

APPENDIX A.

SUPREME COURT
FILED

SEP 13 2023

Jorge Navarrete Clerk

S280517

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re ANDRE JACKSON on Habeas Corpus.

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

GUERRERO

Chief Justice

COURT OF APPEAL -- STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO

ORDER

In re ANDRE JACKSON

E081151

on Habeas Corpus.

(Super.Ct.Nos. RIF142821 &
CVRI2300950)

The County of Riverside

THE COURT

The petition for writ of habeas corpus is DENIED.

McKINSTER

Acting P. J.

Panel: McKinster
Miller
Ramirez

cc: See attached list

MAILING LIST FOR CASE: E081151
In re Andre Jackson on Habeas Corpus

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APPENDIX B.

PETITIONER: Andre Jackson	CASE NUMBER: CVRI2300950
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10. The petition is denied as moot due to changed conditions: _____
11. The petition is denied because it is incomplete, unintelligible, and/or unclear.
12. The petition is denied without prejudice because it is not made on Judicial Council form HC-001, and there is no showing of good cause for failing to do so. (Cal. Rules of Court, rule 4.551 (a)(1)&(2).)
13. No order to show cause having been issued, the request for appointment of counsel is denied. (Cal. Rules of Court, rule 4.551 (c)(2).)
14. Other:

The petitioner claims that his appellate counsel provided ineffective assistance by failing to raise a claim of insufficient evidence on appeal. Petitioner has failed to show that appellate counsel's exercise of professional judgment was deficient or that, but for counsel's errors, the outcome of the appeal would have been different. Appellate counsel is not required to raise every non-frivolous issue and Petitioner alleges no more than a failure to raise issues. (Smith v. Robbins (2000) 528 U.S. 259, 288; Jones v. Barnes (1983) 463 U.S. 745-752.) Failing to raise an issue on appeal "is not deficient performance unless that claim was plainly stronger than those actually presented to the appellate court. [Citation.]" (Davila v. Davis (June 26, 2017) U.S. __, __ [137 S.Ct. 2058, 2067].) To prevail on a claim of ineffective assistance of counsel, Petitioner "must show that counsel's representation fell below an objective standard of reasonableness" measured against "prevailing professional norms," and that prejudice resulted. (Strickland v. Washington (1984) 466 U.S. 668, 687-688, 694; see, People v. Anderson (2001) 25 Cal.4th 543, 569; In re Cordero (2007) 46 Cal.3d 161, 180.) Petitioner has failed to establish either prong of the Strickland analysis.

IT IS SO ORDERED.

Date: 3-13-23

Judge Samah Shouka
(JUDGE OF THE SUPERIOR COURT)


(SIGNATURE)

Samah Shouka



SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

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HC001

In the Matter of the Petition of

FOR COURT USE ONLY

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF RIVERSIDE

MAR 13 2023

MARLENE ACUÑA *[Signature]*

PETITIONER: Andre Jackson

For Writ of Habeas Corpus

HABEAS CASE NUMBER:
 CVRI2300950

CRIMINAL CASE NUMBER:
 RIF142821

Hearing Date:
 N/A

Time:
 N/A

Department:
 33

ORDER RE: PETITION FOR WRIT OF HABEAS CORPUS - DENIAL

The Court, having read and considered the Petition for Writ of Habeas Corpus filed on 02/27/23, hereby **RULES** as follows:

1. The petition is denied because it fails to state a prima facie factual case supporting the petitioner's release. (Cal. Rules of Court, rule 4.551 (c).) The petition makes assertions regarding the applicable law that are contrary to established California case decisions.
2. The petition is denied because it fails to state a prima facie factual case supporting the petitioner's release. (Cal. Rules of Court, rule 4.551 (c).) While the petition states a number of factual conclusions, these broad conclusions are not backed up with specific details, and/or are not supported by the record in the case.
3. The petition is denied with prejudice because the issues were raised and considered in a prior appeal. "[I]ssues resolved on appeal will not be reconsidered on habeas corpus..." (*In re Clark* (1993) 5 Cal. 4th 750, 765.)
4. The petition is denied because it fails to raise any new issue that has not previously been addressed in an earlier writ petition. (*In re Clark* (1993) 5 Cal. 4th 750, 767.)
5. The petition is denied because the issues could have been raised in an appeal but were not and no excuse for failing to do so has been demonstrated. (*In re Clark* (1993) 5 Cal. 4th 750, 765.)
6. The petition is denied because the petitioner unreasonably delayed filing the petition after the facts occurred that allegedly justifies relief, and he or she has failed to adequately explain the reason for the delay. A petitioner must justify any substantial delay in presenting a claim by, *inter alia*, stating when he or she became aware of the legal and factual bases for his or her claims and explaining the reason for any delay since that time. (*In re Clark* (1993) 5 Cal. 4th 750, 783, 786-787.)
7. The petition is denied without prejudice because the petitioner has brought prior petitions arising from the same detention or restraint and fails to describe the nature and disposition of the claims made in the prior petitions. (Pen. Code § 1475.)
8. The petition is denied without prejudice because the petitioner is represented by counsel.
9. The petition is denied because the petition fails to establish that the petitioner has exhausted available administrative remedies. (*In re Muszalski* (1975) 52 Cal. App. 3d 500.)

APPENDIX C.

APPENDIX D.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION TWO

PEOPLE OF THE STATE OF CALIFORNIA,) Court of Appeal
Plaintiff and Respondent,) E048305
vs.)
ANDRE JACKSON,) Riverside County
Defendant and Appellant.) Superior Court
) RIF142821
)
)
)

APPELLANT'S OPENING BRIEF

APPEAL FROM THE SUPERIOR COURT OF RIVERSIDE COUNTY
HONORABLE DAVID B. DOWNING, JUDGE

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By appointment of the Court of Appeal
under the Appellate Defenders, Inc.
Independent case system
Attorney for Appellant
ANDRE JACKSON

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APPENDIX E.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)
vs.) RIF142821
ANDRE JACKSON,) Volume 2 of 2
Defendant.) Pages 207 to 343

REPORTER'S TRANSCRIPT OF TRIAL PROCEEDINGS

Before the Honorable David B. Downing, Judge, Department 1B
February 25, 26, 2009 and April 28, 2009

APPEARANCES:

For the People:

OFFICE OF THE DISTRICT ATTORNEY
BY: **TIMOTHY HOLLENHORST**, Deputy
4075 Main Street
Riverside, California 92501

For the Defendant:

OFFICE OF THE PUBLIC DEFENDER
BY: BRIAN COSGROVE, Deputy
4200 Orange Street
Riverside, California 92501

Reported by:

KATHLEEN P. CAGNEY, CSR 10850

1 INDIO, CALIFORNIA; TUESDAY, APRIL 28, 2009

2 THE COURT: All right. We're on the record in the
3 matter of Andre Jackson, RIF 142821.

4 Could I have your appearances, please, everybody.

5 MR. COSGROVE: Good morning, Your Honor. Brian
6 Cosgrove with Mr. Jackson, present in custody.

7 MR. HOLLENHORST: Good morning, Your Honor. Tim
8 Hollenhorst on behalf of the People.

9 THE COURT: All right. Mr. Jackson is present in
10 custody. His lawyer, Mr. Cosgrove, is present. Mr. Hollenhorst
11 is here for the D.A.'s office. I have gotten three documents in
12 this case. I have a probation officer's report, file stamped
13 April 22nd of this year. I have a sentencing memorandum
14 authored by Mr. Cosgrove and a new -- which is a "Sentencing
15 Memorandum," slash, "New Trial Motion" that was file stamped
16 April 2nd. And I've gotten a D.A.'s opposition to the new trial
17 motion, which I was handed this morning.

18 So, as I recollect it, then, we're here for two
19 reasons. One, this was set as our sentencing date. Meanwhile,
20 Mr. Cosgrove filed a new trial motion. So it would seem logical
21 to me that I hear the new trial motion first and then go from
22 there. Mr. Cosgrove.

23 MR. COSGROVE: Yes, Your Honor. As you noted, I filed
24 that motion for a new trial that I entitled just generally
25 "Sentencing Memorandum," asking that you reconsider, basically,
26 the findings of the jury under the standard that there is
27 insufficient evidence to convict Mr. Jackson on those charges.
28 You, as I did, were in this trial for the three or four days

1 that it took. You were able to see the evidence, weigh the
2 credibility of each witness. I won't belabor the point beyond
3 what I've written in the motion. I would ask that you consider
4 that on behalf Mr. Jackson.

5 If you have further questions or seek specific comment
6 from myself, I'm happy to do so. But, like I said, for the most
7 part, I will submit on my written motion.

8 THE COURT: All right. Mr. Hollenhorst.

9 MR. HOLLENHORST: Your Honor, based on that, I'll
10 submit on my memorandum as well, unless the Court has any
11 questions for the People.

12 THE COURT: Well, this was a Riverside case that was
13 sent here on the last day, as I recollect it, and there was a
14 trial conducted. And the Court -- well, and the main evidence
15 here was the testimony of the complaining victim, an adult now
16 at the time of the trial, not an adult during the course of
17 these events.

18 Of course, the major question for the jurors was the
19 credibility of that victim because there really was no other
20 evidence, really. The vast majority of the evidence was what
21 the victim said from the witness stand and, of course, the jury
22 would have to weigh his credibility in order to reach a verdict.

23 My understanding of the new trial motion as to my role
24 is that I need to review the evidence independently and satisfy
25 myself that the evidence as a whole was sufficient to sustain
26 the verdict. The question is whether there's substantial
27 evidence to support the verdict. I need to review the record in
28 the light most favorable to the judgment and decide whether

APPENDIX F.

COURT OF APPEAL - STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION II

PEOPLE OF THE STATE OF CALIFORNIA,)	
)	DCA No.
Plaintiff/Respondent,)	
)	Riverside County
VS.)	Case No. RIF142821
ANDRE JACKSON,)	
)	Volume 2 of 2
Defendant/Appellant.)	Pages 207 to 343
)	

REPORTER'S TRANSCRIPT ON APPEAL

Before the Honorable David B. Downing, Judge, Department 1B
February 25, 26, 2009 and April 28, 2009

APPEARANCES:

For Plaintiff/Respondent:

OFFICE OF THE ATTORNEY GENERAL
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San Diego, California 92101

For Defendant/Appellant:

APPELLATE DEFENDERS, INC.
555 West Beech Street, Suite 300
San Diego, California 92101

Reported by:

KATHLEEN P. CAGNEY, CSR 10850

COPY

1 THE WITNESS: Yes, sir.

2 JONATHAN ALEXANDER ROBINSON,
3 called as a witness by and on behalf of the People, having been
4 previously sworn, was examined and testified as follows:

5 CROSS-EXAMINATION

6 BY MR. COSGROVE:

7 Q. All right. Jonathan, everything that you described for
8 about two hours yesterday, you never told anybody until March of
9 2007; isn't that right?

10 A. Correct.

11 Q. The first time you ever said anything to anyone, that
12 was to your girlfriend, Courtney?

13 A. Yes.

14 Q. That was in Moreno Valley?

15 A. Yes.

16 Q. And the reason that you gave, at least in large part,
17 is that you feared your stepfather, Andre Jackson; right?

18 A. That was the reason I didn't say anything, yes.

19 Q. You feared for your own safety, feared for the safety
20 of your mother, Glenda; right?

21 A. Yes.

22 Q. Now, October of 2004, that was kind of a big month in
23 your family. Do you remember that month?

24 A. Yeah.

25 Q. That was the last time that Andre and your mother,
26 Glenda, lived together; right?

27 A. Uh-huh.

28 Q. That was also a time where you were taken away from

1 your mother for two days?

2 A. Correct.

3 Q. That was also the time when your stepfather, Andre,
4 slapped you, as well as your son (sic), Jason, and the police
5 came by; isn't that right?

6 A. That's right.

7 Q. That incident, let's talk about that for a second. You
8 recall that pretty well?

9 A. Yeah.

10 Q. And what happened on that day was that your brother,
11 Jason, he had come home from school, and he had a grade report
12 that was negative; right?

13 A. Correct.

14 Q. And you sort of hid it from Andre, your stepfather, his
15 father, and went upstairs for a little bit; is that right?

16 A. Yeah.

17 Q. You went upstairs as well?

18 A. I was upstairs doing my homework, yes.

19 Q. Okay. At some point, for whatever reason, Andre, your
20 stepfather figured out that Jason had this negative grade report
21 and had hid it from him and started yelling and screaming and
22 eventually slapped or hit Jason; isn't that right?

23 A. Eventually, yes.

24 Q. And eventually, you came downstairs as well, and he did
25 the same to you, sort of slapped you around, hit you?

26 A. No, I was already downstairs that day.

27 Q. Well, that's --

28 A. It started with me, then went to Jason.

1 Q. Okay. And what you described to the police later the
2 next day was that you had a mark over your left eye; right?

3 A. Yeah.

4 Q. And that you had been hit as well in the arm, as well
5 as you said something about you had been kicked; right?

6 A. Yes.

7 Q. But that was the extent of it. There was no sexual
8 abuse. There was nothing other than what I just described;
9 right?

10 A. Not on that day.

11 Q. And when you talked to the police and then later the
12 social worker, you told them that your stepfather, Andre, never
13 really hit you before and, in fact, it was your mother, Glenda,
14 that did the disciplining in the family. Do you recall making
15 those statements?

16 A. No.

17 Q. Was it your mom that did the disciplining in the
18 family?

19 A. It was pretty even. If my mom had to do it, she did.

20 Q. You described how your mother, Glenda, would use a
21 belt?

22 A. Correct.

23 Q. So your mother would get mad at you, for whatever
24 reason; not walking the dog, not taking the trash out, doing
25 poorly at school, and she would do discipline to you and your
26 brother the same as Andre; is that right?

27 A. Not the same as Andre, but she did discipline us.

28 Q. She used a belt on you?

1 A. Yes.

2 Q. You don't recall telling the police that your
3 stepfather had never really hit you before?

4 A. No.

5 Q. Now, your mother stated both in court yesterday, as
6 well as on her request for restraining order, that the times
7 that he had hit her prior was way back when Jason was a newborn,
8 two weeks old, 1995 -- or 1996, rather. You don't recall it
9 that way? You recall that Andre hit her more than that?

10 A. No. He stopped hitting her a few years after Jason was
11 born.

12 Q. Okay. So there's this long period of time in the
13 middle where Andre is not hitting your mom and, in fact, your
14 mom is doing all the disciplining on you and your brother?

15 A. No. There's a long period of time where he's not
16 hitting her, and he's hitting me.

17 Q. But you didn't tell the police that?

18 A. No.

19 Q. You didn't tell the police that he was hitting you?

20 A. No. But I also didn't say that he was not hitting me.

21 Q. You told the social worker, in fact, the opposite, that
22 you and your brother -- Jason missed his father, your
23 stepfather, and wanted him back. Do you recall saying that?

24 A. No, I don't.

25 Q. Do you recall Jason saying something like that?

26 A. Probably. He still says that from time to time.

27 Q. Now, when that all transpired, your mother, Glenda, she
28 told you, "First and foremost, don't say anything"; isn't that

1 right?

2 A. Correct.

3 Q. And you complied. You did what your mother told to you
4 do?

5 A. Right.

6 Q. She told you, "Don't let the police in the house," and,
7 again, you complied?

8 A. No. She never said, "Don't let the police in the
9 house." The police showed up to the house, and I did not allow
10 them into the house because that's just my first instinct. I
11 don't let anybody in the house unless I have permission from my
12 parents.

13 Q. That wasn't at your mother's direction?

14 A. No.

15 Q. But it was at your mother's direction to not say
16 anything to anyone?

17 A. Correct.

18 Q. And you tend to do what your mother told you to do?

19 A. I tend to do what my parents tell me to do.

20 Q. Now, when the police came that day, they talked to you.
21 There was an officer; isn't that right?

22 A. Yes.

23 Q. And he took you into a separate room in the Deer Creek
24 residence in Moreno Valley and actually sat down and talked to
25 you?

26 A. I don't know if it happened like that, but I know I
27 talked to the police.

28 Q. Deputy Judes, does that ring a bell? J-u-d-e-s.

1 A. No. I don't remember any of the social workers' names,
2 none of the police officers' names. I don't even remember the
3 name of the lady I was staying with.

4 Q. But you recall somebody in uniform from Riverside
5 County Sheriff's Department spoke to you; right?

6 A. Yes.

7 Q. Andre wasn't around, was he?

8 A. No.

9 Q. For a point, your mother wasn't even around, just you
10 and the officer?

11 A. Correct.

12 Q. There was a social worker that talked to you, at least
13 one, Lisa Overton; it was a female?

14 A. I didn't know her name. I know it was a female.

15 Q. Then later a male social worker talked to you; Michael
16 Boggs talked to you?

17 A. I don't remember that, but probably.

18 Q. You talked to a psychiatrist after that. Your mother
19 had you see a psychiatrist in Riverside in Canyon Crest; isn't
20 that right?

21 A. I talked to a lot of different people in that period of
22 time.

23 Q. There's a Dr. Paul Gonsier, G-o-n-s-i-e-r, in Canyon
24 Crest, Riverside; right?

25 A. Like I said, I don't remember names. I remember I
26 talked to a lot of people, and I wanted it to be over with.

27 Q. Okay. And is this was after the events where Andre
28 slapped you and your brother, Jason; right?

1 A. Yeah.

2 Q. So, from that day forward, Andre never lived with you
3 ever again, did he?

4 A. No.

5 Q. And you were allowed to talk to the deputy alone?

6 A. Yes.

7 Q. You were allowed to talk to at least two social workers
8 alone?

9 A. Yes.

10 Q. You were living separate from everyone for at least two
11 days; right?

12 A. Right.

13 Q. You talked to a Dr. Gonsier in his office about
14 whatever you wanted to talk about; right?

15 A. Yes.

16 Q. And never, ever, ever did you ever mention that, one,
17 your father had hit you before, or, two, that he had sexually
18 molested you in any way?

19 A. Correct.

20 Q. And Andre wasn't around. There's nothing to be scared
21 of. He wasn't living with you. You had the opportunity to talk
22 to police, and you chose not to?

23 A. Yeah, because that's assuming that he doesn't come
24 back.

25 Q. This also would have been just weeks after, as you
26 described yesterday, that he had anally raped you and orally
27 copulated you, or vice versa, in the church; right? That would
28 have occurred in April of 2004; right?

1 A. Uh-huh.

2 Q. And you chose not to talk to anybody --

3 THE COURT: Mr. Robinson, again, "uh-huh" and "huh-uh"
4 on the transcript looks the same. We don't know what you're
5 saying.

6 THE WITNESS: Okay. Well, yes.

7 THE COURT: So say "yes" or "no," sir.

8 THE WITNESS: Yes, Your Honor. Yes.

9 Q. (BY MR. COSGROVE) And you chose not to talk to anybody
10 about any of this?

11 A. Yes..

12 Q. Did your mother take you to a doctor, to Dr. Schwartz,
13 like she described?

14 A. I don't really remember that, but if she says I did --
15 the records probably -- if you go to Dr. Schwartz, you'll
16 probably find some medical records, but I don't remember going
17 to a doctor. I told you, most of that stuff that happened, I
18 wanted to forget about.

19 I don't remember any of the social workers' names. I
20 don't remember what the police officers even looked like. I
21 know I talked to police. I know I talked to social workers. I
22 know I talked to psychiatrists. I talked to a lot of people,
23 and I told them all the same thing, that it didn't happen, that
24 this was one of the -- this was an incident where he hit me.
25 He's hit me. He's hit me before, but this is the -- this would
26 have been the extreme, and, no, he hasn't sexually abused me,
27 because no one asked me that.

28 Q. Now, you would have been 14 years old, a freshman in

1 high school, in October of 2004; right?

2 A. Yeah.

3 Q. You would have turned 14 on January 4th, 2004; right?

4 A. Correct.

5 Q. So, whether or not you went to a doctor, Dr. Schwartz,
6 you don't recall that? That's just five years ago. You don't
7 recall that?

8 A. No.

9 Q. You have no idea whether your mom's telling the truth
10 whether she took you to a doctor or not?

11 A. No. I'm not going to sit up here and lie and say I
12 remember going to the doctor. I don't remember going to the
13 doctor.

14 Q. You don't recall a doctor checking you out to find out
15 if you had been anally raped or not?

16 A. No. I definitely don't remember that. I'm pretty sure
17 I'd remember somebody sticking their hands around there.

18 Q. So, as far as you're concerned, that never happened?

19 A. As far as I'm concerned, I don't remember it happening.

20 Q. Now, you first, as you said, told your girlfriend,
21 Courtney, in March of 2007; right?

22 A. Yeah.

23 Q. And you just sort of made a comment that got a reaction
24 out of her on the telephone because you said you wanted to tell
25 somebody; right?

26 A. Correct.

27 Q. And then you confronted Andre about it, and he told you
28 he didn't know what you were talking about; right?

1 A. Correct.

2 Q. Now, you went to the police in Moreno Valley on
3 July 25th, 2007; right?

4 A. Right.

5 Q. You talked to an officer there by the last name of
6 Galvan?

7 A. Uh-huh. Yes. Excuse me.

8 Q. You knew -- at that point, you'd graduated from high
9 school; right?

10 A. Yes.

11 Q. You knew that your mother planned to move you two out
12 to Las Vegas, Nevada?

13 A. No.

14 Q. You would soon move there after that?

15 A. Yes.

16 Q. But you went out there with her to Moreno Valley to
17 report this -- this event that would have occurred ten to
18 five years ago; right?

19 A. Yes.

20 Q. What you told Deputy Galvan at that point, or Officer
21 Galvan at that point, as he put in his report, that you could
22 not remember any specific times or dates, just that you had been
23 molested at some locations by your stepfather in the past?

24 A. I put it that I couldn't give him specific months and
25 specific years. I remembered it according to where I lived at
26 the time and what grade I was in.

27 Q. And the three locations that you gave him were three
28 locations in Moreno Valley. You mentioned the Calle Sombra --

1 my Spanish is --

2 A. Calle Sombra.

3 Q. You mentioned that location in Moreno Valley; right?

4 A. Yes.

5 Q. You mentioned the Deer Creek residence in Moreno
6 Valley?

7 A. Yes.

8 Q. You mentioned the church on Postal Avenue; correct?

9 A. Right.

10 Q. So nothing in Pasadena; right?

11 A. No. I did mention that something happened in Pasadena
12 as well.

13 Q. So, if it's not in his report, that's just an
14 oversight?

15 A. Yes, because I started at the beginning.

16 Q. The fact that you couldn't remember dates or times or
17 specifics, that's true or not true?

18 A. That's true. To this day, I don't remember times,
19 dates and specifics, as you put it.

20 Q. But as it moved forward in time to today and yesterday,
21 you got a lot more clear as to specifics; isn't that right?

22 A. It's pretty easy to do when you can remember what grade
23 you were in and where you lived at the time.

24 Q. And you talked to at least two deputies or two
25 officers, one from Moreno Valley, as well as Investigator
26 Guimont; is that right?

27 A. Yes.

28 Q. In March of 2008?

1 A. Uh-huh.

2 Q. And you talked to your mother about this at length;
3 right?

4 A. Yes.

5 Q. And you talked to her attorney, Wanda Green, in the
6 family law court about this; isn't this right?

7 A. Yes.

8 Q. Then you talked to a number of people from the District
9 Attorney's Office, including Mr. Hollenhorst, about what you
10 would say when you testified; isn't that right?

11 A. Yes.

12 Q. So you practiced, so to speak. You talked about what
13 you would say when it came time to testify?

14 A. There's no practicing involved. I say what I say every
15 time I say it. It's the truth every time.

16 Q. Well, when you talked to the deputy in March of 2008,
17 you gave some generalities. You said that you thought had you
18 been touched about 30 times, that there was oral copulation
19 about 15 times, that there was sodomy --

20 A. Because they were --

21 Q. -- there was sodomy about three times. So you spoke in
22 sort of generalities?

23 A. Right, because they were asking specifically, how many
24 times did he do this to you? And I wasn't keeping a tally in my
25 room.

26 Q. When you testified yesterday, at the direction of the
27 judge when Mr. Hollenhorst said, well, let's move to Count
28 Number IV, you knew exactly what Count Number IV was, didn't

1 you?

2 A. Yes, I did, because I read the attorney's -- it was
3 like an outline of what he was going to present to the judge
4 about which counts dealt with which incidents. So I knew what
5 he was being charged with. I knew that the specifics of the
6 story I'm going to tell, my story was going to be charged,
7 specifics.

8 Q. So you practiced this with Mr. Hollenhorst?

9 A. No, I have not practiced it. I have continually told
10 the truth. And now I know how the truth that I'm telling
11 relates to the counts that are being brought to this man.

12 Q. You met with Mr. Hollenhorst last week when you came
13 out here from Las Vegas?

14 A. Yes.

15 Q. You went over all the things we've talked about, the
16 charge sheet and what was specifically going to be told in front
17 of this jury?

18 A. Yes.

19 Q. So you knew what the specific allegations were Counts I
20 through VII; right?

21 A. Yes.

22 Q. So you talked to him. You went through your
23 presentation. You practiced what you would testify about?

24 A. Again, I did not practice anything. I'm telling the
25 truth over and over again. Now you are asking questions over
26 and over again. Have you practiced this?

27 Q. Absolutely. What you testified to yesterday, you
28 wrote -- you wrote it out at the request of the family law

1 attorney; isn't that right?

2 A. Correct.

3 Q. And that was for the sole purpose of the family law
4 proceedings in Riverside in March of 2008; isn't that right?

5 A. Yes.

6 Q. So, you first went to Moreno Valley in July of 2007;
7 right?

8 A. Yeah.

9 Q. You couldn't remember specific times or dates or things
10 like that; true?

11 A. Correct. You have the records. You probably know
12 better than I do.

13 Q. And then months go by, and you come from Las Vegas to
14 Riverside, knowing that your stepfather has requested custody of
15 Jason; right?

16 A. Uh-huh. Yes.

17 Q. That your mom has been accused of abducting Jason
18 against court order; right?

19 A. Yes.

20 Q. And that she may get in trouble for both of those
21 reasons; isn't that right?

22 A. I didn't believe she was going to get in trouble.

23 Q. Your mom hired an attorney, Wanda Green, out of
24 Riverside; right?

25 A. That's what people do when they go to court.

26 Q. And your mom and her attorney asked you to write
27 something up about how you had been abused as a child for the
28 purposes of the family law proceeding?

1 A. I had already told my mother about the incident, and
2 they asked that I write a written statement of what happened.

3 Q. And the point of that was so that Andre Jackson would
4 not get custody of Jason; that your mom would win; and she
5 wouldn't get in trouble for taking him to Las Vegas?

6 A. The point of that letter was so he would not get
7 custody of my brother. That's where the point of that letter
8 ends -- the point of that letter.

9 Q. And that's what your mom wanted?

10 A. I would imagine so.

11 Q. Okay. Jason, you said, was -- just a couple years
12 before missed his father, wanted to be with his father, visited
13 with his father, and suddenly things changed? It's what your
14 mom wanted; she didn't want Andre in Jason's life anymore?

15 A. Yes. Any mother would not want this type of man around
16 her son.

17 Q. Based on what you told her?

18 A. Based on what I told her, based on his behavior, and
19 based on the criminal records that popped up once he started
20 asking for sole custody. He's not a saint, and I was simply
21 telling one of the many truths that shines light on his
22 blemishes.

23 Q. You feel close to your mother?

24 A. Yes. She's my mother.

25 Q. She's always been there for you?

26 A. Yes. She's my mother.

27 Q. You don't have a father?

28 A. No.

1 Q. At least that's what she told you?

2 A. Obviously, I have a father. I'm here. That means
3 somebody would have had to have sex with her for her to get
4 pregnant for me to be born. She was date raped. She never told
5 the man that she was pregnant. So, no, I don't have a father.
6 He was the closest thing to a father. What does that have to do
7 with anything?

8 Q. Are you loyal to your mother?

9 A. Yes.

10 Q. You would do anything to help her?

11 A. Yes, just like she would do anything to help me.

12 MR. COSGROVE: All right, Jonathan.

13 No further questions, Your Honor, thank you.

14 THE COURT: All right. Mr. Hollenhorst, do you have
15 any redirect of this witness?

16 MR. HOLLENHORST: I think we should take a quick
17 sidebar, if that's okay, Your Honor, very briefly.

18 THE COURT: All right. Ladies and gentlemen, just
19 stretch in place. Mr. Robinson, just sit in the witness stand.
20 We have a few things to talk about. We'll be back in five
21 minutes or so.

22 (Chambers conference.)

23 THE COURT: All right. We're in chambers with the two
24 lawyers and the court reporter and court staff. Obviously, the
25 defendant isn't here and neither are the jurors. The
26 prosecutor, Mr. Hollenhorst, asked for an in-chambers at the
27 conclusion of the cross-examination by Mr. Cosgrove of
28 Mr. Robinson.