

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 6

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1 LAS VEGAS, NEVADA; MONDAY, MAY 23, 2016

2 10:15 A.M.

3 -00o-

4

5 THE COURT: Good morning, Counsel. The
6 jury showed up and we have something outside the
7 presence, and I do have that note. Which -- do you
8 remember there was a -- Friday was a long day.

9 One of the jurors who -- you'll have to
10 remember who, Bill, because they did not put their
11 name or a number on it.

12 THE MARSHAL: She did not, Your Honor.
13 Juror Number 2.

14 THE COURT: Juror Number 2 has two
15 questions. Which I can't look at now because
16 you're not finished.

17 Do you want me just to keep it? Okay.

18 MS. KOLLINS: Keep it and maybe just
19 reinstruct them that questions are appropriate for
20 the end.

21 THE COURT: Yeah. Okay. So she is
22 Juror Number 2, correct? Which is Paolina Radmall.
23 Okay. All right. So I keep that.

24 What do we got outside the presence.

25 MR. MANN: Your Honor, I just want to

1 make a brief record.

2 THE COURT: Sure. Absolutely.

3 MR. MANN: So Ambree had talked about
4 the first time that she disclosed was to a CPS
5 worker at school where they came to school and
6 disclosed. Well, asked her about Zailey's
7 disclosure and then Ambree supposedly disclosed at
8 that time to which then later the moms came and --
9 or one of the moms came and picked her up and
10 brought her home and then spoke to the parents,
11 essentially.

12 Do you remember that sequence.

13 THE COURT: Yes. So what's the motion
14 on?

15 MR. MANN: It's not -- it's just -- I
16 want to make a record. So I just wanted to make it
17 clear that pursuant to this Court's order of
18 denying me to be able to see the CPS records, I do
19 not have any of those records regarding that
20 initial disclosure of Ambree to the CPS. And I
21 just wanted to make that clear.

22 THE COURT: I'm always looking for a
23 motion. No problem. I always want to know if I
24 have an issue. Okay. No problem.

25 MR. MANN: And it's my understanding

1 that the State doesn't have anything regarding that
2 initial disclosure.

3 MS. RINETTI: Correct. The Arizona CPS
4 records were sent to chambers in a sealed
5 condition.

6 THE COURT: I did review them.

7 MS. RINETTI: Thank you.

8 THE COURT: You're welcome. I did do
9 that. Okay. And April's back.

10 MR. MANN: Welcome.

11 THE COURT: She's much happier than
12 that. Where we left off, Mr. Mann, you were just
13 going to start the cross-exam.

14 MR. MANN: Correct. I hadn't started
15 yet.

16 THE COURT: I remember distinctly. I
17 actually put my notes here. All right. Let's get
18 ready to go, then.

19 MS. RINETTI: Do you want to bring
20 Ambree back before we bring in the jury?

21 THE COURT: Yeah. That might be nice to
22 get her settled. That's not a problem. That would
23 be great. So she doesn't have to walk in front of
24 everybody.

25 I am going to go ahead and re-swear her

1 just because she's a child and it's been over the
2 weekend, if you don't mind.

3 MS. RINETTI: Sure.

4 (The jury entered the courtroom.)

5 THE MARSHAL: Please be seated.

6 THE COURT: Okay. Counsel stipulate to
7 the presence of the jury.

8 MS. RINETTI: Yes, Your Honor.

9 MR. MANN: Yes, Your Honor.

10 THE COURT: And we have Ms. Palmer.

11 We're going to swear her in again and we're going
12 to start with cross-exam by Mr. Mann.

13 Whereupon,

14 AMBREE PALMER,
15 having been called as a witness, and having been
16 first duly sworn to testify to the truth, was
17 examined and testified as follows:

18 THE WITNESS: I do.

19 THE CLERK: Thank you. Please be
20 seated.

21 Will you please state your full name,
22 spelling your first and last name for the record.

23 THE WITNESS: My name is AMBREE PALMER.
24 A-m-b-r-e-e, P-a-l-m-e-r.

25 THE COURT: And please keep your voice

1 up. I know it's not easy, but we all need to hear
2 it. And that little box -- that is the microphone,
3 okay, Ms. P ?

4 Mr. Mann, cross-exam.

5 MR. MANN: Thank you, Your Honor.

6

7 CROSS-EXAMINATION

8 BY MR. MANN:

9 Q. Good morning, B .

10 A. Good morning.

11 Q. How are you today?

12 A. I'm fine.

13 Q. Your testimony here today, it's been a
14 long time since the last time you testified,
15 correct?

16 A. Yes.

17 Q. You testified in a previous proceeding
18 five years ago?

19 A. Yes.

20 Q. When you testified at that proceeding,
21 you swore to tell truth?

22 A. Yes.

23 Q. And did you tell the truth at that time?

24 A. Yes.

25 Q. You stated that a CPS worker in Arizona

1 came to your school back in 2010; is that right?

2 A. Yes.

3 Q. And when that CPS worker came to your
4 school, she initially told you what Zailey had
5 disclosed, correct?

6 A. Yes.

7 Q. And it was at that time that after
8 learning what Zailey had disclosed is when you then
9 made some sort of statements to the CPS worker?

10 A. Yes.

11 Q. Okay. And so that was the first time
12 that you had learned what Zailey had said?

13 A. No.

14 Q. Okay. That was the first time that you
15 had learned what Zailey had said to other people?

16 A. Yes.

17 Q. Okay. And -- but you had a previous
18 conversation with Zailey?

19 A. Yes.

20 Q. And that conversation occurred back in
21 June of 2010?

22 A. I don't remember.

23 Q. Okay. Now, you had originally testified
24 that you actually spoke to Zailey back in November
25 of 2010.

1 Do you remember that?

2 A. I know that I spoke to her before CPS
3 got involved.

4 Q. Okay. But Z: had testified that she
5 had this conversation with you in May or June?

6 MS. RINETTI: Objection. Hearsay.

7 THE COURT: I'm going to sustain.

8 You're referring to what Zailey had said so I'm
9 going to sustain the objection.

10 MR. MANN: No problem.

11 BY MR. MANN:

12 Q. Would it be correct if Z: had
13 said --

14 MS. RINETTI: Objection. Hearsay.

15 MR. MANN: It's not hearsay, Your Honor.
16 It's actually -- I'm not going for --

17 THE COURT: You're asking for the truth
18 of the matter. You're asking if it's true. So
19 rephrase again.

20 MR. MANN: Sure.

21 THE COURT: I don't need to rephrase.
22 However you want to rephrase. And I'm going to
23 sustain that objection.

24 BY MR. MANN:

25 Q. If Zailey had indicated that --

1 MS. RINETTI: Objection. Hearsay.

2 MR. MANN: First of all, I'm not saying
3 what Zailey said so it's not hearsay. I'm saying
4 if Zailey had indicated that there was a
5 conversation -- I'm dealing with time, Your Honor
6 -- in June that you guys had a conversation.

7 MS. RINETTI: Objection.

8 Can we approach?

9 THE COURT: Sure.

10 (There was a conference at the bench that was not
11 requested to be reported.)

12 THE COURT: So the objection is
13 sustained and you're going to rephrase, Mr. Mann,
14 correct?

15 MR. MANN: Correct.

16 BY MR. MANN:

17 Q. Brie, was there a conversation between
18 you and Zailey in June or May of 2010?

19 A. I don't think it was in the summer, but
20 I don't remember.

21 Q. Okay. Thank you. After you had your
22 initial conversation with the CPS worker in
23 Arizona, you went home with Momma Kay?

24 A. Yes.

25 Q. And then you went home with Momma Kay

1 and had a discussion with Momma Kay and Momma
2 April?

3 A. Yes.

4 Q. Okay. And it was during that
5 conversation that you provided details of what you
6 said happened?

7 A. Yes.

8 Q. Okay. And were your details at that
9 time accurate?

10 A. Yes.

11 Q. Were they complete?

12 A. No.

13 Q. Okay. And the reason you did not give a
14 complete answer was because you didn't want to tell
15 your parents of everything?

16 A. No. It was just a lot to tell.

17 Q. Well, during that first discussion, you,
18 in fact, told your parents that there was no sexual
19 intercourse between you and Mr. Thomas, correct?

20 A. I didn't know what intercourse meant at
21 the time.

22 Q. You told them that there was no penis to
23 vagina interaction between you and Cameron,
24 correct?

25 A. I don't remember. I don't think I did,

1 though.

2 Q. Okay. Now, you then later, a week
3 later, gave a statement to the police, correct?

4 A. I don't remember.

5 Q. Okay. You went into a facility in
6 Arizona where you met with a person, correct?

7 A. I think so.

8 Q. And during that conversation you had
9 with that person, she asked you questions about
10 your story?

11 A. Yes.

12 Q. Okay. And at that time, did you tell
13 your whole story?

14 A. I don't remember.

15 Q. Okay. You knew it was important to tell
16 the truth then, correct?

17 A. Yes.

18 Q. You knew it was important to say as much
19 as possible, correct?

20 A. No. I just told what I could.

21 Q. Okay. So you knew at that time that
22 there were things that you had not disclosed?

23 A. Yes. I don't have --

24 Q. I'm sorry?

25 A. I don't have all day to say every little

1 thing which is why Dena keeps bringing up things
2 that are important, that she thinks, not every
3 incident, because that would take all day.

4 Q. And Dena, you're referring to the
5 prosecutor?

6 A. Yes.

7 Q. Okay. And that's Ms. Rinetti?

8 A. Yes.

9 Q. Okay. So let's talk about that for a
10 second. You've prepared for today, correct?

11 A. Yes.

12 Q. And your preparation for today deals
13 with many conversations with the prosecutors?

14 A. Yes.

15 Q. And going over your testimony in detail?

16 A. Yes.

17 Q. Talking about ways you should say
18 things, correct?

19 A. Yes.

20 Q. Talking about how you should answer even
21 my questions, correct?

22 A. Yes.

23 Q. In fact, she gave you a copy of your
24 statements to study, correct?

25 A. To read over.

1 Q. To read over. To prepare for today?

2 A. Yes.

3 Q. And then even after you had copies of
4 your statements that you read over to prepare for
5 today, she then again prepared you for today,
6 correct?

7 A. Yes.

8 Q. Okay. In addition to that, you actually
9 meet with other people from the State of Nevada,
10 correct?

11 A. Like who?

12 Q. Like your victim advocate?

13 A. Yes.

14 Q. Okay. And your victim advocate, you
15 would have discussions with about the case,
16 correct?

17 A. No.

18 Q. About how you were feeling about the
19 case?

20 A. Yes.

21 Q. About procedures about the case?

22 A. Yes.

23 Q. Okay. And in addition to that, you also
24 had conversations with your parents about the case?

25 A. Not what was disclosed in the case, but

1 yes, about dates, how we felt about going, and
2 things of that nature.

3 Q. So is it your testimony that back in
4 December of 2010 was the only time that you had a
5 conversation with your parents about the details of
6 this particular case?

7 A. It was the first time, and since that
8 first hearing, um, we haven't spoke about anything
9 that's happened between myself, Zailey or the
10 defendant.

11 Q. Okay. And so between that first
12 disclosure with your parents in December of 2010
13 and the preliminary hearing that was conducted in
14 2011, the end of 2011, you did have discussions
15 with your parents about what was going on, what had
16 happened, correct?

17 A. I don't remember.

18 Q. Okay. Is it possible?

19 A. It's possible.

20 Q. Okay. The first time that you said
21 something happened, do you remember that?

22 A. Yes.

23 Q. Okay. And you said the first time that
24 something happened was shortly after you had met
25 Mr. Thomas; is that correct?

1 A. Yes.

2 Q. And so roughly that would be a date in
3 the end or the beginning of 2006, correct?

4 A. Yes.

5 Q. And do you remember when you met Mr.
6 Thomas?

7 A. I know that the first time I spoke to
8 him or saw him was at the day care.

9 Q. Okay. And that day care was?

10 A. Kids 'R' Kids.

11 Q. Okay. Now, that first time you had
12 indicated during testimony that it was just you and
13 Zailey in the bed, correct?

14 A. Um, I think -- I don't know if my other
15 sister Zoë was in there.

16 Q. Is there a reason you don't remember Zoë
17 being there?

18 A. No. I just know for a fact that Zailey,
19 Cameron and I were in the room.

20 Q. All right. And when you originally
21 disclosed to the police, you said that Zoë was
22 there and that was back in 2010.

23 Do you remember that?

24 A. I don't remember saying Zoë was there,
25 but I can't remember if she was or not.

1 Q. All right. And you had -- or I'm sorry,
2 you had made a statement to the police -- I am
3 going to rephrase that.

4 MR. MANN: I apologize, Your Honor.

5 THE COURT: That's fine.

6 BY MR. MANN:

7 Q. You had testified on Friday that you
8 were wearing a long shirt and underwear?

9 A. Yes.

10 Q. But that was the first time that we had
11 heard that you were wearing a long shirt and
12 underwear, correct?

13 A. I think so.

14 Q. Okay. Because when you originally gave
15 a statement to the police, you said that you were
16 wearing pants and not a long shirt.

17 Do you remember that?

18 A. Did I say he put his hand in my pants?

19 Q. You did say that.

20 A. Okay. Well, I use pants as a general
21 term for bottoms. I don't know --

22 Q. When you say pants, you mean underwear?

23 A. He put his hand in my pants. He put his
24 hand in my bottoms.

25 Q. All right. Now, when this occurred, the

1 door was opened to the room, correct?

2 A. Um-hmm. Yes.

3 Q. Is that a yes?

4 A. Yes.

5 Q. And Momma Kay was in the house?

6 A. Yes.

7 Q. And Momma-April was in the house?

8 A. Yes.

9 Q. Jennifer was in the house?

10 A. I don't remember.

11 Q. Okay. Um, your sisters were in the
12 house?

13 A. Yes.

14 Q. Danté was in the house?

15 A. Yes.

16 Q. Okay. And this was all occurring in the
17 guest room in the house?

18 A. Yes.

19 Q. With the door opened?

20 A. Yes.

21 Q. Now, at that time, you didn't scream
22 out?

23 A. No.

24 Q. You didn't say no?

25 A. No.

1 Q. You didn't get up and walk to your
2 parents?

3 A. No.

4 Q. You didn't tell your sister?

5 A. No.

6 Q. Okay. You don't know if your sister was
7 awake at that time, do you?

8 A. No. The lights were off.

9 Q. And you don't know if Zoë was awake at
10 that time, do you?

11 A. If she was in there, I don't know
12 either.

13 Q. Okay. Now, you had originally stated to
14 the police that he stopped, Mr. Thomas stopped,
15 when one of your moms called him down to play Xbox;
16 is that right?

17 A. Yes.

18 Q. Okay. So they were obviously within
19 shouting distance of what was going on?

20 A. Yes.

21 Q. Okay. Now, the time you talk about the
22 cartoons -- now, you originally gave a statement to
23 the police and you did talk about the issue of the
24 cartoons, correct?

25 A. Yes.

1 Q. But then at the preliminary hearing, you
2 did not give a statement about the cartoons,
3 correct?

4 A. I don't remember.

5 Q. And that was the preliminary hearing
6 where you raised your right hand and swore to tell
7 the truth?

8 A. Yes.

9 Q. And the whole truth?

10 A. Yes.

11 Q. So let's talk about the cartoons. How
12 often would you guys stay over the night?

13 A. If not every week, every couple of
14 weeks.

15 Q. So it was very often?

16 A. Yes.

17 Q. And this was a normal course for you
18 guys to wake up in the morning and go watch
19 cartoons in the house?

20 A. Yes.

21 Q. And go into Cameron's bedroom and watch
22 cartoons?

23 A. Yes.

24 Q. Okay. What time was this that you would
25 go and watch cartoons?

1 A. I just know it was in the morning.

2 Q. In the morning. Are you an early riser?

3 A. Sometimes.

4 Q. Are you a late riser?

5 A. Sometimes.

6 Q. Okay. What about your sisters? Early

7 risers?

8 A. They wake up -- well, they used to wake

9 up at the same time as I did because we did

10 everything together.

11 Q. Okay. You guys did everything together.

12 And how would you get into Cameron's

13 room?

14 A. Um, usually all the kids would walk up

15 there if we're downstairs or upstairs in Danté's

16 room or in the guest room and we would walk to his

17 room and we would get on the bed and watch TV.

18 Q. Okay. Now, what was -- I apologize.

19 At that time, the adults were awake,

20 correct?

21 A. Um, if they were awake, they were

22 cooking. But if they weren't, they were just

23 sleeping in.

24 Q. Okay. So if they were awake, all the

25 adults were cooking, and is that downstairs?

1 A. Yes.

2 Q. But it's your testimony that Cameron was
3 up in Jennifer's room and his room?

4 A. Yes.

5 Q. Okay. What was he doing?

6 A. He was laying in his bed.

7 Q. So was he asleep?

8 A. No.

9 Q. He was awake?

10 A. Yes.

11 Q. And we would have Danté in the room?

12 A. Um, usually.

13 Q. We would have yourself in the room?

14 A. Yes.

15 Q. Zailey?

16 A. Yes.

17 Q. Zoë?

18 A. Yes.

19 Q. Karter?

20 A. Yes. When she was born.

21 Q. Janae?

22 A. Yes.

23 Q. And maybe even someone like Sidney?

24 A. Yes.

25 Q. A cousin, right?

1 A. She's not my cousin but --

2 Q. A cousin to the Thomas family?

3 A. I don't know. I just knew she was one
4 of my friends.

5 Q. And it was your testimony that all these
6 kids would be sitting on the bed; is that right?

7 A. Yes.

8 Q. But it would be the foot of the bed,
9 correct?

10 A. Yes.

11 Q. It wouldn't be all over the bed?

12 A. It would be closer to the end of the
13 bed. As many as we could get so we could all see
14 the TV.

15 Q. So it's fair to say -- do you know what
16 I mean when I say "the foot of the bed"?

17 A. Yes. Where your feet go.

18 Q. Where your feet go. Exactly. And while
19 that was happening, you testified that Cameron
20 would get up, reach over and pull you back to the
21 head of the bed?

22 A. He'd play around like, "come lay down
23 over here" type thing.

24 Q. So he would actually say something to
25 you, hey, come lay down over here?

1 A. He would say things sometimes.

2 Q. And it was -- so he would just say, hey,
3 come lay down over here. He wouldn't drag you up
4 to the head of the bed?

5 A. Sometimes he would play around and kind
6 of like pick me up. And sometimes he would just
7 say, come lay down over here. Come lay down next
8 to me.

9 Q. And so when this was going on, this was
10 all jovial, happy, playing around?

11 A. For him, but I wanted to watch cartoons.

12 Q. Okay. Did you ever tell him no?

13 A. Sometimes. And then --

14 Q. Did you ever get up and walk out of the
15 room?

16 A. No.

17 Q. So when you would get to the head of the
18 bed, you indicated that he would take your pants
19 off?

20 A. Yes. If I was wearing pants or my
21 bottoms.

22 Q. Okay. And when he took your pants off,
23 according to you, would they go all the way off or
24 would they still be on your legs?

25 A. Sometimes they would still be on my legs

1 and sometimes they would just be at like my knees
2 or my thighs.

3 Q. Okay. But they would never be
4 completely removed from your body?

5 A. Not when we were watching cartoons.

6 Q. Okay. And so this was the time that you
7 had testified that he laid you on your side?

8 A. Yes.

9 Q. Facing him?

10 A. Yes.

11 Q. And when you say your side, do you know
12 which side? Your right or your left?

13 A. It was my right side was on the bed.

14 Q. So your right side was on the bed.

15 Okay. So if you're looking at the bed from the
16 foot of the bed --

17 A. Yes.

18 Q. -- that would be on the right side? You
19 would be on the right side; is that correct?

20 A. Yes.

21 Q. Okay. And then Mr. Thomas would
22 actually be on the left side?

23 A. Yes.

24 Q. Okay. And that left side, was that
25 further from the door?

1 A. Yes. The door was to the right.

2 Q. Okay. And so you were closer to the
3 door?

4 A. Yes.

5 Q. Okay. And the door, was the door closer
6 to the foot of the bed or the head of the bed?

7 A. To the foot.

8 Q. Okay. And the door was opened when you
9 guys were watching cartoons, correct?

10 A. Yes.

11 Q. And when he would pull your pants down,
12 whether it was pants or underwear, you said it
13 sometimes would be on your thighs, sometimes be on
14 your knees, sometimes be on your ankles; is that
15 right?

16 A. Yes.

17 Q. And facing him you said that he would
18 put his penis inside of you?

19 A. Yes.

20 Q. And that's inside of your vagina?

21 A. Yes.

22 Q. Okay. Now, when he did this, did he
23 take off his pants?

24 A. No.

25 Q. How did he get his penis out?

1 A. Um, he had, um -- I don't know. I just
2 know his pants weren't off.

3 Q. Okay. How do you know his pants weren't
4 off?

5 A. I think I'd be able to see him taking
6 them off even if it is under the blankets, but he
7 wouldn't move.

8 Q. Okay. Now, were you under the blankets
9 at this time?

10 A. Yes.

11 Q. And he was under the blankets?

12 A. Yes.

13 Q. Okay. And so when he would put his
14 penis inside of you, the other kids were still on
15 the foot of the bed, right?

16 A. Yes.

17 Q. And you had testified that he would stop
18 as soon as a kid would turn around, right?

19 A. Or say something.

20 Q. Or say something. Okay. And so all
21 this was going on with at least five kids right
22 there on the foot of the bed, right?

23 A. Yes.

24 Q. Okay. Now, as you are laying on your
25 side, with your underwear around your knees or

1 ankles, he put his penis inside of you.

2 You said that that hurt, correct?

3 A. Yes.

4 Q. Was this cartoon incident the first time
5 that he had stuck his penis inside of you?

6 A. I don't remember.

7 Q. When you said it hurt, was there blood?

8 A. I don't think so.

9 Q. Okay. Did you cry?

10 A. No.

11 Q. And -- I'm sorry?

12 A. No.

13 Q. Did you yell?

14 A. No.

15 Q. Did you tell him don't do that?

16 A. No.

17 Q. Did you push him away?

18 A. No.

19 Q. Okay. And again, all this was happening
20 with the kids on the bed and adults downstairs?

21 A. Yes.

22 Q. Jennifer?

23 A. Possibly.

24 Q. Momma Kay?

25 A. Yes.

1 Q. April?

2 A. Yes.

3 Q. Sometimes Kourtney?

4 A. Sometimes.

5 Q. Sometimes Audrey?

6 A. Sometimes.

7 Q. Now, after the first time that this
8 happened, you would continue to go into the room to
9 watch cartoons?

10 A. Yes.

11 Q. Okay. He would never come and pick you
12 up and drag you into the room to watch cartoons,
13 correct?

14 A. No.

15 Q. You would always voluntary go into that
16 room to have -- to watch cartoons?

17 A. Yes.

18 Q. Okay. And it's your testimony that this
19 was a regular occurrence, correct?

20 A. Yes.

21 Q. Okay. And so this watching the cartoons
22 in Jennifer and Cameron's room was something that
23 all the kids did on a regular basis?

24 A. Yes.

25 Q. And so you would stay the night a lot?

1 A. Yes.

2 Q. And you said that it was if not every
3 week, at least every other week?

4 A. Um, yeah. Yes.

5 Q. Okay. Now, Danté had a TV in his room,
6 right?

7 A. Yes.

8 Q. You guys watched cartoons in Danté's
9 room, right?

10 A. Sometimes.

11 Q. That was a possibility, right?

12 A. Yes.

13 Q. And you guys would actually watch a lot
14 of TV in Danté's room?

15 A. Yes.

16 Q. But in the mornings on Saturday morning,
17 you would specifically go into Jennifer and
18 Cameron's room to watch cartoons?

19 A. Yes.

20 Q. Now, I want to bring your attention to
21 the -- what Ms. Rinetti described as the pizza
22 incident.

23 Do you remember that?

24 A. Yes.

25 Q. Okay. Now, you had testified that

1 Cameron picked you up from day care?

2 A. Yes.

3 Q. And drove you to your house, correct?

4 A. Yes.

5 Q. And Danté was there as well?

6 A. Yes.

7 Q. Okay. And this was when you were living
8 in Summerlin?

9 A. Yes.

10 Q. Okay. So this would be around 2008,
11 2009?

12 A. I don't remember. I just know I was in
13 fourth grade in the house.

14 Q. Do you remember when you moved where?
15 Do you have any memory of where you lived?

16 A. I know that usually, we would move
17 during the summer around Zailey's birthday every
18 year, but that stopped. As we -- I think when I
19 would start fifth grade.

20 Q. Okay. And when you said that stopped
21 when you started fifth grade, that was because you
22 moved to Arizona?

23 A. No. We had -- we had lived with
24 Cameron, Kourtney and that was -- was all in a span
25 of a year, I think. But it -- usually before, we

1 would move every year.

2 Q. Okay. You ended up moving to Arizona,
3 the middle of your fifth -- fifth grade year,
4 correct?

5 A. Yes.

6 Q. Okay. And so it's fair to say that you
7 lived somewhere in Summerlin during your fourth
8 grade year, correct?

9 A. Yes.

10 Q. Okay. And so -- and your fourth grade
11 year would have been 2007 to 2008, correct?

12 A. I don't know.

13 Q. Okay. Actually, your fourth grade year
14 would have been 2008 to 2009?

15 A. That sounds about right.

16 Q. Okay. I apologize. Um, so your sister
17 Karter was born in 2006, correct?

18 A. Yes.

19 Q. Okay. And Zailey and Zoë were already
20 born before 2006?

21 A. Yes.

22 Q. Okay. So it's fair to say in 2008 and
23 maybe 2009, all four -- all four of you were born?

24 A. Yes.

25 Q. Okay. And it's your testimony that

1 Cameron picked you up from day care?

2 A. Yes.

3 Q. Okay. Now, when he -- when you say
4 picked you up from day care, you mean that he
5 wasn't there but he came there, picked you up and
6 took you home?

7 A. No. He probably would have been working
8 that day and then after the day care started
9 cleaning up, closing down, he went and instead of
10 driving home with my mother, I would drive home
11 with him.

12 Q. Your mom's worked at the day care at the
13 same time?

14 A. Yes.

15 Q. And Cameron was the assistant manager?

16 A. Yes.

17 Q. Or assistant director, I think?

18 A. Yes.

19 Q. And he was in charge of a lot things
20 going on at the day care?

21 A. Yes.

22 Q. Okay. Your mothers, they both worked
23 there at the same time?

24 A. For some time, yes.

25 Q. Okay. Do you remember at this time if

1 they were both working?

2 A. I don't remember. I know that Mommy Kay
3 was working.

4 Q. Okay. And Cameron would often work
5 until the day -- until the day care closed,
6 correct?

7 A. Yes.

8 Q. Okay. And so your mother would have
9 ended at the same time or ended before Cameron,
10 correct?

11 MS. RINETTI: Objection. Speculation.
12 If she knows.

13 THE WITNESS: Yes.

14 THE COURT: If you know. He's not
15 asking -- don't guess or speculate. You're doing
16 very well.

17 If you don't remember something or you
18 don't know, you don't know something meaning you
19 just -- you wouldn't of even had known that
20 information. You don't remember is something that
21 you would have known but you can't remember now.

22 Do you understand the distinction?

23 THE WITNESS: Yes.

24 THE COURT: I'm sure they've told it to
25 you but we don't want you to guess or speculate.

1 So do you want to do the question again.

2 BY MR. MANN:

3 Q. Sure. Do you know if Momma Kay would
4 end work earlier or at the same time?

5 A. Well, she would have to have gotten off
6 at the same time as him because he got off at the
7 end of the day. Any other time would have been
8 earlier.

9 Q. All right. And so his kids went to day
10 care, correct?

11 A. Yes.

12 Q. And that's -- at that time, it would
13 have been Danté?

14 A. Yes.

15 Q. And Janae?

16 A. I don't know if Janae was born yet. I
17 don't know when she was born.

18 Q. If I said that Janae was born in 2007,
19 does that seem right?

20 A. I don't know. I don't know her age now
21 or then.

22 Q. But you remember Janae being a part of
23 the Thomas family, correct?

24 A. Yes.

25 Q. Okay. And you were friends with the

1 Thomas family for many years when Janae was around?

2 A. Yes.

3 Q. Okay. And you definitely remember Janae
4 being around before you left for Arizona in 2009?

5 A. Yes.

6 Q. Or the beginning of 2010?

7 A. Yes.

8 Q. Okay. And so if Janae was at the day
9 care, Mr. Thomas would have taken her home,
10 correct?

11 A. I don't know.

12 Q. Okay. Do you remember, do you have any
13 memory of Janae being there?

14 A. That day?

15 Q. Yes.

16 A. She was not with us.

17 Q. She was not with you. Okay. And do you
18 know where Jennifer was that day?

19 A. No.

20 Q. Do you know where Momma April was that
21 day?

22 A. I think she was at work but I can't be
23 sure.

24 Q. Okay. Do you know where she worked
25 then?

1 A. No.

2 Q. Do you know where Zoë was?

3 A. She was with another adult but she
4 wasn't at the day care.

5 Q. She wasn't at the day care?

6 A. No.

7 Q. And Zailey?

8 A. I think she was with, um, the same
9 adult. I know that they got picked up but not with
10 Cameron.

11 Q. Okay. And Karter?

12 A. The same.

13 Q. Okay. Now, do you remember testifying
14 at the preliminary hearing in 2011?

15 A. Yes.

16 Q. Okay. And at the preliminary hearing in
17 2011, you stated that Zoë and Karter were at the
18 day care?

19 A. They would have gotten picked up.

20 Q. Okay. And you also indicated that
21 Zailey went with Momma Kay to get the pizza?

22 A. And they would have -- she would have
23 picked them up, I think.

24 Q. Okay.

25 A. I don't know how my mom was getting

1 home, but she was working and my sisters. They
2 needed someone to get them.

3 Q. All right. But it's fair to say that
4 it's your testimony that Cameron only took you --

5 A. Yes, and Danté.

6 Q. -- and Danté and not Zailey?

7 A. No.

8 Q. And not Zoë?

9 A. No.

10 Q. And not Karter?

11 A. No.

12 Q. And not Janae?

13 A. No.

14 Q. Now, when this occurred, this was after
15 many, many cartoon incidents, correct?

16 A. Yes.

17 Q. Okay. So at that time, you knew what
18 type of person you thought Cameron was?

19 A. Yes.

20 Q. Okay. Did you ever express to your mom
21 I don't want to go with him?

22 A. No.

23 Q. Did you ever tell them let me go with
24 the adult that took Zoë and Zailey?

25 A. No.

1 Q. Okay. But when you got to your house,
2 you went up to your mom's room?

3 A. Yes.

4 Q. And put a DVD on for Danté?

5 A. Yes.

6 Q. Okay. And it was you that put on the
7 DVD, correct?

8 A. I -- yes.

9 Q. Is that a yes?

10 A. Yes.

11 Q. Okay. And so you were the one that
12 chose Scooby-Doo?

13 A. I don't remember if I chose it but I
14 knew that Danté wanted to watch it.

15 Q. You're the one that took the disc and
16 put it in the machine?

17 A. Yes.

18 Q. And that was in your mom's bedroom?

19 A. Yes.

20 Q. And that was on the second floor?

21 A. Yes.

22 Q. Okay. Now, you had testified that you
23 ended up in your own room, correct?

24 A. Yes.

25 Q. And you went to your room on your own,

1 correct?

2 A. Yes. I walked there by myself.

3 Q. You walked there by yourself?

4 A. Not by myself. But Cameron was not with
5 me but he was near.

6 Q. Okay. And your room is upstairs?

7 A. Yes.

8 Q. Near your mom's room?

9 A. Yes.

10 Q. And you didn't want to watch the movie
11 at that time?

12 A. I wanted to go downstairs.

13 Q. You wanted to go downstairs?

14 A. Yes.

15 Q. Why didn't you go downstairs?

16 A. Cameron called me to my room.

17 Q. Okay. So Cameron went to your room and
18 called you and said, hey, come into your room?

19 A. Yes.

20 Q. All right. And it was there that he
21 asked you to lie on the bed?

22 A. Yes.

23 Q. And it was there that you said that he
24 took off your pants?

25 A. Yes. My bottoms.

1 Q. Your bottoms. Okay. You were wearing
2 shorts that day?

3 A. I don't remember. I just know it was --
4 there was a buckle or there was a button and a
5 zipper on my pants, a button and zipper on his. Or
6 zipper at least.

7 Q. All right. And when he took off your
8 pants, he didn't take them all the way off your
9 body, correct?

10 A. No.

11 Q. They were still on your legs?

12 A. Yes.

13 Q. Okay. Were they around your knees?

14 A. I don't remember.

15 Q. Okay. But you know that they were not
16 off your body?

17 A. Yes.

18 Q. Okay. And it was at that time that you
19 said that you laid on your side?

20 A. Yes.

21 Q. And when you were laying on your side,
22 it's then that he put his penis inside your vagina?

23 A. Yes.

24 Q. Now, your bed was a twin bed?

25 A. Yes.

1 Q. Okay. So a smaller bed, correct?

2 A. Yes.

3 Q. Okay. Was it a -- and I don't know if
4 you know this, but was it a normal-size twin bed?

5 A. I don't know.

6 Q. Okay. But it was definitely smaller
7 than your parents' bed?

8 A. Yes.

9 Q. And your sisters also had twin beds?

10 A. I know that there was at least one other
11 twin bed.

12 Q. All right.

13 A. But I know there was three beds; I don't
14 know the size of the third.

15 Q. And your youngest two sisters shared a
16 bed?

17 A. Yes.

18 Q. Was that bed that they shared any bigger
19 than your bed?

20 A. I don't remember.

21 Q. Now, when you were lying on your side,
22 do you remember what side you were lying on?

23 A. Cameron, his back was against the wall
24 that the door was on and I was on my right -- my
25 right side.

1 Q. Your right side?

2 A. Yes.

3 Q. Okay. So it's -- it's fair to say that
4 at the -- when you're looking at your bed from the
5 foot of the bed --

6 A. Yes.

7 Q. -- you were on the right side?

8 A. Yes.

9 Q. Okay. Because you were lying on your
10 right side?

11 A. Yes.

12 Q. And you were facing Cameron?

13 A. Yes.

14 Q. And he was on his left side facing you?

15 A. Yes.

16 Q. Okay. And so it's fair to say that
17 Cameron was on the left side?

18 A. Yes.

19 Q. All right. And it was there with your
20 pants are around your legs and that he put his
21 penis inside your vagina?

22 A. Yes.

23 Q. And it hurt?

24 A. Yes.

25 Q. Did you yell?

1 A. No.

2 Q. Did you scream?

3 A. No.

4 Q. Was there blood?

5 A. I don't remember.

6 Q. Okay. But you do know that it hurt?

7 A. Yes.

8 Q. Okay. And you testified that what made
9 him stop was Danté came into the room?

10 A. Yes.

11 Q. So the door was open?

12 A. Yes.

13 Q. And as -- do you know at what point he
14 stopped when Danté was in the room?

15 A. I think he heard Danté before I did.

16 And I heard Danté's voice but before Danté had
17 actually started talking, Cameron, he took his
18 penis out of my vagina and started tickling me.

19 Q. And how did he take his penis outside of
20 your vagina?

21 A. He moved.

22 Q. He just moved?

23 A. Yes.

24 Q. Okay. And your pants were off?

25 A. Yes.

1 Q. So your butt could have been seen under
2 the covers?

3 MS. RINETTI: Objection. Speculation.

4 THE COURT: I think he's asking for a
5 foundation. So I'm going -- aren't you asking
6 could it be seen?

7 MR. MANN: Correct.

8 THE COURT: If she knows. Once again,
9 we don't want you to guess or speculate. We
10 appreciate it. Why don't you rephrase it because
11 maybe she is confused.

12 BY MR. MANN:

13 Q. Okay. This is your body we're talking
14 about, right?

15 A. Yes.

16 Q. You know if your body is being exposed
17 or not, correct?

18 A. Yes.

19 Q. Okay. Um, so with your pants down, your
20 butt would have been able to have been exposed,
21 correct?

22 A. We were under the blankets.

23 Q. Okay. So under the blankets. Had it
24 not been for the blankets, you would be able to see
25 your butt?

1 A. Yes.

2 Q. And the rest of your front, correct?

3 A. Yes.

4 Q. Your vagina?

5 A. Yes.

6 Q. Your stomach?

7 A. Yes.

8 Q. Did you have a shirt on?

9 A. Yes. But it was slightly lifted.

10 Q. He didn't take your shirt off?

11 A. Not at that time.

12 Q. Okay. And it was also your testimony

13 that this was the time that he grabbed your hand

14 and tried to make you touch his penis?

15 A. Yes.

16 Q. Okay. And it was at that time that you

17 resisted that advance?

18 A. Yes.

19 Q. You pulled away?

20 A. Yes.

21 Q. You said no?

22 A. Yes.

23 Q. It was then that that was the time that

24 you were going to fight back?

25 A. Yes.

1 Q. Okay. And was that before or after
2 Danté came into the room?

3 A. It was after.

4 Q. So Danté comes in the room. He pulls
5 his penis out of your vagina, you guys just stay
6 laying in bed?

7 A. He pretended he was tickling me. Danté
8 left and then he grabbed my hand and that's when he
9 tried to pull it towards his penis.

10 Q. Okay. Now, you said that Momma Kay
11 would have left close to the same time that Cameron
12 did from the day care, correct?

13 A. I think so.

14 Q. Okay. And she was going to go pick up a
15 pizza for the family?

16 A. Yes.

17 Q. All right. And so it's fair to say that
18 Momma Kay shouldn't have been too far behind you
19 guys coming home to your house?

20 A. Well, if you've been in Summerlin,
21 there's -- where we lived, there's a lot of houses,
22 um, and stores and things like that were a bit
23 further off.

24 Q. Okay. Do you know how long it took
25 Momma Kay to get home that day?

1 A. No.

2 Q. Do you remember her coming home that
3 day?

4 A. Yes.

5 Q. Do you remember who was with Momma Kay?

6 A. I remember the rest of the kids were. I
7 don't know if other kids came over that day or
8 Kourtney and Audrey, but usually events like that
9 would have included them if they did make it.

10 Q. So you don't remember specifically but
11 you remember similar events?

12 A. Yes.

13 Q. All right. And if Cameron had taken you
14 home to your house, and Danté was there waiting for
15 pizza, it's fair to say that Cameron and Danté
16 would eat the pizza with you guys?

17 A. Yes.

18 Q. And where was the rest of his family,
19 would they come over?

20 A. I don't remember if they did.

21 Q. So his daughter, you don't think was
22 there?

23 A. I don't remember.

24 Q. Um, his wife, you don't remember if she
25 was there?

1 A. No.

2 Q. And after this point, so Mr. Thomas has
3 you in your bed, puts his penis inside of you,
4 Danté comes in, stops, takes his penis out of you?

5 A. Yes.

6 Q. Pretends to tickle you?

7 A. Yes.

8 Q. Okay. Do you laugh?

9 A. No.

10 Q. Do you shout out Danté, help?

11 A. No.

12 Q. Okay. Do you tell Cameron to stop then?

13 A. No.

14 Q. And it was -- Danté then leaves. Do you
15 remember what Danté wanted?

16 A. I think he wanted to ask a question
17 about the movie or say something about the movie,
18 but it was pertaining to Scooby-Doo.

19 Q. Okay. So it's possible that Danté could
20 have come right back into that room?

21 A. It's possible but I know he didn't.

22 Q. Okay. And then after that, you're still
23 in bed pretending to be tickled and he then grabs
24 your hand and tries to make you touch his penis?

25 A. Yes.

1 Q. And you resist?

2 A. Yes.

3 Q. And then you get up at that moment?

4 A. Yes.

5 Q. Pull up your pants?

6 A. Yes.

7 Q. Buckle them?

8 A. If I was wearing a belt or if they were
9 actual pants, button and zip them.

10 Q. Okay. And then you walk into the room
11 where Danté is watching TV?

12 A. Yes.

13 Q. Where Danté is watching the movie that
14 you put in?

15 A. Yes.

16 Q. And you sit behind Danté against a wall?

17 A. Yes.

18 Q. And it was then that you testified that
19 Cameron asked you to get up on the bed?

20 A. No.

21 Q. Okay. It was my understanding that you
22 have indicated that Cameron asked you to get up on
23 the bed and you said no. Is that not correct?

24 A. No. There was no bed involved in my
25 mom's room.

1 Q. Okay. So at some point, it's your
2 testimony that Cameron sat next to you?

3 A. Yes.

4 Q. On the ground?

5 A. Yes.

6 Q. And it was then that he lifted up your
7 shirt?

8 A. Yes.

9 Q. And you said that you were wearing a
10 training bra then?

11 A. Yes.

12 Q. Okay. Did this training bra look very
13 similar to a sports bra?

14 A. Yes.

15 Q. Okay. And you know what a sports bra
16 is?

17 A. Yes.

18 Q. Okay. And so it was tight around your
19 chest?

20 A. It wasn't tight because it was just a
21 training bra. I didn't --

22 Q. Okay. I apologize. And was there a
23 clasp at the back?

24 A. No.

25 Q. Okay. It's just something you pull over

1 your head?

2 A. Yes.

3 Q. Okay. And as he's sitting next to you,
4 he lifts up your shirt?

5 A. Yes.

6 Q. And then lifts up your training bra?

7 A. Yes.

8 Q. And then you said licked your breasts?

9 A. He did.

10 Q. In fact, you said that he licked your
11 nipple?

12 A. Yes.

13 Q. Okay. Did you tell him to stop then?

14 A. No.

15 Q. Did you tell him no?

16 A. No.

17 Q. Did you push him away?

18 A. No.

19 Q. Did you get up and walk away?

20 A. No.

21 Q. Okay. And he's doing this and all of a
22 sudden Danté turns around?

23 A. Yes.

24 Q. Danté looks at you guys?

25 A. Yes.

1 Q. And he stops?

2 A. Yes.

3 Q. He has your shirt up, your training bra
4 up, his mouth on your breasts?

5 A. Yes.

6 Q. Danté turns around and you stop?

7 A. He stops.

8 Q. He stops. Sorry. Okay. Did Danté see
9 what was going on?

10 A. I don't know.

11 Q. Now, you remember testifying at the
12 preliminary hearing in 2011?

13 A. Yes.

14 Q. Okay. And when you were asked to tell
15 the whole truth, you didn't give any sort of
16 statement about the sex that occurred or the penis
17 to vagina occurrence in your room, did you?

18 A. I don't remember.

19 Q. Do you remember saying that he only
20 licked my breast that day?

21 A. No.

22 Q. Do you remember saying that that day
23 there was no other touching other than licking the
24 breasts?

25 A. I don't remember that.

1 Q. The question to you back in 2011 at the
2 preliminary hearing was, did he do anything else to
3 you that day when he licked your breasts when Momma
4 Kay was bringing the pizza back?

5 MS. RINETTI: And, Judge, I hate to
6 interrupt. Just for the record, it's page 162.

7 THE COURT: Thank you. Because I put
8 "page blank" here.

9 MR. MANN: Thank you, Your Honor. I had
10 mentioned it to opposing counsel. Page 162.

11 THE COURT: That's okay. I was going to
12 let you get finished and then ask the page, but
13 we're good.

14 MR. MANN: Of the preliminary hearing.

15 THE COURT: 162, got it.

16 BY MR. MANN:

17 Q. The question was, did he do anything
18 else to you that day when he licked your breast and
19 when Momma Kay was bringing the pizza back, and
20 your answer was no.

21 The follow-up question was, did he touch
22 you any other places that day, and your answer was
23 no.

24 A. Well, he had.

25 Q. Okay. So you're saying that at the time

1 of the preliminary hearing, you were wrong?

2 A. Yes. I don't think I remembered because
3 of some things I remember today that I didn't bring
4 up with the police officer or with my parents.

5 Q. So in 2011, it's fair to say that that
6 was closer to this pizza incident than 2016?

7 A. Yes.

8 Q. And it's fair to say that over time,
9 people's memories fade?

10 A. Um, well, when you're repressing
11 memories that you would rather not bring up, when
12 you have to bring them up, they come whenever.

13 Q. Okay. So you said when your memories
14 are repressed, they come up whenever?

15 A. Well, when -- at the time that we talked
16 about it the first time, there were things that I
17 didn't bring up or was trying to forget that I just
18 didn't mention. And as time goes on, I'm thinking
19 about this every day of my life and there's things
20 that I think this happened that one day and this is
21 why I felt the way I did the rest of the day.

22 Q. Okay. And this was after you've had
23 time to talk to the prosecutors?

24 A. Yes.

25 Q. This is after you've had time to talk to

1 the victim advocate?

2 A. Yes.

3 Q. And this is after you've had time to
4 talk to your mothers?

5 A. Yes.

6 Q. Let's talk about the Blockbuster
7 incident.

8 You said that everyone decided to watch
9 a movie that day?

10 A. Yes.

11 Q. And, um, how old were you that day?

12 A. I don't remember.

13 Q. Okay. At the -- when you were talking
14 to the police about this incident, you said that
15 you were six years old?

16 A. I don't remember.

17 Q. Okay.

18 A. Now I don't remember.

19 Q. Sorry. And that would have been in 2010
20 when you spoke to the police?

21 A. Yes.

22 Q. Okay. And in 2011 at the preliminary
23 hearing, you said that you were eight?

24 A. I don't remember.

25 Q. Okay. And as you sit here today, you

1 just said that you don't remember?

2 A. No. I don't remember an age.

3 Q. Okay. Now, you described that you were
4 driving to Blockbuster?

5 A. Yes.

6 Q. With Cameron?

7 A. Yes.

8 Q. You were sitting in the front passenger
9 seat?

10 A. Yes.

11 Q. And when you're driving with Cameron in
12 the front passenger seat, he reaches over with one
13 hand?

14 A. Yes.

15 Q. Unbuckles your buckle?

16 A. Yes.

17 Q. Unbuttons your button?

18 A. Yes.

19 Q. And you were wearing jeans, right?

20 A. I don't remember, but I know I was
21 wearing something with a belt.

22 Q. Okay. And he unzipped your zipper,
23 correct?

24 A. Yes.

25 Q. And it was then that he was reaching

1 over?

2 A. Yes.

3 Q. Put his hand down your underwear?

4 A. Yes.

5 Q. Reached down further and touched your
6 vagina?

7 A. Yes.

8 Q. And not just touched your vagina, put
9 his fingers inside your vagina?

10 A. Yes.

11 Q. Now, you had testified at the
12 preliminary hearing that Blockbuster was two
13 minutes away?

14 A. It was close.

15 Q. It was very close?

16 A. It was close enough that him touching me
17 didn't last long.

18 Q. Okay. And the drive to Blockbuster from
19 his house was not a straight line, correct?

20 A. I don't -- I don't remember.

21 Q. Okay.

22 A. But it wouldn't -- it doesn't make sense
23 for it to be.

24 Q. Doesn't make sense for it to be a
25 straight line. So it wasn't like he hopped in the

1 car from his house and drove directly straight and
2 ended up at Blockbuster?

3 A. No.

4 Q. Okay. So there were turns?

5 A. Yes.

6 Q. Okay. And when you described this, you
7 indicated that your seat belt was still on?

8 A. Yes.

9 Q. Okay. He didn't take off your seat
10 belt?

11 A. No.

12 Q. He didn't move the seat belt or anything
13 else like that?

14 A. He moved it because it was sitting in my
15 lap against my belt.

16 Q. All right. So he -- to put his fingers
17 inside your vagina, he had to move the seat belt?

18 A. Yes.

19 Q. Unbuckle your buckle of your belt?

20 A. Yes.

21 Q. Unbutton your pants?

22 A. Yes.

23 Q. Unzip your pants?

24 A. Yes.

25 Q. Put his hand down your underwear?

1 A. Yes.

2 Q. And then reach further and put his hands
3 -- or his fingers inside your vagina?

4 A. Yes.

5 Q. Um, so you said that that did not last
6 very long?

7 A. Yes.

8 Q. That you arrived at Blockbuster?

9 A. Yes.

10 Q. Okay. When you arrived at black --
11 Blockbuster, it's your testimony that he
12 immediately stopped?

13 A. He stopped when we were pulling into the
14 parking lot.

15 Q. So when he is pulling into the parking
16 lot --

17 A. Yes.

18 Q. -- he stopped? Now, it's fair to say
19 that he had his -- let me back up.

20 The hand that was touching you, that was
21 his right hand?

22 A. Yes.

23 Q. Okay. He had his left hand on the
24 steering wheel?

25 A. Yes.

1 Q. Or was his left hand somewhere else?

2 A. It was on the steering wheel.

3 Q. Okay. So he didn't use the left hand to
4 do anything with your belt, your buttons, your
5 zipper or your seat belt?

6 A. No. It was just one hand.

7 Q. Okay. And his truck was actually a
8 fairly big truck, right?

9 A. Yes.

10 Q. Okay. That there was some distance
11 between the passenger seat and the driver's seat?

12 A. Just the middle console.

13 Q. Okay. In fact, there was an armrest
14 that would go up and down, correct?

15 A. Yes.

16 Q. And that armrest that would go up and
17 down was actually down?

18 A. I don't remember.

19 Q. Okay. When you spoke to the police back
20 in 2010, you told the police that the armrest was
21 down.

22 A. I don't remember now.

23 Q. Okay. So back in 2010 you remember. In
24 2016, you don't?

25 A. No.

1 Q. Okay. And on the way there, did you
2 push his hand away?

3 A. Not on the way.

4 Q. Okay. On the way there, did you tell
5 him no?

6 A. No.

7 Q. But you did say that him putting his
8 fingers inside your vagina hurt?

9 A. Yes.

10 Q. Okay. Was there blood?

11 A. No.

12 Q. Okay. How do you know that there wasn't
13 blood?

14 A. I would have noticed later on in the
15 day, I think.

16 Q. Okay. Now, you go inside Blockbuster?

17 A. Yes.

18 Q. You went to Blockbuster not to get a
19 video?

20 A. No.

21 Q. But instead to get candy?

22 A. Yes.

23 Q. And popcorn?

24 A. Yeah.

25 Q. Okay. Now, do you remember talking to

1 the police about this incident in 2010?

2 A. I don't remember if I brought it up to
3 them, but I know obviously I said -- I told
4 somebody.

5 Q. And in 2010, you told the police that
6 you were getting a movie from Blockbuster; is that
7 right?

8 A. I don't remember saying that, but I know
9 we were going to watch a movie.

10 Q. Okay. On the way there, did he threaten
11 you?

12 A. No.

13 Q. Did he say you were going to get in
14 trouble?

15 A. No.

16 Q. But it was your testimony that you get
17 the candy?

18 A. Yes.

19 Q. You get the popcorn?

20 A. Yes.

21 Q. And you head home?

22 A. He says to me on the way back --

23 Q. Okay. But you head home, correct?

24 A. Yes, we did.

25 Q. And during this two-minute drive, he --

1 he has a conversation with you; is that right?

2 A. Yes. A short one.

3 Q. And he says, please let me do it again?

4 A. Yes.

5 Q. And you tell him?

6 A. No.

7 Q. You tell him no?

8 A. No.

9 Q. And then he says, please let me do it
10 again. I'll give you a piece of candy?

11 A. Yes. He tells me I'll get candy if I
12 let him.

13 Q. And you knew -- it was your testimony
14 that you knew you were going to get candy anyway?

15 A. That's what I presumed; I thought I was
16 going to get candy anyway.

17 Q. So why go through that effort?

18 A. Yes.

19 Q. Okay. Let's talk about the fish tank.
20 The fish tank incident. You were how old?

21 A. I don't remember now.

22 Q. Okay. But you do remember that you came
23 over without your sisters?

24 A. Yes.

25 Q. That Cameron picked you up from day

1 care?

2 A. Yes.

3 Q. Brought you home?

4 A. Yes.

5 Q. That your sisters were not there?

6 A. They weren't.

7 Q. Your mothers were not there?

8 A. They weren't.

9 Q. It was just you and the Thomas family?

10 A. Yes.

11 Q. It was Danté?

12 A. Yes.

13 Q. Janae?

14 A. Yes.

15 Q. Jennifer?

16 A. Yes.

17 Q. And Cameron?

18 A. Yes.

19 Q. And yourself?

20 A. Yes.

21 Q. Okay. And you knew that you were going
22 over there to clean the fish tank?

23 A. Yes.

24 Q. With Cameron?

25 A. Yes.

1 Q. Okay. That was always the goal, to
2 clean the fish tank with Cameron?

3 A. Yes. Well, of course we did some fun
4 things because that's what we did when we went over
5 there. But we were suppose to clean up the fish
6 tank the next morning.

7 Q. And so this would have been a Friday
8 night?

9 A. Yes.

10 Q. And you knew that on Saturday, you had
11 to clean the tank?

12 A. Yes.

13 Q. Okay. Did you want to clean the fish
14 tank?

15 A. Not really. I just wanted to help. I
16 like the fish.

17 Q. Okay. So you wanted to help with the
18 fish tank?

19 A. Yes.

20 Q. All right. And it was your testimony
21 that on the morning of Saturday, when you were
22 supposed to clean the fish tank --

23 A. Yes.

24 Q. -- that Cameron calls you into his
25 bedroom?

1 A. Yes.

2 Q. And you went into that bedroom thinking
3 you were there -- you were going to come watch TV
4 with him, right?

5 A. Yes.

6 Q. And this obviously is after the many
7 cartoon incidents?

8 A. Yes.

9 Q. Okay. And why was it on this day that
10 you believed that he was just calling you in to
11 watch TV when every other Saturday that you had
12 been over there, he would apparently put his penis
13 inside your vagina?

14 A. I didn't believe him, but I didn't know
15 what he would do if I told him no.

16 Q. Now, you were lying on your side again
17 for this sexual incident?

18 A. Yes.

19 Q. Okay. What side were you lying on?

20 A. Left.

21 Q. Your left side?

22 A. Yes.

23 Q. Okay. So that means you were on the
24 left side of the bed; is that correct?

25 A. I was on the right.

1 Q. Okay. So you were lying on your left
2 side on the right side of the bed?

3 A. Yes.

4 Q. So were you facing the wall?

5 A. We were facing the same way towards the
6 bathroom.

7 Q. You were facing the same way?

8 A. Yes. I think so.

9 Q. Okay. Do you remember at preliminary
10 hearing, you said that you guys were facing each
11 other?

12 A. I think it changed throughout.

13 MS. RINETTI: Page number?

14 MR. MANN: Court's indulgence.

15 THE COURT: That's fine.

16 MR. MANN: That would be page 182, Your
17 Honor.

18 THE COURT: Okay.

19 BY MR. MANN:

20 Q. The question that was asked is: And you
21 guys were facing each other? And your answer was
22 yes.

23 A. We changed. Well, I changed positions
24 as he wanted me to.

25 Q. So you're now saying that he asked you

1 to move and you moved?

2 A. He didn't ask me. He kind of pushed
3 and -- I got the -- I got what he wanted me do.

4 Q. Okay. You remember testifying at the
5 preliminary hearing?

6 A. Yes.

7 Q. You remember swearing to tell the truth?

8 A. Yes.

9 Q. Okay. The question that was asked on
10 page 182 of the preliminary hearing going on to
11 page 183 said -- my question was: And did he do
12 anything else? Did he move you in any sort of
13 position or anything? And your answer was no.

14 A. He didn't move me but he kind of pushed
15 me and I moved.

16 Q. Okay.

17 A. So like I said, he kind of showed what
18 he wanted me to do, but he didn't say anything or
19 literally pick me up and move me.

20 Q. How did he show you what he wanted you
21 to do if he didn't move you or tell you?

22 A. He pushed on my hips for me to turn the
23 other way.

24 Q. Okay. When he pushed on your hips, you
25 didn't say that at preliminary hearing that he

1 pushed on your hips, right?

2 A. No.

3 Q. And in fact, you didn't give this
4 version of events. You didn't have a fish tank
5 story at -- when you spoke to the police back in
6 2010, correct?

7 A. I don't remember.

8 Q. Okay. So if there is no fish tank story
9 in your voluntary statement to the police in 2010,
10 it would be fair to say that you didn't tell them
11 that -- that in 2010?

12 A. No.

13 Q. That wouldn't be fair to say?

14 A. It would be fair. I don't remember if I
15 told them or not.

16 Q. Okay. And, um, when you first disclosed
17 it at the preliminary hearing, you were truthful?

18 A. Yes.

19 Q. You were telling the whole truth?

20 A. Um, there were things that, once again,
21 I don't remember but I know that I was on both
22 sides during that whole time we were in the bed.

23 Q. Now, now this particular instance, this
24 was very similar to the cartoons?

25 A. Very similar.

1 Q. Very similar to the pizza?
2 A. Yes. Except for different locations.
3 Q. Okay. So your pants were still on your
4 legs?

5 A. Um, they were on my legs for a time and
6 then eventually would come off all the way.

7 Q. Off all the way?

8 A. Yes. Towards the end of it.

9 Q. And his pants, you said, remained on,
10 correct?

11 A. As far as I know.

12 Q. Okay.

13 MR. MANN: Court's indulgence.

14 THE COURT: That's fine.

15 BY MR. MANN:

16 Q. Okay. Now, how long did this incident
17 last?

18 A. I don't remember.

19 Q. Okay. It was actually a short time,
20 right?

21 A. Yeah.

22 Q. And after that, you put on your pants?

23 A. Yes. They were towards the bottom of
24 the bed.

25 Q. Okay. And you got up?

1 A. Yes.

2 Q. And you went and helped him clean the
3 fish tank?

4 A. Yes.

5 Q. Okay. It was just you and Cameron
6 cleaning the fish tank?

7 A. Yes.

8 Q. Now, was your testimony that no one else
9 was home at this time?

10 A. No.

11 Q. Okay. Your testimony that Jennifer
12 wasn't there?

13 A. She wasn't.

14 Q. But that the kids were there at some
15 point?

16 A. They were there at some point and then
17 they weren't when we were cleaning out the fish
18 tank.

19 Q. Okay. But they were there when this
20 sexual act was occurring, correct?

21 A. No. That morning I don't remember
22 seeing them. I don't remember them eating with me
23 because usually we eat cereal together and if they
24 were home, no one was watching them because Cameron
25 and I were downstairs when we were cleaning the

1 fish tank.

2 Q. Okay. And you never told your mothers
3 about this fish tank incident?

4 A. No.

5 Q. You never told the police about this
6 fish tank incident?

7 A. I don't remember.

8 Q. Okay. And it wasn't until 2011 that we
9 first learn of this fish tank incident, correct?

10 A. I don't remember if that was the first
11 time I said anything to the -- to government
12 officials.

13 Q. Okay. So the day that Michael Jackson
14 died, you were home sick that day, correct?

15 A. Yes.

16 Q. You --

17 A. I had gone home sick.

18 Q. You had gone home sick?

19 A. Yes.

20 Q. So it's your testimony that -- let's
21 back up a second.

22 This was end of June, correct?

23 A. Um, whenever Michael Jackson was in the
24 hospital.

25 Q. If I told you that Michael Jackson died

1 June 25th, 2009, would that sound correct?

2 A. It would sound correct. He died in the
3 summer.

4 Q. Okay. And you were out of school at
5 that time? Correct?

6 A. I believe so.

7 Q. Okay. And so when you were out of
8 school at that time -- and this would have been
9 between your fourth and fifth grade year?

10 A. Yes.

11 Q. Okay. When you were out of school
12 during that time, you actually would go to the day
13 care for summer camp?

14 A. Yes.

15 Q. Okay. And summer camp consisted of you
16 going on various field trips pretty much every day,
17 right?

18 A. I didn't go on all of them because
19 sometimes I would be in trouble and sometimes I
20 just didn't want to go.

21 Q. You would be in trouble with who, the
22 day care?

23 A. No. My mother. If I -- like, if I was
24 mean to my sisters or I wasn't doing my chores,
25 then I wouldn't be able to go on a field trip I was

1 looking forward to. I would have to stay.

2 Q. And where would you stay?

3 A. In the same room, the gym, the 600 or I
4 would be at the front with my mother if no one was
5 in there.

6 Q. Okay. And so on this day, it's your
7 testimony that you actually went to the day care?

8 A. Um, well, since -- I thought my first
9 testimony I said that I was picked up from the day
10 care from school. Um, but since you told me the
11 exact date of Michael Jackson's death, I couldn't
12 have been in school.

13 Q. Okay. So you had a memory as you
14 testified on Friday that you were picked up from a
15 school named Patiskin?

16 A. Pat Diskin. I would have been going to
17 that school in fifth grade.

18 Q. Okay. I'm really having a hard time
19 hearing what that word is. I've never heard it.
20 So can you slow down for me and just tell me what
21 that is?

22 A. It was named after a man. His name was
23 Pat and his last name is Diskin.

24 THE COURT: Diskin, D-I-S-K-I-N.

25 MR. MANN: Diskin. Got it, okay.

1 BY MR. MANN:

2 Q. Thank you very much. I appreciate that.

3 And that was your school for fourth
4 grade?

5 A. For fifth grade.

6 Q. For fifth grade. Okay. Not for fourth
7 grade?

8 A. No.

9 Q. Okay. And so when you had a memory of
10 being picked up from your school, Pat Diskin,
11 you're now saying, as of today, that you were not
12 sure if that's correct anymore?

13 A. No. I would have been picked up from
14 day care or from school because that's what I did
15 during the day. But if this happened in the
16 summer, because I don't know the exact day of when
17 Michael Jackson died, I would have for sure been at
18 the day care. School wouldn't have been in
19 session.

20 Q. Okay. And so if it was, in fact, at the
21 day care, you would have to have been taken home
22 from the day care, correct?

23 A. Yes.

24 Q. All right. And so it's fair to say that
25 you feel confident now if you went home, it was

1 from the day care?

2 A. Yes.

3 Q. Okay. And do you remember going home in
4 the morning?

5 A. I remember the sun was up.

6 Q. Okay.

7 A. It was afternoon.

8 Q. So isn't the sun up in the morning as
9 well?

10 A. Yes, but it wasn't morning. It was
11 really hot.

12 Q. I was just trying to understand when you
13 said the sun was up?

14 A. Yes.

15 Q. So you now believe that you were taken
16 home in the afternoon?

17 A. Yes.

18 Q. All right. And let's talk about those
19 trips for a second.

20 On those field trips, there's a lot
21 kids, right?

22 A. Yes.

23 Q. They were all school-aged kids?

24 A. Yes.

25 Q. And there are kids that go to this camp

1 on a continual basis?

2 A. Yes.

3 Q. Okay. And they take attendance before
4 every field trip, correct?

5 A. Yes.

6 Q. And so if they took attendance that you
7 were not there, it's your testimony that that would
8 be wrong?

9 A. I wasn't on the field trip?

10 Q. No. That you were not in Room 600 on
11 that particular day?

12 A. Um, I don't know.

13 Q. Okay. Um, and so you're sure that it
14 was the afternoon that Cameron drove you home?

15 A. Yes.

16 Q. And that it was the afternoon that
17 Cameron drove you home to your house in Summerlin?

18 A. No.

19 Q. No?

20 A. Grasswood.

21 Q. Grasswood. Okay. I thought during your
22 testimony you said you had two houses in Summerlin?

23 A. No. One house in Summerlin, one house
24 in Grasswood.

25 Q. Okay. And Grasswood was the two-story

1 house or the one-story house?

2 A. One-story.

3 Q. One-story. The house in Summerlin, that
4 was the two-story house?

5 A. Yes.

6 Q. Okay. And you had testified that, um,
7 that he drove you home during your lunch -- his
8 lunch break?

9 A. During one of his breaks.

10 Q. One of his breaks. Now, he was the
11 assistant director of the facility, right?

12 A. Yes.

13 Q. He was busy?

14 A. Yes.

15 Q. It wouldn't of been easy for him to get
16 away, right?

17 A. If there were other, um, managers there,
18 I think it would have been.

19 Q. Okay. But your mom worked there, right?

20 A. I don't know if she worked there. Yeah,
21 she worked there at the time.

22 Q. Momma Kay worked there, right?

23 A. Yes.

24 Q. And Momma Kay being your parent, would
25 have driven you home, right?

1 A. I don't know why she didn't that day
2 but --

3 Q. Okay. And if you were at school -- or
4 I'm sorry. At the day care that day, and you
5 started feeling ill, why wouldn't Momma Kay take
6 you home during her lunch break?

7 MS. RINETTI: Objection. Speculation as
8 to why Mom --

9 THE COURT: Okay. If you know. She's
10 not -- once again, I don't want you to speculate.
11 If you don't know -- and the premise of his
12 question is if you know. If you don't know, please
13 tell us that.

14 THE WITNESS: I don't know why she
15 wouldn't have driven me home if they both had to
16 work.

17 BY MR. MANN:

18 Q. Okay. Your mom, do you know if your mom
19 regularly got a lunch break?

20 A. Um, I don't know what she did at the
21 front while she was working, if I wasn't there.
22 but --

23 Q. Okay. Now, you testified that there
24 were many times that if you had gotten in trouble,
25 you would sit up with your mom at the front?

1 A. Yes. Or if I was sick there was this
2 room called the "Boo-Boo" room and I would just
3 stay in there.

4 Q. The "Boo-Boo" room?

5 A. Yes.

6 Q. Okay. Was it more for little kids, that
7 "Boo-Boo" room?

8 A. Yeah. But kids throughout the facility
9 went in there.

10 Q. Okay. You would have been about ten at
11 this time, right? It was June 25th, 2009?

12 A. Ten, yes.

13 Q. You were born in 1999, March of 1999?

14 A. Yes. Yes.

15 Q. Okay. And you said that Cameron took
16 you to the Grasswood location?

17 A. Yes.

18 Q. And Cameron was going to leave you
19 there, right?

20 A. Yeah.

21 Q. And during this time, you wanted to turn
22 on cartoons?

23 A. Yes.

24 Q. And you were annoyed that you could not
25 turn on cartoons because everything was about

1 Michael Jackson?

2 A. I wanted to watch the cartoons that I
3 wanted to watch, but on the channels -- even the
4 channels with like not cartoons on them, they were
5 talking about Michael Jackson. And even on the
6 cartoon channels they wouldn't have talked about
7 Michael Jackson, but they weren't the cartoons I
8 wanted to watch.

9 Q. Your parents have cable?

10 A. Yes, they did at the time.

11 Q. Okay. So they had things like the
12 Cartoon Network?

13 A. Um-hmm.

14 Q. Disney Channel?

15 A. Um-hmm.

16 THE COURT: That's a yes? You have to
17 answer orally.

18 THE WITNESS: Yes. Yes.

19 MR. MANN: Thank you, Your Honor. I
20 apologize.

21 THE COURT: You're welcome.

22 BY MR. MANN:

23 Q. So the Cartoon Channel?

24 A. Yes.

25 Q. The Disney Channel?

1 A. Yes.

2 Q. Disney Teen?

3 A. Um, I don't think -- there is no Disney
4 Teen but there was --

5 Q. Okay.

6 A. -- Nickelodeon and we didn't have Teen
7 Nick or Disney XD wasn't there at the time, so it
8 was just those three channels for cartoons.

9 Q. All right. What channel would you want
10 to watch cartoons on?

11 A. I wanted to watch -- I would watch
12 either Nickelodeon or Disney Channel because a lot
13 of the time our mom didn't want us to watch what
14 was on Cartoon Network unless she knew what the
15 cartoon was.

16 Q. Okay. And it's your testimony that the
17 information about Michael Jackson was on those
18 channels?

19 A. No. Not those channels but in between
20 channels. So things I would watch other programs
21 on even if they weren't for children.

22 Q. Okay. Um, and it was at this time that
23 he put his mouth on your vagina?

24 A. Yes.

25 Q. Was this the first time that he put his

1 mouth on your vagina?

2 A. I don't remember.

3 Q. Okay. But this was definitely after the
4 cartoon incidents?

5 A. Yes.

6 Q. After the pizza incident?

7 A. I don't remember.

8 Q. After the fish tank incident?

9 A. I don't remember.

10 Q. Okay. Do you need some water?

11 A. Uh-uh.

12 Q. And did you ever tell your mom, I don't
13 want to go home with Cameron?

14 A. No.

15 Q. Did you ever say, Mommy, I feel fine. I
16 can stay here?

17 A. No.

18 Q. All right. And it was your testimony
19 that he pulled your pants down?

20 A. Yes. My bottoms.

21 Q. Okay. Were you just wearing underwear?

22 A. No.

23 Q. Okay. So it was more than just your
24 underwear?

25 A. Yes.

1 Q. Okay. Wearing jeans?

2 A. Possibly jeans or shorts --

3 Q. Okay.

4 A. -- or a skirt, but I don't think it was
5 a skirt.

6 Q. Okay. It's fair to say you don't
7 remember what you were wearing?

8 A. I don't remember what bottoms. I know I
9 was wearing a T-shirt.

10 Q. Okay. And, um, he didn't pull your
11 pants off?

12 A. He pulled them down but not off.

13 Q. Down. And he leaned over your legs and
14 put his mouth on your vagina?

15 A. He had kind of moved over because my
16 legs were facing the TV and he moved over and he
17 was laying down. Half of his body on the bed.

18 Q. Okay. So was that half of his body on
19 you?

20 A. It was -- half of his body would have
21 been between my legs.

22 Q. Okay. Um, and when he put his mouth on
23 your vagina, did you feel his tongue?

24 A. Yes.

25 Q. Okay. Um, can you describe how that

1 felt?

2 A. It felt weird.

3 Q. Okay. But you only felt his tongue at
4 that time?

5 A. Yes.

6 Q. Okay. And he stopped?

7 A. Yes. Eventually.

8 Q. Okay. And he then went back to work?

9 A. I know he left.

10 Q. Fair enough.

11 A. But I don't think it was time for him to
12 get off unless something else happened.

13 Q. You wouldn't know where he went?

14 A. No.

15 Q. Because you weren't with him?

16 A. I wasn't with him.

17 Q. So all you know is that he left?

18 A. Yes.

19 Q. Okay. And did you tell anyone about
20 that incident?

21 A. No. Not that day.

22 Q. When the police questioned you about
23 things that had happened, you never told them about
24 this Michael Jackson incident, did you?

25 A. I don't remember.

1 Q. Okay. It wasn't until the preliminary
2 hearing that you first told anyone about this
3 Michael Jackson incident?

4 A. Yes.

5 Q. Now, at the preliminary hearing, you
6 didn't say that Cameron took you home. In fact,
7 you said that Cameron came over to watch you for a
8 little bit; is that right?

9 A. Yeah. He watched me for a bit.

10 MR. MANN: That's page 185.

11 BY MR. MANN:

12 Q. So at the preliminary hearing, you had
13 told us that you were home sick and that Cameron,
14 he came over to watch you for a little bit. Not
15 that Cameron took you home.

16 A. He had taken me home but he had -- his
17 goal was to stay over there, make sure that nothing
18 happened to me for a bit until he had to leave
19 again.

20 Q. Okay. And you were ten years old; is
21 that right?

22 A. I should have been, yes. Yeah.

23 Q. Okay. And you were going to be left
24 home alone?

25 A. Yes.

1 Q. But your testimony in 2016, today, is
2 that Cameron drove you home but in 2011, it was
3 that he came over after you were already home?

4 A. He had driven me home because my mom
5 had --

6 Q. All right. And your testimony today is
7 that Mr. Thomas drove you home in the afternoon?

8 A. Yes. The sun was up and it was hot. It
9 was really hot.

10 Q. But in 2011, during your preliminary
11 hearing, you said he came home during his lunch
12 break. Came home -- to your home during his lunch
13 break?

14 A. It was during one of his breaks.

15 Q. Okay. But in 2011, you said lunch
16 break?

17 A. I don't know his schedule but I assumed
18 in his job he would have gotten a lunch break. But
19 I know that my parents got breaks too, so he must
20 have gotten other breaks than just lunch.

21 Q. Okay. And now after meeting with the
22 prosecutors, after meeting with your victim
23 advocate, after discussing with your mothers,
24 instead of lunch break, you are now saying that it
25 was some break?

1 A. It was a break.
2 Q. And that this was in the afternoon?
3 A. Yes.
4 Q. Okay. Let's talk about the incident
5 where you said his breath smelled like pee.
6 Do you remember that?
7 A. Yes.
8 Q. Okay. Do you know if that was before or
9 after the Michael Jackson incident?
10 A. I don't know.
11 Q. You said that Jennifer and Cameron came
12 over to your house?
13 A. Yes.
14 Q. In Summerlin?
15 A. Yes.
16 Q. All dressed up?
17 A. Yes.
18 Q. Danté was there?
19 A. I don't remember.
20 Q. Jennifer -- Janae was there?
21 A. I don't remember.
22 Q. But you had lots of family and friends
23 there?
24 A. I had my cousin there I know for sure.
25 Q. Okay. You had your mothers there?

1 A. Yes.

2 Q. April?

3 A. Yes.

4 Q. Kay?

5 A. Yes.

6 Q. Zoë?

7 A. Um, I don't remember if my sisters were

8 there, but I don't know where else they would be.

9 Q. Karter?

10 A. Yes.

11 Q. Zailley?

12 A. Yes.

13 Q. Okay. And at least your cousin?

14 A. Yes.

15 Q. Does your cousin live in town?

16 A. He lived in Vegas but not near

17 Summerlin.

18 Q. Okay. What's your cousin's name?

19 A. Jordan.

20 Q. Okay. So Jordan was there?

21 A. Yes.

22 Q. And you were playing with Jordan?

23 A. Yes.

24 Q. Okay. And you remember hearing an

25 argument between Jennifer and Cameron about his

1 breath?

2 A. Yes.

3 Q. Okay. Jennifer was upset that his
4 breath smelled like pee?

5 A. Yes.

6 Q. And she was mad at him for having his
7 breath smell like pee?

8 A. She wasn't mad but he said he didn't
9 know what she was talking about and that made her
10 upset.

11 Q. Okay. She was upset that he didn't know
12 that his breath smelled like pee?

13 A. She was upset because, yeah, he -- he
14 was just kind of like, I don't know. I don't know
15 why my breath smells the way it does.

16 Q. Okay. Now, it was your testimony that
17 had you believed his breath smells like pee because
18 he put his mouth on your vagina that day?

19 A. Yes.

20 Q. And -- let's back up.

21 So he put his mouth on your vagina on
22 that day earlier in the day?

23 A. Earlier in the day.

24 Q. Did he get dressed for the nice occasion
25 at your house?

1 A. Um, I don't remember. I just know he
2 was over earlier that day.

3 Q. And where were your mom's?

4 A. At the time that he put his mouth on my
5 vagina?

6 Q. Yes.

7 A. I don't know.

8 Q. And four -- your three sisters?

9 A. I don't know.

10 Q. And Jordan?

11 A. I don't know. I don't think he was
12 there until later on that night.

13 Q. Okay. Why would Jennifer be upset that
14 Cameron didn't know that his mouth smelled like
15 pee?

16 MS. RINETTI: Objection. Speculation.

17 THE COURT: I am going to sustain that
18 one. There's no way she would know that one, so
19 that's sustained.

20 MR. MANN: Okay. Fair enough.

21 BY MR. MANN:

22 Q. But it's your belief that Jennifer was
23 upset that Cameron didn't know his breath smelled
24 like pee because you believed it was directly
25 related to the fact that he had put his mouth on

1 your vagina?

2 A. Yes.

3 MS. RINETTI: Objection. Compound.

4 THE COURT: It -- it was kind of
5 confusing, but did you understand the question?

6 THE WITNESS: I did.

7 THE COURT: You answered yes, so --

8 MR. MANN: Thank you.

9 THE COURT: -- she understood it. I am
10 going to overrule the objection. As long as you
11 understood. Make sure you understand the
12 questions. I'm not -- you know, I'm not trying to
13 get you in trouble, okay?

14 THE WITNESS: Okay.

15 THE COURT: But it's very important,
16 okay?

17 MR. MANN: Court's indulgence. I
18 apologize.

19 THE COURT: No, it's fine. And do you
20 need some water? Are you okay?

21 THE WITNESS: I'm okay.

22 BY MR. MANN:

23 Q. Now, when you heard this argument going
24 on, you said that you were playing with Jordan?

25 A. Yes.

1 Q. You were playing war?

2 A. Yes.

3 Q. And --

4 A. With the dominoes.

5 Q. With dominoes?

6 A. Yeah, we had the dominoes out and they
7 were just to the side, but we have cards out and we
8 were playing war too.

9 Q. Okay. So you weren't playing war with
10 dominoes?

11 A. No. We were playing with the cards, but
12 we had dominoes on the side that we were building.

13 Q. I was going to ask you about that
14 because I have never heard of that before. It
15 sounded amazing.

16 A. No.

17 Q. Okay. You were also playing war with
18 cards?

19 A. Yes.

20 Q. And your sisters were in the playroom?

21 A. Um, if they were in the house, they were
22 in the playroom because we didn't go upstairs when
23 there was company.

24 Q. All right. So it's fair to say you
25 don't know specifically --

1 A. I don't know specifically.

2 Q. And it's also fair to say that you don't
3 know where your moms were at that time?

4 A. I don't.

5 Q. Okay. But we do know that you know you
6 were with Jordan?

7 A. I was with Jordan.

8 Q. Okay. And you heard the conversation --

9 A. Yes.

10 Q. -- between Cameron and Jennifer, so
11 Jordan must have heard the conversation between
12 Cameron and Jennifer?

13 MS. RINETTI: Objection. Speculation.

14 THE COURT: You know what, I'll say lack
15 of foundation. We don't know what -- who was
16 sitting where in the room, so I'm going to just
17 sustain it for lack of foundation. If you want to
18 lay the foundation so he might have, you could do
19 that. All right?

20 MR. MANN: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 BY MR. MANN:

23 Q. You were playing war, correct?

24 A. Yes.

25 Q. That's a game where you sit close

1 together?

2 A. We were sitting across from each other
3 originally, but I had gotten up.

4 Q. Okay. When you play War, you sit
5 cross-legged?

6 A. Yes.

7 Q. On the ground?

8 A. Yes.

9 Q. Okay. You were not at the table?

10 A. No.

11 Q. Okay. You were sitting on the ground?

12 A. Yes.

13 Q. Jordan was sitting on the ground?

14 A. Yes.

15 Q. You were playing War?

16 A. Yes.

17 Q. Okay. And at the time that this
18 argument occurred between Jennifer and Cameron, you
19 said that you were no longer playing War but now
20 you had gotten up?

21 A. Um-hmm. Yes.

22 Q. Okay. And where did you get up and go
23 to?

24 A. I had gone to the bathroom and then as I
25 was walking back and then I stopped at the door of

1 the room that Jordan and I were playing in.

2 Q. Okay. So you were at the doorway of the
3 room that you and Jordan were playing in?

4 A. Yes. The conversation had gone on as I
5 was --

6 Q. So now it's your testimony that as you
7 were walking back from the bathroom. That's how
8 you heard it?

9 A. I heard it -- I had gone to the
10 bathroom. They were still arguing when I came out
11 and I stopped at the door -- at the door of the
12 room we were playing in.

13 Q. All right. It's fair to say that
14 Jennifer was not happy with Cameron at this time?

15 A. Yes. But it wasn't something that they
16 would have argued about later. It was something
17 small, I guess.

18 Q. But it was loud enough for you to hear?

19 A. Yes.

20 Q. It was interesting enough that you
21 stopped and listened?

22 A. Yes.

23 Q. It was something that you thought you
24 should pay attention to?

25 A. That I thought I had contributed to.

1 Q. So you felt guilty for her being upset
2 with him?

3 A. Yes.

4 Q. Okay. And you felt bad?

5 A. I felt bad for Jennifer.

6 Q. Okay. You felt bad for Jennifer?

7 A. Yes.

8 Q. All right. Now, would you say that
9 someone complaining about someone's breath smelling
10 like pee is not something you hear every day?

11 A. It's not something you hear every day.

12 Q. Okay. You talked about the time that
13 the Thomas family came out to visit you and your
14 family in May of 2010?

15 A. Yes.

16 Q. And this was Memorial weekend?

17 A. I don't remember.

18 Q. Okay. It was a long weekend?

19 A. Yes. I know it was in the summer too
20 because it was warm.

21 Q. So it was Audrey?

22 A. Yes.

23 Q. Kourtney?

24 A. Yes.

25 Q. Their two kids?

1 A. Yes.

2 Q. Jennifer?

3 A. Yes.

4 Q. Danté?

5 A. Yes.

6 Q. Janae?

7 A. Yes.

8 Q. Kailey?

9 A. Is that their other daughter?

10 Q. The baby?

11 A. Yes.

12 Q. Okay. Um, and another child by the name
13 of Dominic?

14 A. Dominic had come out there.

15 Q. Okay. So you remember Dominic?

16 A. Yes.

17 Q. Okay. Plus your family which is a total
18 of six, correct?

19 A. Yes.

20 Q. So it would be fair to say that there
21 were 16 people staying in your three-bedroom
22 apartment in Arizona?

23 A. If that accounts for every family and
24 every other person including Dominic.

25 Q. Okay. And the sleeping arrangements for

1 that, do you remember that?

2 A. I remember most of the children slept in
3 the living room.

4 Q. Okay. And so that would be Audrey and
5 Courtney's two kids?

6 A. Um, Kegan, she was still small then. So
7 I believe she slept in Courtney and0 Audrey's --
8 well, in one of our rooms with Kourtney and Audrey.

9 Q. All right. So Courtney and Audrey's
10 children, Kegan and what's the other child?

11 A. Cameron.

12 Q. Cameron.

13 A. Yes.

14 Q. But not Cameron Thomas?

15 A. No. We called him Little Cameron.

16 Q. Okay. But Little Cameron was older than
17 Kegan?

18 A. Yes.

19 Q. Okay. And so Little Cameron slept out
20 in the living room?

21 A. Um, I don't remember but unless
22 something else happened.

23 Q. You slept out in the living room?

24 A. Yes.

25 Q. Zoë slept out in the living room?

1 A. Yes.

2 Q. Z: slept out in the living room?

3 A. Yes.

4 Q. Karter slept out in the living room?

5 A. Yes.

6 Q. She would have been about four then,
7 right?

8 A. Yes.

9 Q. Um, Danté slept out in the living room?

10 A. Yes.

11 Q. Janae slept out in the living room?

12 A. Um, I don't remember for her.

13 Q. Okay. But the baby, Kailey, slept in a
14 room with Jennifer and Cameron?

15 A. Yes.

16 Q. And Audrey and Kourtney slept in a room?

17 A. Yes.

18 Q. And your moms obviously slept in their
19 own room?

20 A. Yes.

21 Q. And you know the adults slept in rooms
22 because they took over your room?

23 A. Yes. We --

24 Q. And your other sisters' room?

25 A. Yeah. We got ready for them and we made

1 up the beds and we put mints on the pillows like it
2 was a hotel.

3 Q. Okay. All right. But back in 2000 --
4 in December of 2010, you gave a statement to the
5 police, correct?

6 A. Yes.

7 Q. The statement to the police in 2010 was
8 that Cameron had put his penis in your vagina then?

9 A. Yes.

10 MS. RINETTI: Judge, can we approach?

11 THE COURT: Yes.

12 (Whereupon, there was a conference at the bench
13 that was not requested to be reported.)

14 THE COURT: We have something -- their
15 going to ask for a restroom break. We have
16 something that we do have to do, but you do have to
17 come back before the lunch break.

18 So I will give you a restroom break very
19 quickly but you do have to come back, okay. Before
20 we take a lunch break. We have to do this.

21 During this recess, you are admonished:
22 Not to talk to converse among yourselves or with
23 anyone else on any subject connected with this
24 trial; or read, watch or listen to any report of or
25 commentary on the trial or any person connected

1 with this trial by any medium of information
2 including, without limitation, newspapers,
3 television, the internet and radio; or form or
4 express any opinion on any subject connected with
5 the trial until the case is finally submitted to
6 you.

7 (The jury exited the courtroom.)

8 (Whereupon, a brief recess was taken.)

9 THE COURT: All right. Let's go back on
10 the record. I have what's been given me and I
11 assume you've shown it to Mr. Mann?

12 MS. RINETTI: I e-mailed it to him.

13 THE COURT: Okay. Mr. Mann, have you
14 had a chance to look at it?

15 MR. MANN: I have. I don't have an
16 objection to that being stated to the jury.

17 THE COURT: Okay. All right. So now my
18 question is, you want me to say it to them at this
19 time and then will this be a jury instruction at
20 the end of the case?

21 MS. RINETTI: Yes.

22 THE COURT: Okay.

23 MS. RINETTI: It will have to be.

24 THE COURT: Yes. That's what I thought.
25 I just -- I wanted my record clear. That was what

1 I was going to say, but I want to make sure. Okay.
2 And then can we give them a break for lunch --

3 MR. MANN: Yes.

4 THE COURT: -- or do you want -- are you
5 almost finished?

6 MR. MANN: I have -- probably have about
7 a half hour left.

8 THE COURT: Okay. I think we should
9 probably give them. Since I told them they
10 couldn't go to lunch.

11 Are we okay with that?

12 MS. KOLLINS: Yes, ma'am.

13 THE COURT: I know it's tough. Okay.
14 All right. Let's go back.

15 THE MARSHAL: Did you want the witness
16 to --

17 THE COURT: Yes, let's bring her back.
18 Yes. So we keep continuity. I think that would be
19 a good idea.

20 (The jury entered the courtroom.)

21 THE MARSHAL: Please be seated.

22 THE COURT: Okay. Counsel stipulate to
23 the presence of the jury?

24 MS. KOLLINS: Yes, Your Honor.

25 MR. MANN: Yes, Your Honor.

1 THE COURT: Okay. Right now I need to
2 give you what's called a limiting jury instruction.

3 We had testimony prior that we want to
4 make sure it will also be part of the jury
5 instructions at the end of the trial but I do need
6 to give this to you right now.

7 So please listen: Evidence which tends
8 to show that defendant committed other offenses if
9 believed was not received and may not be considered
10 by you to prove that he is a person of bad
11 character or to prove that he committed the charged
12 crimes. All right.

13 I've given that to you. Now you get to
14 go to lunch. We're sorry but we're going to give
15 you -- he's still got a little bit longer on
16 cross-examine. We have redirect. So it's just
17 easier now to take a break. I know you guys got a
18 break and we have a couple things we need to do
19 also.

20 So is an hour enough for you guys.

21 MS. RINETTI: I could do an hour and 15.

22 THE COURT: Okay. The reason I asked
23 them is because they have to go back to their
24 offices and prepare. You and I get to eat but I'm
25 trying to keep it -- so we'll do an hour and 15

1 minutes. Okay. So you guys, it's 12:30. 1:15
2 will work?

3 MR. MANN: 1:45.

4 MS. RINETTI: 1:45.

5 THE COURT: 1:45. Oh, my God. My math
6 is horrible. You are right. Okay. Let me give
7 you one more recess admonishment. All right.
8 1:45.

9 Okay. During this recess you are
10 admonished: Not to talk or converse among
11 yourselves or with anyone else on any subject
12 connected with this trial; or read, watch or listen
13 to any report of or commentary on the trial or any
14 person connected with this trial by any medium of
15 information including, without limitation,
16 newspapers, television, radio or Internet,
17 remember, no Googling, or form or express any
18 opinion on any subject connected with the trial
19 until the case is finally submitted to you.

20 1:45. If you will come back and we'll
21 resume testimony.

22 (Whereupon, the jury exited the courtroom.)

23 THE COURT: Okay. We are outside the
24 presence of the jury. Ms. Kollins said you had
25 another thing you would like to bring up.

1 MS. KOLLINS: Yes, Your Honor. This is
2 just something from last week that we kept - we're
3 on the record? Just for the record, on I believe
4 it was Thursday or Friday, Mr. Thomas was extended
5 an offer of two counts of attempt lewdness with a
6 minor.

7 No opposition to those running
8 concurrently and the State would make an
9 affirmative recommendation for probation. He
10 rejected that offer.

11 THE COURT: Okay. So that's on the
12 record. Okay.

13 Is there anything about how long that's
14 open or.

15 MS. KOLLINS: That is gone now.

16 THE COURT: I just wanted to make sure
17 you had a clear record. Okay. We've got it. All
18 right. 1:45. I got it. Okay. And I do ask you
19 because I know you're the ones that need the time
20 constraint. All right.

21 See you back here at 1:45.

22 (Whereupon, a lunch recess was taken.)

23 THE COURT: Are we ready to go? No.

24 MS. RINETTI: I just have to make a
25 record.

1 THE COURT: Oh, okay. That's fine.

2 MS. RINETTI: So before our lunch break,
3 it came to our attention during cross-examination
4 that Mr. Mann was going down a path of talking
5 about some sexual assault that occurred in Arizona.

6 We had specifically advised the victim
7 in this case not to mention anything that happened
8 outside of this jurisdiction because we did not
9 file a motion and therefore, we didn't feel it
10 appropriate.

11 Mr. Mann, I believe, at the bench and I
12 know bench recordings are kind of a little --

13 THE COURT: They are. I'd rather have
14 it on the record now.

15 MS. RINETTI: Mr. Mann indicated at the
16 bench, and he will correct me if I'm wrong, but it
17 was a strategic move on his part to introduce the
18 Arizona sexual assault.

19 So I wanted to place that on the record
20 that it's strategic move on counsel's part to
21 introduce this, what we consider bad act evidence,
22 regarding what happened in Arizona.

23 Based upon what happened during
24 cross-examination, it is the State's belief that
25 Mr. Mann has opened the door to all bad acts that

1 are reflected in the voluntary statement or the
2 preliminary hearing.

3 We do have a cautionary instruction for
4 that, if I can approach. I did show Mr. Mann a
5 copy as well.

6 MR. MANN: Oh, this one? I'm sorry. I
7 apologize.

8 THE COURT: Thank you. Okay.

9 MS. RINETTI: And so at the break, we
10 also discussed with our appellate division whether
11 or not what kind of course of action we should have
12 to take. And out of a abundance of caution, we are
13 going to ask prior to redirect examination, in
14 order to refute the allegations of fabrication in
15 light of some other uncharged acts, we are going to
16 ask for a Petrocelli hearing prior to my redirect
17 examination for clear and convincing regarding
18 those other bad acts.

19 THE COURT: Okay.

20 MS. RINETTI: And --

21 THE COURT: So that's -- okay.

22 MS. RINETTI: And that is that we
23 believe those bad acts are relevant to refute the
24 charge of fabrication. I believe Mr. Mann's entire
25 direct examination went through each and every

1 incident. Whether or not she told police officers
2 about a particular incident or even talked about it
3 at preliminary hearing to suggest that if she
4 didn't tell about an incident to the police or at
5 the preliminary hearing, that somehow she is now
6 fabricating the story.

7 So I believe under Bigpond, which is 270
8 P.3d 1244, it's a 2012 decision. It's relevant for
9 any non-propensity reason and this is to refute
10 that allegation.

11 THE COURT: I was going to say, what is
12 your non-propensity reason?

13 MS. RINETTI: It's to refute the
14 allegation of fabrication.

15 We believe also, I mean, just in general
16 terms, just for the Court's edification, there has
17 been a recent statute change regarding propensity
18 evidence in sexual assault cases and it's actually
19 now permitted as propensity starting on October 1st
20 of last year that --

21 THE COURT: Okay. Do you know the
22 statute?

23 MS. RINETTI: 179. I will get it for
24 you, Your Honor. But we believe it's relevant to
25 refute that allegation of fabrication, which would

1 have been consistent with the Bigpond decision.

2 THE COURT: And the prior bad acts that
3 you want to get, are prior bad acts by the
4 defendant?

5 MS. RINETTI: By the defendant.

6 THE COURT: Obviously. There are prior
7 bad acts that specific ones, we'll just have to
8 bring it out in a Petrocelli hearing?

9 MS. RINETTI: Correct.

10 THE COURT: I don't know what those are.

11 MS. RINETTI: I can tell you, Judge.

12 THE COURT: Because I don't know his
13 history or anything.

14 MS. RINETTI: There's going to be a
15 couple of incidents. The first one that they are
16 notice on is a -- I call it a shopping incident
17 where the defendant instructed Ambree to try on
18 bathing suits in front of him and she was going to
19 be naked, that she talked about in her voluntary
20 statement from Pages 10 through 12.

21 There's also the sexual assault in
22 Arizona that counsel brought up. That was also
23 discussed in her voluntary statement.

24 THE COURT: Are you going to try to
25 bring that up as a prior bad act?

1 MS. RINETTI: The Arizona?

2 THE COURT: Yes.

3 MS. RINETTI: It's already now out.

4 THE COURT: I know it's out.

5 MS. RINETTI: Yes.

6 THE COURT: But you're offering it to
7 refute the fabrication that --

8 MS. RINETTI: Correct and it's already

9 --

10 THE COURT: Was introduced in front of
11 this jury. I just want to make sure I'm following.
12 Okay.

13 MS. RINETTI: Then there is an issue of
14 the date here. That is in her voluntary statement
15 Pages 25, as well as a swimming pool incident,
16 which we believe is now relevant, which is at her
17 voluntary statement, Pages 27.

18 THE COURT: Okay. And you want to do
19 this Petrocelli hearing after he finishes his
20 cross-exam. Obviously, I have to decide that prior
21 to your redirect because it would be part of the
22 redirect.

23 MS. RINETTI: Correct, Your Honor.

24 THE COURT: Okay. I just want to follow
25 you. All right.

1 Mr. Mann.

2 MS. RINETTI: The bathing suit, the
3 Arizona, day care and swimming pool.

4 THE COURT: I've got -- okay. I've got
5 the bathing suit, the Arizona one, right? The day
6 care and what's the other one?

7 MS. RINETTI: The swimming pool.

8 THE COURT: I have four. I couldn't
9 even read my own writing. Okay. So those are the
10 four.

11 MS. RINETTI: Yes.

12 THE COURT: All right. Okay. Mr. Mann,
13 your position.

14 MR. MANN: Yes, Your Honor. First of
15 all, yes, I -- I knowingly went into the Arizona
16 incident. So Counsel is absolutely right and I
17 definitely said that at the bench.

18 And I think a Petrocelli hearing to
19 determine if we should be able to get into those
20 other incidents is more than adequate.

21 THE COURT: Appropriate. Okay. All
22 right. And it would give us the record we need. I
23 agree. Okay. So then let's do this. Let's bring
24 the jury back. You said you have about 30 more
25 minutes.

1 MR. MANN: I think so, yeah.

2 THE COURT: Well, we'll just then tell
3 them they're going to have to have a break. We
4 have to do something. Oh my goodness. Well, let's
5 just see how things go on timing, Okay. Let's
6 just -- as best we can.

7 I know you probably have a witness here
8 that's waiting. Right? Several witnesses.

9 MS. KOLLINS: We do, Your Honor, but
10 given the way things transpired today, I think this
11 is much more critical to us in terms of how the
12 evidence comes out in this case. It takes as long
13 as it takes. We've explained to them that they may
14 have to stay over.

15 THE COURT: Okay. All right. So let's
16 do this. We will bring the jury back. We will
17 finish Mr. Mann's cross-exam, then we will take a
18 break. I will explain to them we have to do a
19 hearing and we'll just go from there.

20 How about that, Counsel.

21 MS. RINETTI: Yes.

22 THE COURT: All right. We're good.

23 (The jury entered the courtroom.)

24 THE MARSHAL: Please be seated.

25 THE COURT: Okay. Counsel stipulate to

1 the presence of the jury panel.

2 MS. RINETTI: Yes, Your Honor.

3 MS. KOLLINS: Yes, Your Honor.

4 MR. MANN: Yes, Your Honor.

5 THE COURT: Okay. We're going to
6 continue with cross-examine.

7 Mr. Mann.

8 MR. MANN: Thank you, Your Honor.

9 THE COURT: You're welcome.

10

11 CROSS-EXAMINATION (Continued)

12 BY MR. MANN:

13 Q. Good afternoon, B .

14 A. Good afternoon.

15 Q. We stopped off where I was asking you
16 about May of 2010, an incident that you said
17 occurred in Arizona.

18 A. Yes.

19 Q. Okay. And we had talked about the fact
20 that there was 16 people staying at the house,
21 including your family, correct?

22 A. Yes.

23 Q. And we talked about where the kids were
24 sleeping. They were sleeping in the living room,
25 correct?

1 A. Yes.

2 Q. Okay. And almost all the kids. There
3 was some small kids that were in bedrooms with
4 their parents?

5 A. Yes.

6 Q. I believe that you had indicated that
7 Kegan was in with Audrey and Kourtney?

8 A. Yes.

9 Q. And then the Thomas baby, Kailey, was in
10 with Jennifer and Cameron?

11 A. Yes.

12 Q. Okay. And in December of 2010, you had
13 given a statement to the police, correct?

14 A. Yes.

15 Q. Okay. And in that statement, you had
16 indicated that Cameron Thomas had placed his penis
17 inside your vagina during this weekend?

18 A. Yes.

19 Q. Okay. And the description that you had
20 given to the police was that it was in the morning?

21 A. Yes.

22 Q. That it was -- that you were laying on
23 the ground?

24 A. Yes.

25 Q. In the living room?

1 A. Yes.

2 Q. That you were the last kid in front of
3 the hallway that led to all the other rooms?

4 A. Yes.

5 Q. Okay. That all the other kids were
6 around you but more into the living room?

7 A. Yes.

8 Q. Okay. And this apartment wasn't a big
9 apartment?

10 A. No.

11 Q. It was a pretty small apartment?

12 A. Yes.

13 Q. And that -- what you told the police was
14 Cameron Thomas came out of his room?

15 A. Yes.

16 Q. Came and woke you up?

17 A. Yes.

18 Q. Or you had said that you were starting
19 to wake up?

20 A. Yes.

21 Q. So it was -- the sun was coming up?

22 A. Yes.

23 Q. Okay. It was morning time?

24 A. Yes.

25 Q. And Cameron Thomas, what you had told

1 the police, he said, "Brie, I'm lonely," right?

2 A. Yes. He said he was lonely after I had
3 kind of just turned over so I could go back to
4 sleep.

5 Q. Okay. And you told the police that it
6 was that time that he pulled down your pants?

7 A. Yes.

8 Q. And your underwear?

9 A. Yes.

10 Q. Got on top of you?

11 A. Yes. Well, we were side -- we were --
12 he wasn't on top of me. We were side by side.

13 Q. So you were side by side?

14 A. Yes.

15 Q. Okay. And unzipped his pants?

16 A. Yes.

17 Q. And put his penis inside of your vagina?

18 A. Yes.

19 Q. And as you put it, that he was moving
20 back and forth?

21 A. Yes.

22 Q. And this was next to all those kids?

23 A. Yes.

24 Q. This was easily to be seen by anyone
25 that went down the hallway?

1 A. Yes.

2 Q. And this was out in the open?

3 A. Yes. Well, there was a blanket, but it
4 was pretty small.

5 Q. Okay. Now, you also said that you tried
6 to get away, correct?

7 A. I kind of tried to push him away but I
8 was smaller than him.

9 Q. And as you said the blanket was small so
10 there was really no covers on him, right?

11 A. Most of the covers were on me.

12 Q. On you?

13 A. Yes.

14 Q. Okay. Did it hurt?

15 A. Yes.

16 Q. Did you yell?

17 A. No.

18 Q. Did you say Cameron, stop doing that
19 loudly?

20 A. No.

21 Q. Okay. What made him stop?

22 A. The other children started waking up.
23 People started to get ready for the day.

24 Q. So people were getting up?

25 A. Yes.

1 Q. Okay. And as people were getting up,
2 these kids were getting up, we have Zoë, Zailey,
3 Karter, Jenae, Danté, Dominic?

4 A. Yes.

5 Q. They could have easily seen what was
6 going on?

7 A. They could have.

8 Q. And you never told your mothers about
9 this?

10 A. No, not that I remember.

11 Q. Okay. You didn't tell them the time
12 that you brought -- you were brought home from
13 school in December of 2010?

14 A. No.

15 Q. Okay. And it was a week later that you
16 were talking to the police that you gave that
17 statement?

18 MS. RINETTI: I'm just going to ask for
19 clarification. A week later from what?

20 MR. MANN: I'm sorry.

21 THE COURT: Okay. Sustained. Just give
22 a time context to the question.

23 BY MR. MANN:

24 Q. In December of 2010, a week after you
25 had talked to your moms is when you gave a

1 statement to the police?

2 A. I don't remember when I gave that
3 statement. I just know it was in December.

4 Q. Okay. Now, after the May 2010 incident
5 in Arizona, Memorial weekend incident, you saw
6 Cameron after that, correct?

7 A. I don't remember that, but when we
8 talked about in relation to the family we talked
9 about -- they talk about a trip down to Las Vegas.
10 I remember the trip, but I don't remember visiting
11 with anybody.

12 Q. Okay. When you say "they" --

13 A. My family.

14 Q. -- who are you referring to?

15 A. My family.

16 Q. Your family?

17 A. Yes.

18 Q. Okay. Now, we have talked about many
19 incidents of Cameron putting his penis inside of
20 you. We have talked about incidents of him putting
21 his mouth on your vagina. We have talked about
22 incidents of him putting fingers inside of your
23 vagina.

24 Were you scared of him?

25 A. Um, I was afraid of what he might do if

1 I told.

2 Q. Okay. Did you not want to be around
3 him?

4 A. Sometimes I didn't and sometimes I did.

5 Q. He touched you time and time again and
6 yet sometimes you wanted to be around him and
7 sometimes you didn't?

8 A. Sometimes I had to be around him if I
9 was with my family.

10 Q. Okay.

11 A. And I was little. I can't just say I
12 don't want to participate in this. There's no
13 where else for me to go.

14 Q. Now, you remember living at Cameron and
15 Jennifer's house back in October, November, and
16 December of 2009?

17 A. Yes.

18 Q. Okay. Before that, you had briefly gone
19 to Arizona to live, right?

20 A. Yes.

21 Q. And then ended up quickly back in Las
22 Vegas?

23 A. Yes.

24 Q. Okay. And it was the six of you living
25 in the Thomas household with the four of them,

1 correct?

2 A. Yes. If their other daughter wasn't
3 born, I'm not for sure.

4 Q. Okay. Now, in December of 2009, you're
5 aware of a big falling out between your family and
6 the Thomas family, correct?

7 A. Yes.

8 Q. That this falling out was a very loud
9 falling out, right?

10 A. Yes. Um, as far as I know. I didn't
11 know what it was about but I knew that they were
12 fighting.

13 Q. You knew your mom's were upset?

14 A. Yes.

15 Q. You knew that Cameron was not happy with
16 what was going on?

17 A. Yes. I didn't know what was going on.
18 I just knew there was a conflict.

19 Q. Okay. And you also knew that you had to
20 move out of the Thomas house and you moved into
21 the -- into Kourtney's house?

22 A. Yes. At the time I didn't know why we
23 moved out, but after that, we didn't really talk to
24 them and I kind of got it.

25 Q. Okay. In fact, your mom, April, had

1 indicated to you that Cameron didn't want to see
2 you anymore, correct?

3 MS. RINETTI: Objection. Hearsay. It's
4 what her mom told her.

5 MR. MANN: It goes to the effect of the
6 listener at that time. Not whether --

7 THE COURT: Like a sensory impression at
8 the time?

9 MR. MANN: No. No. How it impacted
10 her.

11 THE COURT: What she did?

12 MR. MANN: Yeah. How that statement
13 impacted her, yes.

14 THE COURT: I don't know of an
15 exception. So tell me what that exception to the
16 hearsay rule is because then almost every hearsay
17 would get --

18 MR. MANN: What she did --

19 THE COURT: Hold on.

20 MR. MANN: -- in response to the -- what
21 she did in response to that statement.

22 THE COURT: So you're not -- but you
23 have to have the truth of the statement. Okay.
24 Hold on. Let me just look because that's a new one
25 on me. You're saying it's offered to show the

1 affect on the recipient?

2 MR. MANN: Correct.

3 THE COURT: Okay. Hold on. I'm looking
4 under the exceptions for that and I'm trying to see
5 if it's even offered to show identity of --

6 MR. MANN: Not offered for the truth of
7 the matter.

8 THE COURT: No.

9 Approach the bench, because --
10 (Whereupon there was a conference at the bench that
11 was not requested to be reported.)

12 THE COURT: Okay. I'm going to sustain
13 the objection and could you rephrase, Mr. Mann.

14 MR. MANN: Sure.

15 BY MR. MANN:

16 Q. Brie, was there -- was it your
17 understanding that Cameron didn't want to see you
18 anymore?

19 A. No. I just knew that we weren't seeing
20 them and I just took it how it was.

21 Q. Were you upset that you couldn't see
22 Cameron anymore?

23 A. I was, um, confused and I was curious as
24 to why they were fighting, but they didn't tell me
25 because I was a child and I wanted to see Jenae and

1 Danté because to me, they were like a little
2 brother and another little sister.

3 Q. Okay. Without telling me -- well, let
4 me rephrase that.

5 In the house that you were living at
6 with Kourtney and Audrey, there was also Crystal
7 and her boyfriend?

8 A. Yes. I don't know if they lived there
9 the whole time but I know they lived there for a
10 portion.

11 Q. And there was also a person by the name
12 of Mada, right?

13 A. Yes.

14 Q. Aunt Mada is what you would call her?

15 A. Yes.

16 Q. Without telling me what Aunt Mada had to
17 say, you had a conversation with Aunt Mada,
18 correct?

19 A. Um, I don't remember.

20 Q. You had a conversation with Aunt Mada
21 about your feelings regarding Cameron not talking
22 to you?

23 A. I don't remember that.

24 Q. Okay. And it is your testimony today
25 that you were not upset about Cameron not talking

1 to you anymore?

2 A. I wasn't upset. I just wanted to see
3 the kids.

4 Q. Okay. And so you only wanted to see the
5 kids?

6 A. Yes.

7 Q. Not Cameron?

8 A. Not Cameron.

9 Q. Okay. Now, your moms would talk to you
10 a lot about life, right?

11 A. Yes.

12 Q. Okay. And your moms were actually very
13 cautious about your interactions with people,
14 correct?

15 A. Yes.

16 Q. Okay. In fact, your moms would ask you
17 on a regular occasion if anyone had inappropriately
18 touched you?

19 A. Yes.

20 Q. And during those regular conversations,
21 you never told your moms that any of this stuff
22 with Cameron occurred?

23 A. No.

24 Q. And you never expressed to them any sort
25 of pause that they should be exploring something

1 that's going on with you?

2 A. No.

3 Q. Now, you never saw anything happen to
4 anyone else, correct?

5 A. I always, um, thought, but I wasn't for
6 sure, so I didn't.

7 Q. And you remember giving a statement to
8 the police, right?

9 A. Yes.

10 Q. Okay. And you remember that in that
11 statement, Page 143, that you said you never saw
12 anything happen with anyone else with your own
13 eyes, right?

14 A. Um-hmm.

15 Q. Okay.

16 THE COURT: Is that a yes?

17 THE WITNESS: Yes.

18 THE COURT: Thank you.

19 BY MR. MANN:

20 Q. Now, did you ever express to CPS your
21 concern about Isabella Welch?

22 A. I don't remember if it was CPS but I
23 think I've said her name before.

24 Q. Okay. And what is your basis to have a
25 concern about Isabella Welch?

1 MS. RINETTI: I'm going to object and
2 can we approach just briefly?

3 THE COURT: Certainly.

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

6 THE COURT: Okay.

7 BY MR. MANN:

8 Q. Brie, did you ever have any concerns
9 about Isabella Welch?

10 A. Yes.

11 Q. Okay. Did you express those concerns to
12 CPS?

13 A. I don't remember.

14 Q. Did you express those concerns to Momma
15 Kay?

16 A. I don't remember.

17 Q. Okay. Why would you have concerns over
18 Isabella Welch if you never saw anything with your
19 own eyes?

20 A. Because she was -- it was almost the
21 same way as it was with us. She was with Cameron a
22 lot and she was one of Cameron's favorites.

23 Q. Okay. And when you say "his favorites,"
24 just someone that was around Cameron a lot?

25 A. Someone that he preferred to be around

1 him, and Isabella. She was -- Cameron's was one of
2 her favorites too.

3 Q. Okay. When you were brought home from
4 school in December 2010, you had a long
5 conversation with your moms?

6 A. Yes.

7 Q. Okay. And this was after the CPS worker
8 had told you what Zailey had said?

9 A. Yes.

10 Q. And during that conversation, no one
11 else was around, correct?

12 A. No.

13 Q. Okay. You knew to tell them the truth?

14 A. Yes.

15 Q. And you specifically did not tell them
16 that he put his fingers in your vagina?

17 A. I don't remember that.

18 Q. You did not tell them that he put his
19 penis in your vagina?

20 A. I remember she asked me did he have
21 intercourse with you and I told her I didn't know
22 what that meant.

23 Q. Okay. And she didn't explain it to you?

24 A. She told me but I didn't know.

25 Q. And when she explained it to you, you

1 didn't then say that he put his penis in your
2 vagina?

3 A. No.

4 Q. And you did not tell them that he put
5 his mouth on your vagina?

6 A. I don't remember saying that.

7 Q. And despite all these incidents that you
8 describe with Cameron, you weren't scared of him?

9 A. Um, I wasn't scared of him so long as
10 there was other people around, but even still,
11 there were things that happened with people around
12 regardless.

13 MR. MANN: Thank you.

14 THE COURT: Okay. All right. We have
15 to take a break. We have a legal thing that has to
16 be handled before we go forward with redirect.
17 Remember I told you trials kind of a fluid thing.
18 We can't always predict how things are going to
19 happen.

20 So we have to -- I have to handle
21 something. Remember I told you sometimes I have to
22 handle things before it comes to you. So we need
23 to take a break. We'll be in here working. As
24 soon as we're finished, we'll come back and get
25 you. Okay?

1 During this recess, you are admonished:
2 Not to talk or converse among yourselves or with
3 anyone else on any subject connected with this
4 trial; or read, watch or listen to any report of or
5 commentary on the trial or any person connected
6 with this trial by any medium of information
7 including, without limitation, newspapers,
8 television, the radio or internet; or form or
9 express any opinion on any subject connected with
10 the trial until the case is finally submitted to
11 you.

12 We'll take a brief recess while we
13 handle this legal issue so we can go forward.

14 (Whereupon the jury panel exited the courtroom.)

15 THE COURT: All right. Outside the
16 presence of the jury. Let me go back. I must have
17 given -- let me get the case. I must have given my
18 notes to Austin.

19 (Whereupon, a brief recess was taken.)

20 THE COURT: Here we go. Here is the
21 Bigpond case. This is time set now for a
22 Petrocelli hearing under NRS 48.045(2).

23 Is the State ready to proceed?

24 MS. RINETTI: Yes, Your Honor.

25 THE COURT: All right.

1 MS. RINETTI: May I?

2 THE COURT: Yes, you may. And we are
3 outside the presence of the jury. I guess I should
4 be very specific for our record.

5

6 EXAMINATION

7 BY MS. RINETTI:

8 Q. Ambree, I know you testified on Friday
9 and now you testified for a couple of hours here on
10 Monday; fair to say?

11 A. Yes.

12 Q. Okay. I'm going to talk about a couple
13 other instances that we haven't talked about in
14 court. Okay?

15 A. Okay.

16 Q. Do you remember a time when you went
17 bathing suit shopping with the defendant?

18 A. Yes.

19 Q. Do you remember how old you were when
20 that happened?

21 A. No.

22 Q. Do you remember if you were little or
23 you much older?

24 A. I was -- I know I was in elementary
25 school. I wasn't in fifth grade but --

1 THE COURT: You weren't in fifth grade?

2 THE WITNESS: I wasn't.

3 THE COURT: Okay.

4 THE WITNESS: But Karter, she could walk
5 and talk.

6 BY MS. RINETTI:

7 Q. And when was Karter born?

8 A. 2006.

9 Q. 2006. Okay. So she was able to walk
10 and talk?

11 A. Yes.

12 Q. Okay. Do you remember where you went
13 bathing suit shopping?

14 A. I went to Wal-Mart.

15 Q. Okay. Was that here in Las Vegas?

16 A. Yes.

17 Q. Who went bathing suit shopping with you?

18 A. It was myself, Karter and Cameron.

19 Q. How did you get to the Wal-Mart?

20 A. He drove us.

21 Q. Do you remember what car he drove you
22 in?

23 A. His car. His F-150.

24 Q. And why did you have to go bathing suit
25 shopping?

1 A. Because it was summer and we needed
2 bathing suits because all we really did was swim
3 and go to the day care.

4 Q. Did you go to the Wal-Mart with him?

5 A. Yes.

6 Q. And what happened at Wal-Mart?

7 A. We picked out -- Karter and I -- our
8 bathing suits that we wanted and we -- we found the
9 dressing rooms and the assistant showed us which
10 dressing room was open. And Karter and I went in
11 together and Cameron came in too and it was really
12 crowded.

13 And we were waiting for him to leave and
14 I kind of told him that, like, we need to change
15 into our bathing suits. And he brushed it off.
16 And he's already seen Karter naked before so it
17 didn't really matter if we changed into our bathing
18 suits right there.

19 Q. You said you were looking for bathing
20 suits.

21 Did the defendant help you look for
22 bathing suits?

23 A. I don't remember.

24 Q. Do you remember if you were trying on
25 one bathing suit or multiple bathing suits?

1 A. I don't remember.

2 Q. Okay. When you went into the stall, a
3 lot of times dressing rooms have like a big
4 handicap or family one, and then a bunch of smaller
5 rooms.

6 Do you remember if you were in the big
7 one or the smaller one?

8 A. I don't remember. I just remember there
9 wasn't a lot space.

10 Q. And you said you needed to -- you had
11 asked the defendant kind of you were expecting him
12 to leave?

13 A. Yes.

14 Q. And why were you expecting him to leave?

15 A. Because it was just my sister and I and
16 of course, I've seen her naked, but she was younger
17 than me. And I knew the type of person that he was
18 and Karter is my little sister and he had never
19 seen me naked before.

20 Q. And some of the abuse that we had talked
21 about on Friday and Monday had already occurred?

22 A. Yes.

23 Q. You said you -- when you were inside the
24 stall -- let me back up and strike that.

25 You mentioned on Friday that you've

1 known Cameron since you were like six years old or
2 so?

3 A. Yes.

4 Q. Okay. Has the defendant ever given you
5 a bath?

6 A. Not me but other children.

7 Q. Okay. Was he ever present when you were
8 taking a bath?

9 A. In, um, yes, but I don't think he could
10 see me.

11 Q. What do you mean by that?

12 A. We were in the shower and he came in to
13 get something but he didn't stay long.

14 Q. So prior to this Wal-Mart incident, you
15 definitely weren't in fifth grade. He had not
16 bathed you or got into the shower with you?

17 A. No, just other children because I was
18 older.

19 Q. Okay. So you were old enough where he
20 didn't need to be around?

21 A. Yes.

22 Q. Okay. When this happened, did you ask
23 -- at Wal-Mart, did you ask the defendant to leave?

24 A. I asked him -- he asked us what we were
25 waiting on and I said we need to try on our bathing

1 suits. And he kind of got like we didn't want to
2 get undressed in front of him. And that's when he
3 said I've already seen Karter naked and it wasn't
4 that big of a deal.

5 Q. So when he made that comment, did he
6 leave the dressing room after that?

7 A. No.

8 Q. Did he stay in the dressing room?

9 A. Yes.

10 Q. Did Karter get undressed?

11 A. Yes.

12 Q. Did she get fully undressed, completely
13 naked?

14 A. Yes.

15 Q. Did she try on bathing suits?

16 A. Yes.

17 Q. Did you get completely naked?

18 A. Yes.

19 Q. Did you try on bathing suits?

20 A. Yes.

21 Q. What was the defendant doing while you
22 were trying on bathing suits?

23 A. He was watching.

24 Q. Okay. How did that make you feel?

25 A. It made me feel really uncomfortable.

1 Q. Why did it make you feel uncomfortable?

2 A. Because I was naked and my sister was
3 there too.

4 Q. Your sister Karter?

5 A. Yes.

6 Q. Did he say anything while you were
7 trying on the bathing suits?

8 A. Not that I remember.

9 Q. Okay. Do you remember how long you were
10 in the dressing room for?

11 A. I know it wasn't long.

12 Q. What happened after the dressing rooms?

13 A. We got our bathing suits, um, and we
14 checked out and we left.

15 Q. Did you actually buy a bathing suit?

16 A. I think I did or at least I did. I
17 don't know if Karter did that day.

18 Q. Did you pay for it or did the defendant
19 pay for the bathing suits?

20 A. My mom might have given him money. I
21 don't know if it was his money or my mom's but I
22 didn't pay for it.

23 Q. Okay. You didn't physically go up to
24 the cashier and give him or her money?

25 A. No.

1 Q. Okay. Now you mentioned the time, and
2 you just talked about it, that happened in Arizona
3 and that happened in May of 2010?

4 A. Yes.

5 Q. Okay. And that's when both the
6 defendant's family and Kourtney and Audrey's family
7 came to visit?

8 A. Yes.

9 Q. And it happened, I believe you mentioned
10 it happened in the morning?

11 A. Yes.

12 Q. Okay. And did it happen over or under
13 the covers?

14 A. Under.

15 Q. Do you remember what the cover looked
16 like?

17 A. No.

18 Q. You mentioned it wasn't that big?

19 A. It wasn't.

20 Q. Now, you mentioned on cross-examination
21 a moment ago that you were the closest kid to the
22 hallway.

23 What does that mean?

24 A. Um, well, the closest to the hallway as
25 in if anybody was in the hallway, they would see me

1 first. I would be the first child that they saw.

2 Q. Were you laying -- were you laid down on
3 the ground?

4 A. Yes.

5 Q. If you reached out your hands in either
6 direction, could you hit another kid?

7 A. If I -- yes.

8 Q. Okay.

9 A. If I had reached out to my right.

10 Q. To your right. You would have
11 touched --

12 A. And the hallway was to the left of me.

13 Q. Do you remember which kid you would have
14 touched with your hand?

15 A. No.

16 Q. Did he say anything when he came into
17 the room?

18 A. He said that he was lonely and he wanted
19 to lay down, I guess. That's what he did.

20 Q. Um, were any of the other kids awake?

21 A. No.

22 Q. Did he lay down?

23 A. Yes.

24 Q. And did he lay down on your side, on top
25 of you or somewhere else?

1 A. He laid down next to me.

2 Q. And what did he do when he laid down
3 next to you?

4 A. He pulled down my bottoms and he put his
5 penis in my vagina.

6 Q. Do you remember how long it lasted for?

7 A. Not -- um, not time, but I know when it
8 stopped.

9 Q. And why did it stop?

10 A. Because people started waking up. The
11 children in the room started, like, started to get
12 up.

13 Q. And after that happened, what did you
14 do?

15 A. Um, I kind of moved away from him
16 because he had stopped.

17 Q. Did any adults then come into the room?

18 A. Later, soon after.

19 Q. Soon after. And do you remember which
20 adults came in?

21 A. I think Jennifer was looking for
22 Cameron, but the adults had started getting up. I
23 know that.

24 Q. And why did you say you that thought
25 Jennifer was looking for Cameron?

1 A. Cameron or Jennifer. She had come out
2 the room and looked down the hallway. She saw
3 Cameron and then she just -- I think she went back
4 in the room or she went to the bathroom or
5 something.

6 Q. She actually never physically went into
7 the living room?

8 A. No, not yet.

9 Q. Okay. And she was the first adult you
10 had seen?

11 A. The first adult I had seen.

12 Q. Okay. I want to talk to you about Kids
13 'R' Kids.

14 A. Okay.

15 Q. Did you ever have an occasion to go up
16 to, like, the attic area?

17 A. Yes.

18 Q. And can you describe to the Judge what
19 the attic area was like at Kids 'R' Kids?

20 A. It was really messy. There were toys
21 and mattresses everywhere. I think they eventually
22 organized everything, but the furthest room off of
23 when you come into the door, there was a room with
24 glass windows and that's where they kept most of
25 the art supplies.

1 There were two bathrooms on the left
2 wall and there was a microwave in there and couches
3 and a table and there was an office if you looked
4 all the way left.

5 Q. Do you know what the room -- the attic
6 space was used for?

7 A. I think it was used for storage and for
8 like a break room.

9 Q. Would adults go up into the attic that
10 worked there?

11 A. Yes.

12 Q. Were kids allowed to go up there?

13 A. I don't know, but I know was up there
14 and my sister had been up there when we were, like,
15 helping out.

16 Q. Who would you be helping when you went
17 up to the attic?

18 A. I would help Cameron. Sometimes I
19 helped Bonnie. And sometimes my mom would send me
20 up there to, like, go get something.

21 Q. I want to talk to you about when you
22 helped the defendant in the attic.

23 A. Okay.

24 Q. Would you help the defendant in the
25 attic once or more than once?

1 A. More than once.

2 Q. Do you remember a time when you were
3 helping him like organize files?

4 A. Yes.

5 Q. Do you remember if it was daytime, like
6 morning, afternoon or night?

7 A. I don't remember.

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

9 A. No.

10 Q. Do you remember if your littlest sister
11 was born yet?

12 A. No.

13 Q. You don't know or -- I am sorry. That's
14 a bad question.

15 A. I don't remember if she was born yet.

16 Q. Okay. How did you get up to the attic
17 to help with the files?

18 A. Cameron walked me up there. I think the
19 door was locked or something but I never opened the
20 door myself.

21 Q. And what did you think you were going to
22 go up to the attic to do?

23 A. Um, I thought we were supposed to
24 organize files of the children who didn't attend
25 the day care anymore.

1 Q. When you got up to the attic, was there
2 anyone besides yourself and the defendant?

3 A. Not in the file room, but I don't know
4 about the rest of the attic.

5 Q. Did you go -- did you go into any of
6 those other rooms that particular time?

7 A. I don't remember.

8 Q. Okay. When you got upstairs with the
9 defendant, what happened?

10 A. We started organizing files and he kept
11 pulling at me. He wanted me to sit down on him and
12 he started messing with my buckle and I kind of
13 just pushed him away and kept organizing files and
14 he left me alone.

15 Q. You said he tried to mess with your
16 bottoms. How did he try to mess with your bottoms?

17 A. He was pulling at my button.

18 Q. Is that the front button, the clasp?

19 A. Yes.

20 Q. Do you remember what you were wearing?

21 A. No.

22 Q. You knew something had like a button on
23 it?

24 A. Yes.

25 Q. Okay. Is that the button for your

1 pants? So kind of like by your belly button?

2 A. Yes.

3 Q. And what did he try to do with that
4 button?

5 A. He tried to -- he was pulling at it to
6 get me to come closer.

7 Q. Okay. And when he did that, did you
8 move closer to him?

9 A. Um, I did and then I'd go back to
10 organizing files.

11 Q. And what else did he do besides pulling
12 at the button?

13 A. He kept trying to get me to sit down on
14 him.

15 Q. How did he try to get you to sit down on
16 him?

17 A. He was pulling like at my hips, I guess,
18 and he was trying to like get me to sit down and I
19 was just organizing files.

20 Q. When he was pulling at your hips, did he
21 have one hand on each hip or just one hand on the
22 one hip?

23 A. Just one hand.

24 Q. Where was he at the time when he was
25 trying to -- with his hand on your hip trying to

1 get you closer to him?

2 A. He was sitting in the chair for that
3 office.

4 Q. Okay. And did it have like a desk or
5 was it just a random chair?

6 A. There was a desk or a table in front of
7 him.

8 Q. How close did you get to sitting on his
9 lap?

10 A. Um, I don't remember.

11 Q. Okay. Why did you think he wanted you
12 to sit on his lap?

13 A. I don't know. I figured that he wanted
14 to touch me and I just wanted to get out of the
15 attic because I knew there were places that you
16 couldn't see with the cameras.

17 Q. Were there cameras at the day care?

18 A. Yes.

19 Q. Okay. It was your understanding that
20 there was certain aspects of the day care that
21 weren't seen on camera?

22 A. Yes.

23 Q. And how did you learn this information?

24 A. Um, when a child was misbehaving, um,
25 Cameron would go to the staircase or somewhere in

1 the attic and he would whip them and then they
2 would come back down, but you couldn't see it on
3 the cameras because the cameras you could only see
4 so much.

5 Q. Do you remember what -- once he kind of
6 started kind of getting you to sit on his lap, did
7 he continue organizing the files?

8 A. I don't remember but I think so.

9 Q. Okay. Do you remember how you left the
10 attic area?

11 A. We finished the files, I think. Or we
12 were just done for the day.

13 Q. Let me ask you this: Did you and the
14 defendant leave the attic together that time?

15 A. I don't remember.

16 Q. Okay. Now, I also want to mention a
17 time at the YMCA. Did you go to YMCA here as a
18 kid?

19 A. Yes.

20 Q. And why would you go to the YMCA?

21 A. Usually every Friday the day care during
22 the summer we would go to the YMCA on Fridays.

23 Q. And is that one of those field trips
24 that Mr. Mann was referring to on your
25 cross-examination?

1 A. Yes.

2 Q. And how often did you go to the YMCA
3 with the day care?

4 A. That was a field trip that I tried not
5 to miss because it was my favorite field trip, so I
6 went almost every time.

7 Q. Is that just because you liked swimming?

8 A. Yes.

9 Q. And did it happen on a certain day of
10 the week or just kind of periodically throughout
11 the month?

12 A. I think it was only on Fridays because I
13 remember going to parents night out sometimes and I
14 still smelt like chlorine.

15 Q. Did anything ever happen between you and
16 the defendant at the YMCA?

17 A. Yes.

18 Q. Did it happen once or more than once?

19 A. It happened twice but never more than
20 that.

21 Q. And what happened at the YMCA?

22 A. Um, I was with my friends and we were
23 holding -- we were all holding on to the wall and
24 we were trying to yell things under the water and
25 see if we could like understand each other. And

1 Cameron -- he was watching us because he watched
2 the older kids in the deeper end.

3 And I was up against the wall with my
4 back completely against the wall and my friends
5 were talking to Cameron and he kind of backed up
6 against me and my legs were open and I know he felt
7 me because I wasn't small. I was still pretty tall
8 when I was younger and my leg -- like my pelvis, it
9 hurt. And I was kind of trying -- I tried to move,
10 but he was -- kept going back.

11 And even eventually one of the teachers
12 said is Brie back there? And then Cameron said, oh
13 yeah. I didn't see her. And then he moved.

14 Q. What part of his body touched yours?

15 A. It was his back.

16 Q. So his back touched your front area?

17 A. Yes.

18 Q. And so he kind of scooted back as your
19 back was against the wall?

20 A. Yes.

21 Q. Did you say anything as he's backing up?

22 A. I just kind of, um, I tried to move.

23 Q. Um-hmm. And how did you try to move?

24 A. I was trying to go like either left or
25 right, but my legs were open.

1 Q. You said there was another time. What
2 happened that other time at the YMCA? Was it the
3 same thing or different?

4 A. It was the same thing. Like I would be
5 against the wall and he would just slowly back up.

6 Q. Um, did any part of his body actually
7 physically touch your body?

8 A. Just his back.

9 Q. Just his back. Okay. And his back
10 touched what part of your body?

11 A. Like my pelvis and my thighs.

12 Q. Did you ever tell him to get away from
13 you?

14 A. I'd kind of push him.

15 Q. Pushed him. Did you actually say
16 anything verbally?

17 A. No.

18 Q. Do you remember if this was morning,
19 afternoon or night?

20 A. It would have been morning or afternoon.

21 Q. Afternoon.

22 MS. RINETTI: All right. Perfect. I
23 will pass the witness at this time.

24 THE COURT: Okay. Cross-exam.

25 MR. MANN: Court's indulgence.

1 EXAMINATION

2 BY MR. MANN:

3 Q. B , talking about the incident in the
4 attic, you don't know when that was, correct?

5 A. I don't know when.

6 Q. Okay. And you were about in the third
7 grade. Does that seem right?8 A. Um, I would have been at least in the
9 third grade.10 Q. It's your testimony that he tried to
11 pull your pants down but was unable to, correct?

12 A. Yes.

13 Q. Okay. And there were -- this was only
14 one incident? One time that this happened?15 A. I don't remember ever going back up
16 there to help organize files but I'm not sure.17 Q. But even if you weren't going back up
18 there to help organize files, you did go up there
19 as a normal course because your parents worked
20 there and you would go up and down the back area?

21 A. Not normally but occasionally.

22 Q. Okay. And the YMCA incident,
23 Mr. Cameron would get in the water every time,
24 right?

25 A. Um, that I remember.

1 Q. Okay. And that he would often play with
2 all the kids in the water, right?

3 A. Most of them.

4 Q. Okay. And so this particular incident,
5 you just remember him backing into you and having
6 his back touch you?

7 A. Yes. Um, I thought it was an accident
8 the first time but I know he felt me trying to
9 move, and then he did it a second time and I was
10 just kind of confused.

11 Q. Okay. And when you said a second time,
12 was it all at the same day?

13 A. No. It was the time after that that we
14 went to the YMCA.

15 Q. Okay. So the following Friday since you
16 went on every Friday?

17 A. I don't know if it was the following
18 Friday or the one after or after that.

19 Q. Is it possible that he was just goofing
20 around?

21 A. It's possible but I kind of -- I wanted
22 to move. And after someone brought it up, he acted
23 like he didn't know what was going on.

24 Q. The reason why I ask that is tell me if
25 you think it might be something like this: I play

1 a game with my kids where sometimes I'll sit on
2 them and be like where is -- where's Johnny?
3 Where's Johnny? Even though every one knows that
4 Johnny is under me at this point and I'm goofing
5 around.

6 Is it something like that?

7 A. I don't think so because it hurt and I
8 pushed him.

9 Q. Okay. All right. The dressing room
10 incident at Wal-Mart, that he was in the dressing
11 room with you, correct?

12 A. Yes.

13 Q. Okay. And you wanted him to leave?

14 A. Yes.

15 Q. Okay. But he said don't worry. I've
16 seen Karter naked before, correct?

17 A. Yes.

18 Q. All right. And wasn't it true at that
19 point he then turned around and placed his back to
20 you guys while you changed?

21 A. I don't remember that. I remember he
22 was door in the doorway though. So the door wasn't
23 closed all the way but he was right there.

24 Q. So the door was part way open?

25 A. Yes.

1 MR. MANN: I have no further questions.

2 THE COURT: Any redirect?

3 MS. RINETTI: No.

4 THE COURT: Okay. Do you want to do any
5 argument or -- it is up to you?

6 MS. RINETTI: Can we have her leave
7 just --

8 THE COURT: Absolutely. I was just
9 going to say if you do --

10 You get to take a break. Appreciate it.

11 (The witness exited the courtroom.)

12 THE COURT: Okay. Just for the record
13 we've had B , Ar P , leave the courtroom,
14 so she is not here after her testimony in the
15 Petrocelli hearing.

16 Okay. I assume you're going to offer --
17 well, you tell me.

18 MS. RINETTI: We're going to offer the
19 bathing suit -- just to make it clear, we're going
20 to offer the bathing suit incident; Arizona, which
21 has been talked about.

22 THE COURT: Arizona I have to say is
23 already in. The door is open. So --

24 MR. MANN: I agree.

25 THE COURT: I just -- absolutely.

1 Anything to do with the Arizona incident and May of
2 2010 absolutely can get in. So that takes care of
3 that.

4 You're going to offer the bathing suit
5 one?

6 MS. RINETTI: And the day care one.

7 THE COURT: Okay. We're not going to do
8 the swimming pool, correct?

9 MS. RINETTI: Correct.

10 THE COURT: I have to agree with you
11 there. I'm not sure what happened there in all
12 honesty, whether it be -- okay. All right. On the
13 bathing suit one, do you want to --

14 MS. RINETTI: And Your Honor, both of
15 them are being offered in order to -- there's an
16 allegation to refute the allegation of fabrication
17 because she did talk about that with the police
18 officer -- well, at her forensic interview.

19 She didn't bring it up at the
20 preliminary hearing. She specifically didn't bring
21 it up at trial though because we had cautioned her
22 not to. Just like we had cautioned her not to talk
23 about the Arizona incident.

24 And so we believe it's relevant not only
25 to refute the defense of fabrication, but also is

1 relevant under the new statute of 48.045(3), which
2 was e-mailed to your law clerk just now.

3 THE COURT: 48.045.

4 MS. RINETTI: Subsection 3. It's the
5 new statute subsection that was enacted on October
6 1st or takes affect on October 1st of 2015.

7 THE COURT: Okay.

8 MS. RINETTI: And it basically says that
9 any type of sexual offense, which is defined as
10 open and gross lewdness with a sexual assault and a
11 bunch of different issues under 432B, can come in
12 in a trial for sexual assault.

13 THE COURT: Okay.

14 MS. RINETTI: That is newly enacted.

15 THE COURT: All right. You feel also
16 under that statute, the bathing suit shopping
17 incident and the -- what she's testified to as the,
18 I'll call it the attic area of the Kids 'R' Kids
19 day care center.

20 MS. RINETTI: Correct. And we believe
21 we've proven for clear and convincing purpose.

22 THE COURT: That event by her testimony
23 by clear and convincing evidence that that did
24 occur, and I assume you feel that it is more
25 probative than prejudicial based on the allegations

1 of fabrication, and also this is a sexual assault
2 trial. So it could go over propensity 48.045(3).

3 MS. RINETTI: Correct. And I know the
4 record will reflect, but Mr. Mann's
5 cross-examination was at least two hours prior to
6 the lunch break and then maybe 20, 25 minutes now.

7 THE COURT: It was 35 minutes.

8 MS. RINETTI: Prior to the lunch
9 break --

10 THE COURT: Who's keeping track? The
11 Judge.

12 MS. RINETTI: Before the lunch break,
13 those two hours for every incident that she talked
14 about, he made it a point to bring up, did you talk
15 to the police about that? Did you testify about
16 that at preliminary hearing? So it was throughout
17 the two-hour period of time.

18 So we believe based upon that, it's
19 definitely more probative than prejudicial.

20 THE COURT: I just wanted to make sure I
21 heard you on that.

22 All right. Mr. Mann. Let's talk about
23 the bathing suit shopping incident.

24 MR. MANN: Okay. Well, first of all,
25 Your Honor, the 48.045(3), I did a search. And

1 looking at the legislative website, it must not be
2 updated because I don't see a valid statute. So I
3 don't even know what that statute --

4 THE COURT: Do you want me to run and
5 get it? It's A-B-49.

6 MR. MANN: If you have one, that would
7 be great.

8 THE COURT: Well, you said you just sent
9 it to Austin.

10 MS. KOLLINS: I did.

11 MR. MANN: Did you send it to me as
12 well?

13 MS. KOLLINS: I did not because I don't
14 have your address and I didn't want to interrupt
15 you.

16 THE COURT: I'll send Bill back, if you
17 don't mind my marshal to run and get it.

18 Okay. So you would like to look at the
19 statute. I understand that.

20 MR. MANN: Please.

21 THE COURT: I get that. Believe me. I
22 like to look at statutes if I'm supposed to apply
23 them. I get that. Okay.

24 How about under prior bad acts, just
25 under the case law on Petrocelli.

1 MR. MANN: Sure. I think the basis for
2 the case law, obviously, they have to show by clear
3 and convincing evidence that this occurred.

4 I don't believe that her statement alone
5 is clear and convincing evidence, especially since
6 she's at a loss as to time and when this may have
7 occurred.

8 Also, I think the fact that -- and I'm
9 sorry. Right now, I was talking about the Kids 'R'
10 Kids attic. I apologize.

11 THE COURT: I'll follow you.

12 MR. MANN: You said bathing suit.

13 THE COURT: We're not doing swimming
14 pool. It's gone. What we're talking about is the
15 attic at Kids 'R' Kids. So we have the record for
16 you.

17 MR. MANN: Specifically, in the case
18 that the State cites, you know, the use of
19 uncharged bad acts as evidence to convict a
20 defendant is heavily disfavored in our criminal
21 justice system as they are often irrelevant and
22 prejudicial, right?

23 THE COURT: Um-hmm.

24 MR. MANN: And that they must be
25 admitted for any relevant non-propensity purpose.

1 Now, that's part of the reason why I
2 wanted to look at the statute because it sounds
3 like that may have changed based on the statute.

4 THE COURT: They are also offering it
5 for fabrication too at this time based on the prior
6 testimony.

7 MR. MANN: I'm not sure how that changes
8 anything. I don't understand how that even
9 addresses fabrication. I'm not sure how that's
10 relevant to fabrication because she's given lots of
11 statements. Some she's given at the time of the
12 police interview. Some she's given at the
13 preliminary hearing.

14 But bringing in this entire other
15 incident just to show that she didn't fabricate,
16 how does that change all the other instances that
17 she has testified to?

18 THE COURT: Wouldn't it change if the
19 trier of fact believes her? Wouldn't that support
20 that she's not fabricating? I mean, it's up to the
21 trier of fact, not us, as you know.

22 What do you think of that?

23 MR. MANN: I understand that, you know,
24 they they may say that, well -- but her statement
25 alone, you know, you're just putting it out there

1 as another incident that she's talking about. I
2 don't think it rises to the level of, you know,
3 one, like I said, clear and convincing. And two,
4 that it shows any sort of fabrication or anything.

5 All it does is show that she's giving
6 another statement of something that may or may not
7 have happened. So I don't even understand how it
8 supports the fabrication argument.

9 THE COURT: I get it. Okay. I will
10 tell you one thing on that. I'm not going to let
11 in that Cameron whipped other kids out of camera
12 view. I want you to know, that. I'm not opening
13 that door. I just wanted to make sure because I
14 circled it. I didn't want any issue on that. You
15 may not have offered it for that.

16 MS. RINETTI: No. I just asked the
17 question to see what the answer -- I personally did
18 not know and I knew we were outside of the presence
19 of the jury. I would not have asked the question
20 in front of the jury, if I didn't know the answer.

21 THE COURT: I just want to make sure
22 there's not any issue. That's just me being
23 cautious. We are all working so hard. I didn't
24 think you would but I just wanted to make sure that
25 we don't. That to me would be way more prejudicial

1 than probative and a whole different issue.

2 Did you find it? So am I looking at the
3 statute 48.045, correct, guys?

4 MS. RINETTI: Yes.

5 THE COURT: I just want to make sure I'm
6 clear.

7 MS. RINETTI: Subsection 3.

8 THE COURT: Nothing in this section --
9 I'm sorry. I'm reading to myself.

10 So you got to help me. If you -- let
11 Mr. Mann do his argument. I'm sorry.

12 MR. MANN: I'm sorry, Your Honor. I'm
13 just catching up.

14 THE COURT: No. And I'm looking. It
15 says if what they are proposing is the prior bad
16 act would be a sexual offense within NRS 179D.097,
17 just for my edification, I assume if the trier of
18 fact believed, and I have -- I have down here that
19 she did reiterate in her cross that he was trying
20 to pull her pants down -- it would be -- is the
21 State saying to me that would be a sexual offense
22 or at least an attempt of a sexual offense under
23 NRS 179D.097?

24 MS. RINETTI: Correct.

25 THE COURT: I just want to make sure my

1 record's clear.

2 MS. RINETTI: Lewdness with a minor
3 under 14 by touching her as well as open and gross
4 lewdness.

5 THE COURT: Okay. Thank you.

6 MR. MANN: Your Honor, based on what I'm
7 reading here, at this point in time, for the Kids
8 'R' Kids attic incident and the -- obviously, the
9 Memorial Day weekend incident and now the Wal-Mart
10 incident, I'll submit.

11 THE COURT: Okay. I do find under NRS,
12 for the -- what we are referring to as the bathing
13 suit shopping incident under Wal-Mart, and the Kids
14 'R' Kids attic, and I've already ruled, but the
15 Arizona, because that door was already opened,
16 we've gone to extensive re-cross, that they are
17 admissible as prior bad acts for the purposes under
18 NRS 48.045(3).

19 I do find that they have proven it by, I
20 feel, clear and convincing evidence because
21 basically this is a he said/she said case any way.
22 I'm not being facetious or anything.

23 And the State has a burden beyond a
24 reasonable doubt. So I do find clear and
25 convincing evidence from her testimony and I think

1 it is -- I think that the evidence is more
2 probative than prejudicial and I think the reason
3 it's being offered for propensity is under NRS
4 48.045(3).

5 MS. RINETTI: Judge, we're also offering
6 it for under Bigpond to refute that allegation of
7 fabrication.

8 THE COURT: That's fine. Let me think
9 through fabrication again. We're offering it say
10 to counter all the other charge -- just let me
11 think through -- charged crimes. You're saying
12 even though those are -- we're letting it in as a
13 prior bad act, that all would go to the allegation
14 that she's fabricating all these?

15 MS. RINETTI: Correct. And that's why
16 Mr. Mann, I believe, made the record that he was
17 introducing the sexual assault in Arizona to show
18 the fabrication, and we're doing the converse.

19 THE COURT: That's exactly the context
20 of why it was offered. So that's the second
21 purpose. Okay. I'll do a record on that. I had
22 to think it through. I also will grant it on that.
23 I read it on that. Okay. Got it. All right.

24 MS. RINETTI: Can I have a moment just
25 to speak to the witness so she understands what she

1 can say and what she can't say?

2 THE COURT: I would appreciate it if you
3 would do that.

4 THE COURT REPORTER: Can I have a
5 restroom break while they --

6 THE COURT: You can have a restroom
7 break. Everybody can have a restroom break.

8 (Whereupon, a brief recess was taken.)

9 THE COURT: Okay. We ready? You're
10 back on the stand. All right.

11 We're good, Bill.

12 (The jury entered the courtroom.)

13 THE COURT: Okay. Counsel stipulate to
14 the presence of the jury panel.

15 MS. RINETTI: Yes, Your Honor.

16 MR. MANN: Yes, Your Honor.

17 THE COURT: Okay. Now we're going to do
18 redirect.

19 Thank you for your patience. It had to
20 be determined before redirect. So thank you very
21 much. All right.

22

23 REDIRECT EXAMINATION (Continued)

24 BY MS. RINETTI:

25 Q. B: , since December of 2010, have you

1 been consistently living in Arizona?

2 A. Yes.

3 Q. So you've been there now for a total of
4 going on six years?

5 A. Yes.

6 Q. Okay. And during the pendency of this
7 case, you came out to testify at a hearing?

8 A. Yes.

9 Q. So you came out to Las Vegas one other
10 time in connection with this case?

11 MR. MANN: Your Honor, I object to
12 leading at this point.

13 THE COURT: Well, we're doing foundation
14 questions so I'm going to overrule. If you get
15 into a little heavier then I'll go with the leading
16 but I would like to kind of move this a little bit.

17 MS. RINETTI: Thank you.

18 THE COURT: I'm going to overrule to
19 keep going.

20 BY MS. RINETTI:

21 Q. I don't even remember my question.

22 You came out once prior to this trial in
23 connection with this case, correct?

24 A. Yes.

25 Q. And while you were in Arizona, did you

1 ever speak to a prosecutor?

2 A. Yes.

3 Q. And was that myself?

4 A. Yes.

5 Q. Was that after the hearing in Las Vegas?

6 A. I don't remember.

7 Q. Okay. And did we speak over the phone
8 or on Skype?

9 A. Skype.

10 Q. Okay. And besides our Skype session,
11 did we ever talk on the phone?

12 A. I think so.

13 Q. Okay. Did we ever talk about the case
14 other than the Skypeing session?

15 A. I don't remember.

16 Q. Okay. Between the time that you were
17 living in Arizona until the time you came out here,
18 have you spoken to a victim advocate?

19 A. Between what times?

20 Q. Between when you were staying in Arizona
21 until you came actually -- physical came here to
22 Las Vegas this time for trial. Did you ever speak
23 to a victim advocate during that period of time?

24 A. I think my mother did.

25 Q. But did you personally speak to a victim

1 advocate?

2 A. I don't remember.

3 Q. Then prior to your testimony on Friday,
4 you spoke to Ms. Kollins and myself?

5 A. Yes.

6 Q. Okay. And did you also speak to a
7 victim advocate as well?

8 A. Yes.

9 Q. And is that victim advocate, you have
10 one sitting in the courtroom here today?

11 A. Yes.

12 Q. And you've had kind of various ones
13 throughout this process?

14 A. Yes.

15 Q. And when you're with your victim
16 advocate, do you talk about details of your abuse?

17 A. No.

18 Q. Do you talk just generally about
19 scheduling and things like that?

20 A. Yes.

21 Q. Okay. And when you spoke to Ms. Kollins
22 and I prior to Friday, did we talk about the case?

23 A. Yes.

24 Q. Did we give you some transcripts to
25 read?

1 A. Yes.

2 Q. And after you read those transcripts,
3 did you leave my office with those transcripts?

4 A. No.

5 Q. And when we spoke in my office, did we
6 talk about things we shouldn't be talking about?

7 MR. MANN: Objection. Speculation.

8 THE COURT: You know, I'm not sure I
9 understand the question. So I was going to
10 sustain.

11 Could you rephrase it because I'm not
12 sure what that means.

13 BY MS. RINETTI:

14 Q. In my office, did we talk about how
15 trial works?

16 A. Yes.

17 Q. That I have an opportunity to ask you
18 questions?

19 A. Yes.

20 Q. And then Mr. Mann gets to ask you
21 questions?

22 A. Yes.

23 Q. And then I get to ask you questions
24 again?

25 A. Yes.

1 Q. And did we mention that you need to use
2 your words?

3 A. Yes.

4 Q. And did we kind of remind you that you
5 have to speak up?

6 A. Yes.

7 Q. Did we say specifically what you needed
8 to say?

9 A. No.

10 Q. Did we talk generally about what
11 happened to you during your abuse?

12 A. Yes.

13 Q. Did we ever suggest answers to you?

14 A. No.

15 Q. And we keep talking about this hearing
16 that you testified at. It happened on
17 December 16th of 2010.

18 Would you have been approximately 11
19 years old at the time?

20 A. Yes.

21 Q. And then you testified -- excuse me --
22 when you spoke with police, that forensic
23 interview, that was December 16th of 2010, and you
24 were 11 years old?

25 A. Yes.

1 Q. And then you testified at a hearing on
2 November 4th of 2011?

3 A. Yes.

4 Q. And would you have been 12 years old?

5 A. Yes.

6 Q. And today, how old are you?

7 A. I am 17.

8 Q. Um, the abuse that happened between you
9 and Cameron, did it happen over a number of years?

10 A. Yes.

11 Q. Did it happen frequently?

12 A. Yes.

13 Q. Did it happen often?

14 A. Yes.

15 Q. And when you came into Ms. Kollins and
16 my office, were you told that you weren't allowed
17 to talk about certain specific instances?

18 A. Yes.

19 Q. Okay. You weren't supposed -- we told
20 you not to talk about Arizona?

21 A. I don't remember but I think so.

22 Q. Okay.

23 A. So stick to Vegas.

24 Q. To stick to Vegas?

25 A. Yes.

1 Q. Okay. And during this period of time,
2 Mr. Mann asked you some questions about the first
3 time anything happened to you.

4 Do you remember those questions?

5 A. Yes.

6 Q. And Mr. Mann had asked you about how old
7 you were, correct?

8 A. Yes.

9 Q. And you remember telling police and
10 during your forensic interview, that the first time
11 something happened to you were between the ages of
12 five and six?

13 A. Six or seven.

14 Q. Okay. Page 10, Counsel.

15 And that you told your forensic
16 interview with the police that it happened that
17 first time at the defendant's house.

18 Do you remember that?

19 A. Yes.

20 Q. And you also testified at that hearing
21 that the first time happened at the defendant's
22 house.

23 Do you remember that?

24 A. Yes.

25 Q. Do you remember telling the police in

1 your interview that the first time happened while
2 you were laying in bed with the defendant?

3 A. Yes.

4 Q. Do you also remember testifying at that
5 hearing that the first time it happened, it
6 happened in the bed with the defendant?

7 A. Yes.

8 Q. Do you remember telling the police
9 officers during your forensic interview that you
10 mentioned that the first time the bedroom door was
11 open?

12 A. Yes.

13 Q. And you testified at trial here Friday
14 and today that the door was open, correct?

15 A. Yes.

16 Q. And you mentioned to the police that the
17 defendant this first time pulled down your pants,
18 correct?

19 A. Yes.

20 Q. And you testified at the preliminary
21 hearing that the defendant's the one that pulled
22 down -- I apologize -- your bottoms?

23 A. Yes.

24 Q. And you told police that this first time
25 the defendant's fingers went inside your vagina,

1 correct?

2 A. Yes.

3 Q. And you testified at the preliminary
4 hearing that the defendant's fingers went inside
5 your vagina?

6 A. Yes.

7 Q. And do you remember testifying at the
8 preliminary hearing that you indicated that that --

9 MR. MANN: Your Honor, I'm still going
10 to object to the leading. This is gone on for a
11 while, the leading questioning.

12 THE COURT: The leading questioning?
13 She's just asking if she recalls. She's not
14 saying, which is what you did, so I am going to
15 overrule. You're not suggesting the answer.
16 You're just asking if she recalls. That's
17 appropriate. And you're referring to the
18 preliminary hearing transcript?

19 MS. RINETTI: Correct. And I am going
20 to preface it between her forensic interview and
21 preliminary hearing.

22 THE COURT: Okay.

23 BY MS. RINETTI:

24 Q. Do you remember testifying at the
25 preliminary hearing that that first time it hurt?

1 A. I don't remember.

2 Q. Page 153 of the preliminary hearing
3 transcript.

4 Would looking at a copy of your
5 transcript refresh your recollection?

6 A. Yes.

7 Q. As to what you said?

8 A. Yes.

9 MS. RINETTI: May I approach, Judge?

10 THE COURT: Yes.

11 BY MS. RINETTI:

12 Q. I'm showing you Page 53. It's going to
13 be in the upper left-hand corner. If you would
14 read those first couple of lines.

15 A. Out loud?

16 Q. No. Just to your self and I apologize.
17 Thank you for asking for instructions.

18 Does that help you refresh your
19 recollection as to what you said at the preliminary
20 hearing?

21 A. Yes.

22 Q. Did you say at the preliminary hearing
23 that that first time his hands went inside your
24 vagina, it hurt?

25 A. Yes.

1 Q. Do you remember also telling police at
2 that first time, your parents, your moms were
3 downstairs?

4 A. Yes.

5 Q. Do you remember testifying at the
6 preliminary hearing that you said that your moms
7 were downstairs?

8 A. Yes.

9 Q. You also -- we talked about an incident
10 that would occur when you were watching Saturday
11 morning cartoons in the defendant's bedroom.

12 Do you remember that?

13 A. Yes.

14 Q. Do you remember telling police it
15 happened at his house?

16 A. Yes.

17 Q. And that it happened a lot?

18 A. Yes.

19 Q. Do you remember telling the police that
20 it would happen when the kids would all go to his
21 room to watch TV?

22 A. Yes.

23 Q. Do you remember telling the police that
24 the defendant's the one that pulled down your
25 bottoms?

1 A. Yes.

2 Q. Do you remember telling police that it
3 happened under the blankets?

4 A. Yes.

5 Q. Do you remember telling police that
6 during that time, his penis went inside your
7 vagina?

8 A. Yes.

9 Q. And do you also remember talking about
10 -- I refer to as the pizza incident, but something
11 that happened when Momma Kay was getting pizza?

12 A. Yes.

13 Q. Do you remember telling the police that
14 something happened when your mom went to get pizza?

15 A. Yes.

16 Q. Do you remember testifying at
17 preliminary hearing that something happened when
18 your mom was getting pizza?

19 A. Yes.

20 Q. Do you remember telling the police that
21 this pizza incident happened at your house in
22 Summerlin?

23 A. Yes.

24 Q. Do you remember testifying at the
25 preliminary hearing that you said that it happened

1 in Summerlin?

2 A. Yes.

3 Q. And do you remember telling the police
4 that Danté was watching a movie?

5 A. Yes.

6 Q. And do you remember testifying me
7 preliminary hearing that Danté was watching a
8 movie?

9 A. Yes.

10 Q. Do you remember telling the police that
11 the defendant had pulled down your bottoms?

12 A. Yes.

13 Q. Do you remember telling police that the
14 defendant placed his penis inside your vagina?

15 A. Yes.

16 Q. Do you remember testifying at the
17 preliminary hearing that the defendant kept
18 grabbing his hand and you'd try to push it away?

19 A. Yes.

20 Q. Do you remember testifying -- telling
21 the police that something happened in your mom's
22 room as well?

23 A. Yes.

24 Q. And that you remember testifying at the
25 preliminary hearing that something happened in your

1 mom's room as well?

2 A. Yes.

3 Q. And do you remember telling the police
4 that you said it happened while you were sitting
5 behind Danté watching a movie?

6 A. Yes.

7 Q. Do you remember testifying at the
8 preliminary hearing that you said it happened when
9 you were sitting behind Danté watching a movie?

10 A. Yes.

11 Q. Do you remember telling the police that
12 when this happened, you were leaning against a
13 wall?

14 A. Yes.

15 Q. Do you remember telling -- testifying at
16 the preliminary hearing that you indicated that
17 this happened while you were leaning against the
18 wall?

19 A. Yes.

20 Q. And do you remember telling police that
21 in your mom's, the defendant lifted up your shirt
22 and licked your breasts?

23 A. Yes.

24 Q. Do you remember testifying at the
25 preliminary hearing that the defendant lifted up

1 your shirt and licked your breasts?

2 A. Yes.

3 Q. And then we also talked about a Block
4 Buster time, on the way to Block Buster.

5 Do you remember that?

6 A. Yes.

7 Q. Do you remember telling police officers
8 that something happened while you were in the front
9 passenger seat?

10 A. Yes.

11 Q. And do you remember testifying at the
12 preliminary hearing that you were in the front
13 passenger seat?

14 A. Yes.

15 Q. And do you remember telling --
16 testifying at the preliminary hearing that the
17 defendant undid your bottoms?

18 A. Yes.

19 Q. And that at the preliminary hearing, you
20 testified that the defendant put his hand in your
21 underwear?

22 A. Yes.

23 Q. And do you remember telling the police
24 that the time in the car it happened while he was
25 driving?

1 A. Yes.

2 Q. Do you remember testifying at the
3 preliminary hearing that you indicated that it
4 happened while he was driving?

5 A. Yes.

6 Q. And do you remember telling the police
7 that during this time in the car that the
8 defendant's hands -- fingers went inside your
9 vagina?

10 A. Yes.

11 Q. Do you remember testifying at the
12 preliminary hearing that defendant's finger went
13 inside your vagina?

14 A. Yes.

15 Q. Do you remember testifying at the
16 preliminary hearing that you said it hurt?

17 A. I don't remember.

18 Q. Page 155.

19 Would looking at what you said help
20 refresh your recollection?

21 A. Yes.

22 Q. Okay.

23 MS. RINETTI: May I approach?

24 THE COURT: Yes.

25 MS. RINETTI: Page 155, again.

1 BY MS. RINETTI:

2 Q. You can just look at the last bottom
3 half of the page to yourself.

4 A. I don't remember this.

5 Q. Okay. Does that help refresh your
6 recollection as to what you testified at the
7 preliminary hearing?

8 A. Yes.

9 Q. And do you remember testifying at the
10 preliminary hearing that the -- when he put his
11 hands -- fingers inside your vagina, it hurt?

12 A. Yes.

13 Q. Do you remember telling police that on
14 the way home, that he tried to put his hands down
15 your pants again?

16 A. Yes.

17 Q. And do you remember testifying at the
18 preliminary hearing about going over the
19 defendant's house to clean his fish tank?

20 A. Yes.

21 Q. And that you didn't clean the fish tank
22 that Friday night?

23 A. We didn't.

24 Q. And do you remember testifying at the
25 preliminary hearing that something happened on

1 Saturday morning?

2 A. Yes.

3 Q. And do you remember testifying that this
4 happened in his bedroom?

5 A. Yes.

6 Q. And do you remember testifying at the
7 preliminary hearing that the defendant pulled down
8 your bottoms?

9 A. Yes.

10 Q. And do you remember testifying at the
11 preliminary hearing that the defendant's penis went
12 inside your vagina?

13 A. Yes.

14 Q. And do you remember testifying at the
15 preliminary hearing that the defendant placed his
16 mouth on your vagina?

17 A. When?

18 Q. At the preliminary hearing. I am sorry.
19 At the hearing.

20 A. Yes.

21 Q. Okay. And do you remember testifying
22 that one of the incidents happened while you were
23 sick?

24 A. Yes.

25 Q. And that it happened inside of your

1 bedroom?

2 A. Yes.

3 Q. And do you remember testifying at the
4 hearing that the defendant's the one that pulled
5 down your bottoms?

6 A. Yes.

7 Q. And do you remember testifying at the
8 preliminary hearing that he performed oral sex or
9 put his mouth on your vagina?

10 A. Yes.

11 Q. And do you also remember testifying at
12 the preliminary hearing about another incident
13 where his mouth went on your vagina and his wife
14 saying that his breath smelled like pee?

15 A. Yes.

16 Q. Do you remember that happening at the
17 Grasswood address?

18 A. It was at -- it was in Summerlin.

19 Q. Okay. Do you remember testifying at the
20 hearing that everyone was dressed up, but you're
21 not sure why?

22 A. Yes.

23 Q. Do you remember testifying that at some
24 point you were playing games with Jordan in a
25 different room?

1 A. Yes.

2 Q. Now, Brie, I know we talked a moment ago
3 about how you came to my office and talked about
4 things we shouldn't be talking about.

5 I want to talk about those, okay?

6 A. Okay.

7 Q. First, I want to talk about Arizona,
8 okay? We're kind of working backwards, if that's
9 okay.

10 A. Okay.

11 Q. You moved to Arizona when?

12 A. When -- in the middle of my fifth grade
13 year. I was 10, about to turn 11.

14 Q. Did something happen between you and the
15 defendant in Arizona?

16 A. Yes.

17 Q. And were you told by myself and Ms.
18 Kollins not to talk about that prior to the trial
19 here today?

20 A. Yes.

21 Q. When the defendant came down to Arizona,
22 who did he come down with?

23 A. He came down with his family, um,
24 Kourtney and Audrey and their two children and
25 Dominic.

1 Q. And did this happen -- did they stay the
2 night or more than one night?

3 A. More than one night.

4 Q. And you already talked about where every
5 one was sleeping. Is it fair to say that most of
6 the kids slept in that living room?

7 A. Yes.

8 Q. And do you remember it was a couple of
9 nights that, you know, everyone was together. Do
10 you remember that some of the adults leaving for
11 the night and going somewhere?

12 A. I don't remember.

13 Q. Okay. Did something happen between you
14 and the defendant during the morning, afternoon or
15 nighttime?

16 A. The morning.

17 Q. Morning. Okay. And where were you in
18 the morning?

19 A. I was in the living room.

20 Q. What were you doing in the living room?

21 A. I was sleeping.

22 Q. Okay. And you mentioned that a bunch of
23 kids were sleeping in the living room and I believe
24 on cross-examination you were closest to the
25 hallway.

1 What did you mean by you were the
2 closest one to the hallway?

3 A. If anyone had come out of the room, they
4 would have saw my head first.

5 Q. Now this apartment, how many bedrooms
6 were there?

7 A. Three

8 Q. And were all three of those bedrooms
9 down that hallway that you're referring to?

10 A. Yes.

11 Q. Okay. And do you remember -- did you
12 have like a sleeping bag or blankets? What did you
13 have to sleep with?

14 A. I had a blanket and a pillow.

15 Q. If you reached out your arms on either
16 side, could you touch any of the kids?

17 A. Yes.

18 Q. Which side, if any?

19 A. The right side. The side where the
20 futon would be.

21 Q. Do you remember -- were you sleeping on
22 your stomach, your back or something else?

23 A I was originally on my side.

Okay. You were originally on your side.

25 Did the defendant come into the living

1 room?

2 A. Yes.

3 Q. Was it light out in the bedroom or dark
4 still?

5 A. It was light out.

6 Q. Okay. And what did he do when he got
7 into the living room?

8 A. He started talking to me but I was still
9 kind of sleep. When he came out, I kind of woke
10 up.

11 Q. When he started to talk to you, where
12 was he in relationship to you?

13 A. He was -- he was standing over me.

14 Q. Okay. And were you still on your side?

15 A. Yes.

16 Q. Or had you moved? Okay. And what did
17 he say?

18 A. He said he was lonely.

19 Q. When he said that, what did he do?

20 A. He sat down and then he laid down next
21 to me.

22 Q. When he laid down next to you, did you
23 change positions or did you stay on your side?

24 A. I kind of moved. I kind of shifted
25 over.

1 Q. And how did you shift over?

2 A. I just scooted back.

3 Q. How did you scoot back? What part of
4 your body scooted back?

5 A. Like my upper half. So I was laying,
6 um, on my side, but like in the fetal position. So
7 I kind of just moved my -- the upper half of my
8 body back because he was laying like this.

9 MS. RINETTI: Just for the record, she
10 is kind of waving her hand in front of her face.

11 THE COURT: Okay.

12 BY MS. RINETTI:

13 Q. So are you facing the defendant or away
14 from the defendant?

15 A. I was facing him.

16 Q. And were you still under the covers?

17 A. Yes.

18 Q. And what did he do?

19 A. He got under the covers.

20 Q. And when he got under the covers, was he
21 on his back, stomach or side?

22 A. He was on his side.

23 Q. And what happened when you both were
24 under the cover?

25 A. He took out his penis and he pulled down

1 my bottoms and he put his penis in my vagina.

2 Q. Did he say anything when he did this to
3 you?

4 A. No.

5 Q. Did you say anything to him?

6 A. No.

7 Q. And did it last -- do you remember how
8 long it lasted for?

9 A. No.

10 Q. What happened after that?

11 A. One of the children started waking up.

12 Q. Do you remember which child?

13 A. No.

14 Q. And based upon the fact that the one
15 child was waking up, it stopped?

16 A. Yes.

17 Q. Did any adults come into the room when
18 that was happening?

19 A. Jennifer, she came out one of the rooms
20 that she was in but I don't remember her walking
21 down the hall.

22 Q. And Jennifer, is that the defendant's
23 wife?

24 A. Yes.

25 Q. And when the defendant's wife came down

1 in the hallway, was his penis still inside of your
2 vagina?

3 A. No.

4 Q. What did you see Jennifer do inside that
5 hallway?

6 A. She looked down the hallway and then she
7 went back in the room or in the bathroom. I don't
8 know where she went after that.

9 Q. How long was she out in the hallway for?

10 A. Just a few seconds.

11 Q. And after Jennifer left out of your view
12 point, what did the defendant and you do?

13 A. He kind of moved away from me.

14 Q. Okay. How did he kind of move away from
15 you?

16 A. He moved his body over, um, and I don't
17 remember after that. I don't know if he stayed
18 down there and started talking to the other kids or
19 if he left.

20 Q. Now, did there come a time here in Las
21 Vegas that you went bathing suit shopping with the
22 defendant?

23 A. Yes.

24 Q. Okay. And did you talk about this
25 incident with the police?

1 A. I don't remember.

2 Q. Okay.

3 MS. RINETTI: Pages 10 through 12 of her
4 voluntary.

5 BY MS. RINETTI:

6 Q. Would looking at your voluntary
7 statement help you refresh your recollection?

8 A. Yes.

9 MS. RINETTI: Permission to approach?

10 THE COURT: Yes.

11 BY MS. RINETTI:

12 Q. Showing you halfway down Page 10.

13 A. I remember it.

14 Q. Does that help refresh your
15 recollection?

16 A. Yes.

17 Q. Do you remember telling the police about
18 a time when you went bathing suit shopping with the
19 defendant?

20 A. Yes.

21 Q. And prior to coming here for trial, did
22 Ms. Kollins and I tell you not to talk about that
23 incident here in court?

24 A. Yes.

25 Q. Okay. We're going to talk about it now,

1 okay?

2 A. Okay.

3 Q. Do you remember how old you were when
4 this happened?

5 A. I don't.

6 Q. Where were you going bathing suit
7 shopping?

8 A. Wal-Mart.

9 Q. And besides yourself, who went with you
10 to Wal-Mart?

11 A. My younger sister, Karter, and Cameron.
12 He drove us.

13 Q. Was this here in Las Vegas?

14 A. Yes.

15 Q. And do you remember what he was driving?

16 A. His truck, his F-150.

17 Q. Do you remember why you were going to
18 get a bathing suit?

19 A. Because the summer had come and my other
20 sisters had already gotten their bathing suits and
21 Karter and I still needed ours.

22 Q. As a kid, did you like swimming?

23 A. Yes.

24 Q. Is it something that you really enjoy
25 doing in the summertime?

1 A. Yes.

2 Q. Did you pick out bathing suits at
3 Wal-Mart?

4 A. Yes.

5 Q. Did Karter pick out bathing suits?

6 A. Yes.

7 Q. Now, how much younger is Karter than
8 you?

9 A. Seven years.

10 Q. Seven years. So if you're 17 now, she's
11 ten?

12 A. Yes.

13 Q. Did you try on some bathing suits?

14 A. Yes.

15 Q. And where did you try these bathing
16 suits on?

17 A. In the Wal-Mart dressing rooms.

18 Q. Who was inside the dressing room at the
19 time?

20 A. Myself, Karter and Cameron. He was
21 standing in the doorway. The door wasn't closed
22 all the way but he was in the stall.

23 Q. Now, at this time, during the Walmart
24 incident, were you to the point, were you old
25 enough where you took baths by yourself?

1 A. Yes.

2 Q. Did the defendant ever give you baths
3 that you can remember?

4 A. No.

5 Q. Okay. Did he give your younger sibling,
6 Karter, baths?

7 A. Yes.

8 Q. Okay. But you were old enough where you
9 took baths by yourself?

10 A. Yes. Sometimes I took baths with Zailey
11 but usually no one else.

12 Q. So no other adult males?

13 A. Yes. No other adult males.

14 Q. Now, in dressing rooms, there's like big
15 dressing rooms for like handicap or like families,
16 and then there is like, kind of like the
17 regular-sized dressing rooms.

18 Do you remember if you were in the big
19 dressing room or the small dressing room?

20 A. I don't remember what dressing room it
21 was. I just know it was kind of crowded for just
22 Karter and I.

23 Q. And you said the defendant was kind of
24 standing in the doorway?

25 A. Yes.

1 Q. Was he facing you or facing away from
2 you?

3 A. He was facing us.

4 Q. Did you say anything while you were in
5 the dressing room to get changed? Did you say
6 anything to him?

7 A. I said that Karter and I needed to put
8 on bathing suits.

9 Q. And when you said that, what happened?

10 A. Mr. Thomas told -- he told me that he
11 had already seen Karter naked before so it was
12 fine.

13 Q. Did you feel comfortable changing in
14 front of him?

15 A. No.

16 Q. And did you have to change in front of
17 him?

18 A. Yes.

19 Q. Did Karter have to change in front of
20 him?

21 A. Yes.

22 Q. What was the defendant doing when you
23 were trying on bathing suits?

24 A. He was watching us.

25 Q. Okay. Did he say anything when he did

1 this?

2 A. No.

3 Q. Did you say anything to him?

4 A. No.

5 Q. How did it make you feel?

6 A. It made me feel really uncomfortable.

7 Q. Why did it make you feel really
8 uncomfortable?

9 A. Because I was naked and my sister was
10 also but she was too young to really know that
11 maybe he shouldn't be in there.

12 Q. And is that because just the kind of age
13 you were at? Like you didn't need to be naked
14 around adult males?

15 A. Yes.

16 Q. Now, you mentioned on Friday and again
17 today that you went to a day care called Kids 'R'
18 Kids?

19 A. Yes.

20 Q. And is that located here in Las Vegas?

21 A. Yes.

22 Q. And how often did you go to the day
23 care?

24 A. Almost every day.

25 Q. Almost every day. At some point, were

1 your mom's working at the day care?

2 A. Yes.

3 Q. And at some point, was the defendant
4 working at this day care?

5 A. Yes.

6 Q. Can you describe a little bit -- I know
7 you mentioned it on Friday that there's different
8 classrooms in Kids 'R' Kids. Is there an upstairs
9 to Kids 'R' Kids?

10 A. Yes.

11 Q. And what's upstairs?

12 A. The attic.

13 Q. And can you kind of describe what the
14 attic looks like?

15 A. It was really messy. There were
16 mattresses for nap time, a ton of toys that no one
17 was really using. There were a few couches, a
18 table. I think there was a television.

19 There was a microwave in the general
20 area and there were a few rooms off of just the
21 main room and there were bathrooms, um.

22 There was an office, and then there was
23 another room and it had a lot windows and there was
24 a glass window separating it from the rest of the
25 attic where they kept most of the art supplies.

1 Q. This attic kind of area, were kids
2 allowed, to your knowledge, allowed to go up there?

3 A. Um, I don't think that they were but I
4 was allowed to.

5 Q. And why would you go up there?

6 A. To help out.

7 Q. And who would you help out?

8 A. I would help out sometimes my parents if
9 they -- well, Mommy Kay, if she asked me to get
10 something. I would help out Cameron and sometimes
11 once I helped out Bonnie.

12 Q. And what kind of things would you do in
13 the attic?

14 A. I would sort files. I would retrieve
15 toys or mattresses and help organize the art
16 supplies because that was my favorite area.

17 Q. Is that because you're really into art?

18 A. Yes.

19 Q. Okay. At this day care, were there
20 cameras when you went to the day care?

21 A. Yes.

22 Q. To your knowledge, is it true that you
23 believe that there were some areas where the
24 cameras didn't -- weren't there?

25 A. Yes. There were blind spots.

1 Q. Okay. Now, prior to coming and
2 testifying here at the trial, did Ms. Kollins and I
3 tell you not to talk about anything that happened
4 at the day care?

5 A. Yes.

6 Q. Okay. We're going to talk about the day
7 care, okay?

8 A. Okay.

9 Q. When you were up in the attic with the
10 files, did anything ever happen?

11 A. Yes.

12 Q. And do you remember who was in the attic
13 when something happened?

14 A. Yes.

15 Q. Who was in the attic?

16 A. Cameron and myself.

17 Q. Why were you in the attic?

18 A. We were sorting the files of children
19 who didn't attend the day care anymore.

20 Q. Do you remember if this was the morning,
21 the afternoon or kind of close to the closing time?

22 A. I don't remember.

23 Q. Where were you to try to help organize
24 these files? Because you mentioned a couple of
25 rooms in the attic area.

1 A. We were in the office and there was a
2 very narrow room. So it was just a table or desk,
3 a computer, maybe two, and then files and a chair.

4 Q. And was there anyone else in this room
5 at the time?

6 A. Not at the time. Just myself and
7 Cameron.

8 Q. Who's idea was it for you to help?

9 A. I don't remember.

10 Q. And did you start helping him in?

11 A. Yes.

12 Q. Did anything happen while you were in
13 the attic trying to help him sort out files?

14 A. Yes.

15 Q. And what happened?

16 A. I was sorting files and Cameron kept
17 pulling at my bottoms and he wanted me to sit on
18 his lap.

19 Q. You said he was kind of playing with
20 your bottoms. How was he playing with your
21 bottoms?

22 A. He was pulling at the button at the top
23 of my pants and he was trying to get me to come
24 closer to him.

25 Q. And how did you know he was trying to

1 get you to come closer to him?

2 A. He was pulling me towards him.

3 Q. And when he was pulling you towards him,
4 was he holding on to that button area?

5 A. Yes.

6 Q. And you said it was pants. Are you sure
7 you were wearing pants or were you just saying
8 pants?

9 A. Just bottoms.

10 Q. Okay. But you remember the bottoms had
11 a button?

12 A. Yes.

13 Q. Did he say anything when he kind of
14 grabbed your bottom -- of your button and kind of
15 pulled you towards him?

16 A. No.

17 Q. Where was the defendant in the room when
18 he did this?

19 A. He was sitting in a chair to the right
20 of me. So I was closest to the door and he was on
21 the other side of myself.

22 Q. Did he say anything when he did this?

23 A. No.

24 Q. Did you say anything to him?

25 A. No. I just pushed him away.

1 Q. How did you kind of push him away?

2 A. I moved his hand or I'd kind of move
3 further towards the door.

4 Q. You mentioned that you thought he was
5 trying to get you on to his lap.

6 A. Yes.

7 Q. What did he do that made you think that
8 he wanted you to be on his lap?

9 A. The hand closest to me, he kept pulling
10 my hip, um, and he was trying to get me to his legs
11 were facing me and he kept pulling me towards him
12 and down.

13 Q. Okay. Did he say anything though?

14 A. No.

15 Q. Okay. Do you remember how many times he
16 tried to get you to kind of moved towards him?

17 A. No. But he eventually stopped.

18 Q. To your knowledge, do you know why he
19 stopped?

20 A. No.

21 Q. Do you remember how long you were up in
22 the attic area?

23 A. No.

24 Q. Do you remember leaving the attic area?

25 A. Yes.

1 Q. Do you remember if you left with the
2 defendant or without him?

3 A. No.

4 Q. Do you remember if this happened like
5 when it was hot or cold out?

6 A. No.

7 Q. Okay. Brie, when did you meet the
8 defendant?

9 A. The same time I met Mommy Kay, which was
10 when I started to going to day care.

11 Q. So roughly 2006?

12 A. Yes.

13 Q. Okay. And you left for Arizona at the
14 end of 2010; is that fair to say? Excuse me.

15 Beginning of 2010?

16 A. Yes.

17 Q. And so you knew Cameron for a number of
18 different years growing up?

19 A. Yes.

20 Q. Maybe like 6 up to almost like 10, 11?

21 A. Yes.

22 Q. Okay. And besides that intermittent
23 period of time when your parents weren't talking to
24 one another -- your parents weren't talking to him,
25 was he kind of a constant in your life?

1 A. Yes.

2 Q. Did you view him kind of as an authority
3 figure?

4 A. Yes.

5 Q. Did you also view him as like a close
6 relative?

7 A. Yes.

8 Q. Brie, at the time, did you have a dad in
9 your life?

10 A. Not at the time. Um, around the same
11 time that I met Mommy Kay, I had stopped talking to
12 my dad.

13 Q. So was the defendant kind of one of the
14 only male adult figures in your life at the time?

15 A. Yes. Really the only other involved
16 male figure is my grandfather and at the time he
17 lived in Arizona. For most of the time, actually.
18 He had lived out there for a little and we didn't
19 get to see him a lot.

20 Q. Did you like having this kind of adult
21 male figure in your life?

22 A. Sometimes. I wasn't really used to it
23 though.

24 Q. Okay. But you viewed him as kind of an
25 authority figure?

1 A. Yes.

2 Q. Okay. Now, on cross-examination, Mr.
3 Mann talked to you about a time when the defendant
4 placed his mouth on your vagina and do you remember
5 the defendant's wife saying his breath smelled like
6 pee?

7 A. Yes.

8 Q. And you said you felt guilty. Why did
9 you feel guilty?

10 A. Um, because Jennifer was his wife. I
11 felt like I was doing something wrong because
12 clearly those are the type of things that he should
13 only be doing with his wife or whoever else, but it
14 wasn't really my business. So I felt guilty.

15 Q. Did you -- let me put it this way. Were
16 you concerned you wanted to make sure the defendant
17 and his wife stayed together or happy?

18 A. Not really. I just, um, I was concerned
19 with Jennifer.

20 Q. Okay. Mr. Mann asked you a bunch of
21 questions about after each incident talking to your
22 mom, Mommy Kay or Mommy-mommy.

23 Why didn't you talk to Mommy-mommy or
24 Mommy Kay about what was going on between you and
25 the defendant?

1 A. I was scared.

2 Q. And what were you scared of?

3 A. I was scared I would get in trouble or
4 that they wouldn't believe me.

5 Q. Why did you think you were going to get
6 in trouble?

7 A. Because I got in trouble a lot even for
8 little things.

9 Q. Did you think this was kind of a big
10 thing?

11 A. Yes. And I thought I would definitely
12 get in trouble for something big if I could get in
13 trouble for something minor.

14 Q. Mr. Mann asked you some questions that
15 your mommies talked to you on a number of different
16 occasions about people touching you; is that fair
17 to say?

18 A. Yes.

19 Q. And asking you whether or not anyone had
20 touched you?

21 A. Yes.

22 Q. You indicated that you didn't tell your
23 moms anything?

24 A. I didn't tell them.

25 Q. And why in those specific instances when

1 they are asking you if someone has touched you did
2 you elect not to say anything?

3 A. Um, one of the times Cameron was
4 actually there and my mom -- she was really angry.
5 And the other times I just -- I didn't know how I
6 should say it or bring it up or how she would react
7 or how Cameron would react to it.

8 Q. I know you've testified probably now
9 close to seven hours; is that fair to say?

10 A. Yes.

11 Q. Over the past two days. Is that fair to
12 say?

13 A. Yes.

14 Q. Friday and Monday?

15 A. Yes.

16 Q. Is this stuff that you want to talk
17 about?

18 A. No.

19 Q. Is this stuff that you want to think
20 about?

21 A. No.

22 Q. Is this stuff that you have to think
23 about?

24 A. Yes.

25 Q. And in preparation for trial and getting

1 subpoenas, have you thought about it?

2 A. Yes.

3 Q. Is it something that you want to think
4 about?

5 A. No.

6 Q. Is it something that you want to talk
7 about in front of all these strangers?

8 A. No.

9 Q. Is it something that you even want to
10 talk to your family about?

11 A. No.

12 Q. Do you feel comfortable even talking to
13 your family about it?

14 A. No.

15 Q. Is it something that you want to share
16 with your sister?

17 A. Um, not if I don't have to.

18 Q. Why just in case you don't have to?

19 A. Um, it's just -- I don't want her to
20 look at me different.

21 Q. Why do you think she would look at you
22 differently?

23 A. Because I'm the oldest and it was really
24 stupid of me not to say anything.

25 Q. Why is it stupid for you not to say

1 anything?

2 A. I was scared. And now looking back, I
3 really didn't have anything to be afraid of.

4 Q. Has your moms been supportive of you?

5 A. Yes.

6 Q. Okay. Brie, has Mommy Kay told you what
7 to say today?

8 A. No.

9 Q. Or I am going to say when I say "today,"
10 I'm talking about your trial testimony in general,
11 okay?

12 A. Okay.

13 Q. Did Mommy Kay ever tell you what to say?

14 A. No.

15 Q. Did Mommy April ever tell you what to
16 say?

17 A. No.

18 Q. Did Zailey ever tell you what to say?

19 A. No.

20 Q. Did Child Protective Services tell you
21 what to say?

22 A. No.

23 Q. Did the police tell you what to say?

24 A. No.

25 Q. Did I tell you what to say?

1 A. No.

2 Q. Did Ms. Kollins tell you what to say?

3 A. No.

4 Q. Do you feel pressure to say one thing or
5 another here today?

6 A. No.

7 Q. Are you saying these things because, in
8 fact, they actually occurred?

9 A. Yes.

10 Q. Are you saying this because of an
11 argument between your parents and the defendant
12 that you didn't know the details about?

13 A. No.

14 Q. Is it something that you wanted to come
15 here and testify about?

16 A. Um, yes and no.

17 Q. Why yes and no?

18 A. Um, I don't want it to happen to someone
19 else again but I don't want to talk about it.

20 Q. Okay. Has this been tough the last two
21 days?

22 A. Yes.

23 MS. RINETTI: Nothing further.

24 THE COURT: Okay. Any re-cross?

25 MR. MANN: Yes, Your Honor.

1 MS. RINETTI: Judge, may we approach
2 just briefly?

3 THE COURT: Certainly.

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

6 THE COURT: Due to some of the testimony
7 that you just heard on direct, I'm -- under Nevada
8 law, I am to read you this jury instruction.

9 Evidence that the defendant committed
10 offenses other than that for which he is on trial,
11 if believed, was not received and may not be
12 considered by you to prove that he is a person of
13 bad character or to prove that he has a disposition
14 to commit crimes. Such evidence was received and
15 may be considered by you only for the limited
16 purpose of whether or not A P fabricated
17 allegations of sexual abuse. You must weigh this
18 evidence in the same manner as you do all other
19 evidence in the case.

20 Okay. Now we're going to do re-cross.

21 Mr. Mann.

22 MR. MANN: Thank you, Your Honor.

23 THE COURT: You're welcome.

24 ///

25 ///

1 RECROSS-EXAMINATION

2 BY MR. MANN:

3 Q. Brie, you stated that you got in trouble
4 a lot.

5 A. Yes.

6 Q. That your mom at one point was really
7 angry, which was the reason you didn't tell her
8 anything.

9 A. Yes.

10 Q. Now, is it fair to say that you were
11 scared of your mom when she was angry?

12 A. Yes.

13 Q. And you didn't want to cross your mom
14 when she was angry?

15 A. I don't want to cross her at all.

16 Q. And that's because you were in trouble a
17 lot? She was mad at you a lot?18 A. No. I was just in trouble a lot. She
19 wasn't mad at me a lot. But when she did get mad,
20 I was afraid.21 Q. And let me be clear. Is this Mommy
22 April or Mommy Kay?

23 A. April.

24 Q. Okay. So you're biological mother?

25 A. Yes.

1 Q. But Mommy Kay would also get upset too?

2 A. Yes.

3 Q. And she would get pretty angry as well?

4 A. Not as angry as April, but yeah.

5 Q. Okay. And because of that anger, you
6 were scared?

7 A. Yes.

8 Q. Now, let's talk about this bathing
9 room -- I am sorry -- bathing suit shopping
10 incident, okay?

11 You said that Cameron took you guys to
12 get bathing suits?

13 A. Yes.

14 Q. But this was at the suggestion and
15 direction of your mothers, correct?

16 A. I don't remember.

17 Q. Okay. Do you remember where you were
18 before you went to Wal-Mart?

19 A. Um, I think I was at the day care but I
20 can't be sure.

21 Q. Do you think maybe that you were at
22 someone's house and there was a swimming pool?

23 A. I don't remember.

24 Q. Okay. And that you couldn't go swimming
25 at that time because you didn't have a bathing

1 suit?

2 A. I don't remember.

3 Q. Okay. But you eventually went to
4 Wal-Mart so you could go swimming?

5 A. Yes.

6 Q. And you went and picked out your own
7 bathing suit?

8 A. Yes.

9 Q. Karter went and picked out her own
10 bathing suit?

11 A. Yes.

12 Q. At four years old?

13 A. Yes.

14 Q. And you then went into the dressing
15 room?

16 A. Yes.

17 Q. Karter went into the dressing room?

18 A. Yes.

19 Q. And Cameron went into the dressing room?

20 A. Partly, yes.

21 Q. Okay. You say "partly." You said that
22 the door was left partially open?

23 A. Yes.

24 Q. Okay. Now, there was an attendant in
25 the middle of the dressing rooms, correct?

1 A. There is a desk but I don't know if she
2 had moved or anything.

3 Q. Okay. And do you remember giving a
4 statement to the police about this?

5 A. Vaguely.

6 MR. MANN: Page 12, voluntary statement.
7 Actually starting on Page 11 at the bottom.

8 BY MR. MANN:

9 Q. The question asked to you was: Oh, just
10 you and your sister? Okay. Was there any staff or
11 anybody around in the dressing room when he was in
12 there?" And your answer on Page 12 was: Um, they
13 had dressing room stalls and then right in the
14 middle there was an attendant there.

15 A. Yeah. She was at her desk, but I don't
16 know what happened after we went in.

17 Q. Okay. So it's fair to say then at some
18 point when you were in the stalls, there was an
19 attendant there?

20 A. Yes.

21 Q. Okay. And you waited and stared at
22 Cameron, correct?

23 A. Yes.

24 Q. And you were staring. And he asked why
25 aren't you getting your bathing suit on?

1 A. Yes.

2 Q. And you said what?

3 A. Karter and I, we need to put on our
4 bathing suits. We need to get undressed.

5 Q. Okay. And you said that you felt
6 uncomfortable?

7 A. Yes.

8 Q. Okay. Why did you feel uncomfortable?

9 A. Because I was naked and my sister was
10 there, but she was clueless and I didn't want
11 her -- I didn't want it to affect her and make her
12 think that it was okay. But it was happening and
13 she didn't see anything wrong with it.

14 Q. And you had testified previously that he
15 had never seen you naked before; is that right?

16 A. As far as I know.

17 Q. Okay. So this was a time that you went
18 to Wal-Mart that Karter was four years old, right?

19 A. I don't know what age she was. I just
20 know that she was -- she could walk, she could
21 talk. She knew what she wanted as far as her
22 bathing suit.

23 Q. During redirect, Ms. Rinetti asked you
24 if Karter was about four years old and I believe
25 you said yes?

1 MS. RINETTI: Objection. I don't think
2 I asked that.

3 THE COURT: You know what, just remember
4 your recollection of the testimony. So go ahead
5 and answer. Do you --

6 THE WITNESS: If I was -- I would have
7 been 11 at the time so I couldn't -- she couldn't
8 have been four. She would have been four in
9 Arizona.

10 BY MR. MANN:

11 Q. Okay. She was born in 2006, correct?

12 A. Yes.

13 Q. You were born in 1999?

14 A. Yes.

15 Q. All right. But you said Karter was
16 walking and talking and able to pick out her own
17 bathing suits?

18 A. Yes.

19 Q. Okay. So would it be fair to say that
20 she was at least three?

21 A. Two or three.

22 Q. Okay. And if she was let's say two, so
23 that's 2008 and 2008 you were about 9?

24 A. Yes.

25 Q. If she was three, you were about ten?

1 A. Yes.

2 Q. Okay. And, um, it was at that time that
3 you had indicated as we had discussed that he had
4 never -- Mr. Cameron had never seen you naked
5 before?

6 A. No. As far as I know.

7 Q. Okay. All right. And this was after
8 the time that he put you into bed the first time?

9 A. Yes.

10 Q. This was after the numerous cartoon
11 incidents where he would put you under the covers,
12 pull down your pants and put his penis inside your
13 vagina?

14 A. Yes.

15 Q. And this was after the time that he took
16 you to Blockbuster and put his finger into your
17 vagina?

18 A. I don't know.

19 Q. Okay. And this was after the time that
20 you were -- when your mom went to get pizza and he
21 licked your breasts?

22 A. I don't know.

23 Q. Okay. Now, I had asked you about this
24 Memorial Day weekend in 2010 incident in Arizona.
25 And you had testified that you were down at the end

1 of the hallway, right?

2 A. Yes.

3 Q. All right. So anyone that walked out of
4 their room would easily see what was happening to
5 you down the hallway?

6 A. They would have saw at least my head.

7 Q. Okay. And also, when Ms. Rinetti asked
8 you, you know, could you reach and touch anyone on
9 either side from where you were. You said, yes.
10 On your right side you could touch someone?

11 A. Yes.

12 Q. Okay. And so on your right side, you
13 could touch someone. There was a wall next to you,
14 correct?

15 A. There was a futon.

16 Q. A futon next to you?

17 A. Yes.

18 Q. So it's fair to say then that if
19 Mr. Cameron lied down next to you, he was lying
20 down between the person that was on your right and
21 you?

22 A. No. He was closer to the hallway and
23 the television.

24 Q. Okay. So he was more in the hallway
25 than you were?

1 A. He wasn't in the hallway, but he was
2 next to me. And if you had come out of the room,
3 you probably would have saw his head too.

4 Q. Okay. But he was not between the person
5 on your right and you?

6 A. No.

7 Q. But he was closer to the television?

8 A. Yes. I was -- to my right is the futon,
9 to my left is Cameron.

10 Q. And you stated that he was on his side?

11 A. Yes.

12 Q. And you were on your side?

13 A. Yes.

14 Q. And you were on your right side; is that
15 correct?

16 A. I was on my left, left side.

17 Q. Left side. And he was on his right
18 side?

19 A. Yes.

20 Q. And it was at this point that he put his
21 penis inside of you?

22 A. Yes.

23 Q. And the kid that was right next to you
24 never saw anything?

25 A. They weren't right next to me, but I

1 could reach out and touch them if I needed to.

2 Q. Okay. Do you remember who that was?

3 A. No.

4 Q. The Kids 'R' Kids attic incident, um,
5 you would go up to that attic a lot, right?

6 A. Um, not a lot, but probably out of the
7 rest of kids, I went the most.

8 Q. Because your moms worked there?

9 A. Yes.

10 Q. And you knew Cameron?

11 A. Yes.

12 Q. And they trusted you to go up and down
13 to get things?

14 A. Yes.

15 Q. You knew how the place was laid out?

16 A. Yes.

17 Q. You knew where things were?

18 A. Yes.

19 Q. And this time that you were organizing
20 files, Cameron was up there with you?

21 A. Yes.

22 Q. And you testified that he was up there
23 alone?

24 A. No. It was himself and me.

25 Q. Okay. You testified that he was alone

1 up there with you?

2 A. Yes.

3 Q. And you were trying to organize these
4 files?

5 A. Yes.

6 Q. And you then -- he tried to pull you
7 closer to him?

8 A. Yes.

9 Q. And you resisted?

10 A. Yes.

11 Q. And according to you, you resisted many
12 times?

13 A. A few.

14 Q. A few times. And eventually you went
15 downstairs?

16 A. Yes.

17 Q. And he never succeeded in touching any
18 of your body parts?

19 A. Um, not that time. I remember that we
20 had gone up again a different time but I don't
21 remember if anything happened.

22 Q. Okay. You felt guilty about Jennifer
23 smelling the pee on his breath, right?

24 A. Yes.

25 Q. Because you felt bad for Jennifer?

1 A. Um, kind of.

2 Q. Did you ever tell Jennifer anything?

3 A. No. I thought she had known but she
4 just didn't want to say anything.

5 Q. Okay. And when this "pee on the breath"
6 discussion occurred, you said that Jennifer was
7 upset?

8 A. Yes.

9 Q. Upset with Cameron?

10 A. Yes.

11 Q. That his breath smelled like pee?

12 A. Yes.

13 Q. And it was your understanding at that
14 time that the reason his breath smelled like pee
15 was because he had put his mouth on your vagina?

16 A. Yes.

17 Q. And that when he said his breath did not
18 smell like pee, she was upset with him?

19 A. She was upset because he was lying and
20 it was a stupid lie.

21 Q. Okay. It's fair to say that you knew
22 the families back in December of 2010 were very
23 upset with each other?

24 A. Yes.

25 Q. And as you said when Mommy April is

1 upset, she gets really upset?

2 A. Yes.

3 Q. And so upset that you were scared of
4 Mommy April?

5 A. Sometimes.

6 Q. And it's fair to say that she was really
7 upset at Cameron?

8 A. Yes.

9 MR. MANN: No further questions.

10 THE COURT: Okay. Any re-redirect?

11 MS. RINETTI: Just very brief.

12 THE COURT: Okay.

13

14 FURTHER REDIRECT EXAMINATION

15 BY MS. RINETTI:

16 Q. You mentioned that the time of the
17 bathing suit shopping at Wal-Mart, the defendant
18 hadn't seen you naked?

19 A. No.

20 Q. But this was after the first time
21 something happened?

22 A. Yes.

23 Q. And after maybe some other things had
24 happened?

25 A. Yes.

1 Q. So what do you mean by the fact that the
2 bathing suit incident, that he had never seen you
3 naked?

4 A. He had never seen me with completely no
5 clothes on.

6 Q. Okay. And that's because sometimes you
7 were under the covers?

8 A. Yes.

9 Q. And sometimes --

10 MR. MANN: Objection. Leading.

11 THE COURT: I'll sustain that but she
12 can explain.

13 MS. RINETTI: Yeah.

14 BY MS. RINETTI:

15 Q. When he would do things to you, did your
16 clothes ever come off?

17 A. Um, not -- well, once all the way and
18 that was the time with the fish tank and my shorts
19 and my underwear were completely off.

20 Q. Mr. Mann asked you some questions about
21 Mommy April getting upset.

22 A. Yes.

23 Q. Are you scared if you say something
24 wrong here today that Mommy April is going to be
25 upset?

1 A. No.

2 Q. Are you saying these things today
3 because you think Mommy April is going to be upset
4 with you?

5 A. No.

6 Q. When you spoke with police back in 2010,
7 did you say things because you were afraid of Mommy
8 April?

9 A. At that point, I knew that I wasn't
10 going to get in trouble, that she had my back and
11 she believed me.

12 Q. And at the hearing in 2011, did you say
13 things after being sworn to tell the truth because
14 Mommy April -- you were afraid of Mommy April?

15 A. No.

16 MS. RINETTI: Nothing further.

17 THE COURT: Any --

18 MR. MANN: No further questions, Your
19 Honor. Thank you.

20 THE COURT: This is the time now.
21 Remember, I told you, you can ask questions. I do
22 have some questions and I think it's from Juror
23 Number 2?

24 JUROR NO. 2: Yes.

25 THE COURT: Do you still want to ask

1 these? Why don't you do this. Let me have my
2 Marshal, because you did this a long time ago.

3 JUROR NO. 2: I did it Friday.

4 THE COURT: Okay. I'm going to have you
5 look at it again. I kept it.

6 JUROR NO. 2: I know the questions.

7 THE COURT: And it is you. Do you still
8 want me to ask them?

9 JUROR NO. 2: Yes.

10 THE COURT: Okay. So let me put -- is
11 there anybody else that has any -- and be sure --
12 if it's okay with your permission, I'm going to put
13 your juror number, which is 0124 and your last
14 name, all right, on here.

15 JUROR NO. 2: Correct. I'm sorry.

16 THE COURT: No, that's okay, but I just
17 wanted the record to reflect that I am correct.
18 And is the juror name and number. So we're --
19 okay, perfect. 0124.

20 And Counsel needs to approach. Remember
21 I told you I have to do this with Counsel, all
22 right? Okay.

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

25 THE COURT: I'm going to go ahead and

1 ask these -- and once again, when I do them both,
2 the State and the defense can ask follow-up
3 questions, all right?

4 What year did high school musical come
5 out?

6 THE WITNESS: Um, I don't remember when
7 the first one came out but I know definitely that
8 the third one came out October 2008.

9 THE COURT: Okay. So there was more
10 than one?

11 THE WITNESS: There were three.

12 THE COURT: Okay. But you know the
13 third one came out in October --

14 THE WITNESS: 2008. And the second one
15 came out sometime during summer.

16 THE COURT: Of what year?

17 THE WITNESS: I don't know.

18 THE COURT: Okay. That's fine. All
19 right.

20 Second one. If possible, please give
21 more description of side to side, face to face
22 penetration took place.

23 THE WITNESS: He would, um, was far as
24 position goes, he would lift my --

25 THE COURT: You need to speak up. I'm

1 sorry because you're looking at me.

2 THE WITNESS: Okay. As far as position
3 goes, he would lift my leg up in order to put his
4 penis in my vagina when we were face to face.

5 THE COURT: All right. And what was the
6 age of Danté at pizza incident?

7 THE WITNESS: I don't know. I never
8 knew the age of Danté.

9 THE COURT: Okay. All right. Now,
10 State would you like to do any follow-up questions?

11

12 FURTHER FURTHER REDIRECT EXAMINATION

13 BY MS. RINETTI:

14 Q. Is High School Musical a TV show or
15 movie?

16 A. It's a movie.

17 Q. Do you know how many movies of High
18 School Musical there are?

19 A. There are three and technically a
20 fourth.

21 Q. What do you mean technically a fourth?

22 A. There was a spin off movie about one of
23 the characters.

24 Q. Do you remember when that movie came
25 out?

1 A. I know it came out after I had moved to
2 Arizona because I saw it on TV.

3 Q. Okay.

4 MS. RINETTI: Nothing further.

5 THE COURT: Okay. Any cross, Mr. Mann?

6 MR. MANN: Yes, Your Honor.

7

8 FURTHER FURTHER RECROSS-EXAMINATION

9 BY MR. MANN:

10 Q. Um, Brie, when you were asked about the
11 position with the face-to-face penetration, you
12 said that you would lift your leg up, correct?

13 A. He would lift my leg up.

14 Q. He would lift your leg up. And he would
15 do that with what?

16 A. His hand.

17 Q. Now, you had testified on numerous
18 occasions about your pants or your bottoms still
19 remaining on you when this penetration would occur?

20 A. Yes.

21 Q. And the only time that you testified
22 that maybe your clothes were off, and you
23 specifically said the only time, was the fish tank
24 incident?

25 A. Yes.

1 Q. Okay. And so the other times that
2 you're talking about, he would lift your leg with
3 your underwear around your ankles or around your
4 knees?

5 A. Yes.

6 MR. MANN: No further questions.

7 THE COURT: Okay. No? All right.

8 Thank you very much. You are now free
9 to go, ma'am.

10 (The witness exited the courtroom.)

11 THE COURT: Can we keep going? Does
12 anybody need a break? We're going to keep going.
13 I do too. The judge wants to do -- next witness
14 for the State. Do we have --

15 MS. KOLLINS: We do, Judge.

16 THE COURT: All right.

17 MS. KOLLINS: The State calls --

18 THE COURT: I'm sorry?

19 MS. KOLLINS: Z: F .

20 THE COURT: Z: F . All right.

21 MS. KOLLINS: Give me just a moment.

22 Your Honor, the same record for this
23 witness.

24 THE COURT: Yes. Since she is a minor,
25 I'm going to allow the courtroom to be cleared

1 except -- Mr. Mann's assistant isn't here but I'm
2 ordering it be cleared from the general public.

3 MS. KOLLINS: Thank you.

4 THE COURT: And also the -- I don't know
5 if she has one but if she has a patient advocate
6 that can be here for her.

7 MS. KOLLINS: She does, Your Honor. The
8 same advocate that has been here.

9 THE MARSHAL: Remain standing. Face the
10 clerk and she is going to swear you in.

11 Whereupon,

12 Z/ F ,
13 having been called as a witness, and having been
14 first duly sworn to testify to the truth, was
15 examined and testified as follows:

16 THE WITNESS: Yes.

17 THE CLERK: Thank you. Please be
18 seated. And will you please state your full name,
19 spelling your first and last name for the record.

20 THE WITNESS: Z/ F . Oh, spell
21 it?

22 THE CLERK: Your first and last name.

23 THE WITNESS: Z- , F- .

24 THE CLERK: Thank you.

25 THE COURT: Thank you. Direct exam.

1 Make sure you speak up for us,
2 Ms. Flores.

3 THE WITNESS: All right.

4

5 DIRECT EXAMINATION

6 BY MS. KOLLINS:

7 Q. Good afternoon, Zi . Sorry to keep
8 you waiting all day.

9 How are you?

10 A. Good. How are you?

11 Q. Good. When's your birthday, ma'am?

12 A. May th.

13 Q. Of what year?

14 A. 2001.

15 Q. So you are how old right now?

16 A. Fifteen.

17 Q. Do you go to school?

18 A. Yes.

19 Q. Where did you go to school?

20 A. Um, next year I am going to MHS.

21 Q. MHS?

22 A. Yeah.

23 Q. Is that a yes?

24 A. Yeah. Yes.

25 Q. Is that here in Las Vegas or somewhere

1 else?

2 A. Arizona.

3 Q. How long have you lived in Arizona?

4 A. Six years, I think.

5 Q. Okay. Who do you live in Arizona with?

6 A. My grandparents and my moms and my
7 sisters.

8 Q. Okay. Who are your moms?

9 A. April and Kay.

10 Q. And who are your sisters?

11 A. Ambree, Z... and K... .

12 Q. Okay. Did Ambree just leave right
13 before you walked in?

14 A. Yes.

15 Q. She is older than you are?

16 A. Yes.

17 Q. What year in school are you at?

18 A. I am going to be a sophomore next year.

19 Q. Do you know Cameron Thomas?

20 A. Yes.

21 Q. Do you see him in court today?

22 A. Yes.

23 Q. Where is he seated and what is he
24 wearing today?

25 A. Um, he's sitting on the right side of

1 the court and he's wearing a blue plaid tie and
2 blue suit.

3 MS. KOLLINS: May the record reflect the
4 identification of the defendant.

5 THE COURT: Yes. The record shall so
6 reflect.

7 BY MS. KOLLINS:

8 Q. How long have you known Cameron?

9 A. I am not quite sure, but for a long
10 time.

11 Q. How did you meet Cameron?

12 A. He went to the day care I went to.

13 Q. Okay. What day care was that?

14 A. Kids 'R' Kids.

15 Q. Is that here in Las Vegas, Clark County,
16 Nevada?

17 A. Yes.

18 Q. Okay. Do you remember when you started
19 going to Kids 'R' Kids?

20 A. When I was around five or four.

21 Q. Okay. And how is it that you came to
22 start going to Kids 'R' Kids?

23 A. My mom worked there.

24 Q. Which mom?

25 A. April.

1 Q. Okay. Would you go there with your mom?

2 A. Yes.

3 Q. Okay. When you started going there with
4 your mom, did you meet Mom Kay?

5 A. Yes.

6 Q. Okay. And did you come here to Las
7 Vegas with both Mom Kay and Mom April?

8 A. Come to Las Vegas?

9 Q. Did you come to Las Vegas --

10 A. Oh, yes.

11 Q. -- to testify with both of them?

12 A. Yes.

13 Q. Okay. Do you remember when you moved to
14 Arizona?

15 A. Yes.

16 Q. When did you move to Arizona?

17 A. 2010.

18 Q. Okay. Do you remember in the
19 wintertime, in the springtime, summertime,
20 something different?

21 A. No. In February.

22 Q. Around February of 2010?

23 A. Um-hmm.

24 Q. Is that a yes?

25 A. Yes.

1 Q. Who moved to Arizona when you moved
2 there?

3 A. My moms and my three sisters.

4 Q. Okay. The three sisters you told us
5 about earlier?

6 A. Yes.

7 Q. And A or B , she is older than
8 you are, right?

9 A. Yes.

10 Q. And Z and K are younger than you
11 are, right?

12 A. Yes.

13 Q. When you moved to Arizona, what grade
14 were you in?

15 A. Third.

16 Q. Third grade. So did you move in the
17 middle of the third grade year then?

18 A. Yes.

19 Q. Okay. Just prior to moving to Arizona,
20 where did you live, do you remember?

21 A. Las Vegas.

22 Q. Okay. Who did you live with in Las
23 Vegas?

24 A. Kourtney, Audrey, her kids and my
25 family.

1 Q. Okay. And how long did you live with
2 Kourtney and Audrey and your family?

3 A. A couple months.

4 Q. Okay. Before you lived with Kourtney
5 and Audrey, who did you live with?

6 A. Cameron.

7 Q. Okay. Cameron that you pointed out in
8 court today?

9 A. Yes.

10 Q. When you lived with Cameron, who else
11 lived in that house?

12 A. His family and my family.

13 Q. Who is Cameron's family?

14 A. Danté, Jenae, Jennifer, and I don't know
15 if the other kid was born then.

16 Q. How old is Danté?

17 A. I don't know.

18 Q. Okay. Is he older than or younger than
19 you?

20 A. Younger.

21 Q. Younger than you. Okay. And how about
22 Jenae. Is she younger than you or older?

23 A. Younger.

24 Q. And then there's another, you said
25 another kid. Is that a baby?

1 A. Baby.

2 Q. Okay. Was that baby born when you were
3 living there?

4 A. I don't think so.

5 Q. Okay. Do you know what you are here to
6 talk about today?

7 A. Yes.

8 Q. Prior to coming here today, did you come
9 and talk to Ms. Rinetti and I about coming to
10 court?

11 A. Yes.

12 Q. What did we tell you to do? Did we tell
13 you to do anything?

14 A. No.

15 Q. Are you suppose to tell the truth today?

16 A. Yeah.

17 Q. Okay. When -- well, let me start this
18 way. Who is your God dad?

19 A. Cameron.

20 Q. Cameron Thomas?

21 A. He was.

22 Q. He was your God dad?

23 A. Yeah.

24 Q. Not anymore?

25 A. No.

1 Q. Did some things happened with Cameron
2 that made you uncomfortable?

3 A. Yes.

4 Q. Can you talk about those things?

5 A. Yes.

6 Q. Okay. Tell me the first thing you
7 remember happening.

8 A. Um, it was one of the first times we
9 went to his house and he brought me upstairs and he
10 started to pull down my pants in his room.

11 Q. Okay.

12 A. And I pulled up my pants and left.

13 Q. Do you remember which house this was?

14 A. We label the houses as a new house and
15 the old house and it was the old house.

16 Q. But it was here in Las Vegas?

17 A. Yes.

18 Q. Was this before you lived with him?

19 A. Yes.

20 Q. Do you remember how old you were?

21 A. No.

22 Q. Okay. You said he called you upstairs.

23 Was anybody else upstairs?

24 A. I don't know if they were in Danté's
25 room but nobody was upstairs that I could see.

1 Q. And which room did you go to?

2 A. His.

3 Q. When you say "his," was it a bedroom, an
4 office room, something different?

5 A. Bedroom.

6 Q. Okay. What did it look like?

7 A. Um, there was a bed in the middle and if
8 you went to the right, there was the shower and the
9 bath and their closet.

10 Q. Okay. And do you remember Cameron's
11 words when he wanted you to come up there?

12 A. No.

13 Q. When you went up there, did anyone else
14 go with you?

15 A. No.

16 Q. Okay. So you went in his bedroom and
17 what happened?

18 A. He started to pull down my pants.

19 Q. Okay. When you say started to pull down
20 your pants, do you remember what you were wearing?

21 A. Jean shorts or jean pants. I can't
22 remember.

23 Q. And what did his hands do to your pants?
24 Did they touch the outside, unbutton them, pull
25 them out, something different?

1 A. They just -- he just pulled them off, I
2 guess.

3 Q. Do you remember?

4 A. No.

5 Q. Okay. How did you feel when that
6 happened?

7 A. I knew it wasn't right.

8 Q. Okay. Did his hands actually touch your
9 pants?

10 A. Yes.

11 Q. When you felt it wasn't right or knew it
12 wasn't right, what did you do?

13 A. I pulled them up and left.

14 Q. Did you say anything to him?

15 A. No.

16 Q. Okay. Did you tell your mom?

17 A. No.

18 Q. Did you tell Mommy Kay or Mommy-Mommy?

19 A. No.

20 Q. Did you tell Jennifer?

21 A. No.

22 Q. Do you remember if the grownups were
23 home that day at the old house?

24 A. They were probably outside.

25 Q. Okay. Are you saying "probably outside"

1 because you know or you just saying probably
2 because that's usually what happened?

3 A. That's usually where they were if they
4 weren't in the house.

5 Q. What would the grownups being doing
6 outside?

7 A. Smoking and talking.

8 Q. Okay. Now, did you tell Mommy Kay or
9 Mommy April ever about this incident that day?

10 A. No.

11 Q. Okay. Tell me about whether or not your
12 family's were good friends.

13 A. Um, they were good friends.

14 Q. Okay. Did you go do stuff with
15 Cameron's family?

16 A. Yes.

17 Q. Would you play with his kids?

18 A. Yes.

19 Q. Would you spend the night at the house?

20 A. Yes.

21 Q. Would you spend the night both with your
22 siblings and without your siblings at Cameron's
23 house?

24 A. I don't really remember sleeping without
25 my siblings, but with them, yeah.

1 Q. Okay. Do you remember anything
2 happening when you spent the night with him?

3 A. Well, we used to live with them and I
4 can't remember, like, any specific times, but
5 things did happen when we did live with them.

6 Q. Okay. Did you ever -- did you like
7 Cameron?

8 A. Sometimes when he gave me things.

9 Q. Did he give you a lot things?

10 A. Not all the time, but when he did, I
11 liked them.

12 Q. What kind of things?

13 A. Like, he would get me out of trouble
14 sometimes.

15 Q. He would get you out of trouble. Did he
16 give you -- like, when you said "give me things,"
17 do you mean present things or giving you things by
18 getting you out of trouble?

19 A. Just out of trouble, really.

20 Q. Okay. Would you ever help him do chores
21 at the house?

22 A. Yeah.

23 Q. Okay. What kind of chores would you
24 help him do?

25 A. Laundry.

1 Q. Anything ever happen with Cameron while
2 you were helping with laundry?

3 A. Yes.

4 Q. And was that when you were living with
5 him or before you were living with him?

6 A. Living.

7 Q. When you were living with him. Is that
8 a yes?

9 A. Yes.

10 Q. Remember she has to write down
11 everything we say, okay.

12 Tell me what happened when you were
13 helping him with laundry.

14 A. I was folding the laundry and he came
15 into the room afterwards and I was, like, halfway
16 done. And I was sitting on the bed folding the
17 clothes and he came and pulled my pants down and --

18 Q. You were sitting on the bed folding
19 clothes?

20 A. Yes.

21 Q. And who's bedroom were you folding
22 clothes in?

23 A. His and Jennifer's.

24 Q. Do you remember what you were wearing?

25 A. Um, it was a white shirt with a pink

1 heart in the middle and black strips.

2 Q. And now this is the new house we're
3 talking about in Las Vegas?

4 A. Yes.

5 Q. Is that a two-story house or one-story
6 house?

7 A. Two story.

8 Q. And the old house is a one story?

9 A. Two story.

10 Q. A two story as well. What happened when
11 he pulled down your pants?

12 A. Um, he put his mouth on my vagina.

13 Q. Okay.

14 A. And, yeah.

15 Q. Um, when he put his mouth on your
16 vagina, were you standing up, sitting down or
17 something different?

18 A. Sitting down.

19 Q. Okay. Were you sitting -- where in the
20 room were you sitting?

21 A. On the bed.

22 Q. Okay. When your pants came down, did
23 they go all the way to your ankles, just a little
24 bit, something different?

25 A. A little bit past my knees.

1 Q. And if you were sitting on the bed,
2 where was Cameron?

3 A. Kneeling on the floor.

4 Q. Kneeling on the floor? Is that a yes?

5 A. Yes.

6 Q. Okay. In front of you, behind you,
7 something different?

8 A. In front of me.

9 Q. Okay. Did he say anything to you?

10 A. No.

11 Q. Okay. You said he put his mouth on your
12 vagina.

13 Did he eventually stop?

14 A. Yeah, when I left.

15 Q. When you left. Did you say anything to
16 him?

17 A. No.

18 Q. Okay. Did he say anything to you?

19 A. No.

20 Q. Okay. Do you remember anyone else being
21 home that day when you were helping him fold
22 laundry?

23 A. My sisters were there, um, his kids. I
24 can't remember if there was anybody else there.

25 Q. Okay. And by your sisters, you mean --

1 was Karter born yet?

2 A. Yes.

3 Q. So K... and A... and Z... , and then
4 Danté and Jenae?

5 A. Yes.

6 Q. Okay. Did he say anything -- who left
7 the room first, you or him?

8 A. I did.

9 Q. Do you remember what his room looked
10 like?

11 A. Um, when you walked in, there was a
12 couch. And if you went to your left, there was the
13 bathroom and the closet. And if you went to your
14 right, there was the bed and a TV.

15 Q. What did it feel like?

16 A. Slimy and wet.

17 Q. When he put his mouth on you, what did
18 that feel like to you when you were that little?

19 A. Gross.

20 Q. Gross. Did you ever use another word to
21 describe it?

22 A. Another word?

23 Q. Did use another word when you talked
24 about that besides "gross"?

25 A. Disgusting. I can't remember.

1 Q. Disgusting. Do you remember anything
2 that the other kids were doing that day? Because I
3 know this stuff happened a long time ago. I am
4 just trying to spark your memory about some of the
5 details that might make you remember that day.

6 Do you remember what any of the other
7 kids were doing that day?

8 A. Hide-and-go-seek.

9 Q. Okay. Do you remember dogs being
10 around?

11 A. Yeah.

12 Q. Was there dogs around that day?

13 A. Yeah.

14 Q. Okay. Who's dogs were those?

15 A. I don't know who's dog it was but the
16 dog was big and his name was Max, I think.

17 Q. Okay. And the kids were playing with
18 that dog?

19 A. And then they were playing
20 hide-and-go-seek with her.

21 Q. Now, did you spend time in Danté's room?

22 A. Yes.

23 Q. And where was Danté's room in the old
24 house?

25 A. Um, if you walked upstairs and turned,

1 his room would be straight ahead.

2 Q. And where was Danté's room in the new
3 house?

4 A. If you walked upstairs and turned it
5 would be like to your right.

6 Q. Okay. Um, did anything ever happen in
7 Danté's room either in the new house or the old
8 house?

9 A. Yes.

10 Q. Which house?

11 A. The old house.

12 Q. The old house. Um, and this -- this
13 would be when you weren't living with him. This
14 was just a visiting time, right?

15 A. Yes.

16 Q. Do you know how old you were?

17 A. No.

18 Q. Okay. But you know it's after you met
19 him at day care?

20 A. Yes.

21 Q. And it was after your families were
22 hanging out together and doing stuff together?

23 A. Yes.

24 Q. Okay. Do you need some water?

25 A. No.

1 Q. Okay. Tell me what happened in Danté's
2 room.

3 A. I was in Danté's room playing with his
4 toys and watching TV and he came in and he pulled
5 his pants down and his penis was out and he started
6 to put it on my vagina, but it didn't go in, and
7 white stuff came out. And a little bit got on my
8 leg and on his bed, and then he said sorry. And
9 went to the bathroom.

10 Q. May I ask you some questions about that?

11 A. Yes.

12 Q. You said you were watching TV and
13 playing with toys in Danté's room?

14 A. Yes.

15 Q. Was anybody else in there with you while
16 you were doing that?

17 A. My little sister but I told her to go
18 downstairs.

19 Q. Zoë or Karter?

20 A. Karter.

21 Q. Was Karter walking and talking at the
22 time?

23 A. Yes.

24 Q. Why did you tell Zoë to go -- or Karter
25 to go downstairs?

1 A. Why I did? He told Karter to go
2 downstairs.

3 Q. Oh, he told Karter to go downstairs. I
4 thought you said "I."

5 A. No.

6 Q. Did the door stay opened or closed after
7 Karter went downstairs?

8 A. Open.

9 Q. You said he got his penis out. We're
10 talking about Cameron, right?

11 A. Yes.

12 Q. Do you remember what he was wearing?

13 A. No.

14 Q. When he took his penis out, did he take
15 his pants all the way off or just undo you his fly
16 and his zipper, do you remember?

17 A. No.

18 Q. Okay. How did your clothes come off?

19 A. He pulled my shorts down.

20 Q. Do you remember you were wearing shorts?

21 A. Yes.

22 Q. Did you have a shirt on?

23 A. Yes.

24 Q. Did that shirt stay on?

25 A. Yes.

1 Q. And you said he touched his penis to
2 your vagina?

3 A. Yes.

4 Q. On the outside or the inside?

5 A. Outside.

6 Q. Okay. You said white stuff came out.

7 A. Yes.

8 Q. Okay. When his penis came out of his
9 pants, was it sticking straight up, hanging down,
10 soft, hard, something different?

11 A. Up.

12 Q. Sticking up?

13 A. Yes.

14 Q. Okay. And the white stuff, where did it
15 go?

16 A. On my leg and on Danté's bed.

17 Q. Did it get on your clothes at all?

18 A. Just a little bit.

19 Q. Just a little bit. And on Danté's bed?

20 A. Yes.

21 Q. Did any of it stay on Cameron?

22 A. No.

23 Q. Did he say anything when the white stuff
24 came out?

25 A. He said sorry.

1 Q. Making any noises or anything that you
2 remember?

3 A. No.

4 Q. Okay. He said sorry. And what did he
5 do after he said sorry?

6 A. Went to the bathroom.

7 Q. He went to the bathroom?

8 A. Yes.

9 Q. How do you know that's where he went?

10 A. Because when I was leaving the room,
11 that's where I saw him go into and I heard the door
12 close.

13 Q. Did he put your clothes back on you or
14 did you have to put them back on yourself?

15 A. I put them back on.

16 Q. The white stuff that was on Danté's bed,
17 did that stay there or did it get cleaned up or
18 something different?

19 A. I don't know.

20 Q. Did -- after Cameron went to the
21 bathroom, did he come back and say anything to you?

22 A. Yeah.

23 Q. What did he say?

24 A. Um, he told me that I couldn't do things
25 like that anymore and we weren't allowed to do

1 those things.

2 Q. When he said "we weren't allowed to do
3 those things," who did you think he was talking
4 about?

5 A. Me and him.

6 Q. You and him. Was that anything that
7 ever happened before?

8 A. No.

9 Q. Okay. Did he -- other than telling you
10 you can't do these things anymore, did he say
11 anything else that you remember?

12 A. He said that I was going to get in
13 trouble.

14 Q. That you were going to get in trouble?

15 A. Yes.

16 Q. Did he say whether or not he was going
17 to get in trouble if you got caught?

18 A. No.

19 Q. Now, when you would visit at Cameron's
20 house or when you were living there, were you
21 allowed to go watch TV in his room with the other
22 kids?

23 A. Yes.

24 Q. Was that something that you guys did
25 once in a while?

1 A. Yeah.

2 Q. Okay. And would Cameron be in there
3 when you would watch TV?

4 A. Sometimes.

5 Q. Okay. Do you remember anything
6 happening with Cameron while you were in there
7 watching TV with him?

8 A. Not in particular.

9 Q. Okay. We talked about a time a few
10 moments ago about him putting his mouth on your
11 vagina.

12 Do you remember that?

13 A. Yes.

14 Q. Do you remember another time that he put
15 his mouth on your vagina?

16 A. Yes.

17 Q. Can you tell me about that?

18 A. Um, the kids were playing
19 hide-and-go-seek and I was hiding in his closet.

20 And he came in and there was a dresser
21 in like the middle of their closet. And I was
22 leaning against the dresser hiding and he came and
23 put his mouth on my vagina.

24 Q. So this -- you were hiding in the closet
25 in his room?

1 A. Yes.

2 Q. And was that in the old house or the new
3 house?

4 A. New.

5 Q. Okay. And you said all the kids were
6 playing hide-and-go-seek. Who was playing
7 hide-and-go-seek?

8 A. My sisters, his kids and I think -- not
9 Jennifer -- Kourtney and Audrey's kid, Cameron.

10 Q. What were Kourtney and Audrey child's
11 name?

12 A. Cameron.

13 Q. Was anybody else hiding in Cameron's
14 room when you were hiding in the dresser in the
15 closet?

16 A. I think one of them was hiding behind
17 his couch.

18 Q. Behind his couch?

19 A. Yes.

20 Q. And is there a couch in the bedroom?

21 A. Yes.

22 Q. Okay. And how is it that when he put
23 his mouth on your vagina, were you still in the
24 closet? Were you -- how did that happen?

25 A. I was in the closet still.

1 Q. Okay. And were you standing up or
2 sitting down or something different?

3 A. I was standing. Well, I was leaning
4 against the dresser.

5 Q. And did your pants stay on or come off
6 or something different?

7 A. They came off.

8 Q. How did they come off?

9 A. He took them off.

10 Q. Do you remember what you were wearing?

11 A. No.

12 Q. Okay. When he took them off, were you
13 inside the closet?

14 A. Yes.

15 Q. Could both you and Cameron fit inside
16 the closet?

17 A. Yes.

18 Q. So when Cameron took them off, how was
19 his body so that his mouth was on your vagina?

20 A. On his knees.

21 Q. On his knees?

22 A. Yes.

23 Q. In front of you?

24 A. Yes.

25 Q. Did he say anything to you when he did

1 that?

2 A. No.

3 Q. Okay. What made him stop?

4 A. I left.

5 Q. You left?

6 A. Yes.

7 Q. Did you tell anybody that day?

8 A. No.

9 Q. Okay. Did you know how we talked about
10 when the white stuff came out, he told you we can't
11 do this anymore, stuff like that, we're going to
12 get caught?

13 A. Yes.

14 Q. Did he say anything like that this day?

15 A. No.

16 Q. Did he tell you not to tell that day?

17 A. No.

18 Q. Okay. Um, did you -- did you ever watch
19 cartoons and stuff --

20 A. Yes.

21 Q. -- with Cameron?

22 A. Not really with him.

23 Q. Not with Cameron. How about at his
24 house or in his room?

25 A. Yes.

1 Q. Okay. Do you remember a time watching
2 Sponge Bob?

3 A. Yes. But that wasn't in his room.

4 Q. Where was that?

5 A. Danté's.

6 Q. That was in Danté's room?

7 A. Yes.

8 Q. Who were you watching Sponge Bob with?

9 A. I can't remember.

10 Q. Okay. Was it the new house or old
11 house?

12 A. Old.

13 Q. Okay. So you were watching Sponge Bob.
14 You don't remember who was with you, but you know
15 it was Danté's room?

16 A. Yes.

17 Q. When you were watching Sponge Bob, were
18 you on the bed, on the floor, in a beanbag chair or
19 something different?

20 A. I think I was sitting on the bed.

21 Q. Did anyone come in the room while you
22 were watching Sponge Bob?

23 A. Cameron.

24 Q. Do you remember who else was in there
25 when Cameron came in and you were watching Sponge

1 Bob?

2 A. One of my sisters. I can't remember
3 which one, though.

4 Q. Older -- do you remember if it was Brie?
5 Older?

6 A. It was one of my younger sisters.

7 Q. One of your younger sisters.

8 What happened when Cameron came in and
9 you were watching Sponge Bob at the old house?

10 A. He told them to go play the Wii
11 downstairs.

12 Q. You told Cameron to play the Wii?

13 A. No. He told them.

14 Q. Oh, he told your little sisters. Is
15 that a yes?

16 A. Yes.

17 Q. Did they listen to him?

18 A. Yes.

19 Q. So did they leave the room then?

20 A. Yes.

21 Q. After they left the room, what happened?

22 A. He started pull my pants down.

23 Q. All right. "He" being Cameron?

24 A. Yes.

25 Q. Okay. He started or he did?

1 A. He did.

2 Q. Okay. Did he pull them all the way down
3 or part way down or --

4 A. Around my ankles.

5 Q. And what happened after he pulled your
6 pants down to your ankles?

7 A. Nothing happened this time but I pulled
8 them up and I went downstairs and played with them.

9 Q. Nothing happened?

10 A. No.

11 Q. He didn't touch you?

12 A. Not that I can remember.

13 Q. Okay. Do you know how your pants came
14 back up?

15 A. I pulled them up.

16 Q. You pulled them up. Did he say anything
17 to you that time?

18 A. No.

19 Q. Okay. Now, you told me about seeing the
20 defendant's penis when he rubbed it on you before.

21 Do you remember that?

22 A. Yes.

23 Q. Okay. Was there ever another time you
24 saw his penis where he wanted you to touch his
25 penis?

1 A. Yes.

2 Q. Where did that happen at?

3 A. My house.

4 Q. Your -- which house?

5 A. Um, I can't remember where it's at but
6 we call it the two-story house.

7 Q. You call it the two-story house?

8 A. Yes.

9 Q. Is that the same two-story house you
10 lived in in first grade and second grade?

11 A. Yes.

12 Q. Okay. And you would have turned seven
13 at the end of first grade, May 17th of 2008, right?

14 A. Yes.

15 Q. So it happened at the two-story house.
16 What happened at the two-story house?

17 A. He picked up us from the day care and I
18 don't know what my mom was doing, but he took us to
19 the house and we were watching TV. And we were
20 downstairs and my sisters were upstairs in our room
21 watching Bratz and he told me to touch his penis.

22 Q. Okay. That's a lot of information. I
23 am going to ask you some questions.

24 You said he drove you home from day
25 care?

1 A. Yes.

2 Q. And you said "my mom wasn't there."

3 Which mom are you talking about?

4 A. Both.

5 Q. So Mommy Kay or Mommy Mommy were not
6 there?

7 A. Yes.

8 Q. Okay. Was that something that would
9 happen sometimes or just once in a while, that
10 Cameron would drive you home from day care?

11 A. Once in a while.

12 Q. And do you remember who drove home from
13 day care with you that day?

14 A. All my sisters.

15 Q. So Brie and Zoë and Karter?

16 A. Yes.

17 Q. So he brought all four of you home?

18 A. Yes.

19 Q. Do you remember what you drove in that
20 day?

21 A. His truck.

22 Q. His truck?

23 A. Yes.

24 Q. Do you remember what color it was?

25 A. Black.

1 Q. So you got home and where did you go?

2 A. Where did I go?

3 Q. In the house. Where did you go?

4 A. The couch.

5 Q. The couch?

6 A. Yes.

7 Q. Is that in your living room?

8 A. Yes.

9 Q. And where did your sisters go?

10 A. Upstairs.

11 Q. And where -- what would they be doing
12 upstairs?

13 A. Watching a movie.

14 Q. And who's room would they watch a movie?

15 A. Ours.

16 Q. Did anyone tell them to go up there or
17 did they go up there on their own?

18 A. They went up there on their own.

19 Q. Did anybody tell you to stay on the
20 first floor or did you stay there on your own?

21 A. I stayed there on my own.

22 Q. What were you doing on the first floor
23 on the couch?

24 A. Watching Penguins of Madagascar.

25 Q. Watching --

1 A. Penguins of Madagascar.

2 Q. Because you didn't want to watch Bratz?

3 A. Yes.

4 Q. And what was the defendant doing? What
5 was Cameron doing?

6 A. He was sitting next to me.

7 Q. Okay. On the couch?

8 A. Yes.

9 Q. Okay. You said that he wanted you to
10 touch his penis.

11 Did you see his penis?

12 A. Yes.

13 Q. Did he have pants on, shorts on,
14 something different?

15 A. I can't remember.

16 Q. Okay. When you saw his penis, was he
17 sitting down, standing up, or something different?

18 A. Sitting.

19 Q. Okay. Sitting next to you?

20 A. Yes.

21 Q. Okay. Was he sitting next to you so
22 that you were side by side so that you were
23 touching?

24 A. We weren't touching.

25 Q. And how did you know that he wanted you

1 to touch his penis?

2 A. He told me so.

3 Q. Okay. Did he touch any part of your
4 body in order to get you to touch his penis or did
5 he just tell you with his words he wanted you to
6 touch his penis?

7 A. Not that time. He just told me with his
8 words.

9 Q. I am sorry?

10 A. That time he just told me with his
11 words.

12 Q. What did you say?

13 A. I said no and I went and watched Bratz.

14 Q. You said "not that time." Was there
15 another time?

16 A. Yes.

17 Q. That he wanted you to touch his penis?

18 A. Yes.

19 Q. Where was that?

20 A. The same house.

21 Q. The same house?

22 A. Yes.

23 Q. Okay. And was it daytime, nighttime,
24 how was it that you two were together?

25 A. Daytime and I think it was the same type

1 of event where he drove us home.

2 Q. Where he drove you all home?

3 A. Yes.

4 Q. And the same two-story house?

5 A. Yes.

6 Q. And where in that two-story house did
7 that happen?

8 A. Upstairs behind the wall.

9 Q. Upstairs behind the wall?

10 A. Yes.

11 Q. What room are we talking about?

12 A. It wasn't a room. When you walk up the
13 stairs, there's like this ledge to keep you from
14 falling over.

15 Q. Like a ledge like right here?

16 A. Yes.

17 Q. Like a half wall?

18 A. Yes.

19 Q. And did you go upstairs first or did
20 Cameron go upstairs first? Do you remember?

21 A. I remember he called me upstairs and I
22 had a blanket on my shoulders and he was behind the
23 half wall.

24 Q. You had a blanket on your shoulders?

25 A. Yes.

1 Q. Did you bring that blanket from your
2 room or from downstairs or something different?

3 A. It was a sheet from downstairs.

4 Q. Okay. When he called you upstairs, did
5 he tell you what he wanted you to do upstairs?

6 A. Yes.

7 Q. What -- how did he get you to come
8 upstairs?

9 A. He just called my name.

10 Q. Okay. Who was home that day?

11 A. Just my sisters.

12 Q. Okay. Just your sisters. Mommy Kay and
13 Mommy Mommy were not home?

14 A. No.

15 Q. Okay. And you think that day you got
16 drove home from day care too?

17 A. Yes.

18 Q. Is that from Kids 'R' Kids?

19 A. Yes.

20 Q. Okay. So when you got to the top of the
21 stairs and you had your sheet over you, where was
22 Cameron?

23 A. Behind the half wall.

24 Q. Okay. And did he say anything to you
25 when he was behind the half wall or what happened

1 next?

2 A. He told me to touch it. His penis was
3 already out and he told me to touch it.

4 Q. His penis was already out of his pants?

5 A. Yes.

6 Q. Were his pants all the way down or just
7 open?

8 A. I couldn't see.

9 Q. Was his penis sticking straight up,
10 hanging down, something different?

11 A. It wasn't like hard but it was like kind
12 of hard.

13 Q. Was it all the way hard?

14 A. No.

15 Q. When he told you to touch his penis, did
16 he touch your body in any way to try to get you to
17 touch his penis?

18 A. Yes.

19 Q. What did he do?

20 A. He grabbed my wrist.

21 Q. He grabbed your wrist. And what did he
22 do with your wrist?

23 A. He pulled it towards his penis.

24 Q. Did the skin of your hand touch the skin
25 of his penis or did you get your hand away?

1 A. I was pulling away. It didn't touch.

2 Q. So you didn't actually have to touch it?

3 A. No.

4 Q. Okay. Did he say anything to you when
5 you didn't want to touch it?

6 A. He said, "Come on." And then he kept
7 trying to pull my hand.

8 Q. He said, "Come on"?

9 A. Yes.

10 Q. And when you say he kept trying to pull
11 my hand, did he like not let go of your hand and
12 still have a hold of it, or he was just trying and
13 not actually grabbing your hand?

14 A. He had my hand but he wouldn't let go.

15 Q. Okay. Did you tell anybody that day?

16 A. No.

17 Q. Did you go to your sisters and ask them
18 to help you out or anything?

19 A. No.

20 Q. Okay. Why didn't you tell anybody after
21 all this stuff happened?

22 A. Because I was scared I was going to be
23 in trouble.

24 Q. Why did you think you would be in
25 trouble?

1 A. He told me I would be.

2 Q. Cameron told you you would be?

3 A. Yes.

4 Q. How many times did he tell you that?

5 A. I can't give you like an exact number
6 but he told me a lot.

7 Q. He told you that a lot?

8 A. Yes.

9 Q. Did you believe him?

10 A. Yes.

11 Q. Did you ever take a jacuzzi with the
12 defendant?

13 A. Yes.

14 Q. Where did you take a jacuzzi at?

15 A. Um, this apartment we lived in called
16 The Residence.

17 Q. Okay. And when you lived in The
18 Residence, was that before the two-story house?

19 A. Yes.

20 Q. Was that when you were in kindergarten
21 or before that?

22 A. Kindergarten.

23 Q. About kindergarten?

24 A. Yes.

25 Q. Who was in the jacuzzi?

1 A. Cameron and my sisters, Zoë and Brie.

2 Q. Cameron and your sisters, Zoë and Brie.

3 Karter's not born yet?

4 A. Karter was born. She just wasn't
5 swimming with us.

6 Q. Okay. Was it daytime or nighttime when
7 you were in the jacuzzi?

8 A. Nighttime.

9 Q. And that Residence apartment, that's
10 here in Las Vegas, right?

11 A. Yes.

12 Q. Where were your moms?

13 A. I can't remember if they were upstairs
14 or if they were in the pool.

15 Q. Okay. Is the pool -- was the pool
16 separate from the jacuzzi there?

17 A. Yes.

18 Q. Was Jennifer there, Cameron's wife?

19 A. I can't remember.

20 Q. Okay. How about Cameron's kids?

21 A. I don't think so.

22 Q. Okay. So you and your sisters, except
23 for Karter, were in the jacuzzi with Cameron?

24 A. Yes.

25 Q. Were you wearing a bathing suit?

1 A. Yes.

2 Q. Do you remember what kind of bathing
3 suit you were wearing?

4 A. It was blue and it had a blue flower on
5 the chest.

6 Q. Had a blue flower --

7 A. Right here.

8 Q. -- on the chest?

9 A. Yes.

10 Q. One piece or two piece bathing suit?

11 A. Two piece.

12 Q. Was the defendant -- was Cameron near
13 you in the jacuzzi or far across from you in the
14 jacuzzi or something different?

15 A. Next to me.

16 Q. Okay. Do you remember what Cameron was
17 wearing in the jacuzzi?

18 A. Trunks and I think he was wearing a
19 white T-shirt.

20 Q. Trunks and a white T-shirt?

21 A. Yes.

22 Q. Did any part of your body get touched
23 that day?

24 A. Yes.

25 Q. Can you tell me about that.

1 A. Um, he put his hand under me and under
2 my bathing suit bottoms and started rubbing on my
3 vagina.

4 Q. Under you and under your bathing suit
5 bottoms and started rubbing your vagina?

6 A. Yes.

7 Q. So when you say "under you," do you mean
8 like under your bottom?

9 A. Yes.

10 Q. And was the skin of his hand touching
11 the skin of your vagina?

12 A. Yes.

13 Q. Okay. So did he go all the way under
14 your bathing suit? Is that what you're telling me?

15 A. Yes.

16 Q. Okay. How far away were your sisters
17 sitting when that happened?

18 A. One was sitting like -- they were
19 like -- it was a circle. If we were sitting right
20 here, they were sitting like separate but still in
21 front of us.

22 Q. Okay. So if the jacuzzi is a circle,
23 was everybody kind of in a corner then?

24 A. Yeah.

25 Q. Is that what you're telling me? Okay.

1 But you were sitting next to Cameron?

2 A. Yes.

3 Q. When his hand went under your bottom and
4 inside your clothing and touched your vagina, did
5 it go around your back or around your front?

6 A. It went just from the side underneath.

7 Q. From the side underneath, like under
8 your butt cheek?

9 A. Yes.

10 Q. Like that? Okay. When -- did he do
11 that for just a little while, did it seem like it
12 lasted a long time? I know that's a bad question.

13 A. It seemed like it lasted a long time.

14 Q. Do you know what made him stop?

15 A. No.

16 Q. Did you say anything to him to stop?

17 A. No.

18 Q. Were there any other adults in the
19 jacuzzi?

20 A. No.

21 MS. KOLLINS: Give me just a moment.

22 BY MS. KOLLINS:

23 Q. Now, do you remember somebody coming to
24 school and talking to you about this stuff?

25 A. Yes.

1 Q. And where was that?

2 A. Arizona.

3 Q. Okay. That was in Arizona?

4 A. Yes.

5 Q. Okay. Now, before someone came to talk
6 to you in school in Arizona, had you talked to
7 anybody else in your family about what happened?

8 A. My sister.

9 Q. Which sister?

10 A. Brie.

11 Q. Okay. And what did you say to Brie?

12 A. I said that somebody in the family was
13 touching me.

14 Q. You said that somebody in the family is
15 touching you?

16 A. Yes.

17 Q. In that first statement where you said
18 somebody in the family's touching you, did you tell
19 her who?

20 A. No.

21 Q. Did she guess?

22 A. Yes.

23 Q. Okay. Now, was that before somebody
24 came to school to talk to you?

25 A. After.

1 Q. After?

2 A. Yes.

3 Q. Okay. Had you talked to Brie before
4 somebody came to school and talked to you about
5 Cameron?

6 A. No.

7 Q. Okay. When someone came to school to
8 talk to you that day, did you stay the rest of the
9 day in school or did you go right home? Do you
10 remember?

11 A. What do you mean?

12 Q. Well, did you finish your day at school
13 or did you leave early that day?

14 A. I finished the day.

15 Q. You finished the day?

16 A. Yes.

17 Q. How did you get home that day?

18 A. The bus.

19 Q. All right. And who was home when you
20 got home?

21 A. There was CPS, cops, um, my sisters and
22 my moms.

23 Q. Okay. Both moms?

24 A. Yes.

25 Q. Okay. And when you say "sisters," do

1 you mean all three sisters?

2 A. Yes.

3 Q. Okay. Did you -- did your moms want to
4 talk to you?

5 A. Yes.

6 Q. Did they take you some place to talk to
7 you?

8 A. Their room.

9 Q. And who was in their room when they
10 talked to you?

11 A. Brie and the both of them.

12 Q. Had you talked to your moms about this
13 stuff before?

14 A. No.

15 Q. Was Brie in there when they first talked
16 to you or later?

17 A. First.

18 Q. Okay. Did you have some time to speak
19 with your moms privately too?

20 A. Yeah.

21 Q. Okay. Was that after Brie was in there?

22 A. After.

23 Q. Okay. Did you tell your moms what
24 happened?

25 A. What do you mean, like?

1 Q. Did you tell your moms that somebody
2 came to school to talk to me about Cameron?

3 A. They already knew.

4 Q. They already knew?

5 A. Yes.

6 Q. Did they ask you questions about Cameron
7 touching you?

8 A. They asked me why I didn't say anything.

9 Q. Did you tell them why you didn't say
10 anything?

11 A. Yes.

12 Q. What did you tell them?

13 A. I was scared.

14 Q. Okay. Did you tell them a bunch of
15 details about what happened with Cameron?

16 A. Not until after that talk.

17 Q. After you talked to your moms, did you
18 have to talk to the police some more?

19 A. Yes.

20 Q. Did you have to go -- and you had to go
21 get a checkup?

22 A. Yes.

23 Q. You gave a statement in a room and they
24 recorded what you had to say. Do you remember
25 that?

1 Do you remember doing that?

2 A. I remember talking about it, but not the
3 recording.

4 Q. And then when I say "checkup," you had
5 to go get your whole body checked out?

6 A. Yes.

7 Q. Had you ever had a checkup like that
8 before?

9 A. No.

10 Q. Okay. And that included all your
11 private areas, right?

12 A. Yes.

13 Q. Okay. And then you had to come testify
14 here quite a few years ago, right? Do you remember
15 that?

16 A. Yes.

17 Q. Okay. Now, when you lived with Cameron
18 right before you moved to Arizona, before you lived
19 with Kourtney, lived with Cameron, then you lived
20 with Kourtney, then you moved to Arizona, right?

21 A. Yes.

22 Q. That's the right order?

23 A. Yes.

24 Q. Okay. When you lived with Cameron that
25 little piece of time, were the mommies and Cameron

1 not getting along?

2 A. Um, I think they weren't getting along
3 and that's why we went to go move with Kourtney.

4 Q. Okay. Did you know what they weren't
5 getting along about?

6 A. I didn't at the time but I heard it was
7 about money, I think.

8 Q. Okay. Now, is that something that you
9 knew later or is that something that you knew back
10 then when you were in 2010?

11 A. Later.

12 Q. Okay. So you didn't learn that until
13 after you moved to Arizona?

14 A. Yes.

15 Q. Did you learn that after you talked to
16 CPS?

17 A. Yes.

18 Q. Did you learn that after you told the
19 mommies what happened?

20 A. Yes.

21 Q. Did you learn that --

22 MR. MANN: Your Honor, I'm going to
23 object to leading.

24 THE COURT: Okay. You're just putting a
25 time reference.

1 MS. KOLLINS: I'm just asking if she
2 actually knows. I'm not suggesting the answer.

3 THE COURT: And you're just putting it
4 in time context any way because she's already
5 testified to it. So I'm going to overrule it.

6 Ask the question.

7 MS. KOLLINS: Okay. Well --

8 THE COURT: Do you want her to just read
9 it back? The court reporter?

10 MS. KOLLINS: No. I want to go back to
11 something else. Give me just a second.

12 THE COURT: Okay. That's fine. I know
13 we're hurrying.

14 Will you approach, please?

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

17 THE COURT: I was trying to see if we
18 could -- she was close to wrapping it up but we're
19 not. It's now 5:07 so we're going to take our
20 evening recess.

21 Um, I said tomorrow at 1:00, right?

22 Okay. No matter what. We're going to
23 start at 1:00 o'clock. I have a criminal calendar
24 tomorrow.

25 You are admonished: Not to talk to

1 converse among yourselves or with anyone else on
2 any subject connected with this trial; or to read,
3 watch or listen to any report of or commentary on
4 the trial by any person connected with this case by
5 any medium of information including without
6 limitation, newspapers, television, the internet
7 and radio.

8 You are further admonished not to form
9 or express any opinion on any subject connected
10 with this trial until the case is finally submitted
11 to you.

12 We'll see you back to start testimony at
13 1:00 o'clock.

14

15 (Whereupon the proceeding's concluded at 5:08 p.m.)

16

17 -00o-

18

19 ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF
20 PROCEEDINGS.

21

/s/Gina M. Shrader

22

23 Gina M. Shrader, CCR 647, RPR

24

25

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