

SUPREME COURT
FILED

JAN 18 2017

Jorge Navarrete Clerk

S238698

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re OTIS LEE RODGERS on Habeas Corpus.

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Lindley* (1947) 29 Cal.2d 709, 723; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Miller* (1941) 17 Cal.2d 734, 735.)

CANTIL-SAKAUYE

Chief Justice

EXHIBIT "A"

MAILING LIST FOR CASE: E068301
In re Otis Rodgers on Habeas Corpus

Superior Court Clerk
Riverside County
P.O. Box 431 - Appeals
Riverside, CA 92502

Otis Lee Rodgers
CDC #: A174-297
2500 South Avon-Belden Road
Gafton, OH 44044

Office of the State Attorney General
P.O. Box 85266
San Diego, CA 92186-5266

District Attorney
County of Riverside
3960 Orange Street, #100
Riverside, CA 92501

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

ORDER

In re OTIS LEE RODGERS

E068301

on Habeas Corpus.

(Super.Ct.No. RIF098234)

The County of Riverside

THE COURT

The petition for writ of habeas corpus is DENIED.

McKINSTER

Acting P. J.

Panel: McKinster
Slough
Ramirez

cc: See attached list

EXHIBIT B

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 21 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

OTIS LEE RODGERS,

Applicant,

v.

LASHANN EPPINGER, Warden,

Respondent.

No. 17-71777

ORDER

Before: LEAVY, M. SMITH, and CHRISTEN, Circuit Judges.

The application for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus petition in the district court, as supplemented by Docket Entry Nos. 2 and 5, is denied. The applicant has not made a prima facie showing under 28 U.S.C. § 2244(b)(2) that:

(A) the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and (ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

Any pending motions are denied as moot.

No further filings will be entertained in this case.

DENIED.

EXHIBIT "C"

1
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 OTIS LEE RODGERS,

12 Petitioner,

13 v.

14 STATE OF CALIFORNIA,

15 Respondent.
16
17

NO. EDCV 17-1233-VAP (AGR)

OPINION AND ORDER ON
PETITION FOR WRIT OF
HABEAS CORPUS
(SUCCESSIVE PETITION)

18 On June 13, 2017, Petitioner filed a Petition for Writ of Habeas Corpus
19 pursuant to 28 U.S.C. § 2254 in the Southern District of California, which
20 transferred the action here on June 20, 2017. He challenges his 2003 Riverside
21 County conviction for assault with a firearm and other crimes, which resulted in a
22 prison sentence of 16 years. (Petition at 1.) Because he previously challenged
23 the same underlying state-court judgment here in a habeas action that the Court
24 dismissed with prejudice, and because he lacks Ninth Circuit authorization to file
25 a successive petition, the Court lacks jurisdiction over the new petition.
26
27
28

EXHIBIT "D"

I.

PROCEDURAL BACKGROUND

Pursuant to Fed. R. Evid. 201, the Court takes judicial notice of the records in Petitioner's prior federal habeas corpus action in the Central District, as well as the records of the state trial and appellate courts and the United States Supreme Court.

In 2003, a Riverside County Superior Court jury convicted Petitioner of assault with a firearm, possession of a firearm and ammunition by a felon, and making criminal threats. He was sentenced to prison for 16 years. (Petition at 1; *see People v. Rodgers*, 33 Cal. Rptr. 3d 163, 164-65 (Cal. Ct. App. 4th Dist. 2005).) The trial court case number was RIF098234.

On August 18, 2005, the California Court of Appeal affirmed the judgment in case number E034205. *Id.* The California Supreme Court initially granted review on November 30, 2005 in case number S137422, and then dismissed review on July 11, 2007 in light of its decision in another case.

On October 5, 2007, Petitioner filed a petition for certiorari in the United States Supreme Court, which denied the writ in case number 07-7456 on January 14, 2008.

Starting in 2002, before he was convicted, and continuing through 2017, Petitioner has filed many cases in the California Court of Appeal¹ and the California Supreme Court² challenging his prosecution and eventual conviction in case number RIF098234.

¹ The California Court of Appeal cases referencing trial court case number RIF098234 are: E032718, E034205, E034617, E036588, E038126, E040498, E043592, E049011, E051809, E054995, E055506, E055522, E055984, E056749, E057021, E059078, E059986, E060817, E061338, E061338, E061519, E061897, and, most recently, E068301, in which the court denied relief on May 15, 2017.

² The state Supreme Court cases that cross-reference trial court case number RIF098234 are: S128449, S134923, S137422 and S144268.

1 On July 24, 2008, Petitioner filed a habeas petition in this court, where it
2 was assigned case number EDCV 08-1003-VAP (MLG) ("*Rodgers I*"). On July
3 19, 2013, after lengthy proceedings, the Court entered Judgment dismissing
4 *Rodgers I* with prejudice. (Dkt. Nos. 118, 119 in *Rodgers I*.)

5 Petitioner has repeatedly applied for leave from the Ninth Circuit to file a
6 second or successive petition, thus far without success. He first did so on July
7 15, 2013. The appellate court denied the application on October 21, 2013 in case
8 number 13-72523. He filed his second application on October 28, 2014. The
9 appellate court denied it on February 27, 2015 in case number 14-73332. On
10 June 19, 2017, Petitioner filed a third application. That application, in case
11 number 17-71777, remains pending.

12 The current Petition contains one ground for relief, namely that Petitioner,
13 who is black, was the victim of a "RICO conspiracy" involving a "Grand Dragon
14 KKK" judge and "a sexually confused homosexual prosecutor." (Petition at 4
15 (page citations are to page numbers assigned by CM/ECF in the header).)

16 II.

17 DISCUSSION

18 The Petition was filed after enactment of the Antiterrorism and Effective
19 Death Penalty Act of 1996 ("AEDPA"). Therefore, the Court applies the AEDPA
20 in reviewing the Petition. *Lindh v. Murphy*, 521 U.S. 320, 336 (1997).

21 The AEDPA provides, in pertinent part: "Before a second or successive
22 application permitted by this section is filed in the district court, the applicant shall
23 move in the appropriate court of appeals for an order authorizing the district court
24 to consider the application." 28 U.S.C. § 2244(b)(3)(A). A district court does not
25 have jurisdiction to consider a "second or successive" petition absent
26 authorization from the Ninth Circuit. *Burton v. Stewart*, 549 U.S. 147, 152 (2007);
27 *Cooper v. Calderon*, 274 F.3d 1270, 1274 (9th Cir. 2001) ("When the AEDPA is in
28 play, the district court may not, in the absence of proper authorization from the

1 court of appeals, consider a second or successive habeas application.”) (citation
2 and quotation marks omitted).

3 Here, the Petition is a second or successive petition challenging the same
4 conviction and sentence imposed by the same judgment of the state court as in
5 *Rodgers I.*

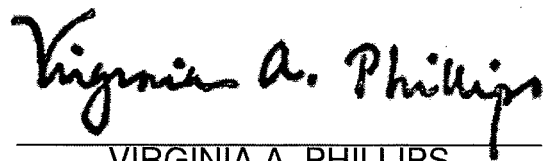
6 Rule 4 of the Rules Governing Section 2254 Cases in the United States
7 Courts provides that “[i]f it plainly appears from the face of the petition and any
8 attached exhibits that the petitioner is not entitled to relief in the district court, the
9 judge must dismiss the petition and direct the clerk to notify the petitioner.” Here,
10 summary dismissal is warranted.

11 **III.**

12 **ORDER**

13 IT IS HEREBY ORDERED that Judgment be entered summarily dismissing
14 the Petition and action for lack of jurisdiction.

15
16
17 DATED: July 6, 2017



VIRGINIA A. PHILLIPS
Chief United States District Judge

THE WARRIOR FIGHTS BACK from Behind Enemy Lines

LIVES

GOD DAMN CALIFORNIA

Working to Bring Justice to the Unjustly Imprisoned

Imagine if you will the most cruel, corrupt, godless state with the richest slave empire the world has ever known by ripping off the stupid taxpayers to provide deadend parasitic "do nothing ass jobs" at obscene exorbitant salaries for the dredge of criminals, those with hidden agendas hiding behind badges, black robes, authority and thats: God Damn California.

I was captured by my enemies, kidnapped from my family and loved one, unjustly tried under California's infamous Three-Strikes Law of being (I.) Poor, (II.) Black, and (III.) Targeted, charged with a fictitious crime, summarily convicted and mercilessly condemned to prison all in the face of the drafted "named-victim" Joyce R., pretrial in open court sworn repudiation of Deputy District Attorney Deborah Ann Lucky's vicious lies of her victimization, denying that she had been abused or threatened by me. In protest to California's iniquitous defacto "racehate" black code lynch (slave) law, Joyce refused to participate, boycotted the kangaroo trial, abandoning me, fleeing the state in fear of retaliation. And on behalf of the "unavailable" Joyce, arresting deputy Gary Bowen testified at my trial that Joyce had told him that she had not been threatened nor assaulted with a firearm by me.

Unperturbed Riverside County Deputy District Attorney Brian D. King in conspiracy produced a simpleminded illegal Mexican alien, Sandra Rodriguez, suborn by extortive threats of deportation (having to leave her many anchor children), to commit perjury, to change her story and to testify falsely that she, a percipient witness had observed me commit a firearm assault upon a black Jane Doe of which; in undisputed rebuttal 9-1-1 sheriff's dispatcher Barbara Lang testified that Rodriguez was (a perjurious-liar) because she had initially reported to her that she had no visual and she saw no weapons; as is confirmed by Rodriguez's voice on the 9-1-1 tape of which my attorney, John Ward (415) 255-4996 has a copy in repository. Trial Judge J. Thompson Hanks in collusion refused to expose this lying prosecutor by not allowing the jury to hear the dispositive 9-1-1 tape indicating Rodriguez had reported she saw no weapons.

Moral-decency and civilized-intelligence dictates that if the Mexican had no visual and she saw no weapons than it would be logically impossible and defy the laws of physics for her to truthfully testify two-years after the fact that she now looked back in to her past and observed a firearm assault and; it is rape of the intelligence to ACCEPT her first-time, in-court, cross-racial "remembering" identification of me as perpetrator, the only male black referred to as defendant questioning and standing before her. Lastly, the prosecutor stooped to molesting, abused nine-year old Nelita Sanchez, Rodriguez's daughter under terrorist threats of either seeing her mother deported or save her by committing perjury, testify falsely and corroborate her mother's lies.

Tearful little Nelita testified that she couldn't identify her mother's male perpetrator nor her female black victim and that she had observed a gun in the shadows some 3-4 hours prior to her mother's tale. DEPUTY DISTRICT ATTORNEY- DDA King declared that he wasn't gonna call Francisco Sanchez, a material witness, Rodriguez's husband (who refused to lie) who according to her had told her to take her (lying busybody) self to sleep, WITH NO MENTIONING OF A FIREARM ASSAULT BEING OBSERVED. CONTRADICTING RODRIGUEZ ABOUT SEEING A

My freedom was wrongfully stolen without probably cause, my family (my beautiful black wife and my (5) beautiful little black children) lost, gone destroyed and my life senselessly murdered by savages; LYING FILTHY BEAST, SCUM OF THE EARTH.

No sane individual wants to be a slave and I wanted to be free and live like everyone else, "My life ain't no joke", a tragic comedy for pleasure of others. Yet my yellow neo-stripped enemies whom I have nothing but pure hate, utter visceral contempt and disdain, neo-fascist enemies of humanity F----- my life off like it was nothing and I didn't matter. **RACIST MURDERERS**

And to you cowardly murderous monster who lied and cheated to martyrized and take my life, I curse you a thousand time over in life and for all eternity, I lay my curse of all curses upon you.

HOME OF THE FREE, LAND OF THE SLAVE **THE WHOLE DAMN SYSTEM IS GUILTY AS HELL** **POLITICAL PRISONER** **FREE Otis Lee Rodgers** **Wrongfully Convicted**

EXHIBIT 11 E

BLOG: <http://betweenthebars.org/blogs/1344/>

AN AMERICAN ATROCITY

Persecuted Minority

Resist Fascism Growing from Above and Below

Fight White Supremacy and Reactionary Violence

Dark Days

for Dark Men

LEGALIZE Nazi War criminals

GROVER TRASK

District Attorney

County of Riverside

4075 Main Street, First Floor

Riverside, California 92501

Telephone: (909) 955-5400

exposes

racism

AN AMERICAN ATROCITY

Arraign: 01/23/

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JAN 22 2002

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

(Riverside)

DOMESTIC WAR
CRIMINAL
Klu Klux Klan

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

Political Persecution
Hostages/Refugees From Injustice
OTIS LEE RODGERS

NO. RIF098234

INFORMATION

AGENCY#: ERO1196030/RSI

the evil behi
other evils?

FRAUD

COUNT 1

The District Attorney of the County of Riverside hereby accuses OTIS LEE RODGE
of a violation of Penal Code section 245, subdivision (a), subsection (2), a Felony, in that on
about July 15, 2001, in the County of Riverside, State of California, he did wilfully and
unlawfully commit an assault upon JOYCE R., with a firearm.

The District Attorney's Office of the County of Riverside further charges that in the
commission and attempted commission of the above offense hereinabove set forth in count
the information, the said defendant, OTIS LEE RODGERS, personally used a firearm, to wit
TAURUS, .357 MAGNUM REVOLVER, within the meaning of Penal Code sections 1202
subdivision (a), subsection (1) and 1192.7, subdivision (c), s.

COUNT 2

For a further and separate cause of action, being a dif

Stolen Lives

Racist

double standard



ANTI-KLAN

Strike

AGAINST RACISM

Black Leaders Matter

Free Black People



End Jim Crow RACISM

911 POLICE CAD REPORT

7-15-01

CHRG PAGE NO. 0001 N2825 SAL082 06-07-2001 14:37
DAILY DISPATCH REGISTER OF ACTIONSINCIDENT NUMBER: E-01196030 PRI: 3 NCI: 12026 UNIT/OFFICER: 1E 012/2660
LOCATION: 5558 TILTON AV. RUEENTERED: 07-15-2001 03:41:16 BY: N1743 AT: 048
DISPATCHED: 07-15-2001 03:41:51 BY: N3329 AT: 012
ARRIVED: 07-15-2001 03:45:35 BY: N3329 AT: 012
CLOSED: 07-15-2001 06:26:17 BY: N3242 AT: 012 CLOSURE EDP: 24P3M
RP NAME: CHB ADDR: GARDEN ESTATES
RP PHONE: 388 8600 911 TIME: 07-15-2001 03:41:16
CLOSE AGCY: E REPORTING DISTRICT: 007A DR: E-1196030

TIME OPER ACTION TEXT

07-15-2001
03:41:16 N1743 ROUTE 2ND HAND TO RP FRM SPANISH SPEAKING FEMA
LE AT 6606204/BEH APT COMPLEX/CPN HEAR
A MALE AND FEMALE IN A REP SEDAN VEB AN
D HEARD MALE SAY TO FEMALE HE WAS
GOING TO KILL HER/NEG VIS/PSAP ATT'ING R
E LL TO ORI RP THROUGH TRANSLATOR
03:41:16 N1743 ROUTE
03:41:34 N1743 TEXTF
03:41:51 N3329 DISP
03:42:33 N3329 DISP
03:43:05 2749 MDTACK
03:44:35 2660 MDTACK
03:44:44 N1743 CHGINC
03:44:44 N1743 CHGINC
03:45:11 N1743 TEXTF
03:45:35 N3329 ARRIVE
03:45:37 N1743 TEXTF
03:46:34 N3329 BCKAR
03:47:52 N1743 TEXTF
03:48:24 N3329 CONTACT
04:23:48 N2964 TRANS
04:27:18 2637 ENHAN8
04:28:29 N2964 TRANSC
04:29:20 N2964 RELOCE
14:34:28 N2964 CONTACT
14:34:46 N2964 ARRIVE
14:35:12 N2964 ARRIVE
14:36:11 2749 ENHAN8
14:41:55 2749 ENHAN8
15:54:08 N2964 TRANS
16:00:44 N2964 ARRIVE
16:06:46 N2964 CONTACT
16:24:18 N3242 CHGINC
16:26:17 N3242 58
16:26:17 N3242 58

7-15-01 POLICE REPORT

CONTINUATION SHEET

FILE NUMBER: ER01196030

PAGE NUMBER: 1 OF 4

EVIDENCE:

ITEM QTY DESCRIPTION

01 01 Taurus .357 Magnum revolver, stainless with black grips, serial #74827.
02 07 .357 Magnum ammunition. (3) Norma rounds, (2) Winchester rounds, (1) Speer round, and (1) WW Super round.

The above items of evidence were collected on 071501, about 0355 hours, and placed into evidence at the Jurupa Valley Sheriff's Station on 071501, about 0815 hours, by me.

DETAILS:

On Sunday, 071501, I was working uniformed patrol in a marked Sheriff's unit, in the unincorporated area of Rubidoux, Riverside County.

About 0341 hours, I was dispatched to the Garden Estates Apartments, at 5618 Tilton, Rubidoux, reference an unknown trouble call. The anonymous reporting party told dispatch that a male and female were arguing inside a red sedan in the parking lot of the apartments. The reporting party told dispatch that she heard the male say he was going to kill the female. He then told the female he was going to shoot her. The caller informed dispatch that the red sedan was in the driveway to the apartments.

About 0345 hours, I arrived and saw a red sedan, occupied by a male and female, driving northbound along the driveway of the apartments toward the Tilton St. exit. I conducted an investigative stop.

When I approached the red Ford sedan I saw that the female passenger, (O) Joyce Rodgers, was crying. I asked the driver, (S) Otis Rodgers, to exit the vehicle. Rodgers told me that he and his wife, Joyce, had been arguing about financial problems. He denied threatening or physically abusing his wife. He told me he did not have any weapons on his person or in the vehicle. Otis informed me that he was and that he had spent 14 years in Arizona State Prison. He was released in 1997 and is not on active parole. A records check of Otis Rodgers showed a recent arrest (2009) in Riverside County. Otis told me that the case was pending and that he is currently out of custody on bail. The records check also indicated that he did not have a current California driver's license (12500(a)-VC). I detained Otis in the back seat of my unit while I spoke to Joyce Rodgers.

Joyce told me she and Otis had been arguing, however he was not physical with her and he did not threaten to shoot her. Joyce said she had no knowledge of any weapons in the vehicle. She told me that she and Otis are married and that the vehicle belongs to both of them. She gave me consent to search the vehicle for weapons.

While searching the trunk I found a clear plastic bag containing a stainless, Taurus .357 Magnum revolver with black grips, serial #74827. The bag also contained (7) live ammunition rounds. A records check of the firearm showed no record on file.

I placed Otis under arrest for 12021(a)(1) PC-Felon in possession of a firearm, 12022 IPC-Felony

911 POLICE CAD REPORT

EVIDENCE TAPE

L-01-194-A

People v. Otis Lee Rogers

People v. Otis Lee Rogers

Case Number Rf098234

Interview Date: 07/15/01

Transcript of Interview with Sandra Rodriguez

Page 5

Agency Number ER01196030/RSDE

English: Yes it is a red car, he's hitting a woman a lot.

INTERPRETER: Yes, it's a red car.

DISPATCHER: Did you see any weapons?

INTERPRETER: Usted vio algun arma?

English: Did you see a weapon?

RODRIGUEZ: No, no mas grita el que la va matar que le va disparar.

English: No, no he only yells that he is going to kill her and he is going to shoot her.

INTERPRETER: No, but he keeps saying that he is going to kill her. That he is going to shoot her.

DISPATCHER: Okay, I a, I already have officers on the way as we're talking, what is the name of the apartment complex?

INTERPRETER: Okay, ya estan los oficiales en camino, qual es el nombre del complejo de apartamentos

English: Okay, the officials on are the way, what is the name of the apartment complex?

UNKNOWN: (male talking in background)

RODRIGUEZ: Ah, se llama... Como se llaman los apartamentos, Flaco?

English: Uh, they're called... What's the name of the apartments, Skinny?

UNKNOWN: No se.

English: Don't know.

RODRIGUEZ: Garden, Garden State.

INTERPRETER: Garden State.

ARREST DEPUTY TESTIMONY 6-26-03

1 couple times. What does that mean?

2 A. Crying, upset, disheveled.

3 Q. Did you ask her if she was upset?

4 A. Yes.

5 Q. Did you personally ask her?

6 A. Yes.

7 Q. What was her response?

8 A. That she was upset. She had been arguing with you.

9 Q. Did you ask her if she had been assaulted by

10 Mr. Rodgers?

11 A. Yes.

12 Q. And what was her response?

13 A. She --

14 THE COURT: Are -- is this hearsay? Is this an

15 agreeable situation?

16 MR. KING: It is, Your Honor. But I am not objecting

17 for a reason.

18 THE COURT: All right.

19 Q. (BY MR. RODGERS) Did you ask her if she had been

20 assaulted by Mr. Rodgers?

21 A. Yes, I did.

22 Q. And her response?

23 A. She said she had not.

24 Q. Did you ask her if she had been threatened with a

25 firearm by Mr. Rodgers?

26 A. Yes.

27 Q. What was her response?

28 A. She said she had not been threatened.

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1 Miss Deborah Lucky that you said that you saw the man strike the
2 woman several times?
3 A. You could hear that he was hitting her. But that I
4 saw? It was once.
5 Q. So he could have been hitting her several times?
6 A. I don't know.
7 Q. Do you recall making a statement that, "Each time I
8 looked out the window the man was either punching the woman or
9 holding a gun to her head or threatening to kill her"?
10 A. I don't remember. I don't remember what I told that
11 lady. I don't remember well. But the things that I have always
12 said is that I saw the gun to her head.
13 Q. How many -- how many times did you look out the window?
14 A. I don't remember exactly.
15 Q. Did you say that -- did I hear you describe -- can you
16 describe the woman? Is she short? tall? skinny? heavyset?
17 A. She is not thin.
18 Q. She is not thin?
19 A. No. I don't remember.
20 Q. Is she tall? About your height? My height?
21 A. Shorter than him.
22 Q. She is shorter than I am?
23 A. Uh-huh.
24 Q. Okay. And she is not thin and shorter than I?
25 A. Yes.
26 Q. Okay. Do you recall describing a woman as "puerile"?
27 Do you know what that means, "puerile"? And the woman pure --
28 do you know what that means?

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911 POLICE DISPATCHER'S TESTIMONY

1 paper.
2 Q. Okay. If I were to give you maybe the log sheet, would
3 that help or something? Are you familiar with the catalog?
4 A. Yes. That's what I read to make myself familiar with
5 the call itself.
6 MR. RODGERS: Your Honor, may I approach the witness
7 and have her take a look at this?
8 THE COURT: Sure. Go right ahead.
9 THE WITNESS: Okay.
10 Q. (BY MR. RODGERS) Okay. So now having familiarized
11 yourself with that catalog, do you now remember some of the
12 events in this situation?
13 A. I vaguely remember the call.
14 Q. Okay. And can you tell us some of the vagueness that
15 you do remember?
16 A. I do remember that the female spoke Spanish, and I
17 didn't have too much information so I sent it to go through a
18 translator like it does say in the call. She did hear that
19 someone was going -- a male subject say to a female that he was
20 going to kill her. She did not have visual. And then I got the
21 description of the vehicle, which is also in the call.
22 Q. If you were to hear the actual tape of your voice,
23 would that further bring it to your memory?
24 A. It may, it may.
25 MR. RODGERS: Your Honor, at this time, could I bring
26 defendant's exhibit --
27 THE COURT: We aren't going to play the whole tape.
28 MR. RODGERS: Well, Your Honor, wondering if I could

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ILLEGAL ALIEN SANDRA RODRIGUEZ SELF IMPEACHED HERSELF

1 what was going on, anything of that nature?
2 A. Yes, yes.
3 Q. And what -- what did he do, if anything?
4 A. He would tell me to go to sleep, that -- that they were
5 just arguing.
6 Q. Did you inform him that you were going to call the
7 police?
8 A. Yes. After everything had happened, I had said, "I am
9 going to call the police." And he said, "That's fine."
10 Q. And do you still live with him? Does he still live
11 with you at that house?
12 A. No.
13 Q. And one last thing, Miss Rodriguez. You have said
14 during your -- during your -- Mr. Rodgers' questioning of you,
15 that you had seen him three times in court before today, or --
16 or was that including today?
17 A. With today.
18 Q. Okay. And that you had seen him one time prior to
19 that, correct?
20 A. Yes.
21 Q. And that was the night of the incident?
22 A. Yes.
23 Q. And sitting here now, are you 100 percent sure that
24 this is the man that you saw that night?
25 A. Yes.
26 MR. KING: Okay. Thank you. Nothing further, Your
27 Honor.
28 THE COURT: Mr. Rodgers.

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911 POLICE DISPATCHER TESTIMONY

1 foundation as to the translation. Is this agreeable with you,
2 Mr. King?
3 MR. KING: That's fine, Your Honor.
4 THE COURT: All right. That's fine.
5 Q. (BY MR. RODGERS) So she told you there was no weapons
6 seen?
7 A. That's correct. The person I spoke to did not see any
8 weapons.
9 Q. And then that was the -- other than -- what else was
10 there? Was that the end of the conversation?
11 A. I had her stay on the line until the deputies got there
12 so the deputies could ascertain that they were at the right
13 place.
14 MR. RODGERS: Okay. Your Honor, I have no further
15 questions of this witness.
16 THE COURT: All right. Mr. King.
17 MR. KING: Thank you, Your Honor.
18 CROSS-EXAMINATION
19 BY MR. KING:
20 Q. Good afternoon, Miss Lang.
21 A. Hi.
22 Q. How are you today?
23 A. Thank you, fine.
24 Q. How long have you worked for the RSO dispatch?
25 A. About three and a half years.
26 Q. And I think you earlier stated this came to you as an
27 anonymous call?
28 A. Right.

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"A Piece of Property or a Man"

HUMAN CRY FOR JUSTICE

