

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 8

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IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
09/30/2016 10:13:09 AMCAMERON THOMAS,
Appellant,

ORIGINAL

vs.

THE STATE OF NEVADA,
Respondent.

S.C. NO.: 70144

CASE NO.: C-11-277559-1

DEPT. NO.: IV

CLERK OF THE COURT

REPORTER'S TRANSCRIPT
OF
PROCEEDINGSBEFORE THE HONORABLE KERRY L. EARLEY
DISTRICT COURT JUDGE

WEDNESDAY, MAY 25, 2016

AT 12:30 P.M.

LAS VEGAS, NEVADA

APPEARANCES:

For the State:

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

For the Defendant:

JOEL M. MANN, ESQ.

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

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1 LAS VEGAS, NEVADA; WEDNESDAY, MAY 25, 2016

2 12:18 P.M.

3 -oOo-

4
5 THE CLERK: Can everybody see her?
6 There she is. Ma'am?

7 THE WITNESS: Yes, I can.

8 THE CLERK: I am Judge Earley's court
9 clerk. I will need you to provide me your
10 identification.

11 THE COURT: She's showing an Arizona
12 driver's license.

13 THE CLERK: Okay. All right. Thank
14 you.

15 Whereupon,

16 AMANDA RAND,
17 having been called as a witness, and having been
18 first duly sworn to testify to the truth, was
19 examined and testified by videoconference as
20 follows:

21 THE WITNESS: I do.

22 THE CLERK: Please state your full name,
23 spelling your first and last name for the record.

24 If you would speak up a little bit, that
25 would be great.

1 THE WITNESS: Amanda Marrie Rand.

2 A-m-a-n-d-a, R-a-n-d.

3 THE CLERK: Thank you.

4 THE COURT: Okay. And for the record,
5 this is Case C277559-1 in State of Nevada versus
6 Cameron Thomas.

7 We are doing an evidentiary hearing
8 under NRS 51.385 and Ms. Rand is our witness,
9 correct?

10 MS. RINETTI: Correct.

11 THE COURT: Let's go forward with direct
12 examination.

13 MS. RINETTI: Thank you.

14 THE COURT: You're welcome.

15

16 DIRECT EXAMINATION

17 BY MS. RINETTI:

18 Q. Good afternoon, Ms. Rand.

19 A. Good afternoon.

20 Q. We've actually never met have we, in
21 person?

22 A. Of course not.

23 Q. Okay. Ms. Rand, how are you employed?

24 A. I am sorry?

25 Q. What is your occupation?

1 A. I am a teacher.

2 Q. How long have you been a teacher?

3 A. Thirteen years.

4 Q. Were you a teacher back in 2010?

5 A. Yes.

6 Q. Where were you teaching back in 2010?

7 A. Madison Rose Lane Elementary School.

8 Q. And what's your position at that
9 elementary school in December of 2010?

10 A. I was a third and fourth grade teacher
11 and I was also doing an internship to get my
12 administrative leadership principal certificate.

13 Q. Okay. As a teacher in Arizona, are you
14 a mandatory reporter?

15 A. Yes.

16 Q. And what is a mandatory reporter?

17 A. If there is, um, child abuse is
18 suspected, we have to report to the police and CPS.

19 Q. Does the school district there giving
20 you guidelines or protocol as to how you should
21 talk to a child when there is a suspected child
22 abuse?

23 A. Yes. They give us guidelines and they
24 have us speak with a child abuse coordinator.

25 Q. Back in 2010, who was the child abuse

1 coordinator for Madison Rose Lane Elementary?

2 A. Step one would be the administrator and
3 secondary would be the nurse.

4 Q. Okay. And on December 9th of 2010, were
5 you acting administrator?

6 A. Yes, I was.

7 Q. Okay. Now, pursuant to protocol and
8 kind of procedure at the school district there in
9 Arizona, are you asked not to actually investigate
10 any type of child abuse claims?

11 A. I would say, yes, that is correct. We
12 are given four questions to ask and we do not ask
13 anything further.

14 Q. And what are those four questions?

15 A. Who -- actually what happened, who did
16 it, where did this happen and at what time.

17 Q. Okay.

18 A. Or when.

19 Q. On December 9th of 2010, did you have a
20 conversation with the student by the name of Zailey
21 Flores?

22 A. Yes.

23 Q. And where did that conversation take
24 place?

25 A. In the principal's office where I was

1 acting administrator at the time.

2 Q. Was Zailey approximately nine years old
3 at the time?

4 A. Yes.

5 Q. And this conversation that took place in
6 the principal's office, did this conversation
7 happen with a door open or closed?

8 A. I would assume closed. I would have
9 closed it for privacy purposes.

10 Q. Who was in the office at the time that
11 you spoke to Zailey?

12 A. Just myself and Zailey.

13 Q. How long do you think the conversation
14 lasted between you and Zailey?

15 A. If I were to estimate, five minutes.

16 Q. Was Zailey able to respond to your
17 questions appropriately?

18 A. Yes, she was.

19 Q. Was Zailey acting -- let me ask you
20 this, were you Zailey's teacher at the time?

21 A. Yes. I was her fourth grade teacher.

22 Q. Were you familiar with Zailey's demeanor
23 and how she acted on a day-to-day basis?

24 A. Yes.

25 Q. When Zailey was in your office or the

1 principals' office on December 9th, 2010, was she
2 acting normal for her?

3 A. Um, I would say she was a little, had a
4 little less personality and was a little monotone
5 than usual.

6 Q. Was she acting bizarre in any way?

7 A. No.

8 Q. Okay. When you were talking for these
9 five, ten minutes, did Zailey use appropriate
10 language for her age at nine years old?

11 A. I think that's hard to say when she gave
12 me the description of what happened. I would say
13 that that is not usual for a nine year old.

14 Q. Is that just because of the subject
15 matter. We're talking about sexual abuse?

16 A. Correct.

17 Q. Okay. When you questioned Zailey, I
18 know you mentioned those four questions.

19 Did you have to repeat any of those
20 questions over and over again?

21 A. I do not recall.

22 Q. Did you ever prompt her or suggest an
23 answer?

24 A. No. Absolutely not.

25 Q. Okay. During your conversation, did

1 Zailey disclose sexual abuse?

2 A. Yes, she did.

3 Q. What did she tell you?

4 A. From what I recall, she said that a
5 family friend, Cameron Thomas, had had sex with her
6 and that he had put his penis in her vagina.

7 Q. Did she say when this happened?

8 A. She had said that it had happened a few
9 years ago.

10 Q. Did she say where it happened?

11 A. That I don't recall.

12 Q. At any time, did she take back the
13 accusation of sex abuse and say, never mind, it
14 never happened?

15 A. Not that I remember.

16 Q. When Zailey told you that Cameron
17 Thomas' penis went into her vagina, did she use the
18 word "penis" or "vagina" or are you using those
19 words today?

20 A. I believe she did. When I looked back
21 at what I had reported, I said that she was very
22 specific, but I didn't have anything in quotes, but
23 I do believe she used those words.

24 Q. Do you remember what Zailey's demeanor
25 was like at the time?

1 A. Um, somewhat. I -- I remember her being
2 stoic, specific, and kind of monotone. But not --
3 not emotional.

4 Q. Okay.

5 MS. RINETTI: Court's indulgence.

6 THE COURT: Okay.

7 MS. RINETTI: Judge, I'll pass the
8 witness at this time.

9 THE COURT: Okay. Cross-exam, Mr. Mann.

10 MR. MANN: Thank you, Your Honor.

11 THE COURT: You're welcome.

12 MR. MANN: Can I stand anywhere, Your
13 Honor?

14 THE COURT: Anywhere you want, as long
15 as she can hear you.

16 MR. MANN: Ms. Rand, can you hear me?

17 THE WITNESS: I can hear you.

18

19 CROSS-EXAMINATION

20 BY MR. MANN:

21 Q. Okay. Do you have the ability to see
22 the courtroom or no?

23 A. Yes, I can see you.

24 Q. Okay. I'm waving. Do you see that?

25 A. I just missed that. Now I can see you.

1 Q. Okay. No problem. I wanted to
2 understand what you were seeing.

3 A. Okay.

4 Q. Ms. Rand, Zailey came to your office,
5 correct?

6 A. Correct.

7 Q. Okay. And there was -- did you ever
8 question Zailey about her having a God dad?

9 A. Not that I can recall.

10 Q. Okay. And --

11 MR. MANN: And, Your Honor, for the
12 purposes of this hearing, I am going to explore a
13 little bit more, considering Your Honor's ruling.
14 I'm not trying to violate that. I'm trying to
15 understand where the edge is so I don't violate
16 that in front of the jury.

17 I'm going to ask about why she was in
18 the office, things like that, so I can be able
19 to --

20 THE COURT: Do you have any objection to
21 that? As long as it's confined to what we need
22 under NRS 51.385, I am fine.

23 MR. MANN: Okay.

24 THE COURT: In fact, it may be helpful
25 so if she doesn't get in front of the jury, we

1 would have a better idea since no one's spoken to
2 her before.

3 MS. RINETTI: No. We have cautioned her
4 about not talking about physical abuse.

5 THE COURT: That was my next question
6 but you're fine.

7 MR. MANN: Okay. I just wanted to make
8 sure --

9 THE COURT: Do not violate my order for
10 these purposes because the jury is not -- for the
11 record, as we know, the jury is not present.

12 MR. MANN: Thank you, Your Honor.

13 THE COURT: I want to make sure that's
14 on the record.

15 MR. MANN: All right.

16 BY MR. MANN:

17 Q. Ms. Rand, how did Zailey come to your
18 office?

19 A. There was a report of another incident.

20 Q. Okay.

21 A. Am I to go into that or not?

22 MR. MANN: I'll ask more questions.

23 THE COURT: All right.

24 BY MR. MANN:

25 Q. That report of another incident, did

1 that cause you to summon Zailey to your office?

2 A. Yes.

3 Q. And when you summoned her to your
4 office, how long did it take for her to come?

5 A. That I don't recall.

6 Q. Do you believe it was a timely amount of
7 time? Like it wasn't unusually long?

8 A. Oh, no.

9 Q. And when she arrived, did you have a
10 conversation with her about this other incident?

11 A. I asked her the four questions that I
12 was allowed to ask as a mandated reporter.

13 Q. When you were asking these four
14 questions, so you asked, What happened to you? Who
15 did this to you? Where did this happen? And, when
16 did this happen?

17 A. Correct.

18 Q. And those were all regarding another
19 incident?

20 A. Yes.

21 Q. At what point when you just asked those
22 four questions did it turn to her disclosure of
23 something that happened with Cameron Thomas?

24 A. I believe toward the end.

25 Q. Can you explain how that came out?

1 A. Um, you know, I don't recall how it came
2 out. It was not something I expected to come out,
3 though. It was something she shared with me
4 additionally I do believe because she felt safe.

5 Q. All right. So you said it was towards
6 the end.

7 Did you ask the four questions in that
8 order? What, who, where, when?

9 A. I did. Yes.

10 Q. All right. And that's because you
11 followed the guidelines that you're given?

12 A. That's correct.

13 Q. So it is -- you said it was towards the
14 end.

15 So was it during the "where" question?

16 A. Um, you know, I don't know.

17 Q. Was it during the "when" question?

18 A. I'm honestly not sure. I feel as though
19 it was -- it may not have been after a specific
20 question, but it was an additional piece she shared
21 with me after I was done questioning her.

22 Q. So if I was to get this straight, you
23 asked the four questions. You then get the four
24 questions that you have the answer to, to which you
25 had said that that's the point where you stopped

1 any further investigation and she then says
2 something additional?

3 A. From what I recall, yes.

4 Q. All right. And you did not ask her if
5 she had a God dad?

6 A. No.

7 Q. Did you ask her if there was someone she
8 can talk to?

9 A. I -- I don't recall that.

10 Q. Um, now, her statement to you then, what
11 was -- what was her initial disclosure to you?

12 A. In regards to this incident or the
13 incident in which I brought her in?

14 Q. In regards to Mr. Thomas.

15 A. Um, from what I recall, she said that a
16 family friend had had sex with her and that he had
17 put his penis in her vagina. She had also said
18 that she thought that it had happened to her older
19 sister as well.

20 Q. And this was after you had asked her
21 about physical abuse, correct?

22 A. Yes.

23 Q. And the Judge said it was all right to
24 talk about it at this moment.

25 THE COURT: I know it's confusing. This

1 is the judge.

2 I hope we are not confusing you. This
3 is a hearing that's outside the presence of the
4 jury so the constraints are a little more modified
5 than what the district attorneys have spoken to you
6 about. In front of the jury, it's different.

7 That's why I appreciate you hesitated
8 but that's the only reason it's different.

9 So please understand when we do have
10 your testimony in front of the jury, the original
11 constraints that we talked about, or you were
12 talked about, or you were talked to about, I assume
13 by the District Attorneys, are still in effect.

14 Does that make sense?

15 THE WITNESS: That helps, yes. Thank
16 you.

17 THE COURT: It probably does help.
18 Okay.

19 MR. MANN: Thank you, Your Honor.

20 THE COURT: We don't make it easy, do
21 we?

22 BY MR. MANN:

23 Q. So this was after she disclosed abuse,
24 physical abuse, correct?

25 A. Yes.

1 Q. And this was after she had indicated
2 that the "who" of the physical abuse was her mother
3 April Reed?

4 A. Yes.

5 Q. And that the "what" of the questions was
6 that she was whipped with an electrical cord by her
7 mother, correct?

8 A. Yes.

9 Q. And then after you got finished asking
10 about all the things that her mother had done to
11 her is when she just spontaneously said, oh, and a
12 family friend had sex with me, um, and he put his
13 penis in my vagina?

14 A. I believe that's how it occurred.
15 Honestly, I can't recall specifics.

16 Q. I appreciate what you said. Um, have
17 you known Zailey to lie before?

18 A. I can't -- I don't recall her as a liar.

19 Q. And you said that the language that she
20 used was unusual for a nine-year-old?

21 A. I would say so, yes.

22 Q. Okay. And her saying that he put his
23 penis in her vagina, you thought was strange?

24 A. Un, I don't know if I would call it
25 strange but unusual for a fourth grader.

1 Q. And it was unusual not because of the
2 topic but because of the phraseology?

3 A. No. I think the topic as well.

4 Q. Okay. But you thought it was unusual.
5 Let's put the topic aside.

6 Obviously, child molestation is unusual
7 but the terminology that she used, penis and
8 vagina, did you think that was strange?

9 A. You know, strange would be hard for me
10 to say. Um, I would say given the incident and
11 given what she may have been going through, I don't
12 know that that would be qualified as strange for a
13 child who had been sexually abused.

14 Q. Do you have a lot experience with
15 children who have been sexually abused?

16 A. I do not.

17 Q. So your statement that it was unusual
18 for a child who's been sexually abused, that's just
19 kind of your own opinion on that?

20 A. Um, I didn't say unusual -- unusual. I
21 said it may be more usual for a child who is
22 sexually abused.

23 Q. But that's your own opinion?

24 A. That would be my opinion, absolutely.

25 MR. MANN: I have nothing further, Your

1 Honor.

2 THE COURT: Any redirect?

3 MS. RINETTI: No.

4 THE COURT: Okay. All right.

5 Thank you very much, Ms. Rand. Hold on.
6 What are we doing technologically?

7 MS. RINETTI: We're going to turn off
8 video conferencing and we'll be right back with
9 you. Okay?

10 THE CLERK: Okay. She's off and she
11 cannot hear any longer.

12 THE COURT: Let's wind up what we need
13 to do on our NRS 51.385 hearing, which is what we
14 just conducted.

15 Do you want any argument on it or do you
16 want to just submit it? We took the testimony.

17 MS. RINETTI: I believe that the State's
18 met all its factors. It was spontaneous statements
19 as described by Amanda Rand, now. Her demeanor
20 seemed appropriate for the subject matter. She
21 indicated Zailey she wasn't acting bizarre but she
22 definitely didn't have as much personality as
23 usual.

24 She responded to the questions
25 appropriately. Ms. Rand followed that protocol;

1 those four questions. She didn't use repetitive
2 questions. She was in a safe environment. There's
3 no indication of any type of fabrication as far as
4 being in that principal's office by herself with
5 her fourth grade teacher who's her acting principal
6 of the day.

7 She was using language -- yes, it's kind
8 of an unusual topic for a fourth grader to talk
9 about sex, but obviously based upon her experience,
10 it's not really unusual. There's no repetitive
11 questioning and she was able to respond
12 appropriate.

13 We believe we met all the factors of
14 51.385 and we ask for its admission at this time.

15 THE COURT: Okay.

16 MR. MANN: And Your Honor, my objection
17 to the 51.385 is that I think it causes problems
18 with the Court's previous ruling where we have
19 Zailey in the office for some reason, that there's
20 a discussion about this other incident where she's
21 asking the four specific questions.

22 It's the type of environment that Zailey
23 is, at this point, that Zailey's disclosing abuse
24 by her mother. And then after that, she then says
25 that someone also had -- a family friend also had

1 sex with me.

2 For the jury to kind of hear that
3 without the rest, just that I was in the office,
4 and I told the principal for the day that a family
5 friend had sex with me, seems very unusual for the
6 jury to hear.

7 I think it would be prejudicial to my
8 client to not get the whole story in, to not have
9 that. I don't think that he would have due process
10 for that and be able to do that.

11 That being said, I wanted to put that on
12 the record regarding my objection to that. 51.385,
13 I do think based on the fact that she was going
14 through physical abuse, that the child was not in a
15 stable mental state, in fact, Ms. Rand even said
16 that she, Zailey, had less personality that day.
17 That she was stoic. That she was monotone, not
18 emotional. I think there's definitely an issue
19 regarding her mental state. There's an issue
20 regarding terminology.

21 At first, Ms. Rand said that this was
22 unusual term for a child of that age. Obviously,
23 Ms. Rand is not the authority on whether that's
24 appropriate terminology for a child at that age.

25 Obviously, she teaches children of that

1 age so she has some experience, but she definitely
2 said she thought it was unusual. She then went
3 further and said it's unusual for a child to speak
4 about sexual abuse any way, and I think it's on the
5 line as to whether it was actually unusual or not.

6 I do think the child had motive to
7 fabricate and this goes back to the issue of the
8 physical abuse. Here she has been called into the
9 office to find out where this physical abuse came
10 from. She discloses that her mom abused her, and
11 without anything else, says, you know, after four
12 or five years of supposedly being abused, says to
13 this teacher who's investigating her mom, yeah, a
14 family friend had sex with me and I think my sister
15 as well.

16 And to me, I think there is more than
17 enough motive to have fabricated at that point.
18 It's to deflect from what is going on with her
19 mother, to deflect from anything that had happened
20 with her mother, that her mother was now going to
21 be investigated for abusing her.

22 I agree that the questioning didn't seem
23 to be repetitive, and I agree that the statement
24 may have been spontaneous. I do think considering
25 Zailey has a history of lying, that she admitted to

1 having a history of lying, the fact that there was
2 an investigation into Ms. Reed because she beat
3 Zailey because of lying, I think all goes down to
4 the trustworthiness of the statement as well of
5 Zailey.

6 And so for all those reason, I ask that
7 you don't allow the 51.385 hearsay information.

8 THE COURT: Okay. All right. Do you
9 want to respond to anything?

10 MS. RINETTI: Just that most of his
11 argument is really a motion to reconsider that's
12 been denied multiple times now.

13 As far as the unstable mental state of
14 Zailey, there was no testimony elicited. It would
15 be inappropriate for her to come in and be laughing
16 and jolly. I think if that were the testimony that
17 was elicited, Mr. Mann would have argued that her
18 mental state was actually indicative of something
19 else rather than something that was appropriate for
20 a child going into the principal's office. They're
21 scared. With what's going on and having to
22 disclose this kind of intimate details regarding
23 her abuse. So I don't think her -- there's any
24 testimony regarding her mental state.

25 As far as the motive to fabricate,

1 again, that's Mr. Mann's. There's nothing in the
2 record as it stands that says that there's any
3 motive to have fabricated based upon this witness'
4 testimony.

5 If you remember from the trial
6 testimony, Zailey had already disclosed this abuse
7 to her sister. And then it -- she comes in a
8 couple of weeks or months depending on which
9 statement -- I know the girls kind of differed as
10 far as a time frame, which is understandable, that
11 she disclosed to her teacher and also mentioned
12 that her older sister may be a victim as well.

13 So I think we've met the factors under
14 51.385.

15 THE COURT: I have considered the
16 factors under NRS 51.385. I do find and I did
17 consider the factors, which the statute says under
18 Subsection 2, the Court shall consider without
19 limitation whether the statement was spontaneous.

20 In fact, there's no question it was
21 spontaneous. The defendant has been arguing it
22 wasn't totally out of context that we need to know
23 whether it was related to the other abuse. It's
24 clear the child was not subjected to repetitive
25 questioning. Ms. Rand totally denied that.

1 On the childhood motive to fabricate,
2 based on the way the testimony was given, the
3 inference from the defendant is, well, you know
4 it's protecting mom, but she admitted to mom being
5 the one who did the child abuse before this
6 statement was ever given.

7 So if she's going -- I do not find -- I
8 don't think that's a reasonable inference. On the
9 child abuse terminology unexpected, of a child of
10 similar age, although Ms. Rand kind of went back
11 and forth, what I take from that testimony is she's
12 not used to fourth graders discussing not only the
13 sexual conduct but sexually explicit terms, such as
14 penis and vagina.

15 She then explained I'm not an expert in
16 that area but knowing now the background or the
17 allegations of sexual assault, she would not find
18 that unusual.

19 If the defendant came up and said, well,
20 you're not an expert in that. I don't find that in
21 any way her saying that in any way would be
22 unexpected based on her history and that's
23 basically what Ms. Rand came down to.

24 The child had a stable mental state. I
25 mean, she says she was stoic and that she was not

1 emotional. I think any Court would know when a
2 child gets called to a principal's office, you may
3 tend to be more stoic and non-emotional because you
4 don't know if you're in trouble or not.

5 And certainly based on the history of
6 this child, I can see that she -- authority could
7 be an issue for her, or she would be more quiet.
8 So I think there's nothing to say she wasn't in a
9 stable mental state.

10 And based on the totality of the
11 circumstances, I think it is trustworthy. What I
12 would like to address in a minute, and I know we're
13 redoing this, so I do find it meets the factors.

14 Keeping it in context, I certainly think
15 that the questions can be asked at trial. I'm not
16 reconsidering the other, but you started it, Mr.
17 Mann, about -- I want to make sure how I address
18 it, you know.

19 I certainly think you don't have to say
20 you're all of sudden appearing seeing Ms. Rand at
21 the principal's office. You can say you were
22 summoned, you came here because there was an issue.

23 You do not have to get into the
24 specifics of what the issue was on the alleged
25 child abuse to put it in context.

1 So that the question, the spontaneous
2 comment by her can come out. I want that on the
3 record. I'm not going to limit you. I just limit
4 it that you can't ask specifically about the
5 alleged child abuse charges or the specifics on
6 that that are unrelated totally to these questions.

7 So I'm not saying you can't put it in
8 the context of -- you know. You can say you were
9 summoned. You were there to discuss an issue. You
10 know, did you ask her who, what, when, where in
11 discussing an issue.

12 Just don't be specific on the child
13 abuse. I wanted to make sure to kind of give you
14 my feedback on that since I feel you very
15 appropriately asked that. I know you're trying
16 very hard and it's always tough at trial to not
17 violate the court order, but also put in context.
18 I'm very understanding.

19 You do need to put it in context. We
20 can't say all of a sudden she's here and she made
21 this comment. I do not think that would be
22 appropriate either.

23 So with that guidance, does that help so
24 that you know? And you know what I mean. I want
25 the State to understand it too so you put it in

1 context -- so in fairness to the defendant, it does
2 have to have some type of context of why Ms. Rand
3 is talking to Zailey in the office regarding
4 issues.

5 Does that make sense? Does that help
6 either one of you? I did want to discuss this on
7 the record to help both of you.

8 MR. MANN: Thank you, Your Honor.

9 THE COURT: You're welcome.

10 MR. MANN: So if I were to ask the
11 question: You were investigating another incident
12 that we're not going to discuss today, is that too
13 much?

14 THE COURT: The investigating --
15 especially because you're going to ask. I'm just
16 -- especially since we've talked about that other
17 Arizona, I am a little concerned now. I don't want
18 anything to be the other issue in Arizona. I was
19 thinking about it last night.

20 Oh, my goodness, honestly, what I was
21 thinking about here, since she's in Arizona, I
22 don't want to put anything in context that would
23 look like she knew about the -- and I am not
24 saying the allegations that got talked about in
25 Arizona.

1 So I am concerned. That's why. For the
2 Court's reasoning, that's why I don't like the word
3 "investigation." Especially when you're going to
4 ask her if she's a mandatory reporter, because you
5 have to do the who, what, when, where. Let's just
6 talk about it.

7 Are you going to ask her whether she has
8 to report?

9 MS. RINETTI: I am going to ask her to
10 report -- what I'm going to ask is just Zailey came
11 up on an unrelated matter --

12 THE COURT: That's fine.

13 MS. RINETTI: -- and based upon that,
14 and talked -- -

15 THE COURT: An unrelated matter that you
16 have felt you needed to discuss with her. That's
17 appropriate. Because, you know, the jury's going
18 to know. You don't get called necessarily to the
19 principal's office for sneezing in class, but it
20 doesn't have to go to the context of a reportable
21 abuse case.

22 I'm -- I think that -- I think that
23 would be appropriate in the context of what has
24 occurred in trial here and my prior ruling.

25 Do it again so I get unexpected -- no,

1 not "unexpected."

2 MR. MANN: "Unrelated."

3 THE COURT: Unrelated.

4 MS. RINETTI: Unrelated.

5 THE COURT: I'm trying to make sure I
6 listen for the right thing.

7 MR. MANN: The only other thing -- I am
8 sorry, Your Honor.

9 THE COURT: I want to make sure I put my
10 wording down here.

11 MR. MANN: It would be by saying an
12 unrelated matter, it implies that Zailey was called
13 to the principal's office because she was in
14 trouble.

15 THE COURT: You know what? I don't know
16 how to get out of the context when you get called
17 to the principal's office.

18 MS. RINETTI: That's why I was going to
19 initially suggest at some point, Zailey comes to
20 the office and there's a discussion.

21 THE COURT: I'm willing do whatever you
22 want.

23 MR. MANN: Let's stick with the
24 unrelated material.

25 THE COURT: Especially in light of the

1 Arizona, I feel like I want to really do a fine
2 line here to protect both the State and the
3 defendant on that, in all honesty.

4 I thought about it last night when -- I
5 know she's from Arizona, and she is -- it's obvious
6 she's from Arizona. I do want to make sure that
7 everybody's rights are protected that way. So I
8 wrote down here "unrelated event."

9 I don't think they'll speculate to much.
10 Maybe a lot of the jurors got called to the
11 principal's office. I don't know. I mean, I'm
12 sure there's nobody in this courtroom maybe at some
13 point -- I'm not going to say, other than the
14 judge. I think that's the best way to handle it,
15 okay. All right.

16 Anything else? Got any other ideas?

17 No.

18 MS. RINETTI: No.

19 THE COURT: Anything outside the jury?
20 I am not taking light of any of this.

21 MS. RINETTI: Judge, I have one exhibit
22 I was going to proffer.

23 THE COURT: Okay.

24 MS. RINETTI: It's a diagram of a female
25 genitalia. I'm going to be using it for the expert

1 in this case who's going to be testifying, the
2 third witness for the day.

3 THE COURT: It's just for demonstrative
4 purposes?

5 MS. RINETTI: Correct. She's explaining
6 the anatomy. I don't think they're going to object
7 to its admission.

8 MR. MANN: No, I don't have any
9 objection to --

10 THE COURT: I did med-mal.

11 MS. RINETTI: And one other thing.

12 THE COURT: You're not going to move it
13 into evidence?

14 MS. RINETTI: No, I'm going to move it
15 into evidence.

16 THE COURT: Okay. All right. As long
17 as she lays the foundation, this is true and
18 accurate.

19 Anything else.

20 MS. RINETTI: In addition, Dr. Cetl
21 testifies she was the treating physician of two of
22 the four victims. She has --

23 THE COURT: She's here in Las Vegas at
24 Sunrise. She did the same exams?

25 MS. RINETTI: Yes. Sexual assault

1 examinations of two of the four victims. She is
2 going to testify as an expert as to all four
3 because she's reviewed the medical records as to
4 all four.

5 THE COURT: Okay.

6 MS. RINETTI: As to the two she was not
7 the treating physician for, the questions will be
8 limited to -- and I discussed this with counsel.

9 THE COURT: Okay.

10 MS. RINETTI: She's reviewed the
11 records, and based upon her review of the records,
12 her independent review of the records, she found no
13 findings as to both Zailey and Ambree during the
14 exam.

15 THE COURT: You can let it be known that
16 it's based on what she reviewed. This expert
17 opinion is based on the medical records. It's free
18 to ask, you didn't examine her -- all that.

19 MS. RINETTI: Correct.

20 MR. MANN: And, um --

21 THE COURT: I don't even know if you
22 have an objection.

23 MR. MANN: The objection was the
24 confrontational clause objection, because she's the
25 one that didn't do the exam under Bull, Cummings

1 and Medina.

2 I didn't think it was appropriate for
3 Dr. Cetl to testify regarding that exam; however,
4 I'm willing to stipulate to using Dr. Cetl to kind
5 of short-circuit that fact if we just talk about
6 the fact that there were no findings, that you
7 know, the hymen was intact, things like that.

8 MS. RINETTI: And that's fine. We can
9 agree to disagree because under NRS 50.285, she's
10 qualified as an expert to talk about those things,
11 but I am going to limit the testimony to that.

12 THE COURT: It sounds like you've worked
13 it out. It makes sense to me. I understand what
14 you can do in cross-exam. Not an issue on that.

15 MR. MANN: Thank you.

16 THE COURT: Anything else?

17 MS. RINETTI: No.

18 THE COURT: The jury's going to roll
19 their eyes. Do we need to get her back up? Why
20 don't we make sure we have Skype back up before the
21 jury comes in so we're ready to go.

22 (Whereupon the jury entered the courtroom.)

23 THE MARSHAL: Please be seated.

24 THE COURT: Counsel, stipulate to the
25 presence of the jury.

1 MS. RINETTI: Yes, Your Honor.

2 MR. MANN: Yes, Your Honor.

3 THE COURT: Okay. This witness is going
4 to appear by Skype. You all are probably very
5 sophisticated in it. She is in Arizona so we had
6 to. So where will they look? At this monitor?

7 MS. RINETTI: The side monitor, to clear
8 the lines. I can't --

9 THE COURT: I did it.

10 MS. RINETTI: I think -- oh, there it
11 is.

12 THE COURT: See if we can get her.

13 THE CLERK: Ma'am, can you hear us?

14 THE WITNESS: Yes, I can hear you.

15 THE CLERK: Will you please raise your
16 right hand.

17 Whereupon,

18 AMANDA RAND,
19 having been called as a witness, and having been
20 first duly sworn to testify to the truth, was
21 examined and testified as follows:

22 THE WITNESS: Yes.

23 THE CLERK: Please state your full name,
24 spelling your first and last name for the record.

25 THE WITNESS: Amanda Marrie Rand.

1 A-m-a-n-d-a, Rand, R-a-n-d.

2 THE CLERK: Thank you.

3 THE COURT: Thank you. Direct
4 examination, Counsel.

5 MS. RINETTI: Thank you.

6

7 DIRECT EXAMINATION

8 BY MS. RINETTI:

9 Q. Ms. Rand, what is your occupation?

10 A. I am a teacher.

11 Q. How long have you been a teacher?

12 A. Thirteen years.

13 Q. Where are you currently employed?

14 A. I'm currently employed by the Scottsdale
15 Unified School District.

16 Q. What grade do you currently teach?

17 A. I'm actually a coach of teachers for
18 elementary school-aged students.

19 Q. What does a coach of teachers for
20 elementary school aged do?

21 A. So I work specifically with teachers who
22 work with gifted students. So I ensure that the
23 students in the classroom are being challenged. So
24 I work on curriculum with teachers.

25 Q. Did you work as a teacher back in

1 December of 2010?

2 A. Yes.

3 Q. Where were you teaching at that time?

4 A. I was teaching in the Madison School
5 District at Madison Rose Lane.

6 Q. Is that an elementary school?

7 A. Yes. An elementary school.

8 Q. What was your position back in December
9 of 2010 at Madison elementary school?

10 A. I was a third and fourth grade teacher.

11 Q. Were you working on any certificates at
12 that time in December of 2010?

13 A. Yes. I was currently at the end of
14 receiving my Master's in Administration and I was
15 getting my principal's certificate. So I was
16 interning with the principal at Madison Rose Lane.

17 Q. Back in 2010, as you were a third and
18 fourth grade teacher, did you have a student by the
19 name of Zailey Flores?

20 A. Yes.

21 Q. Were you her fourth grade teacher?

22 A. Yes.

23 Q. Now, Arizona, you know, is in a
24 different jurisdiction. So I was wondering at the
25 time, in 2010, at Madison elementary school, was it

1 a year-round school or a nine-month school?

2 A. It's a nine-month school.

3 Q. When does school typically start in
4 Arizona?

5 A. Typically, it starts at the beginning of
6 August.

7 Q. And when does the school year end in
8 Arizona, typically?

9 A. Typically the end of May.

10 Q. So if you had been Zailey Flores' fourth
11 grade teacher, you would have known her August,
12 September, October, November and part of December.

13 So four and a half months?

14 A. That's correct.

15 Q. And did you see Zailey on a daily basis
16 Monday through Friday?

17 A. Yes.

18 Q. And what type of student was Zailey?

19 A. From what I recall, she was a hard
20 worker.

21 Q. Okay. As a teacher at Madison
22 elementary, are you a mandated reporter?

23 A. Yes, I am.

24 Q. And as a mandated reporter, are you
25 required by law to report any suspicions of sexual

1 abuse to authorities?

2 A. Yes, I am.

3 Q. And when I say "authorities," I mean the
4 police department as well as an entity called
5 "Child Protective Services."

6 A. That's correct.

7 Q. Now, is there any protocol or procedures
8 back in 2010 that the school district asked you to
9 use when you had suspicions of sexual abuse of
10 children?

11 A. Yes, there are.

12 Q. And can you describe a little to us
13 about that protocol or that procedure?

14 A. Sure. If we are suspicious of some sort
15 of abuse, we are to contact our child abuse
16 coordinator, who is primarily the administrator.

17 Secondly, it would be the nurse and, um,
18 with that, they give us reporting forms and a --
19 every teacher also has a form that has four
20 questions that we follow and then we follow, fill
21 out that form.

22 We follow those questions when we ask
23 the questions of the student and then we report
24 directly to CPS.

25 Q. Now, these questions you referred to, do

1 you remember how many questions there are that
2 you're supposed to ask a child?

3 A. There are four questions.

4 Q. And what are those questions?

5 A. Who did this, um -- or, actually the
6 first question is: What happened? Who did this?
7 Where did it happen? And, when did it happen?

8 Q. Are you instructed by the school
9 district not to go into a lot details with the
10 child, that your purpose is not to investigate any
11 allegations of sexual abuse?

12 A. Yeah. It's not up to us to investigate.

13 Q. And are you also told by the school
14 district that --

15 MR. MANN: Objection. Leading.

16 THE COURT: I am sorry?

17 MR. MANN: I was objecting to leading.

18 THE COURT: Which question? She hasn't
19 finished it yet.

20 MR. MANN: No. It was this question. I
21 apologize. I'll wait.

22 THE COURT: Let me hear the question.
23 Do the question again?

24 Finish the question.

25 ///

1 BY MS. RINETTI:

2 Q. I'm going to start over again.

3 THE COURT: That might be perfect. It
4 would be perfect.

5 BY MS. RINETTI:

6 Q. Does the school district, have any
7 policies regarding what information you're supposed
8 to relay to a student's parent when you suspect
9 sexual abuse?

10 A. We are not supposed to relay anything to
11 the parent.

12 Q. Is everything supposed to then go
13 through -- any information that you receive -- to
14 the proper authorities, being the police and child
15 protective services?

16 A. That's correct. We leave it in their
17 hands.

18 Q. With this protocol at the school
19 district, are you supposed to reassure a child in
20 any way?

21 A. I'm not sure what you're referring to,
22 other than I can say we are not supposed to make
23 any promises, but that we can let them pretty much
24 -- we're not supposed to make any promises. I am
25 not sure what you're referring to.

1 Q. Are you supposed to make sure that the
2 child feels safe in your environment when
3 discussing alleged sexual abuse?

4 A. Yes.

5 Q. Back on December 9th of 2010, were you a
6 teacher at Madison Rose Elementary School?

7 A. Yes.

8 Q. Did you have any additional duties that
9 day?

10 A. Yes. I was acting administrator because
11 the administrators were at a meeting off campus.

12 Q. And as the acting administrator, what
13 were your duties and responsibilities?

14 A. Really, it varied. But it may be from
15 discipline, to being the child abuse coordinator,
16 to answering phone calls. It really just depends
17 on how the day proceeds. But your regular office
18 procedures as well.

19 Q. Is it fair to say that as the acting
20 office administrator, you have additional duties
21 than just your duties as a fourth grade teacher?

22 A. That is correct.

23 Q. On December 9th of 2010, was Zailey
24 called to the principal's office in a completely
25 unrelated matter than what we're here today for?

1 A. Yes.

2 Q. Okay. And did you have a conversation
3 with Zailey?

4 A. Yes.

5 Q. Where did that conversation take place?

6 A. In the principal's office.

7 Q. Who was present in the principal's
8 office when you spoke to Zailey?

9 A. In the beginning, just myself.

10 Q. How long did your initial conversation
11 with Zailey last?

12 A. I -- I would guess about five minutes.
13 It was not a very long conversation.

14 Q. Do you remember if the office doors were
15 open or closed?

16 A. I can't recall, but for privacy
17 purposes, I would have closed the door.

18 Q. When you had this discussion with
19 Zailey, was she sitting down, standing up or
20 something else?

21 A. I'm sure she was sitting down.

22 Q. And do you remember were you standing
23 up, sitting down or something else when you had
24 this conversation with Zailey?

25 A. I would have been sitting as well.

1 Q. During this ten-minute conversation, was
2 Zailey able to appropriately answer the questions
3 that were asked of her?

4 A. Yes.

5 Q. Now, you mentioned that she, Zailey, had
6 been your fourth grade student for about four and a
7 half months. Were you kind of familiar with how
8 Zailey acted on a regular basis, a day-to-day
9 basis?

10 A. Yes, I would have been.

11 Q. At the time you had this discussion in
12 the principal's office, what was her demeanor like
13 or was it any different than her day-to-day normal
14 demeanor that you would see in your classroom?

15 A. From what I recall, she was a little bit
16 monotone. So she wasn't showing a lot of
17 personality.

18 Q. Was that unusual -- I apologize.

19 A. That's okay. On a day-to-day basis,
20 she, um, was a fun-loving young lady.

21 Q. When she came to your office on December
22 9th, was she that fun-loving lady?

23 A. Um, I -- I would say no.

24 Q. Is that because she was more monotone in
25 just her demeanor in general?

1 A. I -- yes.

2 Q. During your conversation with Zailey,
3 did you ask questions over and over again in a
4 repetitive way?

5 A. Not that I recall.

6 Q. Did you prompt or suggest an answer to
7 any of your four questions?

8 A. No.

9 Q. At some point during your conversation,
10 did Zailey indicate that she had been sexually
11 abused?

12 A. Yes. At some point in the conversation,
13 she had mentioned that.

14 Q. And what did she say about her sexual
15 abuse?

16 A. Um, from what I recall, she had
17 mentioned that a family friend had had sex with
18 her, um, and that he had put his penis in her
19 vagina and she had mentioned that she thought it
20 had happened to her sister as well.

21 Q. I am going to ask you a few follow-up
22 questions.

23 Did she ever indicate who was sexually
24 abusing her?

25 A. Yes, she did.

1 Q. Do you remember that person's name that
2 she said?

3 A. Yes. She said Cameron Thomas.

4 Q. Did she indicate when this sexual abuse
5 at the hands of Cameron Thomas occurred?

6 A. She had mentioned that it had happened a
7 few years earlier.

8 Q. Did she indicate where it happened?

9 A. I'm sure she was more specific. I can't
10 recall, other than in Las Vegas.

11 Q. When she described the actual acts of
12 sexual abuse, did she indicate -- you mentioned
13 penis to vagina or sex; is that fair to say?

14 A. That's fair to say.

15 Q. Now, did she use the word "sex"?

16 A. I believe she did.

17 Q. Did she use the word "vagina"?

18 A. I believe she did.

19 Q. And did she use the word "penis"?

20 A. I believe so.

21 Q. During this ten-minute conversation, did
22 Zailey ever deny that she had been sexually abused
23 by Cameron Thomas?

24 A. That I don't recall.

25 Q. Did she ever say never mind, never mind,

1 I take it back. I take it back.

2 A. Not that I recall.

3 Q. Okay. At some point after your
4 conversation with Zailey, were the police notified?

5 A. Yes.

6 Q. Did the police arrive at the school?

7 A. Yes, they did.

8 Q. Did the police that arrived at the
9 school speak to Zailey?

10 A. Yes.

11 Q. Did that occur at the office as well?

12 A. Yes, it did.

13 Q. Eventually, did -- did members of child
14 protective services arrive at the school as well?

15 A. I do not believe so.

16 Q. After this conversation on December 9th
17 of 2010, did Zailey remain your student in fourth
18 grade?

19 A. She did.

20 Q. Did you ever speak to Zailey again about
21 your conversation that occurred in your office
22 about sexual abuse?

23 A. No.

24 MS. RINETTI: I will pass the witness.

25 THE COURT: Okay. Cross-examination,

1 Mr. Mann.

2

3

CROSS-EXAMINATION

4

BY MR. MANN:

5

Q. Hi, Ms. Rand. Can you hear me?

6

A. Yes, I can hear you.

7

8

Q. Zailey came to your office that day on an unrelated matter, correct?

9

A. Yes.

10

11

Q. And you had a conversation with her regarding that matter, correct?

12

A. Yes, I did.

13

14

15

16

Q. And it's your testimony that when you were done having that conversation, it was Zailey who then said that a family friend had sex with her and put his penis in her vagina?

17

A. Yes.

18

19

Q. Did you ever ask her about her God dad before that question -- before that statement?

20

A. No.

21

22

Q. Is that a question that you would have ever asked her about a God dad?

23

A. No.

24

25

Q. When she -- when she stated that a family friend had sex with her and put his penis in

1 her vagina, did you then start the four questions
2 that Ms. Rinetti had asked you about?

3 A. I believe I did.

4 Q. And so you then asked what happened to
5 you?

6 A. Correct.

7 Q. Or did you determine that what she
8 already said satisfied that first question?

9 A. That I'm not sure. I would assume that
10 I would have gone through the four questions again
11 but I can't recall.

12 Q. And then you asked "who"?

13 A. I would have, yes.

14 Q. And then you asked "where"?

15 A. Yes.

16 Q. And then you asked "when"?

17 A. Yes.

18 Q. And this was after she had given that
19 first statement, you then went through those
20 questions again?

21 A. From what I recall, I believe I did.

22 Q. It's also your testimony that after that
23 statement was given, that at some point in that
24 day, the police arrived at the school?

25 A. That's correct.

1 Q. That it was the police and not Child
2 Protective Services that arrived at the school?

3 A. Yes.

4 Q. And you have no recollection of any
5 Child Protective Services being there that day?

6 A. I don't have a recollection of that. I
7 do recall the police.

8 MR. MANN: Court's indulgence.

9 THE COURT: That's fine.

10 BY MR. MANN:

11 Q. Now, that statement that she made to you
12 of the abuse where she says she -- that someone put
13 a penis in her vagina, she was very specific about
14 her language, correct?

15 A. From what I recall, yes.

16 Q. And it was from what you were
17 remembering, those were the words that she said?

18 A. Yes.

19 Q. After this disclosure in December 9th of
20 2010, did you see Zailey the very next day?

21 A. I don't recall.

22 Q. Do you know when your school got off for
23 Christmas break?

24 A. I don't recall that.

25 Q. Was there ever any more discussion with

1 Zailey and her home life?

2 A. Not that I remember.

3 Q. Was there ever any discussion about that
4 conversation you had in the office with her?

5 A. Not that I remember, no.

6 MR. MANN: I have no further questions.

7 THE COURT: Any redirect?

8 MS. RINETTI: Just briefly.

9 THE COURT: Okay.

10

11 REDIRECT EXAMINATION

12 BY MS. RINETTI:

13 Q. Ms. Rand, can you hear me?

14 A. Yes, I can.

15 Q. Okay. This conversation between you and
16 Zailey happened on December 9th of 2010, correct?

17 A. Yes.

18 Q. So it's been approximately five and a
19 half years --

20 MR. MANN: Objection. Leading.

21 BY MS. RINETTI:

22 Q. How long has it been since the
23 conversation?

24 A. Approximately, five and a half years.

25 Q. Okay. Is it fair to say that a lot time

1 has passed?

2 A. Yes, that's fair to say.

3 Q. Have you had many students since Zailey
4 Flores?

5 A. Hundreds of students.

6 Q. Okay. But protocol back in 2010, when a
7 child disclosed sexual abuse, it was to notify both
8 the police department and Child Protective
9 Services, correct?

10 A. That is correct.

11 Q. Thank you.

12 MS. RINETTI: Nothing further.

13 THE COURT: Any re-cross.

14 MR. MANN: No, Your Honor. Thank you.

15 THE COURT: Any questions for the jury?

16 Hold on, Ms. Rand.

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

19 THE COURT: Based on some Nevada law
20 decision, we cannot ask that question. Unless it's
21 factual, it cannot be asked in this case, all
22 right. But we appreciate it. I'll go ahead and
23 mark it. Thank you.

24 I want to make sure. Any other
25 questions? Factual questions? Okay.

1 Thank you so much, Ms. Rand. This
2 Court truly appreciates it and so do all the
3 litigants and the jury.

4 Thank you.

5 THE WITNESS: Thank you.

6 THE COURT: All right.

7 MS. KOLLINS: State calls Kashonda
8 Williams.

9 THE COURT: Kashonda Williams.
10 Whereupon,

11 KASHONDA WILLIAMS,
12 having been called as a witness, and having been
13 first duly sworn to testify to the truth, was
14 examined and testified as follows:

15 THE WITNESS: I do.

16 THE CLERK: Please be seated.

17 Please state your full name, spelling
18 your first and last name for the record.

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

21 THE COURT: Thank you.

22 All right. Direct exam.

23 ///

24 ///

25 ///

1 DIRECT EXAMINATION

2 BY MS. KOLLINS:

3 Q. Good afternoon, Ms. Williams. How are
4 you?

5 A. Good. How are you?

6 Q. May I call you, Kay?

7 A. Yes, please.

8 Q. Thank you. Kay, do you know Cameron
9 William (sic)?

10 A. "Thomas." Yes.

11 Q. I am sorry. Should have had that one
12 more Starbucks this morning.

13 Cameron Thomas.

14 A. Yes, I do.

15 Q. Do you see him in court today?

16 A. I do.

17 Q. Where is he seated and what is he
18 wearing, for the record today?19 A. He's standing over there and he's
20 wearing a gray suit with a yellow shirt, blue tie.

21 Q. How long have you known Cameron?

22 A. Since I was, to my knowledge, about
23 ten -- nine, ten years old. I'm 33 now so --

24 Q. Since you were how old?

25 A. Nine, ten years old.

1 Q. Nine, ten years old.

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

4 THE COURT: The record shall so reflect.
5 BY MS. KOLLINS:

6 Q. And you're how old now?

7 A. Thirty-three.

8 Q. Okay. Where did you first meet Cameron?

9 A. Um, it was through our family, like our
10 mothers knew each other. Our grandparents knew
11 each other and another family friend and we just
12 kind of all connected. They told us that we pretty
13 much lived down the street from one another.

14 Q. That was all here in Las Vegas?

15 A. Yeah.

16 Q. Okay.

17 A. Yes.

18 Q. Did there come a point in time where you
19 started to work for Cameron?

20 A. Yes.

21 Q. Where was that?

22 A. Kids 'R' Kids.

23 Q. Okay. Is that here in Las Vegas?

24 A. Yes, ma'am.

25 Q. And where is that located?

1 A. 2830 South Cimarron.

2 Q. Okay.

3 A. Southwest side of town.

4 Q. Southwest side of town.

5 When you worked at or near the time you
6 worked with Cameron, did you meet April Reed?

7 A. I did.

8 Q. And where and when did you meet April
9 Reed?

10 A. I met her at the Kids 'R' Kids also and
11 I met her -- I want to say it was in August,
12 September. I just came back from California.

13 Q. Of what year?

14 A. 2000. I think I was just turning 25.
15 So 2004? '05?

16 Q. Okay. Was April expecting when you met
17 her?

18 A. She was.

19 Q. Okay. Expecting her youngest child?

20 A. Uh-huh.

21 Q. Is that a yes?

22 A. Yes.

23 Q. And that's Karter?

24 A. Yes.

25 Q. After you met April, did you begin to

1 have a relationship?

2 A. Um, pretty -- yeah. Pretty quickly
3 after.

4 Q. And at that time, were you still friends
5 with Cameron?

6 A. Yes.

7 Q. Okay. Now, when you met April, did she
8 have children?

9 A. Yes.

10 Q. Okay. And who were her children?

11 A. Um, originally, it was -- I thought it
12 was just Zoe that she was expecting but she also
13 had Zailey and Ambree.

14 Q. So three and expecting Karter?

15 A. Yes, when I met her.

16 Q. And did you and April, were you both
17 working at Kids 'R' Kids at that time?

18 A. Yes, ma'am.

19 Q. What was your relationship like with
20 Cameron at that time?

21 A. Great. We -- we actually talked on the
22 phone on the phone. He encouraged me to come back
23 to Las Vegas because I lived in California. And I
24 resided with him. He offered me to live with him
25 so I could come back. And I could work back at

1 that Kids 'R' Kids.

2 Q. Would that have been just prior to the
3 time that you met April?

4 A. Yeah. Prior to the time I met April,
5 yes.

6 Q. But from that time, you were family
7 friends earlier, living in the same neighborhood
8 until you came back from California and lived with
9 him? Were you good friends with Cameron Thomas?

10 A. Yes. I was, yes.

11 Q. Okay. Now, when you first got together
12 with April, was Cameron happy about that?

13 A. No.

14 Q. Did that cause a bump in the friendship
15 road, so to speak?

16 A. Yes.

17 Q. Okay. Did you continue your
18 relationship with April?

19 A. I did.

20 Q. Okay. As you continue your relationship
21 with April, whether you know, did Cameron also
22 except April as a friend?

23 A. Eventually, yes.

24 Q. Okay. And when Cameron accepted April
25 as a friend eventually, did he befriend her

1 children?

2 A. Yes.

3 Q. Okay. When -- how would everyone
4 interact? How would you and April and Zailey and
5 Brie and Zoe and Karter and Cameron and his family
6 interact in those early days?

7 A. We interacted all the time. I mean, we
8 were -- they were either at our house or we were at
9 their house. And there was always get-togethers
10 and barbecues and cookouts and all kinds of stuff.

11 Q. Did that interaction include holidays?

12 A. Absolutely.

13 Q. Did that include birthdays?

14 A. 100 percent.

15 Q. Kids' birthdays?

16 A. Everybody's birthdays.

17 Q. Everybody's birthdays? Did that include
18 trips to like swimming or the zoo, things like
19 that?

20 A. Um, swimming, yes. Um, zoo, yeah. We
21 actually did go to the zoo once, yeah.

22 Q. So stuff that involved the children?

23 A. Absolutely.

24 Q. At that time, and I'm talking about that
25 early Kids 'R' Kids time, was Cameron married?

1 A. Yes.

2 Q. To whom?

3 A. Jennifer Thomas.

4 Q. Is Jennifer here today?

5 A. I don't see her in here but I believe
6 she's in the hallway.

7 Q. And what children did they have at that
8 time?

9 A. At that time it was -- we're talking
10 when we first --

11 Q. Yes, ma'am.

12 A. It would be Danté.

13 Q. Danté?

14 A. Yeah.

15 Q. In terms of fitting him in the ages of
16 your kids, where's Danté follow in that age range?

17 A. Danté was born before Karter. So I
18 think he's like -- I want to say at least a year
19 and some change older than her. So, I mean, he fit
20 right in. Zoe was --

21 Q. So he's about 10, 11 now?

22 A. Yeah. I would say that, yeah.

23 Q. Because Karter's 10?

24 A. Yes. Karter is 10.

25 Q. So all your kids played with Danté at

1 that time?

2 A. Absolutely.

3 Q. Now, during that period of time, would
4 you spend the night at defendant's home?

5 A. Yes.

6 Q. Okay. And where? In those early days,
7 did the defendant live in Las Vegas?

8 A. In North Las Vegas.

9 Q. In North Las Vegas?

10 A. Um-hmm.

11 Q. Is that a yes?

12 A. Sorry. Yes.

13 Q. That's okay. I do it all the time.

14 Was that a one-story or two-story house?

15 A. It was a two-story house.

16 Q. Do you remember what years those were
17 the defendant lived in the two-story house?

18 A. Karter would have been born so he was in
19 the -- I was with him when I saw the house being
20 built. It was -- 2002. And then when we were
21 there, it was probably by that time, 2006, 2005
22 because Karter was born so for sure.

23 Q. At that time, you were still working at
24 Kids 'R' Kids?

25 A. Yes.

1 Q. Okay. And so your kids would spend the
2 night at their house?

3 A. Yes.

4 Q. Now, at that time, did you consider
5 Ambree, Zailey, Zoe, Karter your own children?

6 A. Absolutely. Absolutely.

7 Q. You were still in a relationship with
8 Kay?

9 A. April.

10 Q. April?

11 A. Yes.

12 Q. I told you, one more espresso would have
13 done it today. Excuse me.

14 Now, would Cameron and his wife and
15 Danté visit your home at that time?

16 A. Yeah. At the time, yes. We lived in
17 north town so not very often, because we lived on
18 the other side of the tracks, but they had visited
19 a couple times, yeah.

20 Q. Okay. Did you have a good working
21 relationship with Cameron during time --

22 A. Yes.

23 Q. -- at Kids 'R' Kids? How about April?

24 A. Yes.

25 Q. Yes. Okay. Now, do you remember when

1 Cameron and his family moved to a different home?

2 A. Yes.

3 Q. And where was that new home?

4 A. That home was -- that's when they moved
5 over by Mountain's Edge Park on the other side of
6 town.

7 Q. So far southwest?

8 A. Yes.

9 Q. Still here in Las Vegas?

10 A. Yes.

11 Q. Is that off or near Blue Diamond, if you
12 remember?

13 A. Yes. Yes.

14 Q. And do you remember when he moved there,
15 if you remember?

16 A. If memory serves me correctly, I went
17 to, say, the end of 2006, 2007. By that time,
18 Karter was walking and I believe up, standing on
19 the countertop maybe. It was like 2007, but at
20 least 2007 for sure.

21 Q. Now, at that time, were you still
22 working at Kids 'R' Kids?

23 A. Yes. Yes, I was.

24 Q. Okay. Was April still working at Kids
25 'R' Kids?

1 A. No.

2 Q. Okay. What was the status of your
3 relationship. And when I say "your relationship,"
4 I mean you and your family's relationship with the
5 Thomas family at that time when they moved into
6 that new house?

7 A. Um, it was good because I remember my --
8 my girls, Ambree and Zailey, helped them move and I
9 believe stayed the night with them that night
10 because they were moving all the stuff and we
11 couldn't because they had Karter.

12 So I believe it was Zailey and Ambree
13 who went to help them move like all the little
14 stuff. So they were part of the move.

15 Q. Okay. So were the kind of activities
16 that we talk about happened at the previous house
17 or the type of interactions or birthday and
18 Christmas and barbecue, all that stuff still going
19 on back and forth?

20 A. Yes.

21 Q. So there was no discord in the
22 relationship when he moved into the Blue Diamond
23 house?

24 A. No, not at that time.

25 Q. During that time, were the girls -- by

1 the "girls," I mean, Ambree and Zailey and Zoe,
2 were they allowed to spend the night at Cameron's
3 house?

4 A. Yes. Absolutely.

5 Q. Were there times where Cameron would
6 drive the girls, either all or any component part
7 thereof, two of them or just one of them, home from
8 day care to either his house or to your home at
9 that time?

10 A. Yes.

11 Q. Were you comfortable with that?

12 A. Yes, I was.

13 Q. If you know, was April comfortable with
14 that?

15 A. Yeah, she was.

16 Q. Okay. Now, during that whole portion of
17 time, how often, since you -- were you still
18 working the Kids 'R' Kids in 2007, '08, or no?

19 A. Yes.

20 Q. Okay. Were you the type of friends with
21 Cameron where you would talk on a daily basis?
22 Once a week? Twice a week? Or would you talk more
23 often than that?

24 A. We probably talked, some days five or
25 six times a day. Obviously if were working

1 together, we talked quite a bit. If we weren't
2 working that day together, which was rare that we
3 didn't but if, for whatever reason we didn't, we
4 still talked at least two or three times a day.

5 Q. Did you talk to Jennifer like you talked
6 to Cameron?

7 A. No.

8 Q. How about April and Cameron? Did they
9 talk like you two talked?

10 A. No.

11 Q. When you say you would talk to him five,
12 six times a day, is that text, Instagram, Facebook?

13 A. Typically, through text or we would talk
14 on the phone, call each other. Just depends on
15 what the situation was or, you know, what we needed
16 to talk about.

17 Q. Okay.

18 A. How juicy was the story, basically, so.

19 Q. So one of those "can't wait to hear
20 this"?

21 A. Yes.

22 Q. I gotcha.

23 Now, at some point in 2009, or early
24 2009, are you together with April in a relationship
25 early 2009?

1 A. Yes.

2 Q. Okay. And you're still living as a
3 family with April and all the kids?

4 A. Correct.

5 Q. The four girls?

6 A. Yes.

7 Q. Where are you living in early 2009?

8 A. In Arizona. Wait.

9 Q. I'm sorry. Wrong year. My apologies.
10 2008.

11 A. 2008, we're staying at Courtney -- early
12 2008?

13 Q. Um-hmm.

14 A. Early 2008, I believe we were staying,
15 um, on Grasswood. We were there for a little
16 while.

17 Q. And that's when things got a little
18 financially difficult?

19 A. Yes, ma'am.

20 Q. When did things get financially
21 difficult in 2008?

22 A. Um, I want to say out the gate, it was
23 just -- it was difficult. There's difficult years.
24 It was rough, I mean.

25 Q. And at that time, was there a chance you

1 were going to be evicted from your residence, you
2 and April and the girls?

3 A. We knew. We knew that that time was
4 going to come and we knew that money was extremely
5 too tight.

6 At that point, I had stopped working at
7 the day care, I believe. It was just -- I didn't
8 have the same financial income that I had before.

9 Q. Yesterday Mr. Mann asked April some
10 questions about some gambling that was going on.

11 A. Yes, ma'am.

12 Q. Was that happening?

13 A. Yes.

14 Q. And things got tight?

15 A. They did.

16 Q. And you own your participation in that?

17 A. 100 percent. 100 percent.

18 Q. Did you turn to your friend, Cameron,
19 for some help at that time?

20 A. Yes, I did.

21 Q. And what did you do?

22 A. Um, I asked him for help with money.

23 And he didn't have, like, money, just to say "I am
24 going to go to the bank and get it out." So then,
25 if I'm not mistaken, I asked him, can you get like

1 a title loan or a registration loan for me, and he
2 agreed. He said, yes. I said, okay. I'll pay
3 you. I'll pay it back and we'll do it. He said
4 that was fine.

5 Q. And when was that that you got that
6 title loan?

7 A. It was in 2000. It was still when we
8 lived on Grasswood. For sure, I know that.

9 Q. It was before the inevitable eviction
10 and then before you moved in with Cameron that you
11 got the title loan?

12 A. Correct.

13 Q. Okay. And did you go with Cameron to
14 get the title loan or did he just give you the
15 money.

16 Do you remember?

17 A. I don't remember. I'm sorry.

18 Q. Do you remember how much it was for?

19 A. Yeah. It was like -- what I do know is
20 the end amount was 1,500, I believe. \$1,500 is
21 what I had to pay back, but that could have been
22 with interest and whatnot. I'm pretty sure it was
23 a little less than that. I would say it couldn't
24 have been any less than eight to \$900. It wouldn't
25 have made a difference if it wasn't.

1 Q. But because you're paying it over the
2 course of time, there's interest. So that's what
3 the final amount was?

4 A. That's what I paid back, yes.

5 Q. That's what you paid back?

6 A. Uh-huh.

7 Q. Did you pay him everything back you were
8 supposed to?

9 A. 100 percent. I know I did.

10 Q. Do you know the final payoff date?

11 A. Whenever income taxes came back that
12 year, that's when they got their money back.

13 Q. Did you want to go to Cameron for money?

14 A. Um, I didn't want to but I knew that he
15 was the person that would help me.

16 Q. Okay. So you trusted him in that
17 regard?

18 A. Absolutely, yes.

19 Q. Now, that title loan, was that enough to
20 pull you guys out of eviction or did you have to
21 move?

22 A. We still wound up moving.

23 Q. And where did you move?

24 A. To?

25 Q. Is that when you moved into Cameron's

1 house?

2 A. Yes, to Cameron's house. And I believe
3 we were there for 30 days.

4 Q. Okay. Not very long?

5 A. No, not at all.

6 Q. And by that time, Cameron's family
7 includes who?

8 A. By this time, they have Danté and Janae.
9 She was little. And then my four girls or our four
10 daughters, myself and April.

11 Q. And were you grateful that they opened
12 their home to you?

13 A. Yes. Yes.

14 Q. Okay. And right before you moved in
15 there, had you conditioned to interact in the ways
16 that we spoke about before: The barbecuing, the
17 birthday parties, those kinds of things.

18 Was it like that before you moved in?

19 A. Yes. Yes.

20 Q. Okay. Did you plan on living with him
21 being a permanent solution for your family's
22 financial issues?

23 A. No.

24 Q. Was it everyone's understanding that
25 that was temporary?

1 A. Yes.

2 Q. And was that title loan outstanding when
3 you moved in?

4 A. Yes.

5 Q. Okay. Now, you mentioned that you paid
6 that title loan back when taxes were done that
7 year.

8 Are we talking about just after the
9 first of the year in 2010?

10 A. Right. I mean, the exact date -- I know
11 that it had to have been early January because we
12 were -- we were already, you know, heading to
13 Arizona.

14 So it's like, as soon as it came in, off
15 the top, it went to them and then to Cameron and
16 Jennifer and we took the rest and moved.

17 Q. Okay. So it's late 2009. It's before
18 Christmas and you're living with the defendant and
19 there's an argument, right?

20 A. Um-hmm.

21 Q. There's a blowup or something.
22 Something happens that you guys have to leave,
23 right? You have to leave the house?

24 A. No. We were gone before that and that's
25 when we moved in with Courtney and Audrey. The

1 blowup happened while he were living with Courtney
2 and Audrey.

3 Q. Maybe it's the way I asked the question,
4 so I apologize.

5 A. That's okay.

6 Q. What prompted you and the girls to move
7 to Courtney and Audrey's?

8 A. Um, Jennifer wanted her house back. She
9 was willing to accommodate us for a little while
10 which was understandable, but when that time came,
11 we weren't ready to move into our own place and
12 that's why moved into Courtney and Audrey's. But
13 no bad blood, just understood, and it was what it
14 was.

15 Q. Okay. Because there would have been
16 seven children and four adults living in that
17 house?

18 A. Correct.

19 Q. And when you moved out, was that in
20 anger?

21 A. No. As a matter of fact, my stuff
22 stayed there. Some of my stuff stayed in the
23 garage at Cameron's house and we moved the rest of
24 the stuff over to Courtney and Audrey's garage.
25 There was no bad blood at that time.

1 Q. No heated discussions between yourself
2 and Cameron or April and Cameron, no?

3 A. Not at that time, no.

4 Q. You moved to Courtney and Audrey's?

5 A. Um-um.

6 Q. Is that a yes?

7 A. Yes.

8 Q. At that time, did you have the money to
9 put first and last and a deposit down to get
10 something for yourself?

11 A. No, ma'am. Not yet.

12 Q. Okay. So, where did you spend Christmas
13 that year?

14 A. We spent Christmas at Courtney and
15 Audrey's.

16 Q. Did you learn either in communication
17 from Cameron or just the circumstance that you and
18 your family were not invited for Christmas at
19 Cameron's?

20 A. The way that we found out, I believe,
21 was through -- it was either Courtney or Audrey who
22 said -- and we were -- by this time, we were
23 already in an argument. So there was a big gift
24 exchange and whatnot, and me and the girls and
25 April weren't invited to it because we were in an

1 argument at the time.

2 Q. Okay. Was the argument about the
3 holiday plans or was it about something different?

4 A. No. Cameron and I argued because of the
5 loan. There was a performance at the day care and
6 I want to say that Danté was in it. And at the
7 time, I was Dante's godmother. And so I didn't
8 attend, and I didn't attend because the parents
9 that were there were the people that I rented from
10 and so I was embarrassed. I didn't want to do
11 that.

12 And then it was time to pay the minimum
13 on the loan and it was just a bad, like, nothing
14 about that visit was going to be great for me. And
15 so Cameron got furious with me, and so he and I
16 argued and that's when April said if you're
17 fighting with Kay, then you're not going to see the
18 girls. Like, that's not going to work.

19 Q. I just want to ask you some more
20 questions about that, because that seems to be
21 quite the contention over the last day or so of the
22 proceedings.

23 So if I have this right, Danté had a
24 performance at Kids 'R' Kids?

25 A. Yes.

1 Q. And it was near the time a loan payment
2 was due?

3 A. Yes.

4 Q. And you said your renters were there?

5 A. They were parents at the day care.

6 Q. And what were you? That was your last
7 apartment that you rented?

8 A. That was the house on Grasswood. The
9 one that we moved out of.

10 Q. And did you leave that house under bad
11 circumstance?

12 A. I mean, they knew we were going to
13 leave. They understood that we just didn't have
14 the money, but I just didn't have money to give
15 them. And so to face it at that time, it wasn't
16 something that I was wanting or willing to do. So
17 I avoided the situation.

18 Q. Okay. Embarrassing?

19 A. Yeah. 100 percent, yes.

20 Q. And grown up. I want to pay my bills?

21 A. Right. Right.

22 Q. And so you said Cameron was furious.
23 What was he furious about?

24 A. In the conversation, his main thing was,
25 one, that I wasn't coming to the performance

1 because I was being irresponsible; and, two, that
2 it wasn't fair to him or to Danté that I wasn't
3 there to participate in what was going on because
4 of the situation with the parents that were there,
5 the landlords. So that was --

6 Q. And you were godmother to his child,
7 correct?

8 A. Correct.

9 Q. And he was also godfather to the girls?

10 A. Yes.

11 Q. Apparently, you both did not reach an
12 understanding of your attendance at that event?

13 A. No. No, we did not reach an
14 understanding.

15 Q. Is that interaction what prompted the
16 dis-invitation, if you will, for the rest of the
17 holiday events and the fight?

18 A. Correct.

19 Q. Okay. You subsequently moved out of
20 Courtney and Audrey's?

21 A. Right. Yes. Sorry. Yes.

22 Q. And when was that?

23 A. That was right after income tax time.

24 Q. Okay. So that income tax check, you got
25 that back approximately when?

1 A. I would say like at the latest, I mean,
2 at that time, I think income tax checks were coming
3 back pretty quick. You filed on the first, you got
4 it back by like the 15th or the 20th. So I know I
5 paid a prorated rent when I got to Arizona.

6 Q. So you paid a prorated when you got to
7 Arizona?

8 A. Yes.

9 Q. And you used that check. Is that the
10 check that you spoke of you that you used to pay
11 off Cameron in total?

12 A. Yes.

13 Q. Okay. So after that payment, you owed
14 no more money on that title loan?

15 A. I owe nothing to Cameron, to anybody or
16 anything. If he paid it or not, I don't know. But
17 I paid him for him getting the title loan for me.

18 Q. Okay. So you moved to Arizona and you
19 and April and the girls lived as a family?

20 A. Yes, ma'am.

21 Q. And you all rent an apartment together?

22 A. Yes, ma'am.

23 Q. Now, did you and April stay together
24 through the rest of that year as a couple?

25 A. Yes.

1 Q. Okay. Do you recall getting a phone
2 call --

3 A. No.

4 Q. No?

5 A. We were together, sorry. We were
6 together through that. Not through the entire
7 year. It was probably right around Christmas that
8 her and I, at the end, you know, the end of the
9 year right around probably Christmas her and I
10 separated.

11 Q. Separated?

12 A. For a little bit, yes.

13 Q. Now, while you were separated, what type
14 of responsibility or relationship did you maintain
15 for the girls or with the girls?

16 A. Once a week I went back to April's
17 apartment or our -- her apartment I guess at that
18 point, and I had to go to dinner with the girls
19 once a week where we sat down as a family in their
20 environment.

21 And on the weekend, they would come to
22 my apartment and hang out with me and I would pick
23 them up from school on Friday and take them to
24 school on Monday.

25 Q. So kind of a joint custody?

1 A. Yes.

2 Q. Yes. You consider those girls your
3 daughters?

4 A. 100 percent.

5 Q. Okay. If not by blood, by relation,
6 right?

7 A. Yes, ma'am.

8 Q. By your relationship with them, okay.

9 On December 9th of 2010, did you receive
10 a phone call from April?

11 A. Yes, I did.

12 Q. Were you living together at that time?

13 A. No, we were not.

14 Q. Okay. So this would be that portion of
15 time you were broken up?

16 A. Yes, ma'am.

17 Q. And you were having visitation with the
18 girls?

19 A. Yes.

20 Q. Now, prior to this phone call from April
21 on December 9th of 2010, did you ever have any
22 conversations with the girls, and specifically Brie
23 and Zailey, whether or not they had ever been
24 touched by anyone?

25 A. No.

1 Q. Did you know at that time whether or not
2 April had had those conversations?

3 A. I wasn't with her every moment but I am
4 going to say no. That's something that we would
5 talk about if we were coparenting.

6 Q. Nothing that you knew about?

7 A. Nothing that I knew about.

8 Q. So on December 9th of 2010 when you were
9 separated from April, but still speaking to
10 exchange kids, et cetera, where were you when you
11 received that phone call from her?

12 A. I was at work in a classroom at nap
13 time.

14 Q. Were you working at a day care in
15 Arizona?

16 A. Yes, ma'am.

17 Q. Okay. Did she call you on your cell?
18 She called the office phone?

19 A. She called me on my cell.

20 Q. And were you able to take that call?

21 A. I wasn't supposed to but I answered it.

22 Q. Okay. And the information that was
23 contained in that call, without telling me what she
24 said yet, how did you feel?

25 A. Shocked. Um, it was hard to believe.

1 Like, it just threw me back. It was sad.

2 Q. Did the information in that phone call
3 involve Zailey and Brie or just one or the other?

4 A. Yes, ma'am. Both girls.

5 Q. Okay. Did that conversation -- did
6 Cameron come up in that conversation?

7 A. Yes, ma'am.

8 Q. I see you've gotten a little upset right
9 now. Is that how you felt that day when you got
10 that call?

11 A. Yes, like the world kind of just stops.

12 MS. KOLLINS: At this time, I would like
13 to offer the contents of the excited utterance.

14 THE COURT: Excited utterance by April
15 Reed.

16 MS. RINETTI: Well --

17 THE COURT: Whose conversation? What
18 April said or what she said?

19 MS. KOLLINS: What April said and what
20 her responses were.

21 THE COURT: Okay. Objection?

22 MR. MANN: Yes, Your Honor. There's
23 been no foundation whatsoever.

24 THE COURT: I'm going to have more
25 foundation. I would have to agree, especially the

1 foundation on April Reed, if it's her. I'm going
2 to ask -- I am going to sustain the objection. I
3 am going to -- you need more foundation for an
4 excited utterance.

5 MS. KOLLINS: Understood. I would have
6 thought that was laid yesterday with April but I'll
7 move on.

8 THE COURT: I have to be honest --

9 MS. KOLLINS: I'm fine. That's fine.
10 Because she said --

11 THE COURT: If you want to, I don't -- I
12 don't remember the exact -- what she said. If you
13 want to go back and get off the record and without
14 the jury, I can look at my notes because I don't
15 have a complete recollection of what April Reed
16 said.

17 MS. KOLLINS: You know what? I don't
18 want to rate -- they heard what April had to say
19 yesterday. I was just trying to make it clearer.

20 THE COURT: You can lay a foundation
21 with --

22 MS. KOLLINS: Certainly.

23 THE COURT: -- Ms. Williams.

24 BY MS. KOLLINS:

25 Q. You said you were shocked.

1 A. Yes, ma'am.

2 Q. And you said the conversation involved
3 Zailey and Brie?

4 A. Yes.

5 Q. Okay. And you said that -- you
6 responded positive to my question that it also
7 involved Cameron, right?

8 A. Yes.

9 Q. How did you feel when the content of
10 that conversation included Cameron, somebody that
11 you've known for so many years?

12 A. Um, I didn't know the extent of what had
13 happened. I just knew that something bad happened.
14 So I -- they're my kids, so. They're my
15 kids. And at the time, he was my best friend. So
16 that's a whole lot of emotions in one moment and
17 one statement. So it was a little overwhelming for
18 sure.

19 Q. Okay. Did you want any of it to be true
20 from either side? Did you want that to have
21 happened to your daughters and did you want Cameron
22 Thomas to be the perpetrator?

23 A. Not one bit of every day hope that
24 someone said that it was a joke. That this isn't
25 real.

1 Q. Okay. So based on that information that
2 you got about the kids that you consider your
3 children and your best friend, what did you do?

4 A. I left work and I went to go pick up --
5 I talked to April. I told her I am going to pick
6 up Ambree. We decided that we would let Zailey
7 come home on the bus and we'd just give them time
8 apart to just deal with what just happened and what
9 they had to discuss.

10 And so I picked her up from school. And
11 we didn't say anything to each other on the car
12 ride. I felt like the first words that needed to
13 be said to her were us together with Ambree just
14 kind of consoling her and loving her.

15 Q. May I bring you some water or are you
16 okay?

17 A. I'm okay.

18 Q. So you pick Ambree up at school.

19 Was it the normal time of school day to
20 get it out?

21 A. I picked her up early. It was -- if it
22 was nap time at a day care, it had to be between
23 12:30 and 2:00 o'clock. I think she got out of
24 school when she was at that school around 3:30,
25 4:00 o'clock.

1 Q. What was her demeanor when she got in
2 the car?

3 A. She was sad but, you know, you could
4 tell when you have a kid like, what their emotions
5 are, what they're feeling. She didn't show any
6 emotion right when I picked her up. She hugged me
7 and then once I got her home, she just cried. She
8 just cried.

9 Q. Is that something she would normally do
10 when she hopped in the car is grab you and hug you?

11 A. Absolutely not. She would be like I'm
12 hungry or I want a snack. Or what are we doing
13 today? Are we going swimming?

14 Q. Did she cry in the car at all?

15 A. It was just like a weird silence.

16 Q. Okay. And did you drive her straight
17 home?

18 A. Straight home. It was a three-minute
19 drive, if that.

20 Q. Okay. And was April at that home when
21 got home?

22 A. Yes, ma'am.

23 Q. What about Karter?

24 A. Karter was home too.

25 Q. How about Zoe?

1 A. No. Zoe and Zailey were at school
2 still.

3 Q. Did -- and I don't want to talk about
4 content.

5 Did you and April have a discussion with
6 Brie at that time?

7 A. We just, Zailey -- or Ambree was like,
8 she was very apologetic.

9 Q. We can't talk about what was said. I
10 just -- did you have a conversation with Brie at
11 that time?

12 A. Yes. Yes.

13 Q. Okay. You mentioned earlier that she
14 just cried when she got home.

15 A. Yes.

16 Q. Was it during that conversation that she
17 was crying?

18 A. Yes, ma'am.

19 Q. Have you seen Brie prior to that cry to
20 that extent?

21 A. Not like that, no.

22 Q. Okay. Were you able to calm her down?

23 A. Yes.

24 Q. Did it take both you and April to calm
25 her down?

1 A. Yes, it did.

2 Q. While Brie was with you and she was
3 crying, was Zailey still at school?

4 A. Yes, ma'am.

5 Q. Okay. Did that conversation happen in
6 front of Karter?

7 A. No, ma'am.

8 Q. Okay. Where did that conversation take
9 place?

10 A. In April's bedroom.

11 Q. How were you feeling after this
12 conversation about Cameron Thomas's involvement in
13 this situation?

14 A. So very hard -- so very hard to believe,
15 very frustrating, very angry because I just didn't
16 want it to be. I didn't want this to happen.

17 Q. Did you ask Brie -- without telling me
18 the responses, did you ask Brie about details of
19 what happened and when it happened?

20 A. No, ma'am. I didn't want to hear it.

21 Q. How did Zailey get home that day?

22 A. She rode the school bus.

23 Q. And why did you pick up Brie and let
24 Zailey ride the bus?

25 A. Because April told me that, you know,

1 somebody came to the house. And so I felt like to
2 bring them in at the same time just was going to be
3 too overwhelming for the both of us.

4 So to separate them and keep them
5 separated so we can console one and console the
6 other.

7 Q. Someone came to the house. Who are you
8 referring to?

9 A. I believe it was CPS and the police
10 department came to the house.

11 Q. Okay. Came to visit April and fill her
12 in on what had happened at school?

13 MR. MANN: Objection. Leading.

14 THE COURT: I'm going to sustain.

15 Rephrase.

16 There you go.

17 THE WITNESS: - yes.

18 MR. MANN: Your Honor, may we approach?

19 THE COURT: Sure.

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

22 THE COURT: Okay.

23 MS. KOLLINS: Are you good? Do you need
24 a break or are you doing okay? Do you need some
25 water?

1 THE WITNESS: I don't.

2 BY MS. KOLLINS:

3 Q. Child Protective Services and the police
4 came to the house, correct?

5 A. Yes, ma'am.

6 Q. Okay. Um, were they -- were they still
7 there when Zailey took the bus home from school?

8 A. No.

9 Q. Okay. By the time Zailey got home, did
10 Zoe come home with Zailey?

11 A. Yes, ma'am.

12 Q. Okay. Were they both in the same
13 elementary school at that time?

14 A. Yes, ma'am.

15 Q. Did you and April have a conversation
16 with Zailey similar to the discussion you had with
17 Brie?

18 A. Yes, ma'am.

19 Q. Okay. Before you had that conversation
20 with Zailey, was there a point in time where it was
21 you and April and Brie and Zailey in a room
22 together, if you remember or if you know?

23 A. Yes, I know. So, yes, at one point in
24 time, we were all in a room. But together in that
25 conversation, not that I can remember.

1 Q. We're talking about December 9th, 2010?

2 A. Okay.

3 Q. You have the conversation with Brie and
4 April, right?

5 A. Yes.

6 Q. And Zailey and Zoe come home from
7 school?

8 A. Yes.

9 Q. And you have a conversation with Zailey?

10 A. Yes.

11 Q. In between there, did Brie and Zailey
12 sit down with you and April?

13 A. No.

14 Q. Okay. That's what I'm trying to ask.
15 When you had this conversation with
16 April and Zailey, where did it take place?

17 A. Same place. In the bedroom, in April's
18 bedroom.

19 Q. Door open or closed?

20 A. Door closed.

21 Q. What was Zailey's demeanor?

22 A. She was -- she was sad. She was -- she
23 was nervous.

24 Q. Um, how do you know she was nervous?

25 A. Because of what she had disclosed. She

1 thought that we would be upset, that we would be
2 sad or angry with her because of who it was. And
3 so she said -- we asked her how are you feeling and
4 she said, "I'm nervous." You could tell she was
5 fidgeting and I'm sad and I'm like okay. So
6 immediately the hugs began.

7 Q. Who started that conversation with
8 Zailey?

9 A. If memory serves me correctly, I believe
10 April started the conversation with her first.

11 Q. Do you remember the questions that April
12 asked?

13 A. A few. Um, are you okay. Um, do you
14 think that you're in trouble.

15 Q. Now, you said that Zailey thought she
16 was going to be in trouble or I thought that you
17 were going to be angry or April was going to be
18 angry because of who it was?

19 A. She thought that I was going to be
20 angry.

21 Q. That you specifically?

22 A. Me.

23 Q. And did she tell you why she thought
24 that?

25 A. She did.

1 Q. What did she tell you?

2 A. She said, um, I didn't want to say
3 anything because that's your best friend and I
4 didn't want you not to have your best friend so.

5 Q. Did you or April ask her how she was
6 touched or how it happened?

7 A. I don't remember how the conversation
8 got started. I just know that, um, she told us a
9 piece of it, you know, like something that had
10 occurred. And I want to say that April was asking
11 her but I don't remember how she phrased it or what
12 she said to her --

13 Q. Okay.

14 A. -- to get to the point that we got to.

15 Q. And you know that was 2009 and it's now
16 2010, and it's now 2016. So it's been a long time.

17 Do you remember any of the conduct that
18 Zailey was able to describe for you and April in
19 that conversation?

20 A. Yes.

21 Q. Can you tell me about that?

22 A. There was just that one specific
23 conversation that I had with her that, um, I just
24 remember her looking at me and she said I -- I
25 don't -- she said I don't understand why he peed on

1 me. I said what do you mean, "peed on you." And
2 that is when she said, "he peed on my leg," and I
3 said what was it? I said what was the substance?
4 Was it pee, like you pee? She said, no, it was --
5 it was white and it was sticky. So --

6 Q. And did she describe anything further?

7 A. He said that his pants were down and
8 once he did that that she -- he told her to get up
9 and go take a shower. So she went and took a
10 shower.

11 Q. As an adult, you're familiar with
12 anything that's white and sticky and is not urine?

13 A. 100 percent.

14 Q. Can I give you a minute, Kay?

15 THE COURT: If you need a break. We all
16 understand. I'm not feeling you're okay. I want
17 to give you a break. We all know this is difficult
18 for everybody. Honestly, you guys haven't been
19 here but we were here a little bit before you. The
20 judge could use a break.

21 MS. KOLLINS: May I approach, Your
22 Honor.

23 THE COURT: I'm going to raise my hand.
24 It would fit. Okay. We'll just take a recess,
25 which we can do.

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 Internet and radio; 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 just take a brief recess and come
13 back and continue testimony.

14 THE MARSHAL: All rise for the jury.
15 (Whereupon, a brief recess was taken.)

16 THE MARSHAL: Please be seated.

17 THE COURT: Counsel, will you stipulate
18 to the presence of the jury?

19 MS. RINETTI: Yes, Your Honor.

20 MR. MANN: Yes, Your Honor.

21 THE COURT: Let's continue the direct
22 examination, Ms. Kollins.

23 BY MS. KOLLINS:

24 Q. We gave you a moment, Ms. Williams?

25 A. Yes.

1 Q. Part of your reaction to being on the
2 stand was to kind of turn away when you were being
3 emotional; is that right?

4 A. Yes, ma'am.

5 Q. Is there anyone in here that you don't
6 want to see or don't want to cry in front of?

7 MR. MANN: Objection.

8 THE COURT: I don't think that's
9 suggesting the answer. Is there anything -- is
10 that a yes or no?

11 MS. RINETTI: Well -- or a name of
12 the -- it's a yes or no or the name of the person
13 or persons.

14 THE COURT: Okay. Well, you can ask her
15 if there's anyone? Then could you say -- that's
16 overruled. That's not suggesting the answer.

17 BY MS. KOLLINS:

18 Q. Is there anyone in the courtroom that
19 you're uncomfortable crying in front of?

20 A. Yes, ma'am.

21 Q. Who is that?

22 A. Cameron.

23 Q. Okay. Any of his attendants in here
24 make you uncomfortable? The people that came to
25 court with him?

1 A. Yes.

2 Q. Okay. Who is that?

3 MR. MANN: Objection, Your Honor.

4 Relevance.

5 MS. KOLLINS: It explain her -- may we
6 approach?

7 THE COURT: Yes. Let's approach.

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

10 THE COURT: So the objection is
11 overruled. Do you know where we are?

12 MS. KOLLINS: Thank you, Your Honor.
13 May we proceed?

14 THE COURT: Yes.

15 BY MS. KOLLINS:

16 Q. Are there specific individuals here
17 other than Cameron?

18 A. Yes, ma'am.

19 Q. And who are they?

20 A. His cousin Janeeka (phonetic) and his
21 aunt, Jennette (phonetic).

22 THE COURT: I'm sorry. I couldn't hear.
23 Thank you. You need to speak up.

24 THE WITNESS: Yes, ma'am. His cousin
25 Janeeka and his Aunt Jennette.

1 BY MS. KOLLINS:

2 Q. And they're present here while you're
3 speaking?

4 A. Yes, ma'am.

5 Q. Before we left, we were talking about
6 the details of the conversation with Zailey.

7 Do you remember that?

8 A. Yes, ma'am.

9 Q. Okay. And I'm doing this for purposes
10 of taking you back to where we were speaking and
11 not for purposes of suggesting an answer to you.

12 We're talking about her saying pee went
13 on her.

14 A. Yes, ma'am.

15 Q. Did she tell you other than the pee
16 going on her in her describing it as white and
17 sticky, did she tell you anything else in that
18 conversation in the room with April about how she
19 was touched or what Cameron did that you remember
20 today?

21 A. Just that she was uncomfortable.

22 Q. That she was uncomfortable talking about
23 it or uncomfortable with what happened? How was
24 she uncomfortable?

25 A. She stated she was uncomfortable because

1 we explained to her the birds and the bees
2 conversation, why it happens.

3 Q. Did you explain sexual touching to her?

4 A. Yes, ma'am.

5 Q. In that same conversation?

6 A. Yes, ma'am.

7 Q. During that conversation, did you or
8 April ever suggest to her any touching?

9 A. I don't understand the question.

10 Q. Okay. Did you ever say to her things --

11 MR. MANN: Objection, leading.

12 THE COURT: She hasn't even finished the
13 question. Can I hear the question before you do
14 your objection? I have no idea if it's leading or
15 not.

16 MS. KOLLINS: I am going to ask for some
17 latitude on this question to clarify if she did
18 not --

19 THE COURT: Understand.

20 MS. KOLLINS: -- an open-ended question.
21 So if I could finish the question and it's
22 objectionable from a foundational perspective as
23 well --

24 THE COURT: That's fine. Let's hear the
25 question.

1 BY MS. KOLLINS:

2 Q. By "suggesting," I mean, did you ever
3 pose a question similar to, Cameron put his penis
4 somewhere, or Cameron used his fingers to do "X"?

5 Did you ever suggest to her that Cameron
6 did that that did not come from her words?

7 A. No, ma'am.

8 Q. Okay. Do you understand my question
9 now?

10 A. Yes.

11 Q. When she told you about the pee on her
12 leg, the white sticky pee, did you ask her
13 questions about that over and over and over?

14 A. No.

15 Q. Okay. Did you want to know at that
16 point more information about that stuff?

17 A. No. I -- you want to know because you
18 want to know what they went through. But then I
19 don't want to know because that's a hard pill to
20 swallow. So I just explained to her the birds and
21 the bees and.

22 Q. Prior to that, had you had the birds and
23 bees conversation with Zailey?

24 A. No. I didn't feel I needed to.

25 Q. After that conversation, did you

1 participate with April in getting Zailey to the
2 police to make a statement, to the nurse to get an
3 exam?

4 Did you participate in that
5 investigative followup with April?

6 A. Yes.

7 Q. Okay. At any point from December 9th,
8 2010, when this came out, or just prior thereto,
9 through that investigative process, did you tell
10 Zailey what to say?

11 A. No.

12 Q. Did you tell Ambree what to say about
13 Cameron or about his conduct?

14 A. No.

15 Q. Did you ever suggest to those children
16 that they would receive money for talking about
17 their godfather and his sexual abuse of them?

18 A. No.

19 Q. Did you at any time contemplate that you
20 would receive some financial windfall from these
21 children's disclosure of Cameron's sexual abuse of
22 them?

23 A. No.

24 Q. Okay. Did you and April have
25 discussions about financial gain or financial

1 windfall --

2 A. No.

3 Q. -- from this case? By the time this
4 case came out in December of 2010, were you paying
5 your own rent?

6 A. Yes, ma'am.

7 Q. Were you feeding your own kids?

8 A. Yes, I was.

9 Q. Putting a roof over their head?

10 MR. MANN: Objection. Leading.

11 MS. KOLLINS: It's a yes-or-no question.

12 It's not -- doesn't suggest.

13 THE COURT: Suggests an answer. I
14 agree. It's overruled.

15 MR. MANN: I'm sorry, Your Honor.

16 THE COURT: Not every yes-or-no question
17 is a leading question. It has to suggest an
18 answer. She's not suggesting an answer so she's
19 not leading.

20 It's overruled.

21 BY MS. KOLLINS:

22 Q. Were you putting a roof over their head?

23 A. Yes.

24 Q. Were both you and April working?

25 A. Yes.

1 Q. Living together? Were you living
2 together raising the girls?

3 A. Not in December. No. We were raising
4 the girls, yes.

5 Q. Were you coparenting at that time?

6 A. Yes, ma'am.

7 Q. Do you know eventually whether a civil
8 lawsuit was filed?

9 A. Yes, it was.

10 Q. Okay. Did you know whether or not the
11 girls got some money? By "the girls," I mean Brie
12 and Zailey.

13 A. At that time, we didn't know what was
14 going to happen. They approached April. We don't
15 know what was going to happen.

16 Q. When you say "they approached April,"
17 who's they?

18 A. The attorneys for the civil side.

19 Q. Okay. Ultimately, that matter was
20 settled and Zailey and Ambree received some money;
21 is that correct?

22 A. Yes. In a trust account.

23 Q. Do you have access to that account?

24 A. No. It's in their name. They can't
25 touch it until they turn 18.

1 Q. Is that true for both Zailey and Ambree?

2 A. Yes.

3 Q. Okay. And nothing was filed on behalf
4 of Zoe and Karter, right?

5 A. No.

6 Q. All right. As part of that civil
7 lawsuit, some of the mounds of paperwork that come
8 in with that, something came in regarding a tax
9 lien.

10 Are you familiar with that tax lien?

11 A. Yes, I am.

12 Q. Is that your tax lien?

13 A. Yes, ma'am.

14 Q. When is that tax lien from?

15 A. Um, 2006, I believe.

16 Q. Okay. And what happened in 2006 that
17 caused a tax lien?

18 A. In 2006, I was -- April and I were
19 together and, um, I don't -- she told me it was
20 okay. She said I know you're here with the girls.
21 You're raising them with me. You can claim the
22 girls on your taxes, and so I did.

23 They told me that -- I think it was like
24 a year or two later that they said unfortunately,
25 no -- no matter what documents you sent in, if

1 you're -- they're not biological. You don't have
2 guardianship over them.

3 Unfortunately, you can't claim them so
4 you have to pay the money back that you received
5 for them.

6 Q. Even though you call them "your girls,"
7 are they adopted or are you their formal guardian?

8 A. No, at the time. I wasn't, no. We are
9 working on that process now, but not at the time.

10 Q. Was that tax lien taken care of by the
11 time you moved to Arizona?

12 A. They were -- no. They were taking my
13 taxes each year that I filed and then they
14 garnished. They started garnishing and they did
15 that for about a year and now it's all paid off.

16 Q. How did you get a tax return to move to
17 Arizona and pay off Cameron'?

18 A. That was April's tax return. She filed
19 taxes when we moved here.

20 Q. That wasn't your tax return that paid
21 off Cameron and moved to Arizona?

22 A. No. No.

23 Q. Would you have put the girls through
24 this for financial gain?

25 A. No.

1 Q. Okay. Would you have put your family
2 through this for financial gain?

3 A. No, absolutely not.

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

6 THE COURT: Okay. Cross-exam, Mr. Mann.

7

8 CROSS-EXAMINATION

9 BY MR. MANN:

10 Q. Kay, you've known Cameron for a long
11 time, right?

12 A. Yes, sir.

13 Q. You've known him since you were small?

14 A. Yes.

15 Q. Since he was small?

16 A. Yes.

17 Q. You guys have grown up like brother and
18 sister?

19 A. I would say so, yes.

20 Q. You guys were extremely close?

21 A. Yes, we were.

22 Q. The best of friends?

23 A. Yes.

24 Q. And this relationship that you had with
25 Cameron was something that impacted any sort of

1 relationship you had with April?

2 MS. KOLLINS: Objection. Vague.

3 "Impacted"?

4 THE COURT: Do you understand the
5 question?

6 THE WITNESS: Not really.

7 THE COURT: Okay. I'll ask you to
8 rephrase.

9 MR. MANN: Sure.

10 BY MR. MANN:

11 Q. I guess I'll back up a little bit. When
12 you originally started dating April, you said that
13 April was not -- that Cameron was not happy about
14 that.

15 Is that right?

16 A. Correct.

17 Q. That that caused a strain between your
18 new relationship between you and April, correct?

19 A. Slightly, yes.

20 Q. That your best friend was not happy
21 about that?

22 A. Correct.

23 Q. Why wasn't Cameron happy about that?

24 A. Because he felt that she -- that I
25 didn't need to take on four kids and that she was,

1 in his words, "ghetto."

2 Q. He was concerned about your personal
3 situation?

4 A. Yes.

5 Q. He was concerned about your own
6 well-being?

7 A. Yes.

8 Q. He was concerned whether this would be
9 the best life choice for you?

10 A. Correct.

11 Q. As any family member would think would
12 be concerned?

13 A. Yeah.

14 Q. And April took offense to the fact that
15 Cameron didn't approve?

16 A. Yes.

17 Q. That that was something that always kind
18 of bothered her, right?

19 A. I would say at first. Not always.

20 Q. Did you ever have conversations with
21 April about Cameron not approving in the beginning?

22 A. Yes, we did.

23 Q. So let's talk about the beginning.

24 In December of 2005, you were living
25 with Cameron?

1 A. Yes.

2 Q. And his family?

3 A. Correct.

4 Q. And when you were living with them, you
5 were also living with your then girlfriend,
6 Kourtney?

7 A. Yes.

8 Q. And their -- her child?

9 A. It was not her child.

10 Q. It was a child that you guys were
11 watching over for someone else?

12 A. It was my uncle 's child.

13 Q. And what's that child's name?

14 A. Alleya.

15 Q. Alleya?

16 A. Alleya.

17 Q. And Alleya lived at the house as well?

18 A. Correct.

19 Q. And in December, Alleya was asked to go
20 back to California, correct?

21 A. She was asked to go back to her
22 biological mother.

23 Q. And that was in California?

24 A. No. She lived in Nevada.

25 Q. Okay. My mistake. But Alleya did go

1 back to her biological mother?

2 A. Yes, she did.

3 Q. Once Alleya went back to her biological
4 mother, you and Kourtney eventually, within a short
5 amount of time after that, broke up?

6 A. Yes, sir.

7 Q. You had known Kourtney a very long time?

8 A. Yes, I did.

9 Q. Just slightly less than how long you had
10 known Cameron?

11 A. Correct.

12 Q. So that was in December of 2005, and you
13 started dating April in December of 2005?

14 A. Correct.

15 Q. And you moved in with April in December
16 of 2005 as well?

17 A. Yes.

18 Q. So that's April, and at the time, her
19 three kids and yourself moving in together?

20 A. Yes.

21 Q. All right. And was it in March of 2006
22 Karter was born?

23 A. She was.

24 Q. And at this point, three months after --
25 or two and a half months, let's say three months

1 after you guys had been dating, Karter was born and
2 Karter received your last name of Williams?

3 A. Yes.

4 Q. And you remained living with that family
5 for about four years?

6 A. Yes.

7 Q. You stayed with April for over four
8 years?

9 A. Yes.

10 Q. And December of 2010, you broke that
11 relationship up, right?

12 A. The relationship broke. I didn't break
13 it up. Yes, we stopped dating.

14 Q. There was a break in the relationship?

15 A. Yes, sir.

16 Q. After four and a half years?

17 A. Yes.

18 Q. And it was contentious between the two
19 of you?

20 A. Contentious? Can you tell me what that
21 means?

22 Q. Sure. There was a -- it was heated
23 between you two, between April and between you,
24 that you guys were fighting. It wasn't an easy
25 break up?

1 A. No, not at all.

2 Q. This was something that hurt April and
3 hurt you?

4 A. Yes.

5 Q. This was like a divorce?

6 A. It felt as such, yes.

7 Q. And there were sides to be taken, right?

8 A. No. I understand the question. I don't
9 understand what sides would be taken. I don't know
10 what sides were taken.

11 Q. That you had your side, April had her
12 side, that there was a separating of the families?

13 A. Yes.

14 Q. You had your family. She had her
15 family. You were no longer mingling together
16 except for maybe the girls?

17 A. Correct.

18 Q. And you said it was like a divorce. You
19 said it was heated. You said it was tough. And
20 you said that Cameron was very close to you at that
21 time?

22 A. Yes.

23 Q. April was mad, right?

24 A. Yes.

25 Q. And to get back at you, she would get

1 back at Cameron?

2 MS. KOLLINS: Objection. Calls for
3 speculation and argumentative.

4 THE COURT: Um, I'm going to overrule.
5 If you know. Based on your relationship, you have
6 a foundation.

7 Do you understand the question.

8 THE WITNESS: I -- no.

9 BY MR. MANN:

10 Q. Okay. When -- your relationship April
11 during those four years was tough, right?

12 A. It had its moments, yes.

13 Q. You would often call various friends and
14 complain about your relationship with April?

15 A. I would typically call Cameron.

16 Q. Cameron. And you would complain to
17 Cameron about how April was treating you?

18 A. Yes.

19 Q. How April was physical towards you?

20 MS. KOLLINS: Objection.

21 MS. RINETTI: Can we approach?

22 THE COURT: Yes.

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

25 THE COURT: Okay.

1 MS. KOLLINS: Your Honor, based on.

2 THE COURT: There was no answer,
3 correct, to the question? I'm trying to remember.

4 THE WITNESS: No.

5 THE COURT: Thank you.

6 MS. KOLLINS: You're correct, there was
7 no answer. I would ask to have the question
8 stricken and to be disregarded.

9 THE COURT: Okay. And once again, let
10 me remind you -- remember I told you. Questions
11 have no significance without an answer. And you
12 have to take the question -- the answer to give it
13 significance.

14 So I'm requesting you to -- based on my
15 earlier jury instruction, even if you heard a
16 question without an answer, it has no significance
17 so I'm going to admonish you to disregard it. Does
18 that make sense what we talked about? Okay. Okay.

19 Mr. Mann, continue, please.

20 BY MR. MANN:

21 Q. In your disagreements with April, she
22 would often threaten to take the kids away from
23 you?

24 A. That has happened.

25 Q. It happened many times, correct?

1 A. It happened a few.

2 Q. And she would use those kids as a pawn
3 in those disagreements?

4 MS. KOLLINS: I'm going to object as
5 argumentive and speculation because --

6 THE COURT: Okay. If it's
7 speculation -- if you have a foundation for it, I
8 feel like you have laid a foundation. They had a
9 close relationship. So if you don't know what the
10 question is, please don't guess or speculate.
11 We're not asking you to do that.

12 If you don't know something, you are to
13 say you don't know. If you do know, you are to
14 answer truthfully. We do not want you guessing or
15 speculating. I would admonish you to do that.

16 Do you understand that?

17 THE WITNESS: I do.

18 THE COURT: Overrule the objection and
19 you want to do the question again or --

20 BY MR. MANN:

21 Q. April --

22 THE COURT: I get lost in the question
23 by the time we go through it. Go ahead.

24 MR. MANN: Thank you, Your Honor.

25 BY MR. MANN:

1 Q. April would use those four children that
2 you cared for as a mother as a pawn against you,
3 correct?

4 A. Yes.

5 Q. That your love for them would in some
6 cases control how you reacted based on April's
7 threats?

8 A. Yes.

9 Q. Now, in December of 2010, you were no
10 longer living with April and the girls?

11 A. Correct.

12 Q. And you had moved out at least a month
13 before then, correct?

14 A. I believe so, yes.

15 Q. And so you were not with April and the
16 kids most of the time during the week?

17 A. Depending on the week. Sometimes it
18 would vary but for the most part, they were with
19 her and I had them at the end of the week.

20 Q. So you were no longer coparenting
21 together at the same time, correct?

22 A. We were still coparenting. Just in
23 different homes.

24 Q. In different homes?

25 A. Correct.

1 Q. And you would have your time with the
2 girls -- is that a yes?

3 A. Yes, sir.

4 Q. And April would have her time with the
5 girls?

6 A. Correct.

7 Q. And your time with the girls, if I heard
8 it right, was the weekends?

9 A. One day a week. Thursday I would go to
10 April's house and we would all -- April included --
11 would all sit down and have dinner together. So we
12 understood that we were together. We were family.
13 And then on Friday, Saturday, Sunday and Monday,
14 they would be at my apartment.

15 Q. And so this is in December. This was a
16 new living situation for the entire family?

17 A. It was for a couple months, yes.

18 Q. And this was like you said, like a
19 divorce?

20 A. At that time, yes, it felt that way.

21 Q. Kids were living sometimes at your
22 house, sometimes at April's house, and you were
23 shuffling the kids back and forth?

24 A. Yes.

25 Q. So before Zailey and Ambree made any

1 sort of disclosure, you don't know what April had
2 to say to those girls?

3 A. No, I wasn't there.

4 Q. You don't know if April told them what
5 to say.

6 A. No, I wasn't there.

7 Q. You don't know if she's the one that
8 told them how to talk about sexual incidents?

9 A. No.

10 Q. And you don't know if April ever made
11 any sort of discussion with the girls on how to get
12 Cameron in trouble?

13 A. No.

14 Q. But the fact that Cameron got in trouble
15 cut deep towards you, correct?

16 A. Yes.

17 Q. It hurt?

18 A. Absolutely.

19 Q. And then you throw on top of that these
20 girls that you love and it hurts even more?

21 A. Absolutely.

22 Q. Now, let's back up to December of 2009.
23 You lived with Cameron and Jennifer and his family
24 in October of 2009?

25 THE COURT: Is that a yes?

1 THE WITNESS: That's a -- I'm not sure.
2 I know that I lived there. That's what I do know.
3 Yeah. I can't pin down dates for you. I'm sorry.

4 BY MR. MANN:

5 Q. November of 2009?

6 A. It seems about right.

7 Q. Part of December of 2009?

8 A. Yes. I want to say so, yes.

9 Q. And then you were asked to leave.

10 A. Yeah, it was mutual. But "asked," yes.

11 Q. There was a time period where you knew
12 that your stay was going to overextend your
13 welcome?

14 A. I knew that there was going to be an end
15 to that time. I don't think we were ever going to
16 be over extended. I already knew how long I could
17 stay.

18 Q. And so when you moved, you guys no
19 longer had, or you still did not have the financial
20 wherewithal or the financial ability to live on
21 your own?

22 A. Correct.

23 Q. And you moved in with Kourtney and
24 Audrey?

25 A. Yes.

1 Q. And Crystal and her boyfriend?

2 A. Yes.

3 Q. Kourtney and Audrey's two children,
4 little Cameron and Keegan?

5 A. Yes.

6 Q. And at some point, Mada?

7 A. Correct.

8 Q. And so that was a crowded house as well?

9 A. Yes, it was.

10 Q. Then December, Christmas at the day
11 care, you did not go to your godson's performance?

12 A. Correct.

13 Q. And that upset Cameron?

14 A. It did.

15 Q. Here was his family that was not
16 participating in his son's life?

17 A. Correct.

18 Q. And that cut deep for him?

19 A. I would assume so.

20 Q. And on top of that, right about the same
21 time, he discovered that this title loan that he
22 had given you was not being paid?

23 A. Well, one payment. I didn't have the
24 payment at the time.

25 Q. At the time of December, it wasn't being

1 paid, correct?

2 A. When you say "wasn't being paid," to me
3 it sounds like I had not been paying, but it was
4 one payment that was due and I did not have the
5 funds for that one payment.

6 Q. So a payment was missed; is that fair to
7 say?

8 A. Correct.

9 Q. And that payment being missed caused --
10 the title loan was for a car, correct?

11 A. Yes.

12 Q. And that the payment being missed put in
13 jeopardy the car itself, correct?

14 A. Right. A payment wasn't missed.
15 Cameron paid it.

16 Q. Cameron paid it because the company
17 ended up calling him?

18 MS. KOLLINS: Objection. Calls for
19 speculation and hearsay.

20 THE COURT: Just rephrase it. I'm going
21 to sustain the objection.

22 BY MR. MANN:

23 Q. You became aware that Cameron learned
24 that the payment had been missed?

25 A. No. I called Cameron and told him that

1 I did not have the money. So no one called him. I
2 called him and told him that. I knew that the
3 payment was due that day.

4 Q. That day you called him?

5 A. Correct.

6 Q. And so that day you said Cameron, I
7 don't have it. Tough luck?

8 A. More like I'm sorry but I mean,
9 that's -- I apologized to him for it.

10 Q. Now, Cameron had to, do you know that --
11 let me rephrase. I'm sorry.

12 Were you aware of what efforts Cameron
13 had to go through to pay that?

14 A. I'm not aware of what efforts he went
15 through to pay.

16 Q. But you are aware that he was able to
17 pay it at the late hour?

18 A. Yes, because he told me he was going to
19 go over there and go pay it. That was his
20 frustration.

21 Q. And he was angry that at the last
22 minute, you had to told him and he had to rush to
23 figure it out?

24 A. Correct.

25 Q. Now, through the years, Cameron had

1 given you a lot money?

2 MS. KOLLINS: Objection. Foundation.
3 Through all the years?

4 THE COURT: We've already -- what is the
5 lack of foundation that you're objecting?

6 MS. KOLLINS: Because they've known each
7 other since they were teenagers. So through the
8 years, which year? One year? Two years? How much
9 money?

10 I mean, if he wants to point to a
11 specific loan that's a specific point of
12 contention, but not just globally "through the
13 years." I mean, I just think that's overly broad.
14 It lacks foundation.

15 THE COURT: You want to say overly
16 broad. I think he has the foundation. I'm going
17 to overrule it based on the foundation you've laid
18 that you've known each other I thought since grade
19 school, right?

20 MR. MANN: Correct.

21 THE COURT: So once again, don't guess
22 or speculate. If you don't remember something or
23 if you don't, please let us know. All right?

24 You can ask your question.

25 ///

1 BY MR. MANN:

2 Q. He would help you a lot with money,
3 correct?

4 A. I feel like a lot is -- I feel like we
5 helped each other out. I am not going to say in
6 comparison to the title loan that large. There was
7 times when he would help me out. There was times
8 that I would help him out. Yes, if I needed
9 something, yes, I know I could go to him. Yes.

10 Q. But he was more in the financial
11 position to help you out than the other way around?

12 A. At times.

13 Q. Now, Ms. Kollins asked you about this
14 gambling problem that you had?

15 A. Yes.

16 Q. You had that for some time?

17 A. Yes.

18 Q. That during December of '09, is it fair
19 to say that a lot of your financial situations
20 dealt with that gambling problem?

21 A. I would say a lot my financial problems
22 came from not making enough money. It didn't help
23 that I gambled but --

24 Q. When you gambled, would you gamble a
25 couple dollars or more than?

1 A. It depended on the day.

2 Q. And how often would you gamble?

3 A. Honestly, I don't remember. It would
4 vary. Just depending. It could go a month. It
5 could be I would gamble once or twice a month but
6 it would be because we all went to go play Bingo.

7 Q. When you gambled, it would be Bingo?

8 A. I did play Bingo, yes. It wasn't just
9 Bingo but I did play Bingo.

10 Q. When you were living at Cameron's house
11 in that late 2009 period, he offered that to help
12 you guys out, right? He offered for your family
13 and April's family to live there and to help you
14 out?

15 A. I believe I went to Cameron and talked
16 to him about it. And it came to, you know, we got
17 to talk to Jennifer on it. Okay. That sounds good
18 and that's what we did.

19 Q. And that was in order to help your
20 family out?

21 A. Correct.

22 Q. And so the Thomas family agreed to take
23 you in to help you out?

24 A. Correct.

25 Q. Now, when you were living there, in late

1 2009, he didn't make you pay rent, did he?

2 A. I don't remember. I don't remember. I
3 don't believe so. I am not one hundred percent. I
4 know that we had food. I know that's the one thing
5 that we did contribute was food.

6 Q. You were required to participate in food
7 costs for the house?

8 A. Well, yeah. For a family of six, yes.

9 Q. But that's the only expense that you
10 remember being required while you lived there at
11 the house?

12 A. Correct.

13 Q. Now, at that time, your relationship
14 with April, you were responsible for the finances,
15 right?

16 A. Yes.

17 Q. And you didn't let April know your
18 situation with the finances?

19 A. Not all of them, no.

20 Q. And you didn't tell April that you had
21 made this loan with Cameron?

22 A. No. It was just something between him
23 and I.

24 Q. And you kept that from April?

25 A. I did.

1 Q. And then when she found about it, she
2 was not happy?

3 A. She shockingly was not angry with me.

4 Q. But she was not going to participate in
5 that debt to Cameron, correct?

6 A. That was never said.

7 Q. Now, you said that you were struggling
8 because you weren't making enough money.

9 A. I wasn't.

10 Q. You had stopped working at Kids 'R' Kids
11 in July of 2009, correct?

12 A. July or August, I believe. Yes.

13 Q. Did you get another job after that?

14 A. No. I was going to start watching
15 children at home so that I think our issue was more
16 the girls were getting older and they didn't need
17 to be in day care. So we were trying to figure out
18 a way to do that without having to worry about day
19 care.

20 Q. Now, going back to that fight in
21 December of 2009, you were no longer living at
22 Cameron's. You guys had left their amicably as was
23 originally planned?

24 A. Yes.

25 Q. And it started bubbling up when you did

1 not pay the title loan on time and told Cameron
2 that day?

3 A. Correct.

4 Q. And then you didn't go to the Christmas
5 play for your godson?

6 A. Yes, sir.

7 Q. And Cameron became upset?

8 A. Yes.

9 Q. And there was a heated discussion
10 between you and Cameron?

11 A. Yes.

12 Q. Several heated discussions?

13 A. There was one discussion.

14 Q. And at that point, you had stated that
15 April indicated if you are fighting with Kay, then
16 you cannot see the girls?

17 A. Because April and Cameron had a
18 conversation and he -- I am not sure what he said
19 on the other end of the phone but he said some
20 choice words to her and called her a "bad mom" or
21 something like that.

22 And she -- that's when she told him, if
23 you are arguing with Kay, you're arguing with me.
24 You can't -- I'm not going to send my kids over
25 there, but you can't speak to your best friend.

1 So, no, the girls aren't going to go over and I am
2 not going to go over there without her.

3 Q. And so April took your fight as her own?

4 A. Originally, she didn't. It was what
5 Cameron told her that sent her over the edge.

6 Q. Sent her over to the edge?

7 A. Yeah. Sent her to that point.

8 Q. And she decided four and a half years of
9 these girls being in the Thomas family life, that
10 was it? No more?

11 A. Yes.

12 Q. Similar to how she would threaten you
13 about not being able to see your kids anymore?

14 A. Yes.

15 Q. Now this fight, this fight didn't just
16 involve April, you and Cameron, did it?

17 A. Originally, yes, it did but it expanded
18 much bigger.

19 Q. It exploded, right?

20 A. Yes, it did.

21 Q. It got so big, all your friends got
22 involved, right?

23 A. Oh, yeah.

24 Q. His friends got involved. Your friends
25 got involved. April's friends got involved.

1 A. We all have -- we only have one group of
2 friends. It's our friends at the time. So they
3 all knew about it, yes.

4 Q. And the reason why I said "his friends,
5 your friends, April's friends," is because there
6 became clear divisions among the friends who was
7 taking whose side?

8 A. No. It really wasn't. I spoke to
9 everyone. No one stopped speaking to me. We just
10 didn't do things together if they were at Cameron's
11 house.

12 Q. And this fight angered you so much that
13 you decided to write blogs on the Internet about
14 your fight with Cameron?

15 A. It wasn't a blog. It was a post. I
16 believe Facebook at the time.

17 Q. A Facebook post?

18 A. Yes.

19 Q. Many Facebook posts?

20 A. There was like maybe one or two Facebook
21 posts.

22 Q. For the whole world to see?

23 A. I don't know about the whole word. I am
24 not that popular. I mean, my group of friends
25 obviously saw it, yes.

1 Q. Your group of friends, which is
2 Cameron's group of friends?

3 A. Um-hmm.

4 Q. And you were having this disagreement
5 out in the open?

6 A. It was already out in the open but I
7 just gave my two cents, yes.

8 Q. So there was -- it's fair to say that
9 there was a lot of hurt feelings on everyone's
10 side?

11 A. I think everything was based off of
12 emotion at that moment, yes.

13 Q. Now, let's talk about this tax lien that
14 Ms. Kollins brought up.

15 A. Okay.

16 Q. You have this tax lien because
17 apparently on your tax documents, you indicated
18 that those girls were your girls?

19 A. Correct.

20 Q. Was it all four girls or just a couple
21 girls?

22 A. No. I believe it was all four girls.

23 Q. And you never got married during that
24 time, correct?

25 A. No.

1 Q. You never adopted those girls?

2 A. No.

3 Q. But Karter had your last name?

4 A. She did.

5 Q. Now, when you were living at Grasswood,
6 that was the family that you talked about that was
7 at the day care. Was the last name Zollotuchen?

8 A. I believe so.

9 Q. That's Zollotuchen with a Z; is that
10 right?

11 A. They had a really weird last name. I
12 believe, yes.

13 Q. And you asked the Zollotuchen's to
14 actually give you two separate lease agreements?

15 MS. KOLLINS: Objection. Hearsay.

16 THE COURT: You've asked them. How is
17 that hearsay -- it's overruled. Go ahead and ask.
18 BY MR. MANN:

19 Q. You asked the Zollotuchen's to give you
20 a separate lease agreement from April, correct?

21 A. That is possible. That I don't
22 remember.

23 Q. Where you put those four girls on there
24 as part of your portion of the lease, correct?

25 A. No.

1 Q. Wasn't it your intent to have two
2 separate lease agreements so that you could claim
3 the girls for this tax?

4 A. No. That happened prior. That
5 wasn't -- we're talking two different years now.
6 That's not the same year that I got -- that I did
7 the taxes. That was like almost the first year
8 that I met April. Within that first year, year and
9 a half when taxes came about. By the time we were
10 living in Grasswood, they were already taking that
11 money back from me. So no, it wouldn't have been.

12 At that time, we just had mail going to
13 the same address and that's what the IRS asked me
14 to provide. That was the documentation that they
15 asked for.

16 Q. Just so I get this correct and I
17 apologize for mixing up my years.

18 You started dating April December of
19 2005. You filed taxes for 2005 then March, April?

20 A. I don't remember when I filed taxes that
21 year.

22 Q. And it was that 2005 period that you got
23 the tax lien for?

24 A. It was either 2005, 2006. I'm not sure.

25 Q. So within a short period time of having

1 been dating April, you then used her kids for this
2 tax purpose?

3 A. Correct.

4 Q. Now, are you currently married to April?

5 A. Yes. We just had our wedding ceremony.
6 We just haven't gone through the court yet.

7 Q. So you had a ceremony but it's not
8 legal; is that fair to say?

9 A. Correct.

10 Q. And in -- that would have been in
11 Arizona?

12 A. It was.

13 Q. And have you adopted those girls?

14 A. Not yet.

15 Q. Are you guardian of those girls?

16 A. Nope.

17 Q. So other than that commitment ceremony,
18 there is nothing that gives you any sort of legal
19 authority over those girls?

20 A. No.

21 Q. And there's nothing that would stop
22 April from taking those girls away from you?

23 A. No. I don't think that that's an issue
24 at this point in time in our relationship. And it
25 hasn't been. So I would -- I mean, I don't know

1 how to answer that, to be honest.

2 Q. Is there any legal reason that would
3 stop April from taking those girls away from you?

4 A. No.

5 MR. MANN: Court's indulgence.

6 I'll pass at this time.

7 THE COURT: Redirect. Ms. Kollins.

8

9 REDIRECT EXAMINATION

10 BY MS. KOLLINS:

11 Q. Give you a couple of minutes? Are you
12 okay? Are you all right?

13 A. Yes.

14 Q. Taxes in 2005 or '06. Mr. Mann was
15 talking about it. I want to ask you a couple more.

16 Did you have any professional help in
17 preparing your taxes?

18 A. I did it on Turbo Tax online.

19 Q. Who told you that you could take the
20 deductions for the kids?

21 MR. MANN: Objection. Foundation.

22 THE COURT: That's overruled. You're
23 asking the foundation.

24 MR. MANN: Implying that someone did
25 tell her.

1 THE COURT: Well, just ask. Did some
2 one tell you you could take -- just rephrase the
3 question.

4 BY MS. KOLLINS:

5 Q. Did someone tell you you could take the
6 deductions for Zailey and Brie and Karter and Zoe?

7 A. No. Nobody told me anything.

8 Q. Did April allow you to?

9 A. April allowed me to, yes.

10 Q. Okay. And so that was something you did
11 with her knowledge?

12 A. Yes.

13 Q. Okay. Did you know whether or not that
14 was appropriate to do? Like from the IRS's
15 perspective?

16 A. I just read the little note that said if
17 the kids have lived with you for, you know, this
18 amount of months. And I said, okay, well, they
19 have and that was kind of what I based it off of
20 and went from there.

21 Q. At that time, while you were living with
22 them, were you providing a roof over their head?

23 A. Yes.

24 Q. And groceries?

25 A. Yes.

1 Q. And transportation?

2 A. Yes.

3 Q. And day care?

4 A. Yes.

5 Q. Okay. Toys?

6 A. Yes.

7 Q. Clothing?

8 A. Yes.

9 Q. Okay. So did you think there was
10 anything wrong with that when you did it?

11 A. I really didn't.

12 Q. Okay. Mr. Mann asked you a lot
13 questions about April threatening to withhold those
14 children visiting you.

15 Do you remember those questions?

16 A. I do.

17 Q. Okay. Were -- how many times did you
18 and April break up from -- you met each other in
19 2005 and you're now together in 2016.

20 How many times did you break up where
21 custody or visitation of those children was an
22 issue?

23 A. Well, never was it ever an issue. It
24 was talk but never an issue.

25 Q. Okay. Well, Mr. Mann asked you a

1 question. Did April threaten to withhold those
2 kids from you when you guys were broken up.

3 You responded, yes.

4 A. Yes.

5 Q. My question is: How many times were you
6 broken up that that kind of conversation was had?

7 A. I would say maybe two or three that I
8 can honestly remember early on in the relationship.

9 Q. Early on in the relationship?

10 A. Correct.

11 Q. When was the last time April
12 threatened -- I'm using Mr. Mann's word "threatened
13 you" by withholding those kids? When was the last
14 time that happened?

15 A. It had to be when we lived here, like
16 before we moved to Arizona that that was even a
17 conversation. I mean, probably even a year or so
18 before we moved to Arizona was the last time that
19 conversation came about.

20 Q. So far, when you still lived here in Las
21 Vegas and prior to living with Cameron, right?

22 A. Um-hmm.

23 Q. Is that a yes?

24 A. Yes. Sorry.

25 Q. And you said it maybe only happened

1 three times in your whole relationship over the
2 course of time?

3 A. I mean, to what I remember. There's --
4 I mean a couple fights that I was just like okay,
5 here we go. And that was it.

6 Q. Couple's fight?

7 A. All the time I think. I'm pretty sure.

8 Q. Right. People say things in anger?

9 MR. MANN: Objection. Leading.

10 THE COURT: Okay. I'll sustain it.

11 MS. KOLLINS: All right. I understand.

12 THE COURT: Rephrase it.

13 MS. KOLLINS: I understand.

14 BY MS. KOLLINS:

15 Q. When you and April would fight, would
16 you say things in anger?

17 A. Yes.

18 Q. Okay. Did you take April seriously, you
19 know, the year before you left for Arizona even,
20 that she was going to withhold those kids from you
21 when you guys were fighting?

22 A. A year before we went to Arizona? I
23 didn't really take her seriously at that point.
24 The first few times, I was like, oh, no. By the
25 third, fourth, done. I was like it's not going to

1 happen.

2 Q. So when is the last time you told
3 Cameron about April threatening to take the kids
4 away from you?

5 A. It had to be when we lived here. Um, it
6 was --

7 Q. The same time frame we're talking about?

8 A. Yeah. It had to be at least that time
9 frame. It definitely wasn't after.

10 Q. Okay. Was Cameron, if he was this close
11 of a friend is what I'm trying to ask you.

12 Was Cameron the type of friend that you
13 would confide details in about your relationship?

14 A. Absolutely.

15 Q. Was he that kind of best friend?

16 A. Yes.

17 Q. The title loan just to go over this
18 again, because Mr. Mann asked you a lot questions
19 about it. I want to make sure that everyone
20 understands.

21 That title loan that we discussed that
22 Cameron took out for you, that was taken out just
23 prior to you and April moving in with Cameron in
24 2000 and --

25 A. I believe so, yes. It was right before.

1 It was right before we moved or when we moved in.
2 I know that we were still obviously cordial and it
3 was in that time frame.

4 Q. How much were the payments on that title
5 loan? Do you remember?

6 A. I don't remember.

7 Q. Okay. Were they due weekly? Bi-weekly?
8 Do you remember?

9 A. Bi-weekly.

10 Q. So twice a month?

11 A. Yes.

12 Q. Okay. And you don't remember the first
13 amount but you remember the total payback as
14 being --

15 A. 1,500. It was very close to that
16 amount.

17 Q. So that was paid off you said by April
18 in -- by January, February 2010?

19 A. Correct. Right before we moved to
20 Arizona.

21 Q. Okay. I want to talk to you about
22 Cameron's visit to Arizona in May of 2010.

23 Do you remember that?

24 A. I do.

25 Q. Okay. Who came with Cameron?

1 A. Everyone. Danté, Janae.

2 MR. MANN: Your Honor, I'm going to
3 object. Outside the scope of both direct and
4 redirect. I am sorry. And cross.

5 THE COURT: I think -- based on the --
6 even though you didn't talk about that
7 specifically, you went into extensive about her
8 relationship with Cameron and so I'm going to allow
9 it. I assume that's where you're going.

10 MS. KOLLINS: Yes, ma'am.

11 THE COURT: I'm going to overrule it
12 based on the scope of your cross-examination.

13 BY MS. KOLLINS:

14 Q. You said "everyone." Who's everyone?

15 A. It was Cameron, Danté, Janae, and Kayley
16 was just born. And then Dominic was there,
17 Janeeka's son. He was already down like a month or
18 a couple weeks before. And Kourtney and Audrey
19 came with Keegan and little Cameron. And I believe
20 that was it.

21 Q. Okay. So there's -- did Cameron and
22 Jennifer request to come or was there an invitation
23 extended, if you know?

24 A. I just remember Kayley was born and I
25 had missed it, and Cameron had reached out to me

1 via text and sent me a picture of her. So I
2 thought, here's a moment. We're going to start
3 talking again.

4 And, um, I think Kourtney and Audrey
5 were already coming down. And so, I want to say it
6 was either -- it was all like, kind of like we all
7 kind of decided like we should all get together.

8 And so I believe that Kourtney and
9 Audrey had mentioned it, and I had followed up, and
10 then boom. Everybody was there.

11 Q. Now, when Cameron reached out to you in
12 that text and there was already a plan maybe for
13 Kourtney and Audrey to come?

14 A. Um-hmm.

15 Q. You said a decision was made: Let's all
16 get together?

17 A. Yes.

18 Q. Now, did you include April in that
19 decision?

20 A. Yes.

21 Q. Did April express any displeasure or
22 anger with having Cameron and his family in your
23 home at that time?

24 A. Not at either.

25 Q. Was there either between yourself and

1 Cameron or April and Cameron in that May 2010
2 visit, was there any leftover angst or anger from
3 that title loan that we keep hearing about, that
4 1,500 bucks?

5 A. No. No.

6 Q. Was that anything that was discussed
7 that weekend? That title loan?

8 A. No.

9 Q. At any time during that weekend, did
10 April or you tell Cameron and his whole family that
11 they were unwelcome in your home?

12 A. Absolutely not.

13 Q. Um, did you talk to Cameron and Jennifer
14 while they were there?

15 A. The whole time.

16 Q. Did April talk to Cameron and Jennifer
17 while they were there?

18 A. She did during the day when she came
19 home during the day. She worked nights at the
20 time. We didn't see her that often because she was
21 working at night and sleeping during the day, so.

22 Q. Did April make any threats to anyone
23 during the course of that May, 2010 weekend?

24 A. Absolutely not.

25 Q. Mr. Mann asked you if over the years

1 Cameron has given you a lot money.

2 Do you remember that question?

3 A. Yes, I do.

4 Q. You followed it up with him that you
5 have given to Cameron when you had it?

6 A. Right.

7 Q. What kinds of things would you do for
8 Cameron as a friend?

9 A. I mean, it would always be -- it
10 wouldn't matter. It would be small things, like
11 you know, I'll buy you lunch, okay. Well, I'll buy
12 you lunch. It wasn't ever anything that -- it was
13 a give and take. It wasn't just a give or just a
14 take. We looked out for one another in any way
15 that we could.

16 Q. And that kind of describes the course of
17 your friendship over the years?

18 A. Absolutely. 100 percent.

19 Q. Other than the phone conversation where
20 April got in the phone argument with Cameron and
21 said you're not going to see the kids if you're
22 going to fight with Kay -- do you remember those
23 questions?

24 A. I do.

25 Q. Other than that occasion, did April ever

1 withhold the kids from Cameron?

2 A. No. I mean, not that I can remember.
3 It was just that particular argument.

4 Q. Okay. That argument that took place far
5 before these conversations with Zailey and Ambree,
6 right?

7 A. Correct.

8 Q. Do you know how many -- I mean, I know
9 you said you weren't good with time.

10 Do you remember what month April told
11 him he couldn't see the kids?

12 A. I want to say it was in December because
13 that's when he had the party at his house that we
14 weren't invited to.

15 Q. And then you moved to Arizona when?

16 A. In January.

17 Q. January of 2009?

18 A. Ten.

19 Q. Ten. January of 2010?

20 A. Yes.

21 Q. And so do you remember when Zailey
22 talked to everyone?

23 A. About what happened?

24 Q. Um-hmm.

25 A. It was all the way wrapped around --

1 we're at the end of 2010 and we're in December now.

2 Q. So January. Tell me if January,
3 February, March, April, May, June, July, August,
4 September, October, November and just a couple days
5 in December go by between the conversation where
6 the kids withheld from him and Zailey discloses?

7 A. Correct.

8 Q. Okay. A whole calendar year; is that
9 right?

10 A. Yes.

11 Q. Okay. Facebook posting good idea? Was
12 that a good idea?

13 A. Now at 33, no. I wouldn't do it again.
14 I don't do that anymore. Um, but at 26, 27 it felt
15 like it was the thing to do.

16 Q. Did you threaten Cameron in those
17 Facebook messages?

18 A. No, I didn't threaten.

19 Q. Explain it to me those separate lease
20 agreements. What house was that for?

21 A. He was saying it was the Grasswoods
22 house but I'm not -- I honestly don't remember. It
23 wouldn't have been for taxes and that's what the
24 conversation was about. It wasn't for taxes.

25 Q. Was it -- was it early in your

1 relationship?

2 A. That we did the taxes?

3 Q. The separate lease agreement. I didn't
4 understand.

5 A. That was the Grasswood house is what he
6 was speaking of.

7 Q. Is that accurate there were separate
8 lease agreements?

9 A. I honestly don't remember. If there
10 was, it wouldn't be for the girls to be on the
11 lease agreement with me. That wouldn't be -- that
12 wouldn't make sense, so no.

13 Q. You moved out of Grasswood when you
14 moved into Cameron's?

15 A. Correct.

16 Q. Um, you said earlier today and my notes
17 could be inaccurate, so please correct me.

18 You said something about -- something
19 was in the process for you to have custody of the
20 girls or be responsible for the girls, or did I
21 mishear what you said?

22 A. No. As we've always been continually
23 trying to have it so that April has full custody
24 over the girls, but we have to have their father
25 sign over rights and whatnot. And so it's just

1 something that we've been working on.

2 But we've been living as a family for so
3 long that it's just, I mean, I don't know that it's
4 not important. It's just that we continue to go
5 day-to-day. You know what I mean?

6 Q. And do you consider your relationship or
7 your ability to see those girls right now
8 threatened by anything that's going on with you and
9 April right now?

10 A. Absolutely not.

11 Q. How about anything that's gone on in the
12 last five years?

13 A. Absolutely not.

14 Q. Okay. So for you to obtain custody or
15 adoptive rights, you have to wait for dad to
16 relinquish rights or permit you to adopt; is
17 that --

18 A. Not to permit. Just so that there's
19 never a question. And it's something that if
20 something happens to either one of us, we don't
21 want them to be. Split so that was our main focus
22 behind it. I'm Mommy K.

23 Q. Is that what they call you?

24 A. Yes.

25 MS. KOLLINS: Nothing further, Your

1 Honor.

2 THE COURT: Okay. Recross.

3 MR. MANN: Yes. Thank you, Your Honor.

4 THE COURT: Yes.

5

6 RE CROSS-EXAMINATION

7 BY MR. MANN:

8 Q. You said that you guys were living as a
9 family for many years?

10 A. Correct.

11 Q. In September or October of 2010, you
12 guys came down to Vegas.

13 Do you remember that?

14 A. Yes. I think it was September.

15 Q. September of 2010. And it was you, the
16 four girls, April?

17 A. Um-hmm.

18 Q. And someone by the name of Sheena?

19 A. Yep.

20 Q. Which was April's girlfriend?

21 A. At the time, yes.

22 Q. But you guys were still together?

23 A. No, we weren't. No, we weren't.

24 Q. You had testified earlier that --

25 A. Oh, yes. We were -- I am sorry. Yes,

1 we were together. She came along for the ride.
2 She was April's friend that was coming from work.

3 Q. But April stayed in a hotel room?

4 A. She did.

5 Q. With Sheena?

6 A. They were coming down. I wasn't
7 originally going to come when they were all coming.
8 But the girls wanted to go and so I said all right.
9 Well, I'll come down too and I'll stay at
10 Cameron's.

11 Q. So this was the type of family that
12 April wanted?

13 A. What do you mean?

14 Q. Well, here you are, Mommy K?

15 A. Correct.

16 Q. You're together with April?

17 A. Correct.

18 Q. And she's bringing a girlfriend with
19 your entire family to Vegas to stay in a hotel
20 room.

21 A. Because that trip was preplanned before
22 they were going to go as like a girl's trip.

23 Q. Did you ever protest to April's
24 girlfriend going on the trip to Vegas?

25 A. Never really protested it. I didn't. I

1 just -- if my kids were coming down -- and as a
2 matter of fact, the reason why we came down was
3 because Karter's biological father -- Karter wanted
4 to meet him and that's why I came because that was
5 the purpose of it.

6 So I said if that's the case, then I
7 want to be there for that. I don't want to miss
8 out on something like that.

9 Q. All right. I want to move your
10 attention to your conversation with Zailey and
11 Ambree in December of 2010?

12 A. Okay.

13 Q. Ms. Kollins had asked you about that
14 conversation, and in that conversation, neither of
15 the girls disclosed any sort of penile to vaginal
16 contact?

17 A. I don't I believe I stated that I said
18 that. O

19 Q. That there was no intercourse between
20 the girls and Cameron?

21 A. No. The conversation that I remember is
22 the one that I told.

23 Q. Do you remember -- let me rephrase.

24 You spoke to the police back in December
25 of 2010.

1 A. Okay.

2 Q. Is that correct?

3 A. I did.

4 Q. And that was a recorded statement?

5 A. Yes.

6 Q. Both you and April were there during
7 that conversation with the police officer? A
8 Detective Johnson?

9 A. Yeah. I just don't remember if we were
10 separated or if we were in the room together. I do
11 remember speaking to the police officer though.

12 Q. And you said today that there was no --
13 that you don't remember their being any sort of
14 disclosure of him putting his penis inside her
15 vagina, correct?

16 A. Not, not today. I don't remember that.

17 Q. Looking at page 15 of the voluntary
18 statement.

19 MR. MANN: May I approach, please?

20 THE COURT: Yes. Please.

21 BY MR. MANN:

22 Q. Will you read the first question mark.

23 THE COURT: Do you need the page? Are
24 you okay?

25 MR. MANN: I did, Your Honor.

1 MS. KOLLINS: I'm fine, Your Honor.

2 THE COURT: Thank you.

3 BY MR. MANN:

4 Q. To yourself, please.

5 A. You just want me to read that question?

6 Q. Correct.

7 A. Got it.

8 Q. Now, was there a discussion with the
9 police about the girls not disclosing any sort of
10 penis into the vagina disclosure?

11 A. So it looks like he asked me that
12 question and I said, no, they didn't disclose that
13 to me.

14 Q. So it's fair to say that there was no
15 disclosure when you spoke with the girls of penis
16 to vagina intercourse?

17 A. Correct.

18 Q. Okay. Making sure I understand.

19 A. Okay.

20 Q. Now, the Grasswood. Ms. Kollins asked
21 you about the separate lease with the Grasswood
22 location. You lived at that Grasswood from roughly
23 pretty much the short time in, I think, May of 2009
24 to October of 2009.

25 Does that sound about right?

1 A. That sounds about right.

2 Q. And you said that there would be no
3 reason why you would want to put the girls on a
4 separate lease agreement?

5 A. Well, not on the lease agreement with
6 me.

7 Q. With you?

8 A. Right.

9 Q. You agree that there was -- there was a
10 lease agreement that said April, Kay and the girls,
11 correct?

12 A. Yes.

13 Q. And then there was another lease
14 agreement that said Kay and you're not sure if it
15 said the girls or not?

16 A. I'm not sure that there was a second
17 lease agreement. That's the part that I'm not 100
18 percent.

19 Q. Now, Cameron would give you money
20 throughout his life. It was something that he
21 would do regularly, correct? Gifts?

22 THE COURT: Is gifts or money? Or can
23 you just rephrase.

24 MR. MANN: I'll rephrase, Your Honor.

25 ///

1 BY MR. MANN:

2 Q. Cameron would give you gifts throughout
3 your life?

4 A. Gifts to me --

5 Q. Gifts to you, personally?

6 THE COURT: Let her answer.

7 THE WITNESS: There's never -- I don't
8 remember a gift, like a here's a new shirt I got it
9 for your birthday. I don't remember anything like
10 that. I don't ever remember like a gift situation.
11 Maybe if there was a Christmas exchange or
12 something maybe. Typically that was just with the
13 kids.

14 BY MR. MANN:

15 Q. When you turned 18, didn't he take you
16 on a shopping spree in the mall?

17 A. No. When we turned 18, we went
18 recklessly and went and applied at different
19 department stores and got different things. Like
20 applied at like JCPenney's and got cards of our own
21 and then went shopping. It wasn't he took me on a
22 shopping spree. I created my own debt by myself.

23 Q. And didn't he buy you a stereo system
24 for your car?

25 A. Through RC Willey, I think, but I

1 believe I -- he put it on his card but I paid it
2 back. I don't think it was a gift. I don't think
3 it was a gift. I think it was -- he put it on his
4 card and I had to pay it back because -- it was I
5 could get it now instead of having to wait.

6 Q. So it's your testimony that it wasn't a
7 gift but that, in fact, you had to pay Cameron
8 back?

9 A. Correct.

10 Q. So kind of like borrowing money?

11 A. Yeah.

12 Q. The tax issue. You didn't think that
13 there was anything wrong indicating that these
14 girls were your dependents?

15 A. I didn't because I felt that they
16 depended on me so no.

17 Q. And you signed that tax form and swore
18 that under penalty of perjury that that was true
19 and accurate?

20 A. That I took care of them, yes, because I
21 did.

22 MR. MANN: No further questions.

23 THE COURT: Okay. And reredirect, Ms.
24 Kollins?

25 MS. KOLLINS: No, Your Honor, not by the

1 State at this time. We do have an evidentiary
2 issue that I would like to approach.

3 THE COURT: Before this witness is --

4 MS. KOLLINS: Yes. Fine.

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

7 THE COURT: Okay. My understanding is
8 now there is going to be some reredirect.

9 MS. KOLLINS: Very briefly, Your Honor.

10 THE COURT: Very briefly.

11

12 FURTHER REDIRECT EXAMINATION

13 BY MS. KOLLINS:

14 Q. This is going to be a very narrow issue,
15 Kay. I know we've been here for a while and we
16 appreciate your patience.

17 Mr. Mann asked you about a conversation
18 with Ambree regarding sexual abuse by Cameron.

19 Do you remember that?

20 A. Yes.

21 Q. Do you remember when I was asking you
22 questions. I asked you to please not tell me the
23 content of those conversations when you were
24 testifying today?

25 A. Yes.

1 Q. Now we are going to go into the content
2 of that conversation with Ambree, okay?

3 A. Okay.

4 Q. All right. And we did speak earlier in
5 court how we wouldn't talk about the -- couldn't
6 talk about that content, right?

7 A. Yes.

8 Q. Now we're changing it up?

9 A. Correct.

10 Q. So when you picked Ambree up from school
11 on December 9th of 2010, you told us what her
12 demeanor was like and we discussed you then having
13 a conversation with Ambree with April.

14 Do you remember that?

15 A. Yes.

16 Q. Okay. You previously told us that she
17 was upset.

18 Can you tell us what transpired in that
19 conversation regarding her abuse at the hands of
20 Cameron?

21 A. The only thing that she -- the only
22 thing that I remember in that particular
23 conversation, and I don't remember everything, but
24 the only thing that I remember is that she stated
25 that there was a time that, um, he tried to make

1 her put her mouth on his penis.

2 Q. Um, you mentioned earlier, do you
3 remember anything else that she said about the
4 conversation?

5 A. She felt nasty, was her words. She felt
6 nasty.

7 Q. We're talking about Ambree, right?

8 A. Correct.

9 Q. And, um, Mr. Mann asked you a very
10 specific question whether Ambree said in that
11 conversation that there was penis to vagina
12 contact?

13 A. Right.

14 Q. Did she tell you that in that
15 conversation?

16 A. No. And I think when the cop asked me
17 that, I said, no, it wasn't.

18 Q. Did you ask her that specific question?
19 Did Cameron put his penis in your vagina during
20 that conversation?

21 A. Not that I can remember, no.

22 Q. Okay. You also started to tell us
23 earlier, and I think I stopped you because we
24 didn't want to talk about the content of that
25 conversation.

1 You talked about her being apologetic?

2 A. Correct.

3 Q. Can you tell us those statements now?

4 What she was saying that made you believed she was
5 apologizing?

6 A. I asked her why she was sorry and she
7 said because I didn't tell you. And I said I know.
8 It's okay. Don't worry about it. And I said why
9 were you afraid to tell us? Because she said
10 Cameron told her that he would hurt me and April if
11 she ever told.

12 Q. Did Ambree tell you how long the
13 touching had been going on in the conversation?

14 A. She said it was happening from the time
15 like almost when he first met them, almost like a
16 little while after for the entire time that he's
17 known them.

18 Q. Okay.

19 MS. KOLLINS: Pass the witness, Your
20 Honor.

21 THE COURT: Okay. Rere-cross, Mr. Mann,
22 if you want to.

23 MR. MANN: In that area, I have no
24 questions, Your Honor.

25 THE COURT: Okay. All right. Thank

1 you. All right. Yes. I have it right here. I
2 have my note. I have a sticky, guys. I try to
3 remember. It's so hard. Okay.

4 Can you guys approach? Counsel?
5 (Whereupon there was a conference at the bench that
6 was not requested to be reported.)

7 THE COURT: Okay. What I'm going to do,
8 I'm going to ask you some questions and these are
9 from the jurors, and either counsel can then follow
10 up, okay.

11 Are you ready?

12 THE WITNESS: I'm ready.

13 THE COURT: All right. Number 1, was it
14 understood that the title loan was intended to stop
15 the eviction?

16 THE WITNESS: I don't remember. I don't
17 remember what the title loan was for. I know that
18 it was for financially but I don't remember the
19 specific reasons.

20 THE COURT: Okay. Please clarify who
21 all was in the room when you and April talked in
22 April's room after Zailey got home on December 9th,
23 2010.

24 THE WITNESS: Just April, myself, and
25 Zailey.

1 THE COURT: All right. How did April
2 end up being the one to use her tax return to pay
3 Cameron back?

4 THE WITNESS: Because we were in a
5 relationship. So she understood that the debt was
6 -- the debt so we -- she decided that we were going
7 to pay it and be done with it so we can move on and
8 do what we need to do.

9 THE COURT: Can you hear her answer?
10 How did she feel -- and we're talking
11 about April -- about that, if you know.

12 THE WITNESS: She wasn't upset. She was
13 frustrated but I think with everything else that
14 was going on, the situation was more precedent than
15 that.

16 THE COURT: All right. Why did CPS and
17 the police leave before talking to the girls, if
18 you know?

19 THE WITNESS: They had already spoke to
20 the girls at the school so they just came because
21 they thought that Cameron was in the home.

22 THE COURT: Okay. When you found out on
23 December 9th, 2010 about abuse, did you ask or
24 speak to Cameron about this?

25 THE WITNESS: I did not call Cameron.

1 He called me that night and told me that CPS was
2 questioning him about his children and he asked me
3 did I know why, and I said yes.

4 And they said that you've been touching
5 the girls and that you molested them. And he said,
6 You believed them? And I said, They're my kids.
7 Of course I do. He said, well, it was what it was,
8 and hung up on me.

9 THE COURT: Did both you, yourself,
10 Mommy K, and April, claim the girls on the taxes,
11 either the 2005 or 2006 at the same time?

12 THE WITNESS: No.

13 THE COURT: Why did Karter take on the
14 last name of Williams?

15 THE WITNESS: I was with April before
16 Karter was born and, um, Karter's father didn't
17 participate. He didn't want to. And I told her
18 that I would stick with her just to continue on
19 with the pregnancy and I would be there to support
20 her and I would never leave and I didn't.

21 And so I knew in my heart that was a
22 start for me to be with this family and that's what
23 I wanted to do so. I wanted Karter to have my last
24 name so that she knew I wasn't going to go
25 anywhere.

1 THE COURT: Did April also include the
2 girls on her tax filings? I think you answered it.

3 THE WITNESS: I did. No. We didn't do
4 it at the same time, no. Every year after though,
5 April -- we learned our lesson. And obviously
6 April filed the girls only every year after.

7 THE COURT: Is that the reason for the
8 tax lien? I think you --

9 THE WITNESS: Correct. Which is paid.

10 THE COURT: Okay. You had testified to
11 that. Okay. All right. I'm going to go ahead and
12 attach those.

13 Follow up, Ms. Kollins?

14 MS. KOLLINS: Your Honor, I have no
15 follow up.

16 THE COURT: Okay. Do you have any
17 follow up, Mr. Mann?

18 MR. MANN: Not at this time, Your Honor.

19 THE COURT: Okay. Do my notes here.
20 All right. Thank you very much.

21 Do you have any follow up? Okay. We're
22 good.

23 Thank you very much, Ms. Williams. You
24 are now released from testifying.

25 THE WITNESS: Thank you.

1 THE COURT: Okay. State, you're going
2 to call your next witness.

3 MS. RINETTI: State calls Dr. Sandra
4 Cetl.

5 Judge, may I approach your clerk?
6 Whereupon,

7 SANDRA CETL,
8 having been called as a witness, and having been
9 first duly sworn to testify to the truth, was
10 examined and testified as follows:

11 THE WITNESS: Yes, I do.

12 THE CLERK: Thank you. Please be
13 seated.

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

16 THE WITNESS: Sandra Cetl. S-A-N-D-R-A,
17 C-E-T-L.

18 THE COURT: Okay. Direct exam.

19 MS. RINETTI: Thank you.
20

21 DIRECT EXAMINATION

22 BY MS. RINETTI:

23 Q. What is your occupation?

24 A. I am a pediatrician that evaluates
25 concerns of child sexual abuse, child physical

1 abuse as well as neglect, and I also work part time
2 as an emergency room physician for children.

3 Q. Where do you work?

4 A. I work at two locations here out of
5 Sunrise Children's Hospital as well as the Southern
6 Nevada Children's Assessment Center.

7 Q. Let's first talk about Sunrise
8 Children's Hospital.

9 What are your duties as Sunrise
10 Children's Hospital?

11 A. At Sunrise, if a child comes into the
12 emergency department and one of my colleagues is
13 concerned about physical abuse, neglect, or there
14 is a concern of sexual abuse where, for instance,
15 DNA kit needs to be collected or some injury has
16 happened where they need medical care right away, I
17 may go and evaluate the child in the emergency
18 department.

19 And then I also work there as just kind
20 of a regular emergency room doctor, you know,
21 whatever comes in, coughs, colds, diarrhea.

22 And then if a child gets admitted to the
23 pediatric floor or to the intensive care unit, and
24 there's concerns about physical abuse, neglect, or
25 sexual abuse, I will be called in to consult and

1 evaluate that concern.

2 Q. Do other area hospitals actually
3 transport for examination of sexual assault
4 pediatric patients to Sunrise so that you can
5 evaluate?

6 A. Yes.

7 Q. Now, the child advocacy center, what do
8 you do for them?

9 A. We call it CAC. So the Children's
10 Advocacy or Assessment Center. That's a one-stop
11 shop when there's concerns of sexual abuse.
12 Specifically, there are investigators in there,
13 social services. If there are concerns of
14 psychiatric issues or psychology, then we also have
15 a clinic.

16 There's forensic interviewers. They're
17 so many different people that work there as a team
18 so that if a child needs to undergo any kind of
19 evaluation or investigation, they can just go to
20 one place at one time.

21 So there I run the clinic. It's twice a
22 week, Mondays and Thursday. It's a type of clinic
23 where sexual abuse is of concern and a child, you
24 know, says this happened a week ago, months ago or
25 a year ago, somewhere where we can't collect DNA

1 because DNA is long gone by then, then they come
2 and I evaluate them there.

3 Q. Can you briefly describe to the ladies
4 and gentlemen of the jury your education and
5 training background that makes you qualified to be
6 a pediatrician and specifically a child abuse
7 pediatrician?

8 A. Sure. So I earned a Bachelor's in
9 Neurosciences at UCLA, after which I attended
10 medical school at the University of Vermont. Once
11 done with medical school, that's when we earn our
12 medical degree. So I am a medical doctor, but then
13 have to advance to obtaining a residency. I
14 attended a pediatric specific residency.

15 Once I was done with that and throughout
16 residency as well, I attended an apprenticeship
17 with a child abuse pediatrician that was here in
18 town and joined her practice.

19 After about two and a half years, I took
20 over that practice and I've been doing that ever
21 since.

22 Q. Do you do any continuing education class
23 or seminars in pediatrics and specifically in child
24 abuse as well?

25 A. For both general pediatrics and child

1 abuse pediatrics, I attend yearly conferences. I
2 also -- I teach on the topic. And besides
3 attending, I'm a part of a list or a long list of a
4 group of child abuse pediatricians and medical
5 providers where we exchange information, ideas,
6 questions, cases, on a daily basis.

7 I also engage in a peer-review process
8 with other physicians who engage in child sexual
9 abuse examinations. I also evaluate all physicians
10 at Sunrise if they were the ones doing any exams.
11 We continue our education through that basis.

12 Q. And when you say you review other
13 doctor's evaluation, is that specifically for
14 physical abuse, sexual abuse or for both?

15 A. For both.

16 Q. How many sexual assault examinations
17 have you performed?

18 A. Um, for just sexual assault, probably
19 about 2,500 to 3,000.

20 MS. RINETTI: Now, I'm going to ask to
21 approach.

22 THE COURT: Yes.

23 BY MS. RINETTI:

24 Q. Showing you State's Exhibit Number 3,
25 what is that a photograph of?

1 A. So that is a drawing. An artist's
2 depiction of a vaginal area or genitals of a
3 female.

4 Q. Does this fairly and adequately depict
5 the anatomy of a female genitalia?

6 A. Yes, absolutely.

7 MS. RINETTI: Judge, at this time,
8 I would move for the admission of State's Proposed
9 Exhibit Number 3.

10 THE COURT: Any objection?

11 MR. MANN: For demonstrative purposes,
12 no.

13 THE COURT: I thought you were asking it
14 to be admitted into evidence. So that's different.

15 MR. MANN: I am sorry. I'll submit it,
16 Your Honor.

17 THE COURT: Okay. It's so admitted. If
18 you're submitting it to me, I'll admit it.

19 (Whereupon State's Exhibit 3 was admitted.)

20 BY MS. RINETTI:

21 Q. Okay. All right. Can I ask you, will
22 you stand up?

23 THE COURT: You can get off the stand
24 and go down. Absolutely, Doctor.

25 ///

1 BY MS. RINETTI:

2 Q. Before we talk about this, may I ask one
3 further question about your qualifications?

4 Have you testified in the Eighth
5 Judicial District Court in the area of pediatrics?

6 A. Yes.

7 Q. And have you testified before as far as
8 physical abuse of children?

9 A. Yes.

10 Q. And have you also testified in regards
11 to sexual abuse?

12 A. Yes.

13 Q. Thank you. All right. Now, Doctor, can
14 you talk to us a little bit about the anatomy of
15 the vagina and what parts we have?

16 A. So I think the biggest problem and I
17 think this goes to medical school and to just the
18 general public, there's a lot myths that surround
19 what the vaginal area looks like. And also it
20 changes a lot from years one to three to going on
21 to prepuberty, and puberty and onwards.

22 So I am going to kind of go through a
23 little bit of the anatomy. If I was orienting
24 guys, the legs would be out here. This is the
25 vaginal area and the anus. So we poop here, pee up

1 here, and this itself is the vaginal opening.

2 Labia or lips, that are on the outside are kind of
3 depicted very faintly. So it's hard to see that.

4 And when we look at the vaginal opening,
5 a lot people have questions about the hymen. The
6 hymen -- a lot of times people think it's some kind
7 of wall, that's a barrier that's closed until
8 sexual intercourse, and that is not true. That's
9 actually a myth.

10 The way this is depicted is perfect
11 where the hymen actually is more of a collar around
12 the vaginal opening and the tissue. A lot of it is
13 like the inside of a mouth, that kind of thing. So
14 nothing magical there. And the rest we're seeing
15 here is the clitoris or the labia minora.

16 Q. Now, can I just have you stand up just
17 for another minute. Thank you so much.

18 All of this particular area, is it fair
19 to say it's fairly vascular in nature?

20 A. Very vascular.

21 Q. When you say "vascular," what do we
22 mean?

23 A. Again, just the like mouth is a perfect
24 analogy. There is a lot of blood flow. There's
25 nerves and then that blood flow, meaning that kind

1 of enriches that area.

2 Q. And when you have a vascular area like
3 the vagina or the mouth, does that affect the
4 healing process of that particular area?

5 A. Absolutely. So it heals much much
6 faster than, for instance, a cut on the hand.

7 If you can imagine biting yourself on
8 the mouth and a couple of days we don't really even
9 know that it's there.

10 Q. And why is that?

11 A. Again, because we have so much -- so the
12 blood brings all the things that we need for
13 healing and also any kind of inflammation, which is
14 when you hit yourself and get a bump or bruise and
15 you go through the evolution, that's all part of
16 the healing that happens. And that tends to happen
17 much faster because of the vascularization, because
18 of the kind of tissue that it is.

19 Q. And is there any way we could tell
20 exactly how fast -- if the vagina was injured,
21 let's say a laceration or a cut, how quickly in a
22 female child, how quickly that area would heal?

23 A. You can't give a definitive time line,
24 this is how long it would heal. But from my
25 clinical experience as well as other colleagues

1 experiences in literature, I've seen kids with
2 fairly big injuries with the hymen that's torn or
3 tearing where there's bruises and I'll follow them
4 up in clinic within three to five days.

5 Sometimes that's completely normal for a
6 kind of advanced healing.

7 Q. Another question for you, Doctor. You
8 said that this kind of -- this area changes over
9 time. You have the one to three years old and then
10 you kind of broke it up based upon a couple of
11 different years.

12 Can you kind of explain the evolution,
13 if you will?

14 A. Yes, sure. So when we're born, females
15 are born from mom. They have mom's estrogen on
16 board. That estrogen comes from her and there's
17 also sometimes internal tissues.

18 And so what estrogen does is causes this
19 hymenal tissue to be really thick and kind of
20 cloggy. We call it redundant. There's a lot
21 redundants. It's floppy, super stretchy, heals
22 very easily. It's not very sensitive like it
23 really doesn't bother a child at that age.

24 So then at about age three to about the
25 time that a child is going to get their period --

1 or female, excuse me, is going through puberty and
2 periods and whatnot, that estrogen goes away and
3 the hymen becomes a little bit thinner.

4 Sometimes the opening and actually looks
5 bigger, more exaggerated, and the tissue is not
6 that floppy, redundant.

7 And then we move onto at about puberty
8 where those changes start happening. A female will
9 make her own estrogen and that estrogen translates
10 in that vaginal tissue looking like we would as an
11 adult or super gloppy.

12 And it's kind of redundant and it's very
13 kind of thick and it's sometimes all the details
14 can't be seen without a very close examination.

15 Q. As a female starts to hit puberty, kind
16 of that progression, natural progression, the body
17 changes.

18 Can there be vaginal discharge as a
19 result of the body changes, for lack of a better
20 term?

21 A. Yeah. So estrogen is a trigger for
22 vaginal discharge. It could be puberty. And what
23 will happen is sometimes a light, clear or white
24 discharge will start as a female is entering kind
25 of area where they start getting armpit hair, pubic

1 hair, so, puberty.

2 But another reason for discharge that we
3 actually see commonly prior to puberty is just from
4 toilet tissue and hygiene and things like that.
5 And kind of normal kid wear and tear.

6 Q. How about normal wear and tear? You
7 said it kind of changes over a period of time and
8 it's that color.

9 When you're doing an examination or
10 anything like that, do you orientate yourself in
11 any way with the vagina?

12 A. So to keep it so that one -- you can
13 understand my exam, 22, 35 years later or that
14 another physician or medical provider can look at
15 the exam, everything that we do in this genital
16 area, both the anus and the vaginal tissues, the
17 hymen we orient as if it were a clock.

18 So 12 o'clock will always, always,
19 always be towards the stomach area or the abdomen.

20 And 6:00 o'clock will always be towards
21 the anus, or in the event that we get sideways or
22 turn them around.

23 When I say 12 o'clock, it will always be
24 the same thing.

25 Q. Now, while you're still up there, I

1 promise I will let you sit. The hymen. Is
2 everyone's hymen the same?

3 A. No.

4 Q. Can you explain a little bit about that?

5 A. So, again, the hymen, it's just like any
6 other orifice or hole that we have: Mouth, nose,
7 nostril, ears or eyes. They're all different.

8 And so there's no reason why the vagina
9 would be any different and hymen as well. Again,
10 we don't really know why we need the hymen but it's
11 just a collar and so sometimes people will have one
12 that is a crescent shape, some will have one that
13 goes all the way around.

14 Some ladies will have a hymen that has
15 tissue that criss crosses and it's a little skin
16 like tags. Some tags, bumps, all of them have
17 different shapes and sizes and that's a normal
18 thing.

19 Q. Is there any particular part of a hymen
20 that seems to be that everyone does have?

21 A. Yes. So everyone will have 3:00 o'clock
22 area to about the 9:00 o'clock area.

23 So this lower half is what is pretty
24 much standard for every female to have that.
25 Sometimes this upper area kind of gets incorporated

1 into the other tissue or maybe it's a little bit
2 different shape, but this bottom half is what we
3 find to be consistent.

4 Q. Doctor, you mentioned a moment ago myths
5 about the vagina and I want to talk to you about
6 the hymen in particular.

7 A. Um-hmm.

8 Q. If a female has sex for the first time,
9 penis to vagina, does that mean the hymen
10 automatically goes away?

11 A. No, absolutely not.

12 Q. Can you explain a little bit about that?

13 A. It's part of the myth. I think it's a
14 cautionary tale for teenagers but what happens is
15 that sometimes that skin or area can be irritated
16 or maybe there is a little bit of discomfort
17 because a female may not be used to that type of
18 contact, but really this is just skin.

19 Like the inside of the mouth, again,
20 it's going to be stretching, accommodating. It
21 doesn't wear out. So even if someone has
22 consensual sex a thousand times, it stays pretty
23 much the same. It doesn't, you know, stretch or
24 break or disappear or anything like that.

25 Q. Let me ask you about another myth. A

1 female has sex for the first time, or maybe soon
2 thereafter, a couple of subsequent times, is there
3 always going to be bleeding associated with the
4 penis going into the vagina and rubbing against
5 that hymen or anything like that?

6 A. No, not always.

7 Q. And why is that?

8 A. You know, again, it depends on, you
9 know -- sometimes it depends on the context.
10 Sometimes it depends on the female.

11 We talked about some hymen where there
12 may be little skin pieces that someone's not aware
13 of, and then that may cause bleeding or tearing.

14 Sometimes if someone is using fingers
15 and then using a penis or using lubrication, things
16 like that, it may just accommodate. And then other
17 people, really, it's just, again, it's stretchy
18 tissue. It's not a cherry or any of the other
19 things that we kind of refer to.

20 It doesn't blow up or go away or do
21 anything magical. It's just like the rest of the
22 skin of the mouth or anywhere else on the body.

23 Q. Thank you. I promise you can take a
24 seat now.

25 A. Thank you.

1 Q. Now, I want to talk -- we've associated,
2 ourselves with the vagina. So I want to now talk
3 to you a little bit about sexual assault
4 examinations in general.

5 What are the steps in the process that
6 you go through in a sexual assault examination for
7 pediatric patients?

8 A. So for any patient that will come in,
9 let's say, for the exam, we kind of try to
10 determine not necessarily myself. Maybe an
11 investigator, maybe a nurse, it depends on how the
12 case comes in, whether something's happened fairly
13 recently, within three to five days, or it's
14 something that happened later.

15 And once that's determined, that can
16 kind of sometimes guide how the exam is done. And
17 the only thing with timing that makes it a
18 difference is whether we do a kit to collect DNA or
19 not.

20 But most of the exams with children come
21 way after the fact and so we'll have children come
22 in. We triage them like anyone else, get a blood
23 pressure, all your vital signs, weight, height. We
24 also do a visual acuity. So they look at the chart
25 to see if they need any glasses or anything like

1 that. Brief look, a dental examination, nothing
2 detailed.

3 It's more to do these kids a referral
4 somewhere else because they haven't had their had
5 teeth taken care of. We go through medical
6 history, and then any history that's relevant to
7 the genital area. Did they have to have a surgery?
8 Did they have any kind of major accident or problem
9 in the genital area that could have caused some
10 kind of difference in their exam?

11 After that, sometimes I will talk
12 individually to children when they're a little bit
13 older, sometimes I don't. In general, the nurse's
14 will talk to the child in the exam room with their
15 clothes on prior to any gowns or anything, and
16 explain based on their development, what's going to
17 happen.

18 We're going to look at the place where
19 you poop and pee. We're going to use Q-tips,
20 things like that. We show them everything that's
21 going to happen. We don't have secrets. And then
22 we have them undress, put a gown on. I will come
23 in then and with nursing assistance, we'll do the
24 exam and look at kind of the vaginal area, the anus
25 and any other pertinent findings.

1 After that, I will usually speak to a
2 patient's parent or caregiver privately, answer any
3 questions, concerns that they have and give them
4 any instructions.

5 Q. Now, in looking at the vagina itself or
6 the genital area in particular, what kind of
7 examination do you do? Do you just look and see
8 and just move on or what do you do?

9 A. It depends on the patient's age and
10 puberty. If a child is older, 17, 16, that kind of
11 thing, then I'll probably do very similar to what
12 an OB-GYN would do for an adult patient where I may
13 look more internally.

14 I may use something called a speculum,
15 which is a shape of a little beak and we put a
16 plastic piece in the vagina and open and take a
17 look in there.

18 With younger kids, I do just look on the
19 surface for the most part, but we try to do a
20 detailed look. So what I do is I'll put both hands
21 around the larger lips, the labia majora. I will
22 pull those towards me a little bit, and by
23 stretching everything, then I can see the vagina
24 and the hymen and everything comes into
25 visualization.

1 At that point, we'll sometimes use a
2 Q-tip kind of in the front or even in the inside of
3 the back of the hymen to kind of get a better look
4 at the shape of it. And then the same thing with
5 the anus where I'll stretch the tissue and take a
6 look.

7 Q. Why you don't use a speculum on the
8 younger ones as you do for the older ones?

9 A. So I mean, a speculum exam is, again, if
10 it's not, I guess, needed for a specific injury,
11 you know, due to kind of where they are, their size
12 at puberty. It may not be tolerated for one child
13 versus the other.

14 Q. Fair to say it can be uncomfortable?

15 A. Oh, yeah. Um-hmm.

16 Q. Is that a yes?

17 A. Yes.

18 Q. Now, we talked a little bit about acute
19 examples.

20 Can you tell us what an acute
21 examination is versus let's say a delayed
22 examination?

23 A. An acute exam is when a child makes a
24 disclosure of some sexual concern or abuse may have
25 happened to them. And it's within a time frame

1 where the potential for collection of DNA, saliva,
2 semen, whatever, some kind of DNA is able to be
3 collected. The timing for children under puberty
4 age is about 24 hours where you get your major
5 stuff, major yield of DNA evidence. But it does
6 get extended to 72 hours and with certain
7 situations up to five days.

8 Q. And then a delayed examinations outside
9 that may be five-day window?

10 A. Yes. Yes.

11 Q. Is fair to say you've done 2,500? And I
12 won't quote you on that.

13 A. It's an estimate.

14 Q. Estimate. Would you say the majority of
15 your examinations are acute examinations or delayed
16 examinations?

17 A. Delayed.

18 Q. And kind of your eyes got big. Does
19 that mean it's kind the norm that they're delayed
20 examination?

21 A. Most kids don't disclose for fairly long
22 periods of time.

23 Q. Is there any limitations besides DNA for
24 these delayed examinations?

25 A. If there's an injury that's present, so

1 there's an actual bruises or something of that
2 nature, then, you know, that may be gone by the
3 time the child has an examination.

4 Q. Now, I want to talk specifically about
5 your preparation here today, if that's okay.

6 A. Yes.

7 Q. You actually physically examined a child
8 by the name of Molly Sproles -- Molly Barbian?

9 A. Yes.

10 Q. She was eight years old, correct?

11 A. That's correct.

12 Q. And that occurred on February 7th of the
13 2011?

14 A. Yes.

15 Q. And did that happen at the Child
16 Advocacy Center as you referred to as the CAC?

17 A. Yes, it did.

18 Q. Did you also physically examine a child
19 by the name of Mahairi?

20 A. I did.

21 Q. And was she approximately nine years
22 old?

23 A. Correct.

24 Q. And did that also take place on February
25 7th of 2011?

1 A. Yes, it did.

2 Q. And that also occurred at the child
3 advocacy center?

4 A. It did, yes.

5 Q. Now, in preparation for your testimony
6 here today, did you review medical records from the
7 child abuse assessment center at Children's Health
8 Center of Saint Joseph Hospital in Arizona?

9 A. Yes, I did.

10 Q. And specifically those records, did you
11 review records of a sexual assault examination for
12 a child by the name of Ambree -- excuse me, Zailey
13 Flores?

14 A. Yes.

15 Q. And did you also review records for an
16 Ambree Palmer as well?

17 A. Yes.

18 Q. And at the time of Ambree's examination,
19 she was approximately 11 years old?

20 A. Correct.

21 Q. And at the time of Zailey's examination,
22 she was approximately nine years of age?

23 A. Yes. I believe so, yes.

24 Q. And based upon your independent review
25 of those medical records, referring to specifically

1 Brie Palmer first.

2 A. Okay.

3 Q. Was there any injury to this child's
4 vaginal area?

5 A. It didn't appear so on the examination,
6 no.

7 Q. Now, I want to talk to you about
8 Zailey's examination.

9 In reviewing those medical records, your
10 independent review of them, did you find any injury
11 to that child's genitalia?

12 A. No.

13 Q. Now, I want to talk to you about Mahairi
14 Slattery's examination that was conducted on
15 February 7th, 2011 by yourself.

16 A. Yes.

17 Q. Were you able to review those records?

18 A. Yes, I did.

19 Q. And do you have any independent
20 recollection of this examination?

21 A. No, not really.

22 Q. Okay. Is that fair to say because
23 you've done so many of them?

24 A. It's been a few years, yeah.

25 Q. Was there any injuries or anything to

1 note on Mahairi's examination?

2 A. Um, nothing specific that pointed to an,
3 I guess, a concern for sexual abuse injury
4 specifically, which she had some non-specific
5 findings, some redness, and I think she had an anal
6 fissure.

7 Q. Let's talk about the redness first.
8 Where was her redness?

9 A. It was along the vaginal area, hymen.
10 Vagina, the outer lips. All of that area.

11 Q. Now, Mahairi was nine years old at the
12 time.

13 Does redness in that area, does that
14 kind of common in a child of that age?

15 A. Very common.

16 Q. Why is it so common?

17 A. They're learning how to wipe themselves
18 and clean and bathe and a lot of them don't want to
19 bathe. They leave toilet tissue, whatever it is in
20 their, you know, their idea when they're kids and
21 development of how to stay clean and oftentimes
22 they don't.

23 Q. You also mentioned that Mahairi had anal
24 fissure.

25 Would you explain to us what that is?

1 A. It means a small -- not quite a cut.
2 It's a small like separation of the skin in the
3 anal area that's -- it would be pretty small to see
4 and may cause a little bit of discomfort.

5 Q. Is that something fairly common of a
6 child who's been nine years old?

7 A. Yeah. Any child, I guess, any person.
8 Um, especially in this area. A lot kids have
9 constipation. They have large hard stools or they
10 push a lot. They can sometimes tear the skin
11 around the anus. So we do see it quite a bit.

12 Q. Now, what about -- I want to talk to you
13 about Molly's examination that you performed.

14 Did you find any injuries to her
15 genitalia?

16 A. No.

17 Q. Is it fair to say -- let me ask you kind
18 of in total.

19 Does a lack of physical findings in a
20 sexual assault examination rule out sexual abuse?

21 A. No.

22 Q. Okay.

23 MS. RINETTI: Judge, I will pass the
24 witness at this time.

25 THE COURT: Cross-exam.

1 MR. MANN: Court's indulgence.

2 THE COURT: That's fine.

3

4

CROSS-EXAMINATION

5 BY MR. MANN:

6 Q. The fact that there is no medical
7 findings you had indicated does not necessarily
8 rule out sexual abuse, but there are no findings so
9 you have no evidentiary basis to say one way or the
10 other?

11 A. That is correct.

12 Q. And in talking about the myths of the
13 vaginal area, you said that you do a lot
14 examinations that are delayed?

15 A. Yes.

16 Q. And in fact, Ms. Rinetti even when
17 asked, your eyes lit up and said, Oh, yeah.
18 They're mostly delayed.

19 A. Correct.

20 Q. If your statement is that the -- that
21 most of your exams are delayed, exams which are
22 five days plus, correct?

23 A. Correct.

24 Q. Is that an accurate statement?

25 A. Yes.

1 Q. And that most injuries to the vagina
2 heal themselves, why do you ever do exams?

3 A. That's a great question. Even if the
4 acute exam, less than 5 percent of the patients
5 will have any kind of injury. We do exams because
6 there's a lot of things we can't see, like sexually
7 transmitted infections.

8 Also a lot kids that believe if
9 something did happen to them, they have a scarlet
10 letter on them. So they're worried especially with
11 the myths that we perpetuate, teaching our children
12 that somehow their hymens or their bodies look
13 different. So we like to give them reassurance as
14 well as parents reassurance.

15 And it's mostly, you know, part of it's
16 for injury, to look for injuries, but most of it's
17 for infection testing and to answer questions about
18 their bodies.

19 Q. Now, you said that the younger kids
20 don't tolerate the speculum very well.

21 A. Not necessarily, they wouldn't.

22 Q. And that's because it's a device,
23 correct?

24 A. Yes.

25 Q. That you're inserting -- that you would

1 need to insert into the body of this child?

2 A. Yes.

3 Q. And when you say "not tolerate" that, it
4 could hurt them?

5 A. Yes.

6 Q. It could cause damage of its own?

7 A. Potentially.

8 Q. And it could cause bleeding?

9 A. Potentially, yes.

10 Q. Scarring?

11 A. The hymen actually doesn't scar when it
12 heals so I wouldn't anticipate a scar.

13 Q. But a vagina can scar, correct?

14 A. Vaginal tissue around the hymen, yeah,
15 it can have some scar tissue, sure.

16 Q. Now, you had stated that your review of
17 Brie Palmer, there were absolutely no injuries of
18 note?

19 A. I don't think there was anything, yeah,
20 no specific injuries.

21 Q. Did you have -- you had all the medical
22 records?

23 A. I believe so. I had, it was like four
24 or five pages, I believe, that was written from the
25 Arizona facility.

1 Q. Okay. And you're relying on that
2 doctor's assessment?

3 A. Correct.

4 Q. Because you weren't there?

5 A. That is correct.

6 Q. And were you provided pictures?

7 A. I was not.

8 Q. So you didn't have the pictures to
9 review either?

10 A. That's correct.

11 Q. So you have to rely on the eyes of the
12 person doing the actual exam?

13 A. Yes.

14 Q. And that person at the time of the exam
15 indicated that there were no injuries?

16 A. Correct.

17 Q. And that would have been, that exam --
18 do you know when that exam occurred?

19 A. I believe it was December of 2010. I
20 think it was a few months before the exams that I
21 did at the CAC.

22 Q. Roughly about December of 2010?

23 A. I believe so.

24 Q. That would be the same for Zailey as
25 well?

1 A. I believe it was around the same time as
2 well.

3 Q. And also with Zailey, there was no
4 injuries of note?

5 A. No.

6 Q. No scarring?

7 A. Not that I had noticed from the physical
8 exam that described, no.

9 Q. No unusual shape of the tissue around
10 the vagina?

11 A. No.

12 Q. No abnormalities?

13 A. No.

14 Q. No deformities?

15 A. No.

16 Q. And that's the same for Brie?

17 A. No.

18 Q. No abnormalities?

19 A. No.

20 Q. No deformities?

21 A. Correct.

22 Q. No scarring?

23 A. Correct.

24 Q. And you did the exam for Mahairi and
25 Molly?

1 A. Yes. Mahairi and Molly. Yes, I did.

2 Q. And other than what you described as
3 very common hygiene issues, there was nothing of
4 note for Mahairi?

5 A. Correct.

6 Q. And Molly, there nothing of note either?

7 A. Not on the genital exam, no.

8 Q. When you say "not on the genital exam,"
9 there were some other concerns?

10 A. She had a history of tics and like a tic
11 behavior. And so she had some of that during the
12 examination. We referred her to see a
13 developmental specialist in order to help evaluate
14 that.

15 Q. When you say tics, you don't mean like a
16 bug. You mean like more involuntary movement?

17 A. Correct.

18 Q. Or speech or what have you?

19 A. Yes.

20 Q. Maybe not to the level of it but similar
21 to Tourette syndrome?

22 A. Well, that was a concern. That's why we
23 referred her to see if it was Tourette's or
24 something developing from there.

25 MR. MANN: I have no further questions.

1 THE COURT: Any redirect?

2

3 REDIRECT EXAMINATION

4 BY MS. RINETTI:

5 Q. Your testimony is less than 5 percent of
6 sexual assault examinations have significant
7 findings?

8 A. Correct.

9 Q. Thank you.

10 MS. RINETTI: Nothing further.

11 THE COURT: Okay.

12 MR. MANN: No further questions.

13 THE COURT: Okay.

14 Any questions. Okay. Thank you very
15 much, Doctor.

16 THE WITNESS: Thank you very much.

17 THE COURT: Thank you very much for
18 coming. You are released.

19 What do you have now?

20 MS. RINETTI: Can we have one moment?

21 THE COURT: Absolutely.

22 MS. RINETTI: Can we approach, Judge?

23 THE COURT: Yes.

24 (Whereupon there was a bench conference that was
25 not requested to be reported.)

1 MS. RINETTI: We do have another witness
2 and it will be a short witness. She'll be here in
3 about five minutes. I am going to give you about a
4 short five-minute break.

5 I saw the happy dance.

6 Short break and then we'll have another
7 witness to keep -- even though we're close on time,
8 we should be able to get it done.

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

19 We'll give you a brief recess and do one
20 more witness.

21 THE MARSHAL: All rise for the jury.

22 (Whereupon the jury exited the courtroom.)

23 (There was a brief recess.)

24 (Whereupon the jury entered the courtroom.)

25 THE MARSHAL: Please be seated.

1 THE COURT: Counsel, stipulate to the
2 presence of the jury.

3 MS. RINETTI: Yes, Your Honor.

4 MR. MANN: Yes, Your Honor.

5 THE COURT: I'm told we have a short
6 length-in-time witness, not a short witness.

7 Call your next witness, State.

8 MS. KOLLINS: Yes, Your Honor. State
9 recalls April Reed.

10 Whereupon,

11 APRIL REED,
12 having been called as a witness, and having been
13 first duly sworn to testify to the truth, was
14 examined and testified as follows:

15 THE WITNESS: I do.

16 THE CLERK: Please be seated.

17 Please state your full name, spelling
18 your first and last name for the record.

19 THE WITNESS: April Deloris Reed.

20 A-p-r-i-l, R-e-e-d.

21 THE CLERK: Thank you.

22 THE COURT: Okay. Direct exam.

23 ///

24 ///

25 ///

1 DIRECT EXAMINATION

2 BY MS. KOLLINS:

3 Q. Good afternoon. Thank you for returning
4 to Court. How are you?

5 A. I'm great. How are you?

6 Q. I'm well. Thank you. You have a
7 daughter by the name of Ambree?

8 A. Yes, I do.

9 Q. And her testimony here in this case is
10 why you traveled to Las Vegas, correct?

11 A. Correct.

12 Q. Back on December 9th of 2010, did you
13 have occasion to have a conversation with Ambree
14 after she was brought home from school by Kay at
15 your home in Arizona?

16 A. Yes.

17 Q. Where did that conversation take place?

18 A. In my bedroom.

19 Q. Okay. Did Ambree tell you what happened
20 to her?

21 A. Yes.

22 Q. Can you describe, well, not describe.
23 Can you tell us what Ambree told you regarding her
24 abuse at the hands of Cameron Thomas in that
25 conversation?

1 A. Ambree. She told us that Cameron Thomas
2 tried to put his penis in her vagina.

3 Q. Okay. Tried or did?

4 A. Tried. That's how the conversation took
5 place. We didn't go too far into anything because
6 she pretty much shut down shortly after that.

7 Q. Was that information in response to a
8 question from you or was that something that she
9 volunteered?

10 A. It was information that she volunteered.

11 Q. Did she know when she volunteered that
12 information, did she know why you and Kay had taken
13 her to your room to speak?

14 A. Yes.

15 Q. Okay. Who told her that?

16 A. I did.

17 Q. Okay. Did you ever suggest to her in
18 that conversation that Cameron put his penis in her
19 vagina?

20 A. No.

21 Q. Did she disclose to you other conduct or
22 abuse, if you will, that she suffered at the hands
23 of Cameron Thomas?

24 A. He tried to put his penis in her mouth
25 and, um, that's all that we discussed at that time.

1 Q. Did you ask any further questions of
2 her?

3 A. No.

4 Q. Okay.

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

7 THE COURT: Okay. Cross-examine.

8 MR. MANN: Court's indulgence.

9 No questions, Your Honor.

10 THE COURT: Okay. All right. We're
11 done. Thank you very much for coming back.

12 Thank you. Okay. That's it for today.

13 All right. 1:15 tomorrow we have to do
14 something on this case so we're going to do it
15 early so I can get you back here at 1:15 to get
16 testimony. All right. So I'm not going to promise
17 it's 1:15, but I'm starting at 12:15. I keep
18 hitting our lunch hour trying to help you get you
19 guys going. So 1:15.

20 This is your overnight admonishment.
21 You are admonished: Not to talk to converse among
22 yourselves or with anyone else on any subject
23 connected with this trial; or read, watch or listen
24 to any report of or commentary on the trial or any
25 person connected with this trial by any medium of

1 information including, without limitation,
2 newspapers, television, the Internet and radio; or
3 form or express any opinion on any subject
4 connected with the trial.

5 You are further admonished not to form
6 or express any opinion on any subject connected
7 with this trial until the case is finally submitted
8 to you.

9 We'll see you back here at 1:15 and
10 we'll do further testimony. Remember, it's almost
11 all day Friday. I know it's confusing. We have to
12 make sure. Thank you.

13 (Whereupon the jury exited the courtroom.)

14 THE COURT: We're outside the presence
15 of the jury.

16 Do you want to put what happened on the
17 record? I didn't realize it wasn't on the record.
18 It's up to you. You don't have to --

19 MR. MANN: I'm trying to remember what
20 it was.

21 THE COURT: Off the record.

22 (Off-the-record discussion.)

23 THE COURT: Let's go back on the record.

24 MS. KOLLINS: Thank you, Your Honor.

25 Stacey Kollins on behalf of the State.

1 During the questioning of Kay, Mr. Mann
2 asked her the girls, "the girls," plural, about the
3 two girls in that family that would have disclosed
4 were Zailey and Ambree. Did the girls ever tell
5 you that he put his penis in their vagina? "Their,
6 being both of them.

7 We have only elicited up to this point
8 51.385 statements where other parties were present
9 for Zailey because Zailey was at the appropriate
10 age.

11 At the time, she was nine. Ambree was
12 already 10. The statute 51.385 provides for ten --
13 for under ten, excuse me. So heretofore, the State
14 took the position that any of those conversations
15 that would have been 51.385 for Ambree, but for her
16 age, we'll not get into because they were not
17 appropriate.

18 By asking that question, the girls never
19 told you, or the girls never said, that implies
20 that that disclosure was never made by Ambree and
21 it, in fact, was to her mother in that conversation
22 to April. And she remembered that conversation.
23 Kay did not through my redirect examination of her
24 so.

25 It's our position that Mr. Mann opened

1 the door to the content of that conversation,
2 specifically the statements about penis touching
3 vagina, to the moms back on December 9th of 2010
4 and so we recalled --

5 THE COURT: You asked the questions of
6 Ms. --

7 MS. KOLLINS: -- of April. We recalled
8 April to ask questions about that conversation and
9 the disclosure by Ambree that we did not get into
10 previously on her direct examination.

11 THE COURT: That's why I recalled her.

12 MS. KOLLINS: Yes.

13 MR. MANN: Your Honor, I definitely
14 asked the question to Kay about the girls and, um,
15 although it necessarily wasn't my intention to open
16 the door to 51.385, I understand that I definitely
17 allowed that argument to happen.

18 But that's what I said at the time, that
19 I purposely asked her that question and that was on
20 purpose, yes.

21 THE COURT: I made the ruling that I
22 felt based on the questioning, that it did open the
23 door so that the State could ask that discussion,
24 which had previously been not submitted or not
25 disclosed because it's not allowed under NRS

1 51.385.

2 So I did allow you to ask that question
3 of Kashonda Williams and then I let you let recall
4 April Reed just to that area which is what she did.

5 Anything else on the record?

6 MR. MANN: No, Your Honor.

7 MS. RINETTI: No, Your Honor.

8 THE COURT: 12:30, right?

9 MR. MANN: 12:30.

10 THE COURT: That is what I wrote down
11 here.

12 -o0o-

13
14 ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF
15 PROCEEDINGS.

16 /s/Gina M. Shrader

17
18 Gina M. Shrader, CCR 647, RPR

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