State is
8 now alleging to the jury that there are more
9 incidents of penile to vagina.

10 THE COURT: You have never heard that
11 before? Saturday cartoons. Have you ever heard of
12 the allegations regarding what she said about
13 Saturday cartoons ever? Has the defense ever heard
14 that?

15 Is the first time today when she said in
16 her opening statement that there's allegations by
17 Ambree Palmer that a vaginal penetration happened
18 when she described, and I am going to use it
19 because we all listened to it, as Saturday
20 cartoons. This is the first time your client has
21 ever heard of that and you ever heard of that? Is
22 that what you're your telling me.

23 MR. MANN: No. We have heard of
24 Saturday morning cartoons.

25 THE COURT: I need to know. I would

1 like to know.

2 MR. MANN: Your Honor, if I may finish.

3 THE COURT: No. I want you to answer my
4 question. I can ask questions.

5 MR. MANN: I understand, but I'm trying
6 to explain to you that is why --

7 THE COURT: I want you to answer my
8 question. When did you first hear of --

9 MR. MANN: They talked about Saturday
10 morning cartoons at the preliminary hearing but
11 there was never an allegation of --

12 THE COURT: Mr. Mann, you stood here in
13 front of me and said they never talked about
14 anything but the fish tank at preliminary hearing.

15 MR. MANN: That's not what I said.

16 THE COURT: That's just what you said to
17 me.

18 MR. MANN: Your Honor.

19 THE COURT: My transcript will say it.
20 That shows what you said. If your argument, which
21 I think you're trying to say is they didn't allege
22 anything from that, even though the facts were
23 there, they didn't do a separate count? Is that
24 what we're getting at? Is that what you're saying
25 because that's a little bit different.

1 MR. MANN: Your Honor, obviously I was
2 not articulating myself.

3 THE COURT: I am trying to make sure I
4 understand. It's very critical.

5 MR. MANN: Let me back up and try again.
6 It's obviously my fault.

7 My allegation is that these incidents
8 that they are talking about, yes, there was the
9 Saturday morning cartoon incident. During the
10 preliminary hearing, A never said there was
11 penile to vagina penetration. In fact, at the
12 cartoons -- at the cartoon's incident, I believe
13 they just talked about licking the breasts.

14 THE COURT: I don't know because I don't
15 have a preliminary hearing. I assume you've got
16 the preliminary hearing in front of you.

17 MR. MANN: Yes. I mean, it's extensive
18 so but that there was licking of the breasts and
19 never penile to vagina penetration.

20 The -- at the preliminary hearing, the
21 issue regarding the pizza, there was a discussion
22 about the pizza. Never once was there any sort of
23 allegation from B at the preliminary hearing
24 that there was penile to vagina penetration.

25 In fact, it was at that time a -- it was

1 at that time that Cameron licked the breasts of
2 A . That was the allegation. In fact, she
3 said during preliminary hearing that there was no
4 other touching that day. No other incident other
5 than the licking of the breast at that time.

6 There's nowhere in the preliminary
7 hearing regarding her statements that was penile to
8 vagina penetration. So -- so obviously, the
9 allegations are drastically different now and were
10 not pled that way.

11 THE COURT: Okay. So what you're saying
12 to me by looking at the entire preliminary hearing,
13 and I assume any other information that has come
14 forth -- I don't know if there's voluntary
15 statements or anything -- this is the first time
16 you've ever heard or your client has ever heard
17 that during this time frame, and we'll use Saturday
18 cartoons, that there's an allegation that there was
19 penile penetration to A , B , Palmer's
20 vagina, correct? Right? I want to make sure I am
21 rephrasing correctly.

22 MR. MANN: No, that's not correct. I'm
23 sorry, Your Honor.

24 THE COURT: Okay.

25 MR. MANN: That the preliminary hearing

1 -- I relied on the preliminary hearing to know what
2 actual allegations there were.

3 THE COURT: All right.

4 MR. MANN: I just --

5 THE COURT: The record was clear on.

6 MR. MANN: There are voluntary
7 statements that say something different, um, and
8 there are, but that was how they testified during
9 preliminary hearing was different than their
10 voluntary statement.

11 THE COURT: Okay.

12 MR. MANN: Okay.

13 THE COURT: All right. I just want to
14 make sure I have a clear record so I understand
15 what you're doing.

16 MR. MANN: I base my defense on what the
17 State pleads in their notice, which is the
18 Information and I said that was deficient. Your
19 Honor said, well, you have notice through the
20 preliminary hearing transcripts --

21 THE COURT: I have to tell you, there's
22 no order that says I'm limited to that. If you
23 have an order that says that, I'll go back and look
24 at the motions and see, but it does not say that.

25 The only thing I have is the minute

1 order and I do not see where it was said it was
2 limited to that, but if that's your
3 representation --

4 MR. MANN: It's my recollection that you
5 indicated that.

6 THE COURT: If I indicated it, my
7 people -- I would have had it on here if I was
8 limited it to. I would tell you that right now.

9 MR. MANN: I just want to make sure it's
10 a proper record.

11 THE COURT: Me to. I agree.

12 MR. MANN: And I think this puts Mr.
13 Thomas at an extreme disadvantage where they can
14 just have things come in and out over the
15 allegations. They have claims that come in and
16 out.

17 At some point, we have to have an
18 understanding of what we're fighting against of
19 what we're defending. Because if we don't, then
20 the State has every ounce of power and we have
21 nothing because they are a moving target, and at
22 some point, the defense has to be able to have at
23 least an opportunity to hit that target.

24 THE COURT: Okay. So you're basing it
25 on -- I put down here "notice," but it's not really

1 notice. It's -- because it's more, because you
2 didn't -- it was in the voluntary statements.
3 Okay. You've got your record. Okay. Thank you.

4 State?

5 MS. RINETTI: Your Honor, we have
6 alleged that the defendant, between the period of
7 time, sexually assaulted Ambree from 2006 to 2010.

8 Nevada is a notice pleading State. They
9 were on notice the fact that during that time
10 frame, the defendant sexually abused by sexually
11 penetrating her, penis to vagina.

12 The Saturday morning cartoons are
13 referenced in her voluntary testimony between pages
14 20 to 26.

15 The pizza incident is referenced in
16 voluntary statements from pages 31 to roughly 37.
17 The pizza incident, there -- at the time, at the
18 time preliminary hearing, Brie did not talk about
19 penis to vagina intercourse.

20 The pizza incident is referenced on
21 pages of the preliminary hearing 61 through 67 and
22 then again in page 184 of the preliminary hearing
23 transcript.

24 The fish tank incident that I referred
25 to was in the preliminary hearing transcripts from

1 pages -- roughly 156 through to approximately 182
2 of the preliminary hearing transcript.

3 THE COURT: Does that reference vaginal
4 penetration?

5 MS. RINETTI: Yes, Your Honor.

6 THE COURT: Let's keep track here.

7 MS. RINETTI: It's specifically on page
8 156 of the preliminary hearing transcript.

9 THE COURT: All right. So his argument
10 -- his argument to you is, hey, when you did the
11 preliminary hearing, you did not put on when she
12 was discussing the Saturday cartoons incident, and
13 the pizza incident. You didn't have her testify
14 during the preliminary hearing that there was penis
15 to vaginal penetration during those times, correct?

16 MS. RINETTI: Correct. She did not
17 disclose that during preliminary hearing and that's
18 fodder for cross-examination for sure of why she
19 was disclosing it one time and failed to another.

20 We're dealing with children. At the
21 time of her preliminary hearing, I think she was
22 nine years old. And so he has a copy of the
23 voluntary statement. He has a copy of the
24 preliminary hearing -- preliminary hearing
25 transcript. It is complete fodder for

1 cross-examination on whether this child is telling
2 the truth or not, that she was vaginally penetrated
3 with the defendant's penis in 2006 to 2010. Under
4 Lapierre (phonetic), under Cunningham, I think the
5 State is --

6 THE COURT: Can you give me those? Just
7 give me so I can look up the cases.

8 MS. RINETTI: Lapierre is 836 Pacific,
9 Second 56 --

10 THE COURT: Hold on.

11 MS. RINETTI: I'm sorry.

12 THE COURT: 836 Pacific Second.

13 MS. RINETTI: 56, 1982. It talks about
14 particularity within sexual assault.

15 On a number of occasions, the Nevada
16 Supreme Court has cautioned that these particular
17 cases are different than a lot other cases because
18 you're dealing with children. And they seriously
19 talk about ongoing abuse and how that children
20 often don't disclosure right away, which is exactly
21 what's happening in this case. And that time
22 frames and when things have happened become
23 problematic when it comes to sexual abuse of
24 children because there's often a delay in
25 disclosure.

1 They give no leeway in the notice
2 pleading State regarding sexual assault of
3 children. They were on notice. They have the
4 voluntary statement. They've had that since --

5 THE COURT: I was going to ask, for the
6 record, when did they receive the voluntary
7 statements?

8 MS. RINETTI: Your Honor, I didn't
9 handle it initially. I would imagine that would
10 have happened prior to the preliminary hearing in
11 this case, which happened in 2011.

12 THE COURT: I just want to make sure my
13 record --

14 MS. RINETTI: And Your Honor, so I think
15 based upon the fact that this is -- that the
16 State's on notice that there's allegation of penile
17 penetration. I think I would be in a much
18 different position if I had mentioned penile
19 penetration and we never alleged it.

20 THE COURT: You would be in much --
21 yeah. Okay.

22 Yes, Mr. Mann.

23 MR. MANN: Your Honor.

24 THE COURT: Do you have any cases to
25 support your position?

1 MR. MANN: Other than what was
2 originally supported in my motion --

3 THE COURT: I'll make sure we pull --

4 MR. MANN: Thank you.

5 THE COURT: I'm going to go back.

6 MR. MANN: And the other issue as well
7 is the issue of Petrocelli, that although we may
8 have been on notice that they had originally -- let
9 me back up. I apologize.

10 I'm assuming based upon Your Honor's
11 comments that you're not accepting my argument.

12 THE COURT: No, not at all. I'll be
13 very honest. What I was going to do is keep the
14 trial going but I am going to stay the night and
15 pull the motion to dismiss. I'm not going to stop
16 the trial but --

17 MR. MANN: Okay.

18 THE COURT: Based upon you filing it --
19 if I keep the trial going, you're not going to be
20 prejudiced at this point if I go through the rest
21 of the day, is how I'm looking at it.

22 I would like to look at it based, you
23 know, if you have any cases I am going to pull it
24 up. I am going to go back and visit the motion to
25 dismiss to see if your argument is -- if that was

1 considered, because in fairness I wanted to do
2 that.

3 So I just wondered if you have any
4 authority, because I understand your position. I
5 am very clear. I want to make sure I do because --
6 and if you have any authority that says that
7 because -- at the preliminary hearing time, the
8 child didn't testify to those specific acts of
9 vaginal penetration, that your client was not on
10 notice when the case was bound over. That's all
11 I'm trying to figure out, if you have any authority
12 to that or anything I could look at because I
13 absolutely would, as you well know, read it.

14 MR. MANN: Your Honor, I do believe that
15 my authority is based in my --

16 THE COURT: Would it be in the cases for
17 that?

18 MR. MANN: It would be in the -- yes.

19 THE COURT: There's no problem
20 revisiting those cases.

21 MR. MANN: Another argument that I'd
22 like to make on that same issue is it wasn't pled
23 that way, the Information -- I am sorry. The
24 Information was not pled with those other acts of
25 vaginal penetration, that that wasn't part of the

1 preliminary hearing, and that under the Petrocelli
2 case, that it's still the State's obligation and
3 this would be another bad act that the State is
4 required to bring that up to make sure that there's
5 findings first before, because that is not what was
6 originally pled.

7 That is not what's going on in this
8 particular case. And that if the State wanted to
9 bring that up as prior bad acts, that they should
10 have done that.

11 THE COURT: But the prior bad acts, they
12 are saying they are part of the charges here and
13 not something that occurred before these charges,
14 correct? Am I right?

15 MS. RINETTI: Right. In the time frame
16 of the charge of sexual assault.

17 THE COURT: Okay.

18 MR. MANN: They charged one vaginal
19 penetration by a penis.

20 THE COURT: I understand the number. I
21 got that.

22 MR. MANN: When they bring up three,
23 obviously you have extra.

24 THE COURT: I happen to have this issue
25 on Petrocelli just recently and I disagree with

1 you.

2 When it's within the time frame of the
3 charging document, it is not a prior bad act. If
4 it wasn't within the time frame of the charging
5 document, I would agree with your Petrocelli. I
6 actually had just briefed this and done this in
7 another case, so that I'm very sure about.

8 You didn't even get a chance to do an
9 opposition on the Petrocelli, but do you see what
10 I'm saying? It's -- within this charging document,
11 it would not come under Petrocelli.

12 MS. KOLLINS: Absolutely, Your Honor.
13 And the other thing I would like to add is the
14 State has freedom to -- we can charge one count for
15 multiple counts of the same conduct within one
16 count within the time frame.

17 In other words, if we only wanted to
18 charge one count of lewdness by pinching the butt
19 and it happens ten times in the time frame, we have
20 the freedom to charge that as one count if we want
21 and still have the testimony regarding the rest of
22 the counts.

23 THE COURT: Because I assume the jury
24 may believe two incidents to support one count,
25 correct, that may not -- if you did ten counts, may

1 not believe all ten. Thank you for telling me
2 that. That was obviously in my head. I'm going to
3 look -- I'm going to keep the trial going, and I
4 assume your point is you would like -- you said it
5 at the bench. I want to make sure you're asking
6 for a mistrial.

7 MR. MANN: I am, Your Honor.

8 THE COURT: Because I want that on the
9 record since you did do it up here.

10 What I'm going to do is I'm going to
11 keep the trial going. If I do feel that it is, the
12 open thing, you're not going to be prejudiced
13 because I will grant it once I have a chance to go
14 back and look at it. I'm not going to wait on it.
15 What I am going to do is hopefully just keep the
16 trial going through today.

17 You guys, we're at 2:21 already. You
18 still need to do your opening, right, Mr. Mann and
19 maybe there is -- there's one witness?

20 MS. RINETTI: Yes.

21 THE COURT: Let me take a break and have
22 my law clerk pull your motion and the cases, and in
23 case we did do some order -- we're off the record.

24 (Whereupon a discussion was held off the record.)

25 THE COURT: Does anybody have an

1 objection if I keep the trial going until I can
2 pull that the prior motion and make sure? Can I
3 reserve my ruling or do you feel -- I want to be
4 fair to you.

5 Does anybody have an objection if I
6 reserve it until I can get to it? We don't have a
7 lunch hour because we are already in the afternoon
8 but by Monday morning.

9 MR. MANN: Well, my statement, Your
10 Honor, would be that I think that my client is
11 severely prejudiced by this. Obviously, it changes
12 how we have our defenses and things like that.

13 But putting that issue on the record,
14 um, whether you ruled right this moment or later
15 before we hear another witness or something like
16 that, I don't know if it changes. Although that
17 being said, now that I think about it, I believe I
18 am going to do my opening which is -- I would have
19 changed differently and done differently had I
20 known this.

21 With that being said, I believe that
22 their intent was to call A P, who this is
23 exactly what it was about.

24 THE COURT: Are you going to call her
25 today?

1 MS. RINETTI: What we can do, if you
2 want, because obviously if you're going to grant a
3 mistrial, I don't want to start Al --

4 UNKNOWN SPEAKER: Call a kid.

5 THE COURT: Here's the answer. How do
6 you want to do this? Do you want to finish -- do
7 your opening, let me go back to my law clerk now,
8 pull everything, so that after you do your opening,
9 hopefully he will have pulled everything and pulled
10 these cases and I'll get a chance to review it.

11 Give me a 15-minute break or something
12 to look at it, so before they call a witness, I can
13 make a ruling. That's the best I can do. Would
14 that work? I can only do what I can do.

15 MR. MANN: I have made my record.
16 Whatever you need to do, Your Honor, is fine by me.

17 THE COURT: I just want to have this
18 clean, a clear record as I can for everybody on the
19 case. Let me do this: Let us take a quick break.
20 Let me go back and have my law clerk pull
21 everything. I would like you to, after our quick
22 break -- everyone needs to use the restroom, right?

23 MR. MANN: Yeah.

24 THE COURT: I will have my law clerk
25 work on it while you're doing your opening.

1 Afterwards, we'll take a quick break and then just
2 give me a few minutes to look at it. So in
3 fairness, I feel comfortable that I considered
4 everything and then we'll do the ruling and we'll
5 go forward.

6 She's still okay even if I take a quick
7 break.

8 MS. RINETTI: I just don't want -- if
9 we're going to discuss something, I don't want her
10 to be on the witness stand.

11 THE COURT: I would not do that. They
12 don't get another shot at her.

13 MS. RINETTI: Thank you. I appreciate
14 that.

15 THE COURT: Of course not. I
16 understand. No, I would not do that. That would
17 not be fair to anybody. Everybody take a quick
18 break. Where's the minute order so I can get him
19 to pull the motions? And we'll take a quick break
20 and then you will come back and start your opening,
21 Mr. Mann, okay.

22 (Whereupon, a brief recess was taken.)

23 THE COURT: Welcome back. We are back
24 on the record. I did take a break. I was able to
25 pull up -- due to the minutes, pull up the motions

1 and the oppositions and look at the case law.
2 Actually, I still had notes on this. So I took the
3 opportunity to review so I could make a ruling on
4 this.

5 It's my opinion that the State has
6 fulfilled their obligation in the charging document
7 of when you look at the case law, you don't have to
8 have -- that there was enough sufficiency and
9 particularity based on the time frame and they only
10 charged one count that, doing the different
11 scenarios.

12 If it had been a situation where they
13 had charged three counts and you didn't have that
14 information on the bind over, in the preliminary
15 hearing, I would have under -- I would have
16 understood the argument. But they only charged one
17 count in this.

18 So I'm going to deny the motion for a
19 mistrial that your client was not put on proper
20 notice by the charging document, which is the Third
21 Amended Information, correct?

22 MS. RINETTI: Yes.

23 THE COURT: Okay. All right. Let me
24 get my notes. Let's go forward and start
25 your closing --

1 MS. RINETTI: I wish.

2 THE COURT: Seems like it. Mr. Mann,
3 your opening statement. Here comes the jury, let's
4 go. We're ready. Let's go.

5 (The jury entered the courtroom.)

6 THE CLERK: Please be seated.

7 THE COURT: Counsel, stipulate to the
8 presence of the jury?

9 MR. MANN: Yes, Your Honor.

10 MS. RINETTI: Yes, Your Honor.

11 THE COURT: Mr. Mann, are you going to
12 do an opening statement on behalf of the defendant?

13 MR. MANN: Yes, Your Honor.

14 THE COURT: Thank you for your patience
15 with something that we had to do. I appreciate it.

16 Go ahead, Mr. Mann.

17 MR. MANN: Good afternoon, ladies and
18 gentlemen of the jury. Thank you very much for
19 your service on behalf of myself and Mr. Thomas.
20 We very much appreciate the honor of having you
21 here to serve and to preside over this proceeding.

22 Obviously this case is very important
23 and we appreciate your attention to detail and your
24 attention to everything that comes out in this
25 case.

1 This case, you heard the charges from
2 the clerk and you know that Mr. Thomas has entered
3 a plea of not guilty. And so he has denied all the
4 charges that are being alleged against him.

5 As we had discussed, you know, the
6 different burdens and what I'm here to do today is
7 to help guide you through the evidence that's going
8 to be presented and let you see it from Mr. Thomas'
9 perspective.

10 Now, what is this case all about? This
11 case is about revenge. It's about money. It is
12 about manipulation, and it is about character.

13 There are many, many players in this
14 particular case, and you heard the State talk about
15 the accusers, the four accusers. You can see that
16 from those accusers, they obviously have family
17 members. And you will be hearing from some of
18 those family members, and that is one element of
19 the players involved.

20 I've been on this case for five years,
21 and still, to this day, I have trouble plugging in
22 where everyone goes because there are a lot people
23 involved in this particular case.

24 There are people from the day care, Kids
25 'R' Kids. There are people from the other day

1 care, Bright Child, where Cameron had worked.
2 There are parents. There's family members and
3 there's acquaintances and friends who are all
4 involved who all have something involved in this
5 case.

6 Now, you may not hear from everyone on
7 there but you're going to hear about many, many of
8 these people. So let's get to the heart of the
9 matter.

10 Let's start off with: Who's Cameron
11 Thomas? Cameron Thomas was born in Oxnard,
12 California, July 16th, 1983. His mother was in the
13 Navy, moved to Hawaii. Navy life was hard and he
14 ended up moving back to the mainland with his
15 grandparents when he was four.

16 His father died when he was five, and at
17 the age of six with his grandparents, he moved to
18 Las Vegas where he lived with his grandparents.
19 His grandparents were the people that raised him,
20 and his grandmother was a home health nurse.

21 His grandfather worked at the military
22 base in California before he retired. But because
23 his grandmother was a home health nurse, she
24 actually had to work nights. She became -- it was
25 a struggle dealing with a young boy in his time

1 frame. And so she ended up befriending someone by
2 the name of Mada Eddins who agreed to watch Cameron
3 during the day. Mada has two daughters, Kourtney
4 and Crystal. You'll hear more about them at a
5 later time. Cameron became extremely close with
6 the Eddins family and saw Kourtney as a big sister
7 and followed her direction on a lot things in life.

8 Cameron met his wife, Jennifer, in high
9 school and they actually started dating in high
10 school. She was older than he was. And
11 eventually, Jennifer and Cameron moved into a
12 property that we're going to call by the name of
13 Starlink Mesa in May of 2004. They got married in
14 June of 2004, and they had their first child Danté
15 in August of 2004. They had their second child
16 Janae, in June of 2007 and there third child,
17 Kailey in April of 2010.

18 Cameron Thomas is one of those people
19 that loved being around people. He's the type of
20 person that just wants lots of people around and
21 Jennifer very much was the same way. They always
22 were inviting people over, always welcoming people
23 into his home.

24 In addition to that gregarious feeling
25 that Cameron always had and bringing in people,

1 they were very generous. Cameron and Jennifer were
2 both very generous in their time and in their
3 money. A lot people seemed to be attracted to
4 them, be brought into them, brought into their
5 family.

6 And so they're always giving of
7 themselves. And one of those things where Cameron,
8 for a very long time until he came close with the
9 Eddins family, had a home life where it was very
10 isolated, where he was the only person. He had no
11 siblings. And when he finally got the opportunity
12 to be around lots of people, he embraced it.

13 He had many friends. And as I said,
14 people really congregated to him and he treated
15 many, many people like family. So it was natural
16 that Cameron kind of moved into the day care
17 business. Now, Cameron became involved in the day
18 care business because of Kourtney, this older
19 sister that he pretty much followed her footsteps
20 as a teenager.

21 He went and volunteered at the same day
22 care that she was working at. He volunteered his
23 time at Children's World and soon became old enough
24 where he was actually hired. After he was hired,
25 he actually attended classes at UNLV and the

1 College of Southern Nevada and obtained his Child
2 Development Certificate. He eventually worked
3 himself up into the directors position at a day
4 care facility. His personality made him a natural
5 for this position.

6 He worked hard to continue the
7 improvement in his profession. He would have a
8 competition of who can get more certifications,
9 more continuing education than the others and kids
10 flocked to him. Kids loved him. He was one of
11 those people that he was able to relate to them
12 better than other people.

13 Now, we heard the State talk about the
14 girls making these accusations and there are four
15 of them obviously. We have Ambree, Zailey, Mahairi
16 and Molly.

17 What I would like to do is divide them
18 you up so it's easier to follow. The State kind of
19 did this in their opening that we have two groups.
20 We have Ambree and Zailey, who are sisters, and I
21 indicated that I believe the evidence will show
22 that they have a motivation to lie.

23 And then we have Mahairi, Molly that I
24 believe the evidence will show that the news
25 coverage influenced them into their so-called

1 disclosure. So as we said, Ambree and Zailey are
2 sisters, and Ambree and Zailey are two of four
3 sisters who are all related to April Reed, but in
4 December of 2005, April and Kashonda Williams
5 became boyfriend -- I am sorry, girlfriend and
6 girlfriend and became involved in a relationship
7 and eventually the girls accepted Kashonda William,
8 also known as Kay, as one of their mothers.

9 Cameron and Kay have a long history.
10 They were friends from second grade. Cameron's mom
11 actually knew Kay's mom and they knew each other
12 growing up. And they were always around each other
13 and they were great friends.

14 Kay and Kourtney, you remember the name
15 "Kourtney." Kourtney is Mada Eddins' daughter.
16 Kay and Kourtney were actually dating and in
17 December 2005, they break up. It's also in
18 December 2005 that Kay and April started dating,
19 and also in December of 2005, Kay and April move in
20 together.

21 And in March of 2006, April gives birth
22 to her fourth child, Karter. And Karter takes
23 Kay's last name of Williams. The Thomas family and
24 April Reed's family start to do everything together
25 and Cameron being very close with Kay, continues

1 that friendship and it's extended on to the Reed
2 family as well where Cameron was eventually named
3 the god dad of Ambree, Zailey, Zoë and Karter.

4 And while the Reed family was actually
5 in Las Vegas -- these are the different places that
6 they lived and that will become important to
7 understand the time frames of certain allegations
8 that were being made. That they lived at the
9 residence from January 2007 to January 2008.

10 That they lived at a place called
11 Windrose Point. I believe it was a house in
12 Summerlin, January 2008 to May 2009. Grasswood in
13 May of 2009 to October of 2009. For a short period
14 of time in October 2009, they moved to Arizona.
15 And then quickly moved back and started living with
16 Cameron and Jennifer Thomas, their house, in
17 October of 2009 to December of 2009.

18 And the basis of this, and we'll talk
19 about this in a minute, was to provide the Reed
20 family some stability so they could get back on
21 their feet. And then after that, there was a
22 falling out.

23 And in December of 2009 to February
24 2010, they lived at Kourtney and Audrey's house,
25 and Audrey is the new girlfriend of Kourtney, who

1 as we discussed, is Mada Eddin's daughter. And
2 then eventually February 2010, they move to
3 Arizona.

4 So April and Kay, they were struggling
5 financially. And in October of 2009 could not pay
6 rent. They needed to get back on their feet and
7 they moved the girls to Arizona, but could not live
8 there. Jennifer and Cameron got a title loan to
9 help them pay rent but unfortunately that wasn't
10 enough. And in October of 2009, April, Kay, the
11 four girls, moved in with Cameron and Jennifer in
12 October of 2009. And it was actually Cameron and
13 Jennifer and their two kids, so a family of four
14 and April, Kay and their four kids, a family of
15 six. So ten of them were living in the house
16 together.

17 The idea was that they were all going to
18 live there a short time to let April and Kay save
19 money on rent and get enough money to move out.

20 Unfortunately in December of 2009, there
21 was a major falling out and I put it as "Palmer v.
22 Thomas." Obviously the Palmer family versus the
23 Thomas family. And in December 2009, the Thomas
24 family finally said enough and asked April and Kay
25 and the girls to move out.

1 And Cameron and Jennifer discovered that
2 the title loan that they got on the car that was so
3 generous of them to give was not being paid by
4 their long time family friend, Kay. And Cameron
5 had to rush out and borrow money in order to keep
6 the loan to the car and April and Kay in addition
7 to that, slighted the family by just completely
8 cutting them off and not even going to various
9 family events, which was such things as like the
10 Thomas Christmas performance where his kids were
11 performing and he was participating through the day
12 care. This was the last straw.

13 The families were now at war, everyone
14 around them. As we talked about, Cameron is one of
15 those people that brings everyone in and everyone
16 around them who seemed to get involved and started
17 picking sides.

18 And the girls at that point were no
19 longer allowed to see Cameron or his family by
20 direction of April Reed. The girls were devastated
21 that they could not see Cameron and his family.
22 There were many arguments in front of a lot
23 different people. Cameron told April in a fit of
24 rage that she was an unfit mother and this enraged
25 April.

1 April told people she was going to get
2 Cameron. She was going to get him back and it was
3 going to be good. This was similar to a divorce.
4 We have two families that treated each other like
5 family, like one big family, and here was a major
6 breakup. This was going to get nasty and it did.

7 They were ready to kill each other.
8 Eventually the Palmer family had to move to Arizona
9 and things settled down.

10 Now, as you can see, these sisters had a
11 motivation to lie. Their family histories, their
12 struggle between the two families was definitely
13 there. In addition, you're going to learn of
14 evidence that there was a history of lying, that
15 the stories changed, that the stories you're going
16 to hear, when you use your common sense, you
17 realize are not even plausible and that there is no
18 corroboration. There is nothing to support that
19 any of these stories that are being said by the
20 girls that they actually happened, other than the
21 words out of their mouth.

22 Now, the allegations against Cameron, as
23 you know, there is an Information filed. And in
24 that Information, they allege a time period of five
25 years.

1 During those five years, these things
2 may or may not have happened according to the
3 allegations. And you'll hear that this Information
4 does not specify anything, any details. And you'll
5 see that this Information is void of any
6 specificity.

7 MS. RINETTI: Judge, may we approach
8 just briefly?

9 THE COURT: Yes.
10 (Whereupon there was a conference at the bench that
11 was not requested to be reported.)

12 MR. MANN: Now, one of the stories that
13 you're going to hear, and you're going to hear lots
14 of different stories. One of the stories that
15 you're going to hear is Ambree Palmer is going to
16 talk about the day that Michael Jackson died.
17 She's going to talk about that here was an incident
18 that she remembers Cameron Thomas specifically
19 coming over to her house and performing cunnilingus
20 on her. And she specifically said that Cameron
21 came over during his lunch.

22 And that this happened the day that
23 Michael Jackson died. You will hear evidence
24 whether she actually knew if it was actually the
25 day that Michael Jackson died or not. And you'll

1 hear evidence that she states under no uncertain
2 terms that it was, in fact, the day that Michael
3 Jackson died.

4 The day that Michael Jackson died,
5 Cameron Thomas was actually on a field trip to the
6 zoo. The day that Michael Jackson died, Cameron
7 Thomas did not leave work. And in fact, there will
8 be witnesses that talk about how he assisted them
9 with putting a large toy order away.

10 In fact, the witnesses will talk about
11 how this large toy order from the day care actually
12 filled up an entire classroom where they had to
13 adjust all the kids to different classrooms. And
14 that this was a big project that lasted over many,
15 many days. In fact, I believe weeks.

16 But the day that Michael Jackson died,
17 we know where Cameron was and we know where he
18 wasn't and the evidence will show that he wasn't
19 with Ambree.

20 So you will also hear that -- you have
21 Ambree talking about several instances of penis to
22 vagina penetration. And you will hear evidence
23 from a doctor who said that there was no evidence
24 of any -- no indication of any sexual assault.
25 That there was no bruising, no tearing, and the

1 hymen was intact.

2 So as jurors, pay attention to their
3 stories, scrutinize what they say, and understand
4 their motivations.

5 Now, Molly and Mahairi. As we talked
6 about before, these are two that unfortunately were
7 caught up in the paranoia of the news. And you
8 will hear from the defense expert, Dr. O'Donohue,
9 who's a professor of psychology of UNR, who's the
10 director of crimes treatment center. And he'll
11 testify about the suggestibility of children.

12 He'll testify about proper and improper
13 techniques of questioning children. He'll testify
14 about intended and unintended influences of the
15 so-called child victims and ways that a child can
16 be influenced from outside influences. How
17 parents, news coverage and other adults can
18 definitely influence a child in their statements
19 and what they say.

20 So Molly, she was influenced by the
21 news. And you're going to hear evidence that Molly
22 stated when asked during her voluntary statement,
23 wait, which teacher is this about? Like, because I
24 saw Mr. Cameron on the news once.

25 You will hear her talk about how her mom

1 told her about it. My mom saw him and then my mom
2 told me. You'll hear about how she heard that he
3 was going to jail. And before mom even talked to
4 Molly, she learned Mr. Cameron had been accused of
5 something. And my mom saw it on the news.

6 So obviously before Molly ever made any
7 sort of indication to anyone, she is getting
8 influenced by all these different areas, the news,
9 her mom, and other people.

10 Mahairi was also influenced by the news
11 coverage. She said in her statement, it was a
12 dirty secret on the news. Cameron was doing bad
13 things to other children. That she saw it on Fox
14 News. That her mom said don't do that again
15 because you could get nightmares, meaning don't
16 watch it on TV. Also there was no evidence of any
17 sort of sexual assault, no bruising, no tearing,
18 hymen intact.

19 You're also going to hear from the
20 defense witnesses. Mada Eddins who lived at
21 Kourtney and Audrey's house in 2009, was living at
22 the home when April, Kay and the girls moved into
23 the house. She witnessed Ambree and Zailey back in
24 December of 2009 completely upset that they could
25 not see Cameron.

1 In fact, you will hear evidence of how
2 Ms. Eddins -- and by the way, I believe it's Ms.
3 Eddins Smith now -- that she witnessed Ambree and
4 Zailey crying that they could not see Cameron and
5 the family. That this was -- that they desperately
6 wanted to see Cameron and this was supposedly after
7 Cameron had been abusing them.

8 You'll hear from Kourtney Upshur, who is
9 the Kourtney of Mada Eddins, who's known Cameron
10 and Kay for a long time; whose house that April,
11 Kay and the girls stayed at and witnessed the
12 blowup between Cameron, Kay and April; and
13 witnessed also Zailey and Ambree extremely upset
14 that they couldn't see Cameron. And also that they
15 were regularly over at Jennifer and Cameron's
16 house.

17 You'll hear from Lisa Rampolla who went
18 on field trips for the day care, Kids 'R' Kids, and
19 was at the zoo with Cameron on June 25th, 2009, the
20 day that Michael Jackson died, and she will say
21 that Cameron was with her.

22 Now, one of the things that the
23 allegations from Mahairi and Molly, Molly
24 specifically says that the only time that she was
25 abused by Cameron was at these Parent's Night Out

1 events. And these Parent Night Out events,
2 actually at Kids 'R' Kids happened in a very large
3 room with lots of kids around and several staff
4 members there. And Lisa was one of the staff
5 members that would regularly do these Parent's
6 Night Out events with Cameron, and in fact, she
7 would even go with her two daughters to these
8 Parent's Night Out.

9 She witnessed the way that Cameron
10 interacted with these kids and even witnessed Molly
11 being extremely excited after Molly had left Kids
12 'R' Kids and went to a different day care because
13 they moved.

14 They eventually found out that Cameron
15 had moved to Bright Child and Molly became
16 extremely excited when they learned that Cameron's
17 day care that he worked at actually provided a bus
18 to provide service for that particular school that
19 Molly went to and begged her mom. Mommy, please.
20 Please, can we go to the same place that Mr.
21 Cameron was.

22 And you'll hear that there was evidence
23 that Molly actually begged to go that to same day
24 care Mr. Cameron was. This was supposedly after
25 she had been abused.

1 You will hear from Courtney Rampolla,
2 who's the daughter to Lisa Rampolla, who went to
3 the Parent's Night Out a lot, would hang out with
4 Cameron, witness Molly follow Cameron everywhere.
5 She never once felt uncomfortable.

6 She'll say they never saw anything
7 inappropriate between Cameron and any other child.
8 And here are pictures that you will eventually see
9 more in detail of the room and the location where
10 this Parent's Night Out events occurred.

11 And you will hear about how this room
12 actually is fitted with two cameras where parents
13 are free to log on anytime during the day to be
14 able to observe anything that's going on.

15 And oftentimes you'll possibly even hear
16 from a witness or two that talks about how they
17 would watch the cameras themselves and they would
18 do that regularly.

19 You're going to hear from Bonnie Hart,
20 who is the owner of Kids 'R' Kids, part owner. And
21 that she actually worked as the director where
22 Cameron was under her of the assistant director for
23 many, many years. She worked with Cameron as
24 director from 2005 and she's actually still the
25 director. And Cameron was the assistant director.

1 She saw how Cameron interacted on a
2 daily basis, how he was great with kids. Never saw
3 anything inappropriate. She'll talk about how
4 there's cameras in the facility and she'll also
5 talk about her knowledge of the accusers.

6 You'll hear from Jolyn Welch, who is the
7 assistant director of Kids 'R' Kids who worked with
8 Cameron, who socialized with Cameron. And her
9 family did things with Cameron outside of work, who
10 has two daughters and two boys and saw Cameron's
11 interaction on a daily basis.

12 And Cameron -- how there were cameras
13 throughout the facilities and also knowledgeable of
14 the accusers. You'll hear from Jackie Taylor who's
15 the assistant director of Bright Child, which is
16 the other day care facility, also worked with
17 Cameron, saw his interactions, about how there was
18 cameras, also worked Parent's Night Out with
19 Cameron, and her husband actually would go to the
20 Parent's Night Out with Jackie as well.

21 And how Parent's Night Out at Bright
22 Child is very similar to how it was at Kids 'R'
23 Kids, with a very large room where everyone is able
24 to be seen.

25 And you will hear from his wife,

1 Jennifer Thomas. How they were married since 2004.
2 How they have three children. The giving nature of
3 the Thomas family always having people in the
4 house, always helping out, giving presents, and
5 she'll discuss all the various things that she has
6 seen.

7 Your job is to wait until you have heard
8 all the evidence, scrutinize every witness,
9 determine credibility, be fair, hold everyone to
10 their tasks and listen to everything. And the
11 defense, Mr. Thomas and I, believe that if you do
12 that, that you will ultimately find Mr. Thomas not
13 guilty.

14 Thank you.

15 THE COURT: Thank you, Mr. Mann. All
16 right.

17 State, do we need a break or can you
18 call your first? Great.

19 We are now going to start the testimony.

20 MS. RINETTI: State's first witness is
21 Ambree Palmer.

22 THE COURT: Okay.

23 MS. RINETTI: Judge, at this time
24 pursuant to Nevada law, I'm going to ask to close
25 the courtroom due to the content of the testimony

1 that's going to be --

2 THE COURT: I am sorry. I couldn't
3 hear.

4 MS. RINETTI: I apologize for walking
5 away. Pursuant --

6 THE COURT: You asked to close the
7 courtroom because of --

8 MS. RINETTI: The minor child, yes.

9 THE COURT: How old is she now?

10 MS. RINETTI: She is 17.

11 THE COURT: Okay. She's under 18.

12 MS. RINETTI: Correct.

13 THE COURT: Do you have any objection?
14 I guess we need to go. You want anybody who is not
15 a party to this litigation?

16 MS. RINETTI: Right.

17 THE COURT: There's a lot people here.

18 MR. MANN: As you know, any case is open
19 to the public -- can we approach, Your Honor?

20 THE COURT: Sure.

21 (Whereupon there was a conference at the bench that
22 was not requested to be reported.)

23 THE COURT: All right. I am going to,
24 under Nevada law, anybody who is not -- I am going
25 to close the room for this testimony. So you do

1 need to leave at this time.

2 Marshal, the man associated -- I am
3 sorry. I didn't get his name.

4 MR. MANN: Mr. Gerston will be allowed
5 to stay.

6 THE COURT: Sorry. Mr. Gerston. You
7 are allowed to stay.

8 MS. KOLLINS: Your Honor, just for the
9 record, our advocate is here from the D.A.s office.

10 THE COURT: Is she an advocate? I will
11 permit her to stay.

12 Okay. Let's go forward.

13 Whereupon,

14 A P ,
15 having been called as a witness, and having been
16 first duly sworn to testify to the truth, the whole
17 truth, and nothing but the truth, was examined and
18 testified as follows:

19 THE WITNESS: I do.

20 THE CLERK: Please be seated.

21 Please state and spell your first and
22 last name for the record.

23 THE WITNESS: My name is A P .

24 A- , P- .

25 THE COURT: Okay. Direct exam.

1 MS. RINETTI: Thank you so much.

2

3 DIRECT EXAMINATION

4 BY MS. RINETTI:

5 Q. May I call you Brie?

6 A. Um-hmm.

7 Q. Is that a yes?

8 A. Yes.

9 Q. I know we talked about this, but we're
10 going to use our words here today. Okay?

11 A. Okay.

12 Q. Okay. Do your family and friends call
13 you "Bri"?

14 A. Yes.

15 Q. Brie, how old are you?

16 A. I am 17.

17 Q. And what is your date of birth?

18 A. March 11th, 1999.

19 Q. And what grade did you just finish?

20 A. I just finished the eleventh.

21 Q. Eleventh grade. Do you have finals to
22 go back to?

23 A. Yes.

24 Q. What kind of classes are you taking or
25 did you take?

1 A. Um, mostly AP and honors.

2 Q. What kind of AP classes?

3 A. AP Physics, AP Psych, Honors English,
4 and then Pre-Calc.

5 Q. Okay. And what are going to take next
6 year?

7 A. I am taking all art classes and English
8 class because I decided I want to be an animator.

9 Q. An animator?

10 A. Um-hmm.

11 Q. Is that a "yes"?

12 A. Yes.

13 Q. Brie, I want to talk to you little bit
14 about your family.

15 Do you have parents?

16 A. Yes.

17 Q. How many parents do you have?

18 A. Technically three.

19 Q. Okay. When you say "technically three,"
20 what do you mean by that?

21 A. My -- the people who take care of me are
22 my mothers, and they just got married and they take
23 care of me. And then my father, he doesn't live
24 with me, but he lives here in Vegas.

25 Q. What are your moms' names?

1 A. April and Kay.

2 Q. Do you call April something?

3 A. I call her "Mommy Mommy."

4 Q. And what do you call Kay?

5 A. "Mommy K."

6 Q. "Mommy K." Do you have any siblings?

7 A. Yes.

8 Q. How many siblings do you have?

9 A. I have three sisters.

10 Q. And what are their names?

11 A. Zai, Zai, and Kai.

12 Q. Since you have three sisters, are you

13 the oldest, youngest or somewhere in between?

14 A. I am the oldest out of all of us.

15 Q. Who's next in line after you?

16 A. Zai.

17 Q. Zai. How old is Zai right now?

18 A. Zai just turned 15 a few days ago.

19 Q. Okay. And what about Zai?

20 A. Zai is 13.

21 Q. And how old is Kai?

22 A. Karter is 10.

23 Q. Where do you currently live? Do you --

24 let me put it this way. Do you live in Las Vegas?

25 A. No.

1 Q. Where do you live?

2 A. I live in Arizona.

3 Q. And do you live in Arizona with your two
4 moms and your siblings?

5 A. Yes.

6 Q. Was there a time that you lived here in
7 Las Vegas?

8 A. Yes.

9 Q. Now, do you remember when Mommy Kay and
10 Mommy Mommy got together?

11 A. Yes.

12 Q. And do you remember how old you were?

13 A. I think I was six going on seven.

14 Q. Six going on seven. You were born in
15 1999. So this would have been 2005, 2006?

16 A. Yes.

17 Q. Okay. Did Mommy Mommy and Mommy Kay
18 move in together?

19 A. Not at first, but eventually.

20 Q. Eventually. And when they moved in
21 together, where did you guys live?

22 A. We lived at Cheyenne Point.

23 Q. Okay. Cheyenne Point. Is that a house
24 or an apartment or something else?

25 A. It was an apartment.

1 Q. Do you remember how old you were when
2 you lived at Cheyenne Point or what grade you were
3 in?

4 A. Seven or eight.

5 Q. Seven or eight years old.

6 After Cheyenne Point, where did you guys
7 live?

8 A. We lived in The Residence, I think.

9 Q. And was that a house or an apartment or
10 something else?

11 A. Apartment.

12 Q. Do you remember what grade you were in
13 when you lived at the residence?

14 A. I don't remember.

15 Q. Where did you live after the residence?

16 A. We moved to Summerlin.

17 Q. Okay. Was this a house, an apartment or
18 something different in --

19 A. It was a house.

20 Q. Was it one story or two story?

21 A. Two.

22 Q. Do you remember how many bedrooms there
23 were?

24 A. Two bedrooms and a den downstairs, I
25 think.

1 Q. Did you live anywhere else after that?

2 A. We lived in another house, um, after
3 that.

4 Q. Okay. Now, the first house that you
5 talked about, the two story's, the two bedrooms in
6 Summerlin, do you remember what grade you were in
7 when you lived there?

8 A. Um, fourth.

9 Q. Fourth grade. Okay. What about this
10 other house in Summerlin.

11 What did it look like? Was it a one
12 story or two story?

13 A. The other house? It wasn't in Summerlin
14 but it was another house, one story.

15 Q. What grade were you in when you lived in
16 the one-story house?

17 A. I would have been -- it would have been
18 the summer after fourth and then I would have
19 started fifth.

20 Q. Okay. And then after that, where did
21 you guys move to?

22 A. I think we moved in with Cameron or
23 Kourtney. I don't remember which one first.

24 Q. And was that -- so you lived with
25 Cameron and you lived with a person by the name of

1 Kourtney?

2 A. Um-hmm. Yes.

3 Q. How did you know a person by the name of
4 Cameron?

5 A. Cameron was Mommy Kay's best friend.

6 Q. Do you see Cameron in the courtroom
7 today?

8 A. Yes.

9 Q. Please point to him and describe
10 something he's wearing.

11 A. He's wearing a red shirt and a gray
12 blazer.

13 MS. RINETTI: The record reflect
14 identification of the defendant.

15 THE COURT: The record shall so reflect.

16 MS. RINETTI: Thank you.

17 BY MS. RINETTI:

18 Q. When you lived with Cameron, was that at
19 a house or an apartment?

20 A. It was a house.

21 Q. Do you remember what grade you were in?

22 A. I was still in fifth.

23 Q. Did you live in a couple different
24 locations in fifth grade?

25 A. Yes.

1 Q. When you lived with the defendant, was
2 it with your sisters -- four of them?

3 A. Yes.

4 Q. Did the defendant have any children at
5 the time?

6 A. Yes.

7 Q. And how many children did he have at the
8 time?

9 A. Two.

10 Q. Do you remember their names?

11 A. Dontae and Janae.

12 Q. And when you said you moved, is that
13 either before or after, that you moved in with
14 Kourtney?

15 A. Yes.

16 Q. Who's Kourtney?

17 A. Kourtney was another friend of the
18 family.

19 Q. And what grade were you in when you
20 lived with Kourtney?

21 A. Fifth, also.

22 Q. Okay. So we've talked about three
23 places you've lived in fifth grade?

24 A. Yes.

25 Q. After that, where did you move?

1 A. We moved to Arizona.

2 Q. Okay. Do you remember what year or what
3 grade you were in when you moved to Arizona?

4 A. It was -- I think it was the middle of
5 fifth grade, um, but it was the beginning of the
6 year and I would have turned 11.

7 Q. So you were going to turn 11. Would
8 that be the beginning of 2011 then?

9 A. '10.

10 Q. 2010. I apologize. See? I can't do
11 math. You can help me with the Pre-Calc. So 2010.
12 All right.

13 So let me talk to you a little bit about
14 the defendant. You said he was best friends with
15 Mommy Kay.

16 When did you meet the defendant? Do you
17 remember how old you were?

18 A. I think it was around the time that I
19 met Mommy Kay because I had started going to the
20 day care where they all worked: Mommy Kay, Mommy
21 Mommy, and Cameron.

22 Q. All three of them?

23 A. Yes.

24 Q. What was that day care called?

25 A. Kids 'R' Kids.

1 Q. Do you remember what it looked like?

2 A. Yes.

3 Q. Can you describe to the ladies and
4 gentlemen of the jury what this day care looked
5 like?

6 A. Um, well, if you looked at it from left
7 to right, from the left, there was just the
8 building and that's where you would drive in.

9 And there was like kind of an overpass
10 up ahead, or up above, where you drive under.
11 There was pillars, and you could walk through the
12 pillars to the front and it says "Kids 'R' Kids" in
13 colorful letters.

14 Q. And when you went inside the building,
15 what would you see?

16 A. When you first walk in, there's a desk
17 and it wraps around and there are TVs on the left
18 and right of everything going on in the center.

19 Q. Okay. And as you kind of go further
20 into the center, what do you see?

21 A. Well, to the right, if you walk forward,
22 there's the offices for like the administrators.
23 And then to the left, there are the first rooms
24 where the infants would go. And on either side,
25 you could walk down a hallway whereas you go down,

1 the children get older for each room and then
2 there's a door on the left where you would go into
3 the cafeteria.

4 Q. Okay. So do you remember how old you
5 were when you started going to Kids 'R' Kids?

6 A. Six or seven.

7 Q. Okay. And when you started going to
8 Kids 'R' Kids, was Mommy Kay working there?

9 A. Yes.

10 Q. Was Mommy Mommy working there?

11 A. Yes.

12 Q. Was the defendant working there?

13 A. Yes.

14 Q. Okay. Now, you mentioned they had a
15 classroom for younger kids.

16 Do you remember being young enough to be
17 in those younger classrooms?

18 A. No, because I was already in school. I
19 started in the highest classroom, which was all the
20 way to the back and it was the biggest classroom
21 but we call it "the gym" or Room 600.

22 Q. Can you describe to us what the Room 600
23 or the gym looked like?

24 A. Um, to the right, there was a counter
25 where behind the counter, there was a fridge. And

1 past that, there was a closet where we kept all the
2 art supplies. You weren't allowed to go in there.

3 Further back to the right, there were
4 the bathrooms and the sink. And then if you look
5 to the left, there was a water fountain, the back
6 door that leads out to the playground, and then
7 cubbies went around the room.

8 And in the back, if you look all the way
9 to the left, in the right-hand corner, there was a
10 computer lab and another closet next to that.

11 Q. You said it was a big room. Are we
12 talking bigger than this courtroom?

13 A. Kind of.

14 Q. What do you mean "kind of"?

15 A. The space would have been rearranged so
16 longer.

17 Q. Longer?

18 A. Um-hmm.

19 Q. Is that a yes?

20 A. Yes.

21 Q. Would there be a lot kids in the
22 classrooms?

23 A. Yes.

24 Q. Would there be teachers or workers in
25 the classroom as well?

1 A. Yes.

2 Q. Did you ever do any activities at night?

3 A. Yes.

4 Q. Was there a thing called Parent's Night
5 Out at Kids 'R' Kids?

6 A. Yes.

7 Q. What is Parent's Night Out?

8 A. Um, parents, they drop off their
9 children for the night. Um, usually it was Friday
10 or Saturday. I can't remember. And the people at
11 the day care would watch the children and you go
12 out and do whatever you do and you come back and
13 pick up your children or child.

14 Q. Did you ever go to the Parent's Night
15 Out?

16 A. Yes.

17 Q. What kind of things would happen? Like
18 what kind of activities would they plan for the
19 kids during Parent's Night Out?

20 A. There were movies and root beer floats
21 and sometimes we played hide-n-seek.

22 Q. Root beer floats. Was there ever pizza?

23 A. Yes.

24 Q. And you said there were movies. Was
25 there a TV at the Kids 'R' Kids so you could watch

1 the movies?

2 A. Yes.

3 Q. And when you would watch the movies at
4 Parent's Night Out, were the lights on or off?

5 A. Off.

6 Q. Is that so you could see the movie?

7 A. Yes.

8 Q. Did you go to Parent's Night Out
9 frequently?

10 A. I remember specifically going twice
11 where I actually had fun, but I don't know if I've
12 gone other times.

13 Q. Okay. The fun ones kind of stick out?

14 A. Yes.

15 Q. Would your sister, Z , go there as
16 well?

17 A. Yes.

18 Q. Would she go to the Parent's Night Out?

19 A. Yes.

20 Q. Outside of day care, would the defendant
21 ever watch you?

22 A. Yes.

23 Q. Okay. Would that happen at your house,
24 his house, somewhere else, or all of the above?

25 A. All of the above. But usually at his

1 house because it was bigger.

2 Q. Were there times when he would watch you
3 at your various houses?

4 A. Yes.

5 Q. You said he would watch you at his
6 house. How many houses do you remember going to
7 where the defendant was living?

8 A. Two.

9 Q. Two. Can you describe the first house?

10 A. Okay. When you go in, there is a room,
11 but it's not -- it doesn't have a door. It's kind
12 of like a second living room and that's where they
13 kept all for Dontae and his toys.

14 And then if you walk further to the
15 left, there's a staircase that goes upstairs. And
16 then there's the living room and they have a giant
17 beanbag in the corner. And then the entertainment
18 center and the fish tank in there.

19 And the kitchen was adjoined to that,
20 and it's just a kitchen. They had an island. And
21 then, um, their backyard doors. I think there were
22 a few of them. They had windows in them.

23 And then if you go upstairs, um, the
24 first right was their master bedroom and the loft
25 was in front of that. And if you turn and go down

1 the other hallway, there were cabinets that were
2 connected to what would have been the other half of
3 the staircase and, um, bathroom and rooms.

4 Q. How many bedrooms?

5 A. Three.

6 Q. Okay. Now, is this the first house that
7 he lived in or the second house, that you remember?

8 A. It was the first one that I remember or
9 I was there for.

10 Q. Okay. Is that here in Las Vegas or
11 somewhere else?

12 A. It's here in Las Vegas.

13 Q. Was it in North Las Vegas?

14 A. Yes.

15 Q. Now, the second house he lived at, can
16 you describe, was it a one story or two story?

17 A. Two story.

18 Q. And can you describe the layout?

19 A. Um, when you come through the front
20 door, they had another one of those setups with the
21 multiple living room.

22 So there was a first living room, as you
23 come in and there was just a couch and a TV because
24 that's where we usually played video games.

25 Off of that, there was the playroom

1 where all the toys were. And if you left the
2 playroom through the opening in there, you went to
3 the kitchen, and there was a dining room right
4 there -- or the dining room table right there.

5 And then the kitchen had another island.
6 And connected to the kitchen was the living room.
7 It basically had the same setup as the last house
8 with an entertainment center and the fish tank.

9 Off of the living room, there was
10 another room. And then off that was a bathroom and
11 a garage. Upstairs, you first walk up, there's a
12 loft and against the hallway are all the rooms, but
13 if you look to the right, going down the hallway
14 and up the step, there's his office, Cameron's
15 office. And it had a desk and his computer. And
16 then all the way down the hallway, there was his
17 room.

18 Q. What type of activities, kind of fun
19 things would you do when he babysat at your house?

20 A. At our house, we'd usually play Rock
21 Band or listen to music or just hang out, eat,
22 talk. And we usually -- the kids would go in my
23 room and watch TV and play and sometimes we would
24 all be in the living room.

25 Q. You said "Rock Band." What is Rock

1 Band?

2 A. Rock Band is a video game where you kind
3 of play rock music through fake instruments because
4 they're not real. They're just buttons.

5 Q. Would Cameron, the defendant, ever spend
6 the night at your house when he was babysitting
7 you?

8 A. Occasionally, but not that I remember.

9 Q. Now, what about at his house, both the
10 North Las Vegas house and the other house? What
11 kind of fun things would you do over there when he
12 would babysit you?

13 A. We would do most of the same things. We
14 play a lot Rock Band. I think he had two Xbox's so
15 you could play in both living rooms or whatever.
16 The kids would usually play in Dontae and Janae's
17 playroom or just go upstairs and watch TV.

18 Q. Did you have a video console game set at
19 your house?

20 A. Yes.

21 Q. Okay. And you also had -- there was one
22 at his house?

23 A. Yes.

24 Q. Would you -- when he would babysit you
25 at his house in North Las Vegas, did you ever spend

1 the night?

2 A. Yes.

3 Q. Did your sisters ever spend the night?

4 A. Yes.

5 Q. Were there occasions where both Mommy
6 Mommy and Mommy Kay also spent the night over
7 there?

8 A. Yes.

9 Q. What about his other house? Were there
10 times when he would babysit you at his other house
11 and you would spend the night?

12 A. Yes.

13 Q. Would your sister spend the night?

14 A. Yes.

15 Q. Were there occasions where your Mommy
16 Mommy and Mommy Kay spent the night over there?

17 A. Yes.

18 Q. And you mentioned that he babysat you.
19 And when the defendant was at day care, did he ever
20 drive you to and from day care?

21 A. Yes.

22 Q. And would your Mommy Mommy and Mommy Kay
23 also drive you to and from the day care?

24 A. Yes.

25 Q. Would it be kind of an easy thing to

1 figure out who was going with who?

2 A. Yes.

3 Q. How would it work out?

4 A. It would just be who wants to -- who
5 wants to ride with Mommy, Mommy Kay, or sometimes
6 it would be whoever came out of the house first.

7 Q. Just pile in the cars?

8 A. Yes.

9 Q. And would sometimes you guys like
10 caravan to the day care?

11 A. Yes.

12 Q. When I say "caravan," I mean "one car
13 follows another car" type thing?

14 A. Yes.

15 Q. Okay. Now, were there places on your
16 body that aren't supposed to be touched?

17 A. Yes.

18 Q. And what are those places?

19 A. My breasts, my butt, and my vagina.

20 Q. Did Cameron ever touch you in places
21 where you're not supposed to be touched?

22 A. Yes.

23 Q. Do you remember the very first time that
24 he touched you or did something?

25 A. Yes.

1 Q. Do you remember how old you were or what
2 grade you were in in school?

3 A. It was when we had first met him. So
4 six or seven.

5 Q. And where did this take place?

6 A. It took place in the guest room in his
7 first house in North Las Vegas.

8 Q. Can you tell us what was inside this
9 guest room?

10 A. There was a TV and just a bed.

11 Q. When you would spend the night at his
12 house, are we talking about the North Las Vegas
13 house or his other house?

14 A. Me and my sisters spent the night at
15 both houses. But the first time he did anything
16 was at the North Las Vegas house.

17 Q. When you would spend the night with him
18 at the North Las Vegas house, where would you
19 typically sleep?

20 A. Um, we would sleep in the guest room or
21 in Dontae's room.

22 Q. So one of those two places?

23 A. Yes.

24 Q. Okay. When you would spend the night at
25 the defendant's house in North Las Vegas, would

1 your sisters be there?

2 A. Yes.

3 Q. And would you guys all -- where would
4 the rest of your siblings be sleeping?

5 A. In the guest room with me, Z , and I
6 or in Dontae's room. And I think when Ki was
7 younger, she would sleep downstairs with my
8 parents.

9 Q. And when your parents would spend the
10 night at the defendant's house, where would they
11 stay?

12 A. They slept downstairs in the middle of
13 the living room on an air mattress.

14 Q. Now, the first time that something
15 happened right around the time that you met the
16 defendant, you said it was in the guest room.

17 Besides yourself, who else was in the
18 guest room?

19 A. My sister, Zi .

20 Q. And were you guys inside this guest
21 room?

22 A. We were laying on the bed.

23 Q. And how did you -- do you remember how
24 you got upstairs to the bedroom?

25 A. It was time for bed and Cameron said he

1 would go put us to bed.

2 Q. Do you remember what you were wearing?

3 A. I was wearing a large shirt and my
4 underwear.

5 Q. And do you remember what the defendant
6 was wearing?

7 A. No.

8 Q. Did you get inside the bed?

9 A. Yes.

10 Q. Did Z get inside the bed?

11 A. Yes.

12 Q. Did you get over or under the covers?

13 A. Under the covers.

14 Q. And what about Z . . Was she over or
15 under the covers?

16 A. I don't know.

17 Q. What did the defendant do when you
18 got -- when you guys got to the guest room?

19 A. Um, he gave us the blankets and the
20 pillows that we needed. And he turned off the
21 lights and he got in bed with us. And when he got
22 in bed -- it's with Z and I -- he put his hand
23 in my underwear and he put his fingers in my
24 vagina.

25 Q. Okay. Let me ask you some questions.

1 While you were lying in the bed, if I'm
2 facing the bed, you said that there's three of you.

3 Do you remember the order of where
4 everyone was in the bed?

5 A. Yes. From the door, or from the left to
6 right, I guess, it would be Zailey, Cameron and
7 myself.

8 Q. Okay. When the defendant touched you,
9 were you laying on your stomach, your back, your
10 side, or something else?

11 A. I was lying on my back.

12 Q. And what about the defendant. What was
13 he doing in the bed? How was he positioned?

14 A. He was on his back.

15 Q. When he touched you -- let me know if
16 you need a minute, okay?

17 A. I'm okay.

18 Q. Okay. When he touched you, was it over
19 or under the clothes?

20 A. Under.

21 Q. Okay. Do you remember how it felt?

22 A. It hurt.

23 Q. And where did it hurt?

24 A. My vagina.

25 Q. Did you say anything?

1 A. No.

2 Q. Did the defendant say anything to you?

3 A. Not that night.

4 Q. When he did this, what were you
5 thinking?

6 A. I was scared.

7 Q. Why were you scared?

8 A. Because I knew I should tell somebody
9 but I didn't know how.

10 Q. And you said you were about six or
11 seven?

12 A. Yes.

13 Q. Okay. And you didn't think you didn't
14 know how to tell someone?

15 A. Yes.

16 Q. Okay. Had you ever had a talk with
17 Mommy Mommy or Mommy Kay about if something happens
18 to you?

19 A. Yes.

20 Q. And what do they say in that
21 conversation about who you should tell?

22 A. They told me I should tell them if
23 anyone ever touched me.

24 Q. And so Mommy Mommy and Mommy Kay told
25 you to tell them if someone touched you. Did you

1 tell Mommy Mommy or Mommy Kay that day?

2 A. No.

3 Q. Why not?

4 A. I was afraid I was going to get in
5 trouble.

6 Q. Why do you think you were going to get
7 in trouble?

8 A. I was little and I was afraid of
9 everything.

10 Q. Now, you said that the defendant didn't
11 say anything to you that day. Did he say anything
12 to you the next day?

13 A. Yes.

14 Q. Okay. Where were you when he said
15 something?

16 A. He was driving myself and a few other
17 kids to the day care.

18 Q. Do you remember what car he was driving?

19 A. He was driving his black F-150.

20 Q. Do you remember where you were in the
21 car when he said something to you?

22 A. I was in the passenger seat.

23 Q. Is that the front passenger seat or the
24 back passenger?

25 A. The front.

1 Q. Do you remember what kids were in the
2 car?

3 A. I don't.

4 Q. Okay. How much younger is Zailey than
5 you?

6 A. Zailey is two years younger than me.

7 Q. How much younger is Zoë?

8 A. Zoë is four years younger.

9 Q. You were six or seven at the time this
10 happened, Zailey would have been -- let me make
11 sure I get my math correct -- four or five years
12 old?

13 A. Yes.

14 Q. And Zoë would have been two or three
15 years old?

16 A. Yes.

17 Q. Now, you mentioned that the defendant
18 had kids and you mentioned Dontae. How much
19 younger is Dontae than you?

20 A. I don't remember.

21 Q. Is he the same age?

22 A. No.

23 Q. Is he older or younger?

24 A. Younger.

25 Q. And his daughter. What's his daughter's

1 name again?

2 A. Janae.

3 Q. Do you remember -- do you know how much
4 younger Janae is than you?

5 A. No.

6 Q. Is she just like a year younger or a lot
7 younger?

8 A. A lot younger.

9 Q. Okay. What happened inside the car?

10 A. Well, he was driving. He told me that I
11 shouldn't say anything about what happened the
12 night before and that he wouldn't do it again.

13 Q. And did you believe him when he said he
14 wouldn't do it again?

15 A. No.

16 Q. Why not.

17 A. At this time, I didn't really know him
18 and I was really a scared, skeptical child.

19 Q. Okay. And where were you guys going in
20 the car?

21 A. We were going to the day care.

22 Q. Okay. When you would go over to his
23 house and he would babysit you and you spent the
24 night, did that happen during the weekday, weekends
25 or both?

1 A. Usually on the weekends. But if we had
2 to on the weekdays, sometimes if it was just more
3 convenient.

4 Q. Do you remember watching Saturday
5 morning cartoons at his house?

6 A. Yes.

7 Q. And where would you watch Saturday
8 morning cartoons?

9 A. In his room.

10 Q. And his room, is that his bedroom or his
11 office?

12 A. His bedroom.

13 Q. Okay. Did this happen at his North Las
14 Vegas house, his other house, or both?

15 A. Both.

16 Q. Okay. Did there come a time when the
17 defendant touched you while you were watching
18 Saturday morning cartoons?

19 A. Yes.

20 Q. Okay. Did that happen at the North Las
21 Vegas house, the other house or both?

22 A. Both.

23 Q. Okay. Would you be by yourself in his
24 bedroom when this happened?

25 A. No.

1 Q. Who else would be there?

2 A. Um, my sisters and his children and
3 whoever was staying over. So children he would
4 babysit.

5 Q. When you would go over to his house,
6 either if you're just going over for the day or
7 spending the night, was there often times other
8 kids at the house besides you and your siblings and
9 the defendant's children?

10 A. Sometimes.

11 Q. Okay. And when you would watch Saturday
12 morning cartoons, where would you be sitting when
13 you watched Saturday morning cartoons?

14 A. All the kids would be on his bed.

15 Q. Did that always happen every time you
16 guys watched Saturday morning cartoons in his
17 bedroom?

18 A. Yes.

19 Q. And where in his bed would all the kids
20 including yourself be?

21 A. Um, most of the time we would be at the
22 foot of the bed because it was closer to the TV.

23 Q. And what kind of cartoons would you
24 watch?

25 A. Tom & Jerry is what I remember.

1 Q. Okay. And you mentioned that something
2 happened when you're watching Saturday morning
3 cartoons. What happened?

4 A. Um, one of us -- I would say myself or
5 my sisters. I don't know what happened with the
6 other kids because I wasn't paying attention.

7 Q. Okay. I am just talking about you,
8 okay?

9 A. Okay. He would have -- he would call me
10 to the top of the bed, which is where he'd usually
11 be. And he had -- he would be under the covers.
12 And he'd tell me to get under the covers with him.
13 And I would -- and he would -- he would -- he would
14 pull down my underwear and my shorts, if I was
15 wearing pajama shorts instead of just a shirt, and
16 he would put his penis in my vagina.

17 Q. Let me ask you some questions. When you
18 said he would call you up to the head of the bed,
19 what do you mean by that?

20 A. Um, I would be at the bottom with, um,
21 the other children and he would say, Come lay down
22 next to me, or something along those lines.

23 Q. Do you remember how old you were when
24 you guys would do this, when you would watch the
25 Saturday morning cartoons?

1 A. Since we had started going over there,
2 so six or seven and after that.

3 Q. Okay. And did it happen for a number of
4 years that you would watch Saturday morning
5 cartoons?

6 A. Yes.

7 Q. You mentioned that he put you under the
8 blanket. Would he be over or under the blanket as
9 well?

10 A. He would already be under the blanket.

11 Q. Okay. When he did this, did you have
12 to -- were you in the same position every time this
13 happened or different?

14 A. Sometimes it was different but I'd
15 always be on my side.

16 Q. And you said that you were always on
17 your side but it would be different. How do you
18 mean it would be different?

19 A. I would be facing him or I'd be facing
20 away.

21 Q. During the times when you guys were
22 under the covers, during the cartoon times, did you
23 ever see his penis?

24 A. No.

25 Q. When he put his penis inside of your

1 vagina, how did it feel?

2 A. It hurt.

3 Q. Did you say anything to him?

4 A. No.

5 Q. Did you say anything to any of the other
6 kids?

7 A. No.

8 Q. Did you say anything to Mommy Mommy?

9 A. No.

10 Q. Did you ever say anything to Mommy Kay?

11 A. No.

12 Q. Why not?

13 A. Because I was afraid.

14 Q. There's some water in front of you if
15 you want some, okay.

16 A. Okay.

17 Q. What were you scared of?

18 A. I was afraid I would get in trouble or I
19 would ruin his relationship with my parents.

20 Q. At the time, did they have a pretty good
21 relationship with one another?

22 A. Yes. Yes.

23 Q. In fact, was he any of your godfather's?

24 A. Yes.

25 Q. Whose godfather was he?

1 A. He was mine and my sisters.

2 Q. Which sisters?

3 A. Um, all of us, but they would joke
4 around that he was Karter's because Karter was the
5 last born and she was like the favorite.

6 Q. She's the favorite. Okay. Um, do you
7 know the times that you would be under the blanket
8 and watching cartoons and this would happen, do you
9 know how he would stop?

10 A. Usually one of the other kids would turn
11 around or it would be time for breakfast.

12 Q. Would there be any other adults in the
13 home when this would happen?

14 A. Yes.

15 Q. And where would they be?

16 A. Usually they were downstairs, still
17 asleep or cooking breakfast.

18 Q. When I say "adults," what other adults?

19 A. My parents, sometimes friends of the
20 families and usually, um -- I don't remember
21 Jennifer, Cameron's wife, always being there but
22 sometimes she was.

23 Q. You said some family friends.

24 Do you remember specifically who these
25 family friends were?

1 A. Sometimes Kourtney and Audrey would come
2 over.

3 Q. And how do you know Kourtney and Audrey?

4 A. Kourtney and Audrey, I think they worked
5 at the day care for some time. They were also
6 friends, family.

7 Q. Your mom's friends, Kourtney and Audrey?

8 A. Yes.

9 Q. And were Kourtney and Audrey a couple?

10 A. Yes.

11 Q. Do you remember a time when Mommy Kay
12 went to get pizza?

13 A. Yes.

14 Q. Do you remember how old you were at this
15 time when Mommy Kay went to go get pizza? What
16 grade you were in?

17 A. I was in fourth grade.

18 Q. Fourth grade. And where were you when
19 Mommy Kay was getting pizza?

20 A. I was with Cameron.

21 Q. And was there anybody else besides you
22 and Cameron?

23 A. His son, Dontae.

24 Q. And he is younger than you, correct?

25 A. Yes.

1 Q. And where were you, Dontae, and the
2 defendant when Mommy Kay went to go get pizza?

3 A. We left the day care and Cameron drove
4 us to my house.

5 Q. And do you remember what car?

6 A. His F-150.

7 Q. And where did you go once you left the
8 day care?

9 A. We went to my house.

10 Q. Do you remember which house it was?

11 A. The one in Summerlin.

12 Q. Now, was it the two-story house in
13 Summerlin or the one-story house in Summerlin?

14 A. It was a two-story house.

15 Q. And do you remember what you did when
16 you got home that day?

17 A. Um, I put on a movie for Dontae and then
18 I was going to go downstairs to play Rock Band.

19 Q. Let me ask you: What time of day was
20 this, do you remember?

21 A. It was almost dinner time. So evening.

22 Q. Is that why Mommy Kay was getting pizza?

23 A. Yes.

24 Q. You said that you put on a movie for
25 Dontae.

1 Where did you put the movie on? Which
2 room?

3 A. I put the movie on in my moms' room.

4 Q. Now, your moms' room. You talked about
5 a two-story house.

6 Is your moms' room upstairs or
7 downstairs?

8 A. It was upstairs.

9 Q. Do you remember what movie you put on?

10 A. Scooby-Doo.

11 Q. Is that Scooby-Doo with animation like
12 you like or regular people?

13 A. It was regular people.

14 Q. Okay. And you said you were going to go
15 down to play Rock Band.

16 Did you go downstairs to play Rock Band?

17 A. No.

18 Q. What happened?

19 A. I was leaving the room with Cameron and
20 Cameron said, um, to come into my room, which was
21 -- we shared a wall with my moms. So it was right
22 next door.

23 And we walked into my room and he laid
24 down on my bed and he told me to lay down with him
25 and I did, and he put the covers over us. And he

1 pulled down my pants and he put his penis in my
2 vagina.

3 Q. Can you tell us what your bedroom looked
4 like at the time?

5 A. Um, it was -- it had a really big window
6 on one wall in the front of the house. And on
7 another wall, it had a ledge where we put the TV,
8 and then a closet. And then on the ground, we had
9 beds, just beds.

10 Q. Beds. How many beds?

11 A. I think three.

12 Q. How were those positioned in the
13 bedroom?

14 A. They were -- there was one against one
15 wall, another against another one, and then a third
16 near the ledge.

17 Q. And just for the record, you kind of
18 U-shaped with your hands?

19 A. Yes.

20 Q. Okay. Did you share that bedroom with
21 anyone?

22 A. Yes.

23 Q. Who did you share that bedroom with?

24 A. My three sisters.

25 Q. Did each of you have your own bed?

1 A. Um, Zailey had her own. I had my own
2 twin bed and Zoë and Karter shared a bed, I think.

3 Q. So all four of you were in one bedroom?

4 A. Yes.

5 Q. At the time that this happened with the
6 pizza, do you remember the color of the sheets on
7 the bed or anything about that bed?

8 A. I'm pretty sure we had pink High School
9 Musical sheets.

10 Q. Is that the High School Musical movie
11 with Zack Efron and Vanessa Hudgens and all that?

12 A. Yes.

13 Q. Was that something that you were
14 interested in at the time.

15 A. All of us were. We had posters up in
16 our rooms, clothes, dolls. You name it.

17 Q. So you had a lot stuff?

18 A. Yeah.

19 Q. You mentioned that was -- whose idea was
20 it to go onto the bed?

21 A. Cameron's.

22 Q. Okay. And did you go over or under the
23 covers?

24 A. Under.

25 Q. Do you remember what you were wearing?

1 A. No.

2 Q. Okay. Do you remember what he was
3 wearing?

4 A. No.

5 Q. Did he get under the covers?

6 A. Yes.

7 Q. Now, when you got under the covers, how
8 were you positioned?

9 A. I was facing him. Or I was facing -- I
10 was facing him.

11 Q. And what was -- how was he positioned?

12 A. He was facing me.

13 Q. And are you guys both on your sides
14 then?

15 A. Yes.

16 Q. How does your clothing come off?

17 A. He pulls down my pants and my underwear.

18 Q. Now, when you're saying "pants," do you
19 remember were you specifically wearing pants?

20 A. Um, I remember there being a button and
21 a zipper. So it could have been a skirt or shorts.

22 Q. But do you remember specifically a
23 button and zipper?

24 A. Yes.

25 Q. How do you specifically remember a

1 button a zipper?

2 A. Because he unbuttoned and unzipped it.

3 Q. Did he pull them all the way off or
4 down?

5 A. Down.

6 Q. Do you remember how far they went down?

7 A. No.

8 Q. Um, did he take any of his clothes off?

9 A. No.

10 Q. Did he manipulate or move his clothing
11 in any way?

12 A. Yes.

13 Q. What did he do?

14 A. He unbuttoned and unzipped his pants.

15 Q. Did you see his penis?

16 A. No.

17 Q. How do you know he unbuttoned and
18 unzipped his pants?

19 A. I heard the zipper and I didn't hear the
20 button, but it kind of makes sense to unbutton
21 before you unzip.

22 Q. Okay. Did he say anything when he put
23 his penis in your vagina?

24 A. No.

25 Q. Did you say anything to him?

1 A. No.

2 Q. Do you remember how long it lasted for?

3 A. No.

4 Q. Do you know why it stopped?

5 A. Dontae came into the room.

6 Q. Do you remember how old Dontae was at
7 the time?

8 A. No.

9 Q. Was he little or grown up?

10 A. He was little.

11 Q. Okay. And he was watching Scooby-Doo?

12 A. Yes.

13 Q. Do you remember, did Dontae say
14 anything?

15 A. He came in to say something about the
16 movie.

17 Q. And when Dontae came into the room, what
18 were you guys doing?

19 A. He pretended -- once he heard Dontae,
20 Cameron pretended that he was tickling me.

21 Q. Was his penis still in your vagina when
22 Dontae came into the room?

23 A. Yes. And he pulled it out.

24 Q. He pretended to tickle you. How did he
25 pretend to tickle you?

1 A. He started moving around and he was --
2 he made it clear like that he was trying to make me
3 laugh. And I don't know if Dontae knew this or
4 not, but he didn't really care.

5 Q. When you said he was kind of tickling
6 you, what was he doing with his hand? What do you
7 mean by that? Was he doing anything in particular
8 with his hand or feet or body?

9 A. Yeah. He got out from under the covers,
10 not all the way though, and he literally started
11 tickling me.

12 Q. You said he had unzipped his pants. Did
13 you see his pants that were unzipped.

14 A. No. The blanket was still on him but he
15 was up.

16 Q. Once Dontae came to the room, he
17 pretended to tickle you. What happened next?

18 A. He grabbed my hand and he kind of pulled
19 it towards his penis.

20 Q. Was Dontae in the room when he did this?

21 A. No.

22 Q. Had Dante left the room?

23 A. Yes.

24 Q. How long after Dontae left the room did
25 the defendant grab your hand?

1 A. I don't know.

2 Q. Do you remember how he grabbed?

3 A. No.

4 Q. And you said he -- how did he move your
5 hand?

6 A. He grabbed my wrist and he kept pulling
7 it towards his penis.

8 Q. Could you see his penis when he did
9 this?

10 A. No.

11 Q. Was this over or under the covers?

12 A. It was under.

13 Q. Did your hand ever touch his penis?

14 A. No.

15 Q. And why not?

16 A. I kept pulling my hand away.

17 Q. Did you say anything when you were
18 pulling your hand away?

19 A. No.

20 Q. Did the defendant say anything?

21 A. No.

22 Q. Do you remember how long that lasted
23 for?

24 A. No.

25 Q. Do you remember how many tries he did?

1 A. No.

2 Q. Was it more than once he tried?

3 A. Yes.

4 Q. After that, what happened?

5 A. I got up and I went into my moms' room
6 with Dontae to watch Scooby-Doo.

7 Q. During this whole time when this is
8 happening, it's you, Dontae, and the defendant at
9 the house, correct?

10 A. Yes.

11 Q. Was there anyone else at the house?

12 A. No.

13 Q. And you said you go into your moms'
14 room. What do you do in your moms' room?

15 A. I sit behind Dontae against the wall.

16 Q. Where was Dontae in your moms' room?

17 A. He was sitting up close to the TV.

18 Q. Was the movie still on?

19 A. Yes.

20 Q. And you said you sat behind Dontae
21 against the wall. Do you remember what was on that
22 wall?

23 A. It was a window, um, a patio door, and I
24 think my moms' bed was, um, I guess for a time, but
25 she switched it around to where her sofa was on the

1 wall.

2 Q. Was your moms' bedroom on the first or
3 second floor?

4 A. The second.

5 Q. Did your mom have a balcony or anything
6 outside?

7 A. Yes.

8 Q. Was it big or small?

9 A. Huge.

10 Q. Tables and stuff out there?

11 A. Yes.

12 Q. What happened? Did you watch the movie?

13 A. Yes.

14 Q. Um, did the defendant watch the movie
15 with you?

16 A. He came in a few minutes after I did and
17 he sat next to me.

18 Q. Do you remember if he sat on your right
19 or left side?

20 A. My right.

21 Q. Okay. And what did he do while you guys
22 were sitting there?

23 A. He lifted up my shirt and my training
24 bra and he put his tongue on my nipple.

25 Q. He put his tongue where?

1 A. On my nipple.

2 Q. Do you remember what you were wearing?

3 A. No.

4 Q. You said you were wearing a training
5 bra?

6 A. Yes.

7 Q. Is that almost like -- they have
8 different training bras, but an under shirt that
9 actually looks a bra?

10 A. It looks like a bra.

11 Q. Do you remember what color it was?

12 A. No.

13 Q. Did he lift up your shirt?

14 A. Yes.

15 Q. Did he lift up the training bra?

16 A. Yes.

17 Q. And do you remember if he touched one
18 breast -- or licked one breast or two breasts?

19 A. One.

20 Q. You said it was the nipple. I
21 apologize.

22 A. Yes.

23 Q. Did he say anything when he did that?

24 A. No.

25 Q. Did you say anything?

1 A. No.

2 Q. What was Dontae doing?

3 A. Dontae was watching the movie still.

4 Q. Was his back to you?

5 A. Yes.

6 Q. How long did it last for?

7 A. Until Dontae turned around.

8 Q. And when Dante turned around, what did
9 the defendant do?

10 A. He stopped and pulled down my shirt.

11 Q. Did Dontae say anything?

12 A. No.

13 Q. Did you guys finish watching the movie?

14 A. We watched it until my mom and everyone
15 else got home.

16 Q. Do you recall a time when you went to
17 Blockbuster with the defendant?

18 A. Yes.

19 Q. Do you remember how old you were or what
20 grade you were in school when you went to
21 Blockbuster with the defendant?

22 A. No.

23 Q. Okay. Do you remember if it was before
24 or after this time with the pizza?

25 A. No.

1 Q. Okay. Did you go to Blockbuster that
2 day?

3 A. Yes.

4 Q. Who did you go to Blockbuster with?

5 A. I went with Cameron.

6 Q. And did anyone else besides you and
7 Cameron go to Blockbuster?

8 A. No.

9 Q. Why were you going to blockbuster?

10 A. To get candy and popcorn.

11 Q. What were you going to do?

12 A. We were going to eat it while we watched
13 a movie that night.

14 Q. Were you going to rent a movie at
15 Blockbuster?

16 A. No.

17 Q. How were you going to watch a movie
18 then?

19 A. He had movies on cable.

20 Q. So the plan, was it to watch a movie and
21 eat popcorn and candy at his house?

22 A. Yes.

23 Q. Who was going to watch the movie and eat
24 popcorn and candy?

25 A. We were. I think we all were supposed

1 to.

2 Q. When you say "all," who's all?

3 A. Both of the families.

4 Q. So would that have been the defendant,
5 his wife, and his children?

6 A. Yes.

7 Q. And your moms and your sisters?

8 A. Yes.

9 Q. Okay. Do you remember how you got to
10 Blockbuster?

11 A. We drove. He drove in his F-150.

12 Q. Do you remember the color of it?

13 A. It was black.

14 Q. And when you drove, where were you in
15 the car?

16 A. I was in the passenger seat again.

17 Q. Okay. Did you have your seat belt on?

18 A. Yes.

19 Q. And did anything happen on the ride to
20 Blockbuster?

21 A. He unbuckled my belt while he was
22 driving on the way to and he put his hand, um, in
23 my underwear and he put his fingers in my vagina.

24 Q. You said he unbuckled you. Was that the
25 seat belt?

1 A. It was my belt.

2 Q. So you were wearing an actual belt?

3 A. Yes.

4 Q. Okay. And he unbuckled it?

5 A. Yes.

6 Q. Was he driving at the time?

7 A. Yes.

8 Q. Okay. Do you remember what you were

9 wearing besides the belt?

10 A. Um, T-shirt and maybe a skirt or pants.

11 Q. So?

12 A. No shorts.

13 Q. No shorts. So either skirt or pants?

14 A. Yes.

15 Q. Did he say anything when he did this?

16 A. No.

17 Q. You said it was under your clothes?

18 A. Yes.

19 Q. Under your underwear?

20 A. Yes.

21 Q. And his fingers went inside of your

22 vagina?

23 A. Yes.

24 Q. How did it did feel?

25 A. It hurt.

1 Q. Do you remember why it hurt?

2 A. His nails were long.

3 Q. Do you remember how many fingers he
4 used?

5 A. No.

6 Q. Do you remember how long it lasted for?

7 A. Until we got to the Blockbuster.

8 Q. Was that a short drive or a long drive?

9 A. A short drive.

10 Q. When you got to Blockbuster, what did
11 you guys do?

12 A. We buckled my pants and my belt and we
13 got out and we went in to look for the candy that
14 everybody wanted and the popcorn.

15 Q. Did somebody buy popcorn and candy?

16 A. Yes.

17 Q. Did you drive back to his house in his
18 truck?

19 A. Yes.

20 Q. Did anything happen on the way back?

21 A. Yes. He told me that if I unbuckled my
22 belt, unbuckled my pants again, he would give me
23 candy.

24 Q. Did you do that?

25 A. No.

1 Q. Why?

2 A. Because I thought I would already get
3 candy regardless.

4 Q. Did he try to? When you said -- did you
5 actually say no to him?

6 A. Yes.

7 Q. When you said no, what did he do?

8 A. He kept trying.

9 Q. How did he keep trying?

10 A. He kept grabbing at my belt buckle.

11 Q. Was he ever successful in undoing your
12 belt buckle?

13 A. No. I kept pushing him away.

14 Q. Did you try to push him away on your
15 drive to Blockbuster?

16 A. No.

17 Q. But on the way back from blockbuster,
18 you did?

19 A. Yes.

20 Q. Now, when you would go over to the
21 defendant's house, did he ever have a fish tank?

22 A. Yes.

23 Q. Did he have a fish tank at his house in
24 North Las Vegas or his other house or both?

25 A. Both.

1 Q. Okay. Do you remember a time when you
2 went over to help him clean the fish tank?

3 A. Yes.

4 Q. And do you remember if it was the North
5 Las Vegas house or his other house when this
6 happened?

7 A. Excuse me. Um, it was his North Las
8 Vegas house.

9 Q. So that first house?

10 A. Yes.

11 Q. Okay. Do you remember how old you were
12 when this happened?

13 A. No.

14 Q. Do you remember what grade you were in?

15 A. No.

16 Q. Okay. Were you in school -- let me ask
17 you that. Like, school-aged?

18 A. Yes.

19 Q. When this happened, how did you get to
20 his house to help him clean the fish tank?

21 A. After his shift was over at Kids 'R'
22 Kids and Kids 'R' Kids closed for the day, instead
23 of driving home with my parents, I drove home with
24 him.

25 Q. Did he drive anyone else home besides

1 yourself?

2 A. I think his children. That would have
3 made sense but I don't remember.

4 Q. You just don't remember?

5 A. Yes.

6 Q. Okay. Do you remember -- you said that
7 it was closing for the day. So was this morning,
8 afternoon or nighttime?

9 A. Evening.

10 Q. Evening. Was it still light out or
11 dark?

12 A. The sun was going down.

13 Q. Okay. What happened? Do you remember
14 what happened when you got to his house?

15 A. His wife made dinner. I took a shower
16 and we had ice cream and we watched Final
17 Destination.

18 Q. Did you watch all of Final Destination?

19 A. No.

20 Q. Why not?

21 A. When it got to the part with the tanning
22 beds, they said it was too mature for me so they
23 turned it off and went to bed.

24 Q. Did anything happen during that day? So
25 you come home from day care with him and you guys

1 have dinner and you go to bed.

2 Does anything happen that day?

3 A. No.

4 Q. Besides yourself, did any of your
5 sisters spend the night that night?

6 A. No.

7 Q. What about Mommy Mommy or Mommy Kay?
8 Did either of them spend the night?

9 A. No.

10 Q. The next morning, was the defendant
11 home?

12 A. Yes.

13 Q. Was his wife home?

14 A. She had gone to work.

15 Q. Was his kids home?

16 A. Um, I don't know.

17 Q. Okay.

18 A. I think that -- I don't know if they
19 were there when I woke up, but by the time Jennifer
20 left, they weren't.

21 Q. Did you have breakfast that day?

22 A. Yes.

23 Q. And what happened after breakfast?

24 A. I went upstairs and I was going to the
25 guest room or Dontae's room, but Cameron, he called

1 me into his room and he was still in bed.

2 Q. And he's still in bed. Is that still in
3 his bedroom or somewhere else?

4 A. His bedroom.

5 Q. Is he under or over the covers?

6 A. Under.

7 Q. What's he doing under the covers?

8 A. Nothing.

9 Q. Does he have a TV in that room?

10 A. Yes.

11 Q. Was the TV on, if you remember?

12 A. No.

13 Q. So you see the defendant in his bedroom.
14 What happens?

15 A. He tells me to come in his room and lay
16 down and watch cartoons with him.

17 Q. Did you go inside the room?

18 A. Yes.

19 Q. What do you do when you get inside the
20 room?

21 A. I get the remote and I turn on the TV
22 and I got on the bed.

23 Q. Do you remember what was on TV?

24 A. Tom & Jerry.

25 Q. Um, Tom & Jerry was on. Was this a

1 Saturday morning?

2 A. Yes.

3 Q. You get into bed. You sat over or under
4 the blankets?

5 A. Under.

6 Q. Okay. Do you remember what you were
7 wearing?

8 A. I was wearing a tank top and black
9 shorts.

10 Q. Do you remember what he was wearing?

11 A. No.

12 Q. And what happened while you guys were
13 both under the covers?

14 A. He pulled down my shorts and my
15 underwear and he put his penis in my vagina.

16 Q. When he did that, how were you on the
17 bed? How were you positioned?

18 A. I was laying on my side facing him.

19 Q. And was he on his side?

20 A. He was on his side.

21 Q. Did it hurt?

22 A. Yes.

23 MS. RINETTI: Court's brief indulgence.

24 BY MS. RINETTI:

25 Q. Do you know why it stopped?

1 A. No.

2 Q. Do you remember what you did afterwards?

3 A. We got up and we cleaned the fish tank.

4 Q. And where was the fish tank?

5 A. Downstairs.

6 Q. And what room downstairs?

7 A. In the living room.

8 Q. Now, Brie, the defendant -- did Cameron
9 ever place his mouth on your vagina?

10 A. Yes.

11 Q. Do you remember a specific time?

12 A. Yes.

13 Q. And can you tell us about that specific
14 time? How old were you?

15 A. I do not remember.

16 Q. Do you remember what grade you were in?

17 A. Fifth, or the summer before fifth.

18 Q. And where did it take place?

19 A. It took place in the one-story house,
20 the second house.

21 Q. And do you remember who was home at the
22 time?

23 A. No one.

24 Q. No one?

25 A. No one.

1 Q. Okay. And where in the house did this
2 take place?

3 A. In my bedroom.

4 Q. And why were you in your bedroom?

5 A. Um, Mommy Kay had asked Cameron to pick
6 me up from either school or the day care, um,
7 because I wasn't feeling well and he did. But the
8 reason why my mom couldn't do it in the first place
9 was because she still had to work and I think
10 Cameron was on his lunch break.

11 But he picked me up and he drove me home
12 and I went to my room and he followed me. And I
13 sat on my bed and I turned on the TV but the shows
14 that I liked weren't on. So, um, and all of the
15 news channels were like going crazy. And
16 apparently Michael Jackson was in the hospital, and
17 I think he would have died that day, and that's
18 what I kept the channel on. And Cameron, he was
19 sitting on the floor next to the bed that I was
20 sitting on.

21 Q. And let me ask you this: That day, did
22 you actually go to day care?

23 A. I don't remember.

24 Q. Okay. And you said you were not --
25 didn't feel good?

1 A. Yes.

2 Q. And do you remember why you weren't
3 feeling good?

4 A. Um, most of the time when I was sick in
5 elementary school was because I either had a mild
6 headache or a migraine because I had, um, this
7 condition called vasovagal syncope and disturbances
8 and like my general state or attitude or salt or
9 sugar, but I wasn't diabetic. It would just cause
10 my body to shut down. I would faint.

11 And before that happened, I would get a
12 really bad headache or migraine. So my mom didn't
13 want anything to happen in public or at school
14 where they didn't know how to help me. So she
15 wanted me to go home and just lay down for a
16 minute.

17 Q. Your mom wanted you to go home. Which
18 mommy are we talking about?

19 A. Mommy Kay.

20 Q. So where were you when Mommy Kay said
21 she wanted you to be home?

22 A. I don't remember.

23 Q. Do you know how you got home?

24 A. Cameron picked me up either at the day
25 care or at school.

1 Q. You said you were in fifth grade?

2 A. Yes.

3 Q. And so where did you go to fifth grade?

4 A. What school?

5 Q. Yes.

6 A. I went to William Wright and I went to
7 Pat Diskin, but at this time, I was going to Pat
8 Diskin.

9 Q. The reason you went to two different
10 fifth grades is you moved a couple times during
11 fifth grade?

12 A. Yes.

13 Q. Do you remember which grades you were at
14 school?

15 A. Pat Diskin. I would have been going to
16 Pat Diskin, if I wasn't already.

17 Q. You said he was on his lunch break. Do
18 you know if he was actually technically on his
19 lunch break?

20 A. I knew that he didn't have to be working
21 right then. I knew he didn't get in trouble for
22 it.

23 Q. Okay. Was that morning, afternoon or
24 night?

25 A. It was afternoon.

1 Q. Okay. Do you remember exactly the
2 afternoon or just sometime in the afternoon?

3 A. It was sometime in the afternoon but I
4 know that the shows that I watch, the cartoons that
5 I wanted to watch weren't on.

6 Q. That was because there was some news
7 about Michael Jackson in the hospital?

8 A. Yes.

9 Q. Did that make you angry?

10 A. Yes.

11 Q. When Cameron picked you up from wherever
12 you were, you said probably school?

13 A. Yes, or the day care.

14 Q. Or the day care?

15 A. But it was hot. It was either the
16 beginning of the year, the end of the year, or
17 summer.

18 Q. So you remember it was hot. And when he
19 picked you up, was there anyone else in his car?

20 A. No.

21 Q. And what car did he pick you up in?

22 A. His F-150.

23 Q. And when you got to your house, you said
24 you went to your bedroom?

25 A. Yes.

1 Q. Now, does this bedroom look a little bit
2 different than the last time we talked about your
3 bedroom?

4 A. Yes.

5 Q. And how did the bedroom look this time?

6 A. On the left-hand corner, there was a
7 computer on the small table, and the other side of
8 the room, there was my bed, a TV, kind of in this
9 dollhouse thing and a table -- or Zailey's bed.
10 Not a table.

11 Q. So at this time, who did you share your
12 bedroom with?

13 A. Zailey.

14 Q. Is that only person you shared a room
15 with?

16 A. Yes.

17 Q. Do you remember what your bed looked
18 like?

19 A. I think I still had the same sheets, the
20 High School Musical ones.

21 Q. So still into the High School Musical?

22 A. Yes.

23 Q. Were you over or under the covers?

24 A. I was over them.

25 Q. And what about -- now, you said the

1 defendant, was he on the bed or somewhere else?

2 A. He was sitting next to the bed at first.

3 Q. What was he sitting on?

4 A. He was sitting on the floor.

5 Q. Was he like on his knees? Was he Indian
6 style? How was he sitting?

7 A. I don't remember.

8 Q. And how did your clothes come off?

9 A. He pulled down my pants to my ankles and
10 then he got on the bed too.

11 Q. Do you remember specifically if you were
12 wearing pants?

13 A. Pants or shorts.

14 Q. What about your underwear?

15 A. He pulled down my underwear too.

16 Q. Did he pull them down to the ankles as
17 well or something different?

18 A. Down to the ankles too.

19 Q. You said he got on top of you?

20 A. He got on top of the bed.

21 Q. Okay. So how were you positioned on the
22 bed with your legs when your clothing is on your
23 ankles?

24 A. I was sitting on the bed and my legs
25 were out.

1 Q. So you were sitting on the bed and your
2 legs are out. Does that mean your legs are by the
3 foot or the head of the bed or one of the sides?

4 A. They were slanted towards the TV, which
5 would have been in between the beds.

6 Q. Okay. Now, is the TV at kind of the
7 foot of your bed?

8 A. Yes.

9 Q. So you would have been angled towards
10 the foot or the side of the bed?

11 A. Towards the foot.

12 Q. Could your feet touch the floor?

13 A. No.

14 Q. Okay. And when he got on, when the
15 defendant got onto the bed, where was he in
16 relationship to you?

17 A. He was in between my legs.

18 Q. Okay. And how was he? Standing up?
19 Sitting down? Kneeling? Something else?

20 A. He was laying -- his upper half of his
21 body was on the bed.

22 Q. Okay. And where was his feet?

23 A. His feet were on the floor.

24 Q. Where was his hands?

25 A. His hands, I don't remember.

1 Q. And what did he do?
2 A. He put his mouth on my vagina.
3 Q. How did that feel?
4 A. It felt weird.
5 Q. And what do you mean by "weird"?
6 A. Like, I didn't like it.
7 Q. Did you say anything to him?
8 A. No.
9 Q. Did he say anything to you?
10 A. No.
11 Q. And how did it stop?
12 A. I think he had to go back to work.
13 Q. Okay. If he went back to work, were you
14 by yourself at the house?
15 A. Yes.
16 Q. Do you remember who came home?
17 A. I think after my parents got off, um,
18 they would have come home.
19 Q. Is it fair to say that there was a
20 period of time when you got back home and you were
21 sick that the defendant left you kind of alone in
22 your house?
23 A. Yes.
24 Q. Okay. And you were home there for, is
25 it fair to say for a period of time until your

1 mommies got off of work?

2 A. Yes.

3 Q. Okay. And the defendant didn't stay at
4 the house?

5 A. No.

6 Q. And you said he went back to work?

7 A. Yes.

8 Q. Okay. Do you remember another time that
9 he put his mouth on your vagina?

10 A. Um, no. Not specifically.

11 Q. What do you mean "not specifically"?

12 A. Um, I knew that it had happened but I
13 don't remember the event. I don't remember what
14 happened before, what led to it, or how I was even
15 alone with him. But I remember that night, there
16 was some big event that the adults were going to
17 and they had gotten dressed up. They looked really
18 formal. And my cousin had come over.

19 And we were going to -- he was going to
20 spend the night at our house and Cameron and
21 Jennifer -- they were getting ready to leave.

22 And they were in the dining room. Um,
23 and I was in the den/office place that we kept all
24 our board games in, the Summerlin house, the
25 two-story one. And I was playing War with my

1 cousin Jordan.

2 And I had left the room to go across the
3 hall to the bathroom. And when I was coming back,
4 I heard Cameron and Jennifer talking and Jennifer
5 told Cameron, Your breath smells like pee.

6 Q. So this happened at your house in
7 Summerlin, the two story?

8 A. Yes.

9 Q. And you said the adults were all dressed
10 up, formal, like really fancy?

11 A. Yes. I knew Cameron and Jennifer were
12 but I don't know if my parents went also.

13 Q. Do you remember if your parents were
14 home at the time?

15 A. They were home. They were outside, I
16 think.

17 Q. Do your parents smoke?

18 A. Yes.

19 Q. Do they smoke outside?

20 A. Yes.

21 Q. Okay. And you mentioned that you were
22 playing War with your cousin Jordan?

23 A. Yes.

24 Q. Now is War the card game or something
25 else?

1 A. The card game.

2 Q. You said you were playing that in the
3 den area?

4 A. Um-hmm.

5 Q. Is that a yes?

6 A. Yes.

7 Q. Now, you don't remember specific, like,
8 details, but when the defendant put his mouth on
9 your vagina, was it before or after you played the
10 game of War with Jordan?

11 A. Before. It was -- at this time, it was
12 evening, almost nighttime.

13 Q. Do you remember what room it happened
14 in?

15 A. No. I remember I felt kind of guilty.

16 Q. What do you mean you felt kind of
17 guilty?

18 A. Um, when Jennifer was talking to
19 Cameron, I felt like it was my fault.

20 Q. Why did you think it was your fault?

21 A. Because he had put his mouth on my
22 vagina, and Jennifer, she was upset with him and he
23 lied about it.

24 Q. And that's when you mentioned, you
25 referenced the comment that Jennifer said his mouth

1 smelled like pee?

2 A. Yeah.

3 Q. And is that before or after he put his
4 mouth on your vagina?

5 A. That was after.

6 Q. Do you remember what you were wearing or
7 anything like that?

8 A. No.

9 Q. Do you remember if it was daytime or
10 nighttime?

11 A. It was nighttime.

12 Q. Do you remember if it was cold or hot?

13 A. No.

14 Q. Okay. Besides maybe your moms outside,
15 Cameron and Jennifer inside the house with cousin
16 Jordan, were your siblings home?

17 A. Yes.

18 Q. Do you remember where they were?

19 A. I think they were in the playroom.

20 Q. Okay. But you don't specifically
21 remember where in the house?

22 A. No. I knew they were home.

23 Q. Okay. Did you go over to the
24 defendant's house a lot?

25 A. Yes.

1 Q. And did he come over to your house a
2 lot?

3 A. Sometimes. Not as often as we went over
4 to his house, though.

5 Q. Is that because he had a bigger house?

6 A. Yes.

7 Q. Um, we talked about some stuff. We
8 talked about some touching and some other things.

9 What was your relationship like with
10 Cameron?

11 A. He treated my sisters and I very nice.

12 Q. Okay. And how would he treat you guys
13 really nice?

14 A. He bought us a lot of things.

15 Q. What kind of things did he buy you?

16 A. He would buy us jewelry, electronics,
17 gaming systems, things like that.

18 Q. Besides game systems, what other kinds
19 of electronics?

20 A. Cell phones.

21 Q. Did you get the latest, greatest cell
22 phone?

23 A. Yes.

24 Q. Do you remember what kind of cell phone
25 you got?

1 A. I had a bright pink Palm Pilot.

2 Q. To match High School Musical sheets?

3 A. Yes.

4 Q. Did you like spending time with Cameron?

5 A. When he wasn't doing anything he wasn't
6 supposed to.

7 Q. And when he wasn't doing anything he
8 wasn't supposed to, did you guys do fun things?

9 A. Yes.

10 Q. What kind of fun things would you do?

11 A. We played Bomber Man a lot on his Wii.
12 We did things like we watched movies on his TV. We
13 never did things outside of the house, though.

14 Q. Did you call him grand dad at all?

15 A. I called him "Cameron."

16 Q. You just called him "Cameron"?

17 A. Um-hmm.

18 Q. Is that a yes?

19 A. Yes.

20 Q. Now, was there a time where you lived
21 with the defendant?

22 A. Yes.

23 Q. And you said that happened in fifth
24 grade as well?

25 A. Yes.

1 Q. Do you remember how long you lived with
2 the defendant?

3 A. No.

4 Q. Do you remember kind of the sleeping
5 arrangements?

6 A. Yes.

7 Q. Now, was this at the first house or the
8 second house?

9 A. The second.

10 Q. Okay. And what were the sleeping
11 arrangements like when you were living with the
12 defendant?

13 A. My parents slept downstairs in the room
14 next to the garage, and my sisters and I slept in
15 the room next to Cameron's.

16 Q. And was that all four of you that slept
17 in the one bedroom?

18 A. Yes.

19 Q. And where would his children sleep?

20 A. They slept in their bedrooms.

21 Q. Did you like living with the defendant?

22 A. Not really.

23 Q. Why not?

24 A. It was crowded.

25 Q. Crowded?

1 A. Yes.

2 Q. A lot of people. Besides it being
3 crowded, how did you like it?

4 A. Um, we had to see Cameron 24/7. He was
5 always there. That made me more uncomfortable.

6 Q. Why did it make you more uncomfortable?

7 A. Because there wasn't much I could do. I
8 couldn't leave if I wanted to.

9 Q. Now, do you remember at one point you
10 stopped living at Cameron's house?

11 A. Yes.

12 Q. Do you know why you stopped living at
13 Cameron's house?

14 A. Um --

15 Q. Do you know why you left?

16 A. No, I didn't know. I just knew that we
17 had to move out.

18 Q. When you were little, when this happened
19 in fifth grade, were you aware that your mom, Kay
20 and Cameron and his family got into any type of
21 argument or anything like that?

22 A. I knew that we weren't talking to
23 Cameron and his family but I didn't know why.

24 Q. And how did that make you feel?

25 A. I was kind of confused but I was kind of

1 nonchalant about it.

2 Q. Okay. Did you miss doing, like, fun
3 things with him?

4 A. Yes. And I missed being with Dontae and
5 Janae because we were around them a lot and we
6 played with them a lot but that was it.

7 Q. And did you kind of develop a friendship
8 with Cameron's kids?

9 A. Yes.

10 Q. And did you like spending time with
11 them?

12 A. Yes.

13 Q. Do you remember how long you stopped
14 speaking to Cameron for?

15 A. No.

16 Q. You said you moved to Arizona in January
17 of 2010?

18 A. Yes.

19 Q. Were you talking -- were you able to see
20 Cameron then?

21 A. I don't remember.

22 Q. Okay. Do you remember when you left for
23 Arizona, were you mad at Cameron or anything?

24 A. Um, I wasn't but I don't remember if
25 they were talking. My parents and Cameron.

1 Q. Other than the fact that, you know, you
2 can't see Cameron and his kids that you really
3 liked, did the fact that the families weren't
4 talking affect you in any other way?

5 A. No. It was just, um, they were a
6 constant part of our lives but I wasn't completely
7 devastated.

8 Q. But it was kind of strange to kind of
9 have that constant removed from you?

10 A. Yes.

11 Q. Okay. When you went down to Arizona, do
12 you remember where you guys were living?

13 A. We lived -- our first house, our first
14 place of residence was an apartment complex called
15 The Biltmore.

16 Q. How many bedrooms were in this
17 apartment?

18 A. Three.

19 Q. Three. Okay. Did there come a time
20 that the defendant and his family came down to
21 Arizona?

22 A. Yes.

23 Q. And were you living at this apartment
24 complex or somewhere else?

25 A. We were living at The Biltmore.

1 Q. Can you just kind of describe to us what
2 The Biltmore looks like, your apartment?

3 A. When you come in there's --
4 straightforward, there's the kitchen and behind the
5 kitchen, there was the washer and dryer/pantry.

6 If you leave the kitchen, right behind
7 the bar was our table. And adjoined to the dining
8 room was our living room, which was just the futon,
9 the TV. And past the futon and TV was the patio
10 and the sliding glass door to get onto the patio.

11 And down the only hall in the apartment,
12 there was a room, both the rooms, the master
13 bedroom, and the bathroom.

14 Q. So do you remember when, like what time
15 of year, the defendant and his family came down?

16 A. It was May.

17 Q. How do you know it was May?

18 A. Kourtney, she brought presents but
19 Zailey got the best present because it was her
20 birthday soon before or soon after.

21 Q. You mentioned that Zailey just
22 celebrated her birthday? When is her birthday?

23 A. May 17th.

24 Q. So who came down to visit you in
25 Arizona?

1 A. Kourtney and Audrey, their children and
2 Cameron and Jennifer, and their children.

3 Q. How many kids did Kourtney have at that
4 time?

5 A. Two.

6 Q. And how many kids did Cameron and
7 Jennifer have?

8 A. Three.

9 Q. By my calculations, nine people came?

10 A. Yes.

11 Q. Okay. Where did all those nine people
12 sleep?

13 A. Cameron and Jennifer, they slept in one
14 of our bedrooms with their youngest child. And,
15 um, Audrey and Kourtney, they slept in the other
16 bedroom. And I don't know if they slept with Kegan
17 or not, their youngest child. And then the rest of
18 the children, we just crashed in the living room.

19 Q. So you crashed in the living room. Do
20 you mean like a slumber party type deal?

21 A. Yes.

22 Q. Pillows, blankets, that type of thing?

23 A. Yes.

24 Q. How did you feel, you know, it's May.
25 You haven't seen the defendant in a while, at least

1 for four months.

2 How did you feel about seeing the
3 defendant again in May?

4 A. I didn't want to.

5 Q. Why didn't you want to see him?

6 A. Because we haven't seen him for so long
7 and I didn't want him to touch me. I didn't want
8 him to be around me.

9 Q. Were you jumping up and down like "Yea,
10 Cameron's here"?

11 A. No.

12 Q. Were you happy to see Jennifer or the
13 kids?

14 A. Kind of.

15 Q. What do you mean "kind of"?

16 A. I talked to them. I said hello. I said
17 hello to Kourtney, Audrey and their children but
18 Cameron was the last to come in, and he closed up
19 the car and everything but I didn't talk to him.

20 Q. Did you spend any time with Cameron
21 during his visit?

22 A. Yes.

23 Q. Did you have fun with Cameron during his
24 visit?

25 A. Um, when it was the whole family.

1 Q. The whole family. And what kind of
2 things did you guys do in May?

3 A. We went swimming and we went to the zoo.

4 Q. Where did you guys go swimming?

5 A. We went swimming in one of the pools at
6 The Biltmore.

7 Q. You went to the zoo. Do you remember
8 which zoo you went to?

9 A. The Phoenix Zoo.

10 Q. Did you guys have fun at the Phoenix
11 Zoo?

12 A. Yes.

13 Q. Fun swimming?

14 A. Yes.

15 Q. After May, do you know how long Cameron
16 and as his family stayed in Arizona for?

17 A. No.

18 Q. Was it like weeks and weeks and weeks or
19 days?

20 A. Days.

21 Q. During those days, was there any
22 arguments between Cameron -- between your moms and
23 Cameron that you saw?

24 A. Um, no, but there was one conflict. He
25 was --

1 Q. Between your parents?

2 A. No.

3 Q. Who was this conflict with?

4 A. It was with one of the children.

5 Q. I want to stop you right there. I just
6 want to know specifically between your moms and the
7 defendant. Was there ever like --

8 A. No, not that I was there for.

9 Q. Were you aware when he left, him and his
10 family left? Did you guys think everything was
11 back to normal in a way?

12 A. Yes.

13 Q. Did you see him again after May?

14 A. Not that I remember.

15 Q. Okay. Did you ever come back to Las
16 Vegas?

17 A. Back to Las Vegas?

18 Q. Just to visit or anything?

19 A. Did we go?

20 Q. Yes.

21 A. Yes.

22 Q. Do you remember how many times?

23 A. Um, no.

24 Q. Between May and December, did you ever
25 see the defendant in Las Vegas?

1 A. Not that I remember.

2 Q. Okay. Between May and December, were
3 you aware of any, like, fights between your moms
4 and Cameron?

5 A. No.

6 Q. Was everything still kind of status quo
7 or the same?

8 A. Yes.

9 Q. Did there come a time when you were
10 living in Arizona that you and your sister Zailey
11 had a conversation about Cameron and some touching?

12 A. Yes.

13 Q. Do you remember where that conversation
14 took place?

15 A. In our bedroom.

16 Q. In your bedroom. Who did you share that
17 bedroom with besides you and Zailey?

18 A. Just Zailey and I.

19 Q. Do you remember this conversation? Did
20 it happen in the day time or the nighttime?

21 A. It was night.

22 Q. Do you remember what you guys were
23 doing?

24 A. We were getting ready for bed.

25 Q. Was anyone else in your bedroom besides

1 you and your sister?

2 A. No.

3 Q. And who -- I was going to ask you who
4 brought up the topic of touching.

5 A. Zailey.

6 Q. And did you mention to Zailey anything
7 about you?

8 A. Yes.

9 Q. And what did you tell Zailey?

10 A. After she told me what she needed to, I
11 told her. She asked me if I knew who the person
12 was and I told her Cameron, and she said how did
13 you know --

14 MR. MANN: Objection. Hearsay.

15 MS. RINETTI: It's offered for the truth
16 of the matter just to explain why she did what she
17 did.

18 THE COURT: Offering -- to explain why
19 she --

20 MS. RINETTI: -- said what she did.
21 Just to put it in context.

22 THE COURT: I don't know. That's --

23 MS. RINETTI: How about this. I'll
24 change it.

25 THE COURT: I'm going to sustain the

1 objection. I'm not quite sure that's --

2 BY MS. RINETTI:

3 Q. At some point, was Cameron's name
4 brought up in the conversation?

5 A. Yes.

6 Q. When his name was brought up in the
7 conversation --

8 A. I agreed.

9 Q. And what did you agree with?

10 A. I said that what happened to Zailey
11 happened to me.

12 Q. Did you go into details about what
13 Cameron did to you?

14 A. Not to me.

15 Q. Did you hear -- I don't want to know
16 what, but did you hear details about what happened
17 to her?

18 A. Um, vaguely. Very vague.

19 Q. Do you remember how long your
20 conversation with Zailey lasted for?

21 A. Um, I don't remember. I remember by the
22 time it was over, I was tired and I didn't want to
23 talk anymore.

24 Q. You didn't want to talk anymore because
25 you were tired or because of the subject?

1 A. The subject.

2 Q. What was Zailey's demeanor like or how
3 was she acting during this conversation?

4 A. She was surprised.

5 Q. And why did you think she was surprised?
6 What made -- just physically? What you heard, just
7 kind of what she looked like made you think she was
8 surprised?

9 A. Her eyes were wide and she got really
10 silent for a moment.

11 Q. And how did that conversation make you
12 feel?

13 A. Um, well, it was, um, it kind of -- um,
14 it made all of the things that I was thinking in my
15 head reality. They were true.

16 Q. Did you think they didn't happen before?

17 A. No. Um, I had my suspicions about
18 Cameron and my sister.

19 Q. Okay. And just based on your
20 observation and what you were going through?

21 A. Yes.

22 Q. Did you guys -- you and Zailey after
23 this conversation, did you guys ever talk about
24 this in Las Vegas?

25 A. No.

1 Q. So the first time you talked about
2 Cameron and touching was in Arizona?

3 A. Yes.

4 Q. Did you talk about it frequently?

5 A. No.

6 Q. After that time at night in your
7 bedroom, did you guys talk about it again?

8 A. Not just us.

9 Q. And is that when your moms found out?

10 A. Yes.

11 Q. Okay. Let's talk about that: Do you
12 remember people coming to your school?

13 A. Yes.

14 Q. What school were you going to?

15 A. Madison No. 1.

16 Q. Okay. Madison No. 1. Was that in
17 December of 2010?

18 A. Yes.

19 Q. Do you remember what grade you were in?

20 A. I was in the sixth.

21 Q. And where did people talk to you? Like,
22 where in the school?

23 A. Um, I was called from my history class
24 and I had to walk outside to the office, and when I
25 got in the office, we went into the conference

1 room.

2 Q. So you said you were in third period
3 history class?

4 A. Yes.

5 Q. Do you remember what you were learning
6 about?

7 A. I was learning about Egypt.

8 Q. And when you get called to the office,
9 everyone's kind of different. Was it over like the
10 loud speaker or did someone come down physically to
11 the classroom?

12 A. Um, it was done -- it was, um, they
13 called my teacher and my teacher told me.

14 Q. Did you go up to the office?

15 A. Yes.

16 Q. Did you know why you were called?

17 A. I thought I was in trouble because I
18 wasn't asked to bring my stuff.

19 Q. Oh, okay. Your stuff like to go home?

20 A. My bag and yeah, my papers.

21 Q. Okay. When you got to the office, do
22 you remember who you spoke to?

23 A. I spoke to a woman who said she was from
24 CPS.

25 Q. Do you know what CPS is?

1 A. Yes.

2 Q. What does CPS stand for?

3 A. Child Protective Services.

4 Q. Did that happen in the conference room?

5 A. Yes.

6 Q. And besides you and the woman from CPS,
7 was there anyone else inside the conference room?

8 A. No.

9 Q. Okay. And did she ask you some
10 questions?

11 A. Yes.

12 Q. Did you answer them?

13 A. Yes.

14 Q. And during your conversation, did you
15 disclose that Cameron had touched you?

16 A. Yes.

17 Q. How did it feel telling a stranger about
18 what happened between you and Cameron in the
19 office?

20 A. It felt weird.

21 Q. Why did it feel weird?

22 A. I didn't know her and, um, it was a
23 second time I was saying it out loud.

24 Q. When was the first time?

25 A. With Zailey.

1 Q. Okay. So this was only the second time
2 you had ever said it out loud?

3 A. Yes.

4 Q. When you were talking to the lady, what
5 was your demeanor like? How were you acting?

6 A. I was kind of like, um, I was kind of
7 nervous but I tried not to show it.

8 Q. Do you remember how long your
9 conversation lasted?

10 A. No.

11 Q. Did it feel good to talk to this lady or
12 bad?

13 A. Bad.

14 Q. Why did it feel bad to talk to this
15 lady?

16 A. I will felt nauseous and I didn't know
17 what was going to come after that.

18 Q. Did you think you were going to get in
19 trouble for what you were telling the lady?

20 A. Yes.

21 Q. Why did you -- how did you think you
22 were going to get in trouble?

23 A. Um, because I was afraid of what my mom
24 would say.

25 Q. Okay. And you were afraid about what

1 your mom would say.

2 Why were you afraid about what your mom
3 was going to say?

4 A. I was afraid that she was going to
5 ground me or whip me or I was going to get -- or
6 she wouldn't believe me.

7 Q. And why were you worried about getting
8 in trouble or not being believed?

9 A. Um, I was a kid and they were adults,
10 and Cameron was my mom's best friend.

11 Q. After you talked to the lady, what
12 happened?

13 A. I went back to class to get my stuff and
14 I went to lunch and um, I got my lunch and I stayed
15 with my friends, but I wasn't saying anything and
16 they were all talking. And I felt real nauseous so
17 I didn't eat. And one of the workers, the school
18 workers, he said that I needed to go to the office
19 and bring my stuff and my lunch and when I got in
20 the office, I got in the office, Mommy Kay, she was
21 waiting and she looked terrified and I thought I
22 was in trouble.

23 Q. Brie, can I ask you why you're crying?

24 A. Because I feel that same feeling. I
25 feel nauseous and nervous.

1 Q. Why do you feel nauseous and nervous?

2 A. Because I have to talk about how these
3 things happened and I thought when I was younger, I
4 could just forget about it.

5 Q. You've gotten a lot of subpoenas for the
6 case. Is that -- you're shaking your head up and
7 down.

8 Is that a yes?

9 A. Yes.

10 Q. Um, when you get these subpoenas, do you
11 get this nauseous feeling?

12 A. Yes.

13 Q. And have you been getting these
14 subpoenas since 2011?

15 A. Um-hmm, yes.

16 Q. You want it all to be over with?

17 A. Yes.

18 Q. Um, when you saw Momma Kay at school,
19 did you do anything?

20 A. I walked up to her and she looked like
21 she was about to cry. And we drove home.

22 Q. Was there anyone else in the car with
23 you besides you and Mommy Kay?

24 A. I don't remember.

25 Q. Okay. Did you go home?

1 A. Yes.

2 Q. And was that at The Biltmore or
3 somewhere else now?

4 A. The Biltmore.

5 Q. Who was home at the time?

6 A. Um, Mommy Mommy and Karter, my younger
7 sister.

8 Q. Was anyone home at the time?

9 A. No.

10 Q. That day, did you see Zailey at school?

11 A. I didn't see her at school. But I saw
12 her when she got home.

13 Q. Did you see Zailey when you went to
14 lunch?

15 A. No. We didn't go to the same school.

16 Q. Was she -- because she's a little bit
17 younger than you, did she go to an elementary
18 school?

19 A. Yes.

20 Q. You were in middle school?

21 A. Yes.

22 Q. After you were talked to by the lady,
23 did you call Zailey on the telephone?

24 A. No, I didn't talk to her.

25 Q. You didn't talk to her at all while you

1 were at school?

2 A. No.

3 Q. When you got home, did you make a quick
4 phone call to Zailey?

5 A. No.

6 Q. When you got home, were any of your
7 other siblings home? I know Zailey was at school.

8 A. Yes.

9 Q. Who else was home?

10 A. Karter, my younger sister, and my Mommy
11 Mommy.

12 Q. Mommy Mommy. Okay. Now, Karter, what
13 year was she born?

14 A. 2006.

15 Q. 2006. So this happened in 2010. She
16 would have been about four years old?

17 A. Yes.

18 Q. When you got home, do you remember what
19 Mommy Mommy looked like?

20 A. She was -- she looked sad and angry.

21 Q. And how did she look sad and angry?

22 A. She was yelling but she looked like she
23 was crying beforehand.

24 Q. And what was she doing when she was
25 crying and kind of yelling?

1 A. She was on the phone.

2 Q. Could you hear what she was saying?

3 A. No.

4 Q. How did that make you feel when you saw
5 her?

6 A. I was scared.

7 Q. What were you scared of?

8 A. I didn't know what was going to happen
9 with my mom, how she was going to react, um,
10 towards Cameron and toward me and my sister.

11 Q. Did you talk to your mom that day?

12 A. Yes.

13 Q. Did you talk to both moms that day?

14 A. Yes.

15 Q. Is that at the house?

16 A. Yes.

17 Q. Do you remember where in the house that
18 happened?

19 A. In her room.

20 Q. In mom's room?

21 A. Yes.

22 Q. At the time this happened in December,
23 had your moms broken up?

24 A. I think so. There have been some fights
25 between them but I don't remember if they had

1 separated at this time yet.

2 Q. Okay. Did you talk about what you
3 disclosed at school with your moms?

4 A. Yes.

5 Q. How did you feel about talking to your
6 moms?

7 A. Um, I felt better but I was still
8 scared.

9 Q. You're still scared. Was it hard to
10 talk to your moms about this?

11 A. Yes.

12 Q. Do you remember after you talked to your
13 mom's what you did?

14 A. No.

15 Q. Do you remember Zailey coming home?

16 A. Yes.

17 Q. When Zailey came home, did you run up to
18 her and tell her what happened?

19 A. No. I was setting up the table, um, and
20 she came in and my mom brought her to her room, my
21 moms' room, to talk to her, and Zailey -- she
22 looked really scared.

23 Q. And you say Zailey looked really scared.
24 How did she look that made you think she was
25 scared?

1 A. Her eyes were wide and she looked like
2 she was about to cry.

3 Q. Did you go up with them?

4 A. Um, with Zailey?

5 Q. With Zailey and your moms.

6 A. Not at first, but eventually we did and
7 we talked together.

8 Q. You said so there was a time that just
9 Zailey and your moms talked?

10 A. Yes.

11 Q. And then after that, you guys, all four
12 of you sat down together?

13 A. Yes.

14 Q. And did you guys discuss what had
15 happened between you and Cameron?

16 A. Yes.

17 Q. And how that made you feel?

18 A. Yes.

19 Q. And did you hear details about what
20 happened with Zailey and Cameron?

21 A. Not explicit, not -- they were vague.

22 Q. Very vague. To this day, do you know
23 exactly what happened to this day?

24 A. I know --

25 Q. Not -- I just want a yes or no.

1 A. No, not all.

2 Q. Okay. Do you talk to your moms a lot
3 about what happened between you and Cameron now?

4 A. No.

5 Q. Do you like talking about it?

6 A. No.

7 Q. Would you rather forget about it?

8 A. I can't.

9 Q. Did you ever talk to Zailey?

10 A. No.

11 Q. Why not?

12 A. I don't -- I don't like to talk about
13 it. I don't think she does either. It makes us
14 uncomfortable.

15 Q. Um, Brie, the stuff we talked about
16 today, did it actually happen?

17 A. Yes.

18 Q. Are you saying these things because
19 you're upset with Cameron?

20 A. No.

21 Q. Are you saying these things because you
22 think your moms are upset with Cameron?

23 A. No.

24 Q. Are you saying these things because you
25 think Cameron's upset with your moms?

1 A. No.

2 Q. Is anyone pressuring you to say these
3 things here in court today?

4 A. No.

5 Q. Did anyone pressure you to say these
6 things back at school in 2010?

7 A. No.

8 Q. Did anyone pressure you to say anything
9 to Zailey?

10 A. No.

11 Q. As you sit here today, are you telling
12 the truth?

13 A. Yes.

14 MS. RINETTI: Judge, I'll pass the
15 witness at this time.

16 THE COURT: Okay. Why don't you
17 approach the bench for a second.
18 (Whereupon there was a conference at the bench that
19 was not requested to be reported.)

20 THE COURT: Okay. I was trying to find
21 out how long the cross-exam was because -- you may
22 not be watching. You may not have time.

23 It's 4:45, Friday afternoon and since
24 Ambree has to come back Monday, I am going to break
25 right now. It's kind of late on a Friday. I don't

1 want to get started and break it all up.

2 So we are going to come back, okay, on
3 Monday morning. We'll start right into -- we have
4 no motions so we'll start right at 10:00 o'clock.
5 All right. Just stay there for right now.

6 You are admonished: Not to talk to
7 converse among yourselves or with anyone else on
8 any subject connected with this trial; or read,
9 watch or listen to any report of or commentary on
10 the trial or any person connected with this trial
11 by any medium of information including, without
12 limitation, newspapers, television, the Internet
13 and radio; or form or express any opinion on any
14 subject connected with the trial.

15 You are further admonished not to form
16 or express any opinion on any subject connected
17 with this trial until the case is finally submitted
18 to you.

19 We'll see you back Monday at 10:00
20 o'clock and we'll continue testimony.

21 Thank you.

22 THE MARSHAL: All rise.

23 THE COURT: We'll see you a little bit

24 ///

25 ///

1 before 10:00. We're off the record.

2 (Whereupon the proceeding's concluded at 4:46 p.m.)

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6 ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF
7 PROCEEDINGS.

7

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/s/Gina M. Shrader

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10 Gina M. Shrader, CCR 647, RPR

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