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 10

_____

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IN THE SUPREME COURT OF THE STATE OF NEVADA

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CAMERON THOMAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

ORIGINAL

CLERK OF THE COURT

S.C. NO.: 70144
CASE NO.: C-11-277559-1
DEPT. NO.: IV

REPORTER'S TRANSCRIPT

OF

PROCEEDINGS

BEFORE THE HONORABLE KERRY L. EARLEY
DISTRICT COURT JUDGE

FRIDAY, JUNE 3, 2016

AT 9:00 A.M.

LAS VEGAS, NEVADA

APPEARANCES:

For the State: DENA I. RINETTI, ESQ.
STACEY L. KOLLINS, ESQ.
Deputy District Attorney

For the Defendant: JOEL M. MANN, ESQ.

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

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LAS VEGAS, NEVADA; FRIDAY, JUNE 3, 2016

9:05 A.M.

-oOo-

THE COURT: Okay. This is continuation of case C277559-1, the State of Nevada vs. Cameron Thomas.

This is the time set for settling the jury instructions. And we're on the record.

All right. Is the State familiar with the instructions to the jury, the packet that I have that I'm going to -- and I don't know the numbers. This packet.

Are you familiar with this?

MS. RINETTI: Yes.

THE COURT: Mr. Mann, is the defense -- this is the packet that we talked about yesterday that everybody had agreed upon.

Have you looked at it to make sure the changes were made.

MR. MANN: I did receive an e-mail and I did look through that e-mail. If that's the same thing that you have, then yes.

THE COURT: I hope so.

MR. MANN: Me too. Is there by any

chance a way we can get a copy of that to all be on the same page together?

THE COURT: If you want. Bill, can you run back and tell Austin to do another -- just tell him what it is.

THE MARSHAL: Can I grab that?

THE COURT: You can. Just take it and say --

THE MARSHAL: How many do you want?

THE COURT: Yes. How many do you want? One? Whatever you want, we can do. Two?

So right now, as long as we're on the same page, you're familiar.

Does the State object to the giving of any of those instructions in that packet.

MS. RINETTI: No.

THE COURT: Do you have any additional instructions the State wants to propose?

MS. RINETTI: No, Your Honor.

THE COURT: Okay. Is the defendant familiar with the Court's proposed exhibits -- the packet that we're talking about?

MR. MANN: I believe so, Your Honor. Based on our conversation last night, I believe that we have agreed to most that, and based on the

e-mail that I received, as long as it's the same, yes.

THE COURT: As long as we can confirm that it's the exact packet, and we will make sure it is so we're all on the same page, you have no objection, correct?

MR. MANN: Correct.

THE COURT: And do me a favor. I always do this.

When we go through the numbering, make sure you look at them too, because, you know, things get put in, as we know. So I always try to -- I try to do it as the Court.

If you do it too, as we number them, I mean, you don't have to read them word for word, but just make sure that if something doesn't click, because the more eyes the better.

So right now, does -- okay. So I already asked you if you object to any of those. No.

Does the defendant have any additional instructions to propose.

MR. MANN: Most of my instructions were incorporated into that packet. There was one additional instruction that I did propose.

THE COURT: Do you have a copy of that so we can mark it?

MR. MANN: Yes, Your Honor.

THE COURT: I want to mark it as part of the record.

MR. MANN: If I may approach, Your Honor?

THE COURT: Yes, absolutely. I'm going to mark it. This is the proposed by the defendant jury instruction. An additional jury instruction.

THE CLERK: It will be a Court's exhibit.

THE COURT: Do you have another one?

MR. MANN: I do, yes.

THE COURT: Okay. It's kind of hard to argue. Thank you. All right. We have marked the Court's Exhibit Number 57, which is a jury instruction that reads: "If the evidence is susceptible of two reasonable interpretations, one which points to the defendant's guilt and the other to his innocence, it is your duty to adopt the interpretation which points to the defendant's innocence and reject the other which points to his guilt. And the cite is Bails, B-a-i-l-s, vs. State, 545 P.2d, 1155, a 1976 case.

All right. Now, that's proposed by the defense. Mr. Mann, tell me why you feel the Court should give that instruction.

MR. MANN: Your Honor, I believe that it goes toward, you know, the way that the jury is supposed to look at the evidence, that it talks about the assumption of innocence, that when there are, you know, essentially if it's a tie, that you're supposed to give the benefit to the defendant.

In Bails, I think the Court makes it clear that it's important for the jury to understand that there are two ways to look at different evidence, and that if there's a reasonable interpretation which points to his innocence, that you need to take that over a reasonable interpretation that points to his guilt. And because of that, I think that is an important jury instruction to be included.

THE COURT: Okay. And the State.

MS. RINETTI: Judge, I believe the presumption of innocence is already covered in another instruction.

The fact that Mr. Mann argues, well, it kind of talks -- the proposed instruction talks

about if it's a tie, and if it's a tie, it goes to the defendant. Well, that's not actually reasonable doubt. The reasonable doubt is under NRS 171.125, if I remember.

THE COURT: 175.211. Oh, no, that's the other statute. I'm so sorry.

MS. RINETTI: But there is an NRS that specifically defines what reasonable doubt is, and it must be given and it is the only instruction that may be given.

THE COURT: That is NRS 175.211. Sorry. I took it from you yesterday.

MS. RINETTI: Okay. That's why I apologized. I didn't know the number off the top of my head.

THE COURT: I appreciate it. I did read the cases. I read NRS 175.211. I did read the Weidman vs. State, which is an unpublished opinion, but it refers to Hooper vs. State.

And I read Hooper vs. State, which is 95 Nev. 924, which -- what Weidman did was basically point to Hooper for the same exact standing that said basically it is not an error -- it is not error not to give another instruction on reasonable doubt.

And then when you look at that under NRS 175.211, which states in part two, "No other definition of reasonable doubt may be given by the Court to juries in a criminal action in this state."

Based on that, the instruction that the defendant is proposing, which is Court's Exhibit 57, I feel goes to reasonable doubt, not presumption of innocence, and based on that, I'm not going to give that instruction. And I am going to keep it as a Court's exhibit for you. Okay.

All right. Now, everybody got their same packet. All right. I have no idea what order. I know yesterday Mr. Mann said something about -- okay. Anything else? I want to make sure -- oh, the verdict forms. I'm so sorry. I wanted to do that.

Have you both had a chance to look at the verdict forms?

MS. RINETTI: Yes, Your Honor.

THE COURT: Does the State have any objection to the proposed verdict forms?

MS. RINETTI: No, Your Honor.

THE COURT: Okay. Does the defendant have any objections to the proposed verdict forms?

MR. MANN: Court's indulgence.

THE COURT: That's fine. I'm trying to find them myself. Here it is. Okay. I got it.

MR. MANN: No, Your Honor.

THE COURT: Okay. All right. So we have the verdict forms. Let's see if there's anything else. I always read -- I assume, Counsel, you want the instructions read before closing arguments.

I shouldn't assume. Would you request that the jury instructions be read before closing arguments.

MS. RINETTI: Yes, Your Honor.

MR. MANN: Yes, Your Honor.

THE COURT: Because it certainly makes it easier if you refer to them. All right.

MS. KOLLINS: Does the Court give the panel a packet?

THE COURT: Yes, we do. In fact, remind me, I always do that, to tell Austin.

I have the packet. Would you take a few minutes and look through it and see. I know we want to start with page 1, instructions to the jury, Instruction No. 1.

MS. RINETTI: And Your Honor, just so

for the record, the order that the packet is in is what the State has proposed for its order.

THE COURT: So that would make it easy. Then, Mr. Mann, would you look through it and see if you want to change any of that proposed order.

The instructions in here it doesn't matter what, I just wanted to make -- I'm sure it was, but I haven't looked through all of them. All right.

Okay. I need some assistance to make sure I'm saying this right. I have a hard time with this. Lewd or lascivious. Okay. I don't know why I have the hardest time with that word. There's so many vowels in that word.

MR. MANN: I'm ready to discuss some proposed changes to the --

THE COURT: That's fine. State, we're going to talk about the order. Let's start. Can I start numbering them as far as you want to go or --

MR. MANN: That's a good idea.

THE COURT: It's just easier, Mr. Mann. So No. 1 we've got. No. 2 is "If in these instructions any rule," is that okay if I do that one for two?

MR. MANN: Yes. I'm sorry.

THE COURT: No, that's okay. You want to get them back in order.

MR. MANN: Okay.

THE COURT: Listen, this can be the hardest -- three.

MR. MANN: Information.

THE COURT: And Information. We're okay with that. And how many pages is that? Let me get --

MR. MANN: And I think that's where --

THE COURT: Let me get past all these pages.

MR. MANN: I think that's where we start to have some changes.

THE COURT: Okay. Hold on. Let me get past that. The next with one, "It is the duty of a jury to apply the rules of law." You don't want that there?

MR. MANN: No, that's part of the information.

THE COURT: That's what I thought. So it has to stay there. So the next one. "A person who subjects a minor under 14."

MR. MANN: So what I kind of categorize those as the specials and specific to this case. I

would like to move up the issues of presumption of innocence and testimony, and -- so I'm not sure. The one that says, "To constitute a crime charge, there must exist a union."

THE COURT: You want that next?

MR. MANN: Yes. That would be my proposal.

THE COURT: Hold on. Let's find it. Here it is. Well, I've got to constitute a lewd, that's not it. There's another one?

MR. MANN: That's not it.

THE COURT: Here it is. "To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law."

MR. MANN: Correct.

THE COURT: And you think that should come before --

MS. KOLLINS: Honestly, Your Honor, I don't think --

THE COURT: Does it matter?

MS. RINETTI: It doesn't matter. We've always done the specials first, but if it speeds things along.

THE COURT: We're fine. So do you want that then to be, where are we, four?

MS. RINETTI: Four.

THE COURT: Once I mark them we're keeping them, okay? I'm using my pen. That's the way I do it. If I use my big girl pen, it's staying in that order.

"To constitute the crime charged" will be four. Everybody mark it.

MR. MANN: I marked it.

THE COURT: Okay. You guys marked it?

MS. RINETTI: Yes, ma'am.

THE COURT: All right. Thank you. Because I've had them in the middle of closing, that's not the right number. This and picking a jury can be the most tedious. All right. So that's four. So now what do you want for five?

MR. MANN: The next one I propose, "The defendant is presumed innocence unless the contrary is proven."

MS. RINETTI: Fine.

THE COURT: That is five. Now, we're going to be six.

MR. MANN: "The evidence which you are to consider."

THE COURT: All right. That will be six. What do you want for seven?

MR. MANN: Court's indulgence.

THE COURT: That's fine. I just want to get it done.

MR. MANN: So now I would say that we can turn to the specials.

THE COURT: Okay. So then starts with "A person who subjects a minor under 14."

MR. MANN: Correct.

THE COURT: So that's seven.

MR. MANN: And then we're going to here, I would like to move up my inverse instruction. I just got to find it.

THE COURT: Tell me what it is.

MR. MANN: "If the State fails to prove beyond a reasonable doubt that any sexual penetration."

MS. RINETTI: Fine.

THE COURT: Okay. If the State fails to prove. So that's going to be eight. And I'm going to make copies for you while -- okay. So that's eight. Now we're going to do nine. What do you want for nine, physical force?

MR. MANN: Yeah, that's fine.

THE COURT: So we'll go back to "physical force is not necessary." That's nine.

Now we're ten. "A person is not required to do more."

MR. MANN: That's fine.

THE COURT: Because that would work that flows. That's ten. Eleven, "There's no requirement."

MR. MANN: Yep.

THE COURT: That would be eleven. Is 12 "If the State fails to prove beyond a reasonable doubt"? Is that -- or do you want something else?

MR. MANN: No, that one we should have already moved up. If the State fails to prove beyond a reasonable doubt what?

MS. KOLLINS: That any sexual penetration.

THE COURT: Any sexual penetration.

MR. MANN: We moved that up one.

THE COURT: Well, then why do I have two?

MR. MANN: I don't know.

MS. RINETTI: There's one that says lewdness, and one that says --

THE COURT: Maybe that's it. Maybe we just moved one up. Hold on.

MS. RINETTI: We only moved one.

THE COURT: Oh, we only moved one. We didn't move the second one.

MR. MANN: I understand. The one that we moved up was the sexual penetration one.

THE COURT: Maybe I picked the wrong one. Let me see. I thought -- if we just went -- if I just picked the, hold on. The State fails to prove, and I asked any lewd or lascivious, and you said yes. But that you want this other one the sexual penetration one?

MS. RINETTI: That's the one.

THE COURT: You want this to be -- this one, the sexual penetration to be eight now?

MR. MANN: Correct.

THE COURT: All right. Then I am going to have to get a new one of this. And where do you want the one, where do you want this one? And then I'll get a new one of this.

MR. MANN: We haven't gotten to this one yet, but if Your Honor would like, you can have my copy.

THE COURT: That would be terrific. For this one?

MR. MANN: For the lascivious act.

THE COURT: You got it. You can have

mine. So we keep it. Thank you. So we're back to nine.

MR. MANN: So the next --

THE COURT: Eleven. So the last one I did, we're on eleven.

MR. MANN: Correct.

THE COURT: We just did eleven, which was "There's no requirement that the testimony of a victim of sexual assault or lewdness." So we're all okay there, right?

MR. MANN: Correct.

THE COURT: What do you want for twelve?

MR. MANN: The next is "Where multiple sex acts occurs" --

THE COURT: "Occurs on the part of a single criminal encounter a defendant." So we're good on this one. That's twelve.

MR. MANN: Right.

THE COURT: Okay.

MR. MANN: "Any person who willfully commits a lewd or lascivious act."

THE COURT: Okay. That will be thirteen, correct?

MR. MANN: Correct. This next one would be where we move up.

THE COURT: "If the State fails to prove."

MR. MANN: Correct.

THE COURT: "If the State fails to prove beyond a reasonable doubt that any lewd or lascivious" is going to be fourteen. All right. Now we're going to do fifteen.

MR. MANN: Right. "An act done with intent."

THE COURT: Okay. So that's fifteen. Do you want "The law does not require that lust or passion" is sixteen or not?

MR. MANN: Yes.

THE COURT: Okay. That's sixteen. Do you want "To constitute a lewd or lascivious act" as seventeen?

MR. MANN: Yes.

THE COURT: Okay. Do you want "Lewdness with a child under the age of 14," do you want that as 18?

MR. MANN: Yes.

THE COURT: Okay. Do you want "Where child has been the victim of sexual assault" as nineteen?

MR. MANN: Yes.

THE COURT: Do you want "Consent in fact of a minor," do you want that as 20?

MR. MANN: Yes.

THE COURT: Do you want "The defendant has introduced evidence for the purpose of showing," do you want that 21?

MR. MANN: Yes.

THE COURT: "The credibility or believability," do you want that as 22?

MR. MANN: Yes.

THE COURT: "A witness who has special knowledge," 23?

MR. MANN: Yes.

THE COURT: Good character, 24?

MR. MANN: Yes.

THE COURT: "Evidence that the defendant committed offenses other than" --

MR. MANN: Yes.

THE COURT: -- you want that as 25?

MR. MANN: Yes.

THE COURT: "Although you are to consider only the evidence in the case," do you want that as 26?

MR. MANN: Court's indulgence.

THE COURT: That's fine. Not trying to

push.

MR. MANN: Actually, the one after it, I would like to move up.

THE COURT: Okay. The "In your deliberation"?

MR. MANN: Yes.

THE COURT: "In your deliberation, you may not discuss or consider the subject of punishment." You want that 26?

MR. MANN: Yes.

THE COURT: What do we want for 27.

MR. MANN: "Although you are to consider."

THE COURT: That's 27. "When you retire to consider your verdict," do you want that as 28 still?

MR. MANN: Yes.

THE COURT: 29. "If during your deliberation" the read back one?

MR. MANN: Yes.

THE COURT: That's 29, right. Yes. And 30 should be the last one. Do we end at the same place?

MR. MANN: Yes.

THE COURT: What I'll do, I'll make sure

we go back and give this to Austin, and we want -- so we need, do you guys want, does the State want two, a set for each of you? I don't mind doing that.

MS. RINETTI: I've got my own, I'm fine.

MS. KOLLINS: You know what, if I could have one. I did something wrong.

THE COURT: So one, two, I have the original, and then how many jurors do we have?

THE CLERK: We need 17.

THE COURT: She's good. As long as we have enough. Seventeen.

So they can be doing that. We were ready. They may not be here yet. It's 9:29. Perfect timing, 9:29. Okay.

THE MARSHAL: All rise for the jury.

(The jury entered the courtroom.)

THE MARSHAL: Please be seated.

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

MS. RINETTI: Yes, Your Honor.

MS. KOLLINS: Yes, Your Honor.

MR. MANN: Yes, Your Honor.

THE COURT: Mr. Mann, please call your next witness.

MR. MANN: Defense calls Kourtney Upshur.

(The witness entered the courtroom.)

Whereupon,

KOURTNEY UPSHUR,

having been called as a witness, and having been first duly sworn to testify to the truth, was examined and testified as follows:

THE WITNESS: Yes.

THE CLERK: Thank you. Please be seated.

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

THE WITNESS: Kourtney, K-o-u-r-t-n-e-y. Upshur, U-p-s-h-u-r.

THE CLERK: Thank you.

THE COURT: Okay. Thank you.

Direct exam, Mr. Mann.

MR. MANN: Thank you, Your Honor.

THE COURT: You're welcome.

DIRECT EXAMINATION

BY MR. MANN:

Q. Good morning Ms. Upshur. How are you?

A. Pretty good. How are you?

Q. Pretty good, thank you. Where do you live?

A. Sacramento, California.

Q. How long have you lived there?

A. For five years.

Q. Okay. Before then, before Sacramento where did you live?

A. Las Vegas, Nevada.

Q. How long did you live in Las Vegas?

A. Since I was nine.

Q. And living in Las Vegas, did you live here with somebody?

A. My mother. And my sister.

Q. And your mother is?

A. Mada Eddins Smith.

Q. Say that again.

A. Mada Eddins Smith.

Q. And your sister?

A. Crystal Skinner.

Q. And do you know a person by the name of Cameron Thomas?

A. I sure do.

Q. How do you know him?

A. He is my, I would say my cousin.

Q. Is he biological?

A. No.
Q. Do you know a person by the name of April Reed?
A. Yes.
Q. How do you know April?
A. We were friends.
Q. How about a person by the name of Kashonda Williams?
A. Yes.
Q. And how do you know Kashonda?
A. We were friends.
Q. How long were you friends with Ms. Williams?
A. I've been friends with Ms. Williams since 1998.
Q. And how about Ms. Reed?
A. 2005.
Q. And do you know Ms. Reed's daughters, Ambree, Zailey, Zoe and Karter?
A. Yes, I do.
Q. And how do you know them?
A. Through April, as well I was deemed as Zailey's godmother.
Q. So you are Zailey's godmother?
A. Yes.

Q. How did you get that designation?
A. April asked me if I would help guide her in life.
Q. And when -- when were you asked to be her godmother?
A. Um, 2008ish.
Q. So about three years after you had met April?
A. Yes.
Q. And was there a time that April, Kay, and the girls would live with you?
A. Yes.
Q. When was that?
A. It was in 2008.
Q. Are you positive about that date?
A. I believe so. I believe it was either 2000 -- December of 2008 or 2009.
Q. Does December of 2009 sound correct?
A. My daughter was -- yes.
Q. So do you believe that it was in fact December of 2009 that they lived with you?
A. Yes.
Q. And how did it come about that they ended up living with you?
A. Mr. Thomas and Ms. Reed and Ms. Williams

got into an argument and they couldn't stay at their house anymore. So they asked if they could stay with me and my fiancée.

Q. And your fiancée is?

A. Audrey Wyatt.

Q. Anyone else live at that house besides you and --

A. My mother.

Q. -- your fiancée?

A. My mother, Mada Eddins Smith, and my sister Crystal Skinner.

Q. Was that it?

A. Yes.

Q. And do you have any children?

A. Yes, I do.

Q. And how many children do you have?

A. I have one biological child and a soon-to-be stepchild.

Q. Is that Audrey's child?

A. Yes.

Q. And did those children live with you back in December of 2009?

A. Yes.

Q. Now, in December of 2009, did you have an opportunity to observe Ambree and Zailey and how

they interacted?

A. Yes.

Q. Did you have an opportunity to ever observe Ambree and Zailey interact regarding Cameron Thomas?

A. Yes. We went to their house multiple times, and as well as they came to our house, and we all hung out and everybody was happy. They were happy about him as well as all the rest of the family.

Q. Now, I'm going to bring your attention to December of 2009. Did Mr. Thomas see Ambree and Zailey during that time?

A. No.

Q. Do you know why?

A. Because April Reed would not allow them to.

Q. And was there ever a time that Mr. Thomas would come by the house?

A. He would drop my mom off occasionally after work.

Q. And did you ever observe how Ambree or Zailey reacted to him driving by?

A. There was one incident where they were standing in the window as my mom was getting out of

the car, and they were trying to wave to Cameron and April told them to get away from the window now.

MS. KOLLINS: Objection. Hearsay.

THE WITNESS: I'm sorry.

BY MR. MANN:

Q. Without telling me what anyone said --

THE COURT: Sustained. Go ahead.

BY MR. MANN:

Q. Can you please describe what Ambree and Zailey did?

A. They were standing at the window waving, and then they left the window and they were sad that they had to get away from the window and they weren't able to wave at Cameron.

Q. Okay. Was there a time that you ended up going to Arizona with the Thomas family?

A. Yes.

Q. Can you -- what time was that, do you know?

A. It was Labor Day of 2000 -- Memorial Day 2009. It was in May.

Q. Memorial Day of 2009 or -- so was it before or after --

A. Sorry. 2010, it was January. They

moved in January. So Memorial Day 2010.

Q. Okay. And who went with you to -- where was this that you went to?

A. We went to Phoenix, Arizona. I believe that's where they lived, Phoenix or Mesa, one of them. And we went to their apartment and we all stayed there.

Q. Who went with you?

A. My fiancée, my two children, Cameron, his wife and his children.

Q. Anyone else?

A. And Cameron's cousin's child, Dominic.

Q. Okay. So it was four in your family?

A. Um-hmm.

Q. Plus Dominic. So that's five?

A. Yes.

Q. And then the -- how many in Mr. Thomas's family?

A. Three.

Q. Three?

A. Three children and then his wife.

Q. So five in his family total?

A. Yes.

Q. So that would be ten of you driving down to Arizona?

A. Yes.
Q. Did you guys all drive in one car?
A. No. They drove their car and we drove ours.
Q. And when you arrived in Arizona, where did you stay?
A. At April and Kay's house.
Q. And did Mr. Thomas's family stay there as well?
A. Yes, they did.
Q. Was it the entire ten of you that traveled down staying at April and Kay's apartment?
A. Yes.
Q. And how big was this apartment?
A. It was a three-bedroom apartment.
Q. Was it big, small?
A. A normal size three-bedroom apartment, maybe like a thousand square feet.
Q. Okay. Now, um, did you stay with the group that entire weekend?
A. Majority of the weekend, yes. We did end up going to the store a couple of times, but we were all together the majority, yes.
Q. And was there ever a time that you saw Mr. Thomas on the ground with Ambree in the

morning?

A. No.

Q. Was there ever a time that you saw Ambree in a sleeping bag with Mr. Thomas?

A. No.

Q. Was there ever a time that you saw Ambree on the ground with a blanket with Mr. Thomas?

A. Not with Mr. Thomas.

Q. You say "not with Mr. Thomas," who did you see?

A. All the kids that laid out a blanket, and they were watching a movie on the floor. They didn't have any living room furniture.

Q. Where would the kids sleep?

A. They all decided to sleep in the living room.

Q. Where did the adults sleep?

A. I slept in with my fiancée in one room, and my youngest daughter, she was only one, slept in one room. April and Kay slept in their room, and then Mr. Thomas and his wife slept in another room.

Q. And, um, during this weekend, was there anything, well, let me back up a second.

You've known Ambree and Zailey for a while at this point. From 2010, you'd known them for about five years?

A. Um-hum.

Q. Is that a yes?

A. Yes. Sorry.

Q. Thank you. Um, and you were able to, and you were obviously Zailey's godmother?

A. Yes.

Q. And you were able to observe these kids, how they had acted and reacted for the past five years?

A. Yes.

Q. In 2010, Memorial weekend, was there anything that you thought Zailey or Ambree were acting different?

A. No. No.

Q. Was there any indication that they were unhappy with the Thomas family visiting?

A. No.

Q. Was there any indication that they were unhappy with Mr. Thomas?

A. No.

Q. Was there ever any indication that Ambree did not want to be around Cameron Thomas?

A. No.
Q. How about Zailey?
A. No.
MR. MANN: I'll pass the witness.
THE COURT: Okay. Cross-exam.
MS. KOLLINS: Very briefly, Your Honor.
THE COURT: Yes.

CROSS-EXAMINATION

BY MS. KOLLINS:

Q. When you went to Arizona for the weekend, what types of things did you and the adults do?

A. Um, we went swimming. We went to the grocery store shopping a couple of times.

Q. There was one of the evenings that Cameron and Jennifer stayed home with the kids and everybody else went out?

A. Yes.

Q. Who went and where did you go?

A. Kay and April, my fiancée and I, we all went to a club.

Q. To a club. What time did you get home?

A. I don't really remember exact times. It was --

Q. Late?
A. -- Late. No, it wasn't early in the morning or anything like that. It was late.
Q. After midnight?
A. Most likely.
Q. After 1:00?
A. No, I don't think so.
Q. Did you drink alcohol at the club?
A. Yes.
Q. Everybody drink alcohol?
A. Yes.
Q. Do you remember what time you got up the next morning?
A. No.
MS. KOLLINS: Pass the witness, Your Honor.
THE COURT: Any redirect?
MR. MANN: No, Your Honor.
THE COURT: Juror questions? No. All right. All right. Thank you very much.
Thank you for coming. You are released.
(The witness exited the courtroom.)
Mr. Mann, your next witness.
MR. MANN: Court's indulgence.
Your Honor, at this time, the defense

would call Cameron Thomas.

THE COURT: Okay. Mr. Thomas.

MR. MANN: May I approach your clerk, Your Honor?

THE COURT: Yes.

MR. MANN: I'll wait until she's done.

THE COURT: Okay. She can swear him in and then you can get your exhibits. No problem.

THE CLERK: Please raise your right hand.

Whereupon,

CAMERON THOMAS,

having been called as a witness, and having been first duly sworn to testify to the truth, was examined and testified as follows:

THE WITNESS: Yes.

THE CLERK: Thank you. Please be seated.

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

THE WITNESS: Cameron Thomas. C-a-m-e-r-o-n, T-h-o-m-a-s.

THE CLERK: Thank you.

THE COURT: All right. Direct examination.

MR. MANN: Yes, Your Honor. May I approach your clerk?

THE COURT: Yes. Get whatever exhibits you need.

DIRECT EXAMINATION

BY MR. MANN:

Q. Good morning, Mr. Thomas.

A. Good morning.

Q. How are you?

A. Hanging in.

Q. Let's just start with an easy question. Where were you born?

A. Oxnard, California.

Q. And did you grow up there?

A. Um, I lived there until about five years old and then moved here to Vegas.

Q. And how long did you live in Las Vegas?

A. Ever since.

Q. Um, was there a time that you ended up living with a family friend?

A. Yeah. I've lived with a family friend before.

Q. And was there ever a time that you lived with Mada Eddins's family?

A. Yes.
Q. When was that?
A. I believe I was 14 or 15 when I moved in. And then I stayed until the middle of my senior year in high school.
Q. And why did you live with that family?
MS. RINETTI: Objection. May we approach?
THE COURT: Yes.
(Whereupon there was a conference at the bench that was not requested to be reported.)
BY MR. MANN:
Q. Mr. Thomas, why did you end up living at Ms. Eddins' house?
A. Well, because I was at home with my grandparents. They worked a lot. My grandfather was retired, but he was at the casino a lot. And so, you know, Mada had her two daughters, which were like sisters to me, and so I was there all the time, and just ended up moving in.
Q. Obviously, you were close with that family?
A. Yeah.
Q. And the two girls that were like sisters to you, who are they?

A. Kourtney Upshur, who was just here and then Crystal Skinner.

Q. Okay. Now, when did you meet Jennifer?

A. I met Jennifer my freshman year in high school.

Q. And where did you meet her?

A. At school.

Q. Was there an immediate romantic relationship between you two?

A. No. At first, I was a kid, so you pick on girls when you like them. So that's how that started.

Q. And how long did you so call "pick on" Jennifer before you guys started dating?

A. I think it was like, it was a few months because we started dating towards the end of my senior year -- or my freshman year. The end of my freshman year.

Q. End of your freshman year. Now, Jennifer is older or younger than you?

A. She's older than me.

Q. How many years?

A. She's a year older.

Q. So what grade was she in when you were a freshman?

A. She was a junior when I was a freshman.

Q. So she's a year older than you in age but two years older than you in schooling?

A. Unfortunately.

Q. Now, we heard Jennifer come in and testify. She talked about your responsibilities around the house. Is it true that you don't have a whole lot of responsibilities around the house?

A. Well, I didn't. Um, I didn't have a lot of household chores that I did or anything like that.

Q. Why not?

A. When I lived with my grandparents, I was super spoiled. My aunt lived with us so she used to kind of pick up, and she made my bed for me, and she did everything for me. Then when I moved in with my cousins, I was able to pay them to help me do my chores.

So when I moved in with Jennifer, she was already doing all those things, so she just did them. It was never a discussion. It just happened.

Q. When you say "your cousins," who was that again?

A. I'm sorry. Kourtney Upshur and Crystal

Skinner. They used to help me.

Q. And so what kind of things would you do around the house?

A. Um, you know, I would pick. Um, I would help with things like if Jennifer was doing dishes, I would bring her all of the dirty dishes. I would clean off the table.

Q. And would you ever fold laundry?

A. No.

Q. Why not?

A. I didn't even know how to work the washer and the dryer.

Q. Jennifer testified that you were kind of the person that would do more of the electronic things around the house.

A. Right.

Q. But you couldn't work the washer and dryer?

A. Well, do you do hot on dark clothes or cold, I don't know. I don't know how that works. So, I would probably end up ruining stuff and Jennifer wouldn't be very happy about that.

Q. You heard Zailey testify that you asked her to go into your room to help fold clothes.

A. Right.

Q. Does that make sense?

A. No.

Q. Why doesn't that makes sense?

A. I still don't fold clothes. I tried recently. I'm not very good at it, but back then definitely there was no folding clothes. I didn't touch the laundry.

Q. I don't understand. Why in 2016 did you finally try to start folding clothes, but for the last ten years would not?

A. So eventually after everything happened with the case, I lost my job. Um, and so I was at home, and I was trying to learn how to be a house father. I wasn't very good at it, but I was trying to learn how to do it. So I attempted to work the washing machine.

As you can hear, I'm still -- I'm not 100 percent on it but I tried. I've picked up a bleach bottle a few times. I've ruined a few outfits. Learned that bleach can't touch clothes.

So, you know, but I've tried recently new things that I haven't tried in the past.

Q. Now, you said that you were out of a job for a while. Do you currently have a job?

A. I do.

Q. And where do you work?
A. Superior Mortgage Lending.
Q. What do you do there?
A. I'm a loan officer.
Q. How long have you been doing that?
A. Four years. Four years.
Q. Now, there was testimony that you were a giving person?
A. Right.
Q. Do you remember that?
A. Yes.
Q. Why do you think people would say that you're a giving person?
A. I am. I think that's kind of how I grew up. My grandmother is like that. It's her fault.
Q. So what does that mean?
A. Whenever you see a need, you know, you're there for people. You know, just try to help out when I can.
Q. How would you help out?
A. Well, in many ways. I mean, even still today, you know, at the office if somebody's, oh, my gosh, I'm starving. Come on. Let's go get some food, you know, I'll go get them some food or whatever the case may be. But whatever a need may

be, I try to help. I hate it when people are needing something and can't get what they need.

Q. Would you, would you offer to do things for other people that you didn't know?

A. Yeah.

Q. Um, what about for friends?

A. Sure, yeah.

Q. Family?

A. Absolutely.

Q. Would you help people like move?

A. Yeah. Yeah, I had a truck. So people used to always use my truck to move. It's a bad idea to ever have a truck when you have close friends and family because it's U-Haul.

Q. Now, you said you have a truck. We've learned a lot about a truck that you've had. What kind of truck did you have?

A. I don't have it anymore, but it was a 2005 F-150.

Q. And you had that truck for how long?

A. I bought it brand new. So I think I bought it at the end of 2004, and it was sold after I was arrested.

Q. So that would have been after 2011?

A. Correct. It was sold in 2011.

Q. So you had the truck about six, seven years?

A. Yeah.

Q. And how many seats did this truck have?

A. It's a regular five seat. Two in the front, three in the back.

Q. Did the back have its own doors?

A. Back doors, yeah.

Q. And going back to talking about being a giving person, um, you would offer to babysit for a lot of people?

A. Yeah.

Q. Why would you offer to babysit for people?

A. I was already home and, um, you know, my kids they played but, you know, I, again, I was an only child growing up and I lived with my grandparents.

So I didn't have a lot interaction with people. I had to find places to go. And sometimes, you know, I would be bored, and I don't want that for my kids or my family. So if I was at home and I had the kids, um, the more the merrier.

Q. Would you ever babysit the kids without your own kids being there?

A. No.

Q. Was there ever, would you babysit these children alone or would you have another adult there?

A. It wasn't usual for me to be alone. It's not usual for me to be alone ever. So it wasn't typical for me to be alone.

Q. Why would you say it's not usual for you to be alone ever?

A. There's usually always somebody at my house, around me even at work. There's usually somebody in my office, or, you know, sitting right outside my door. There's always somebody around.

Q. That seems a little strange. Why would that be?

A. The more the merrier. I don't like to be by myself. I don't, you know, I don't want to like what do you do by yourself? Like, you know, I've never gone to a restaurant and ate by myself. Who does that? You know, I'm sure it happens. It's awkward for me.

And so I always had everything at my house. And so our friends could just come other. We could watch movies at my house. We could play video games at my house. So it wasn't typical for

me to be alone.

Q. So you would have a lot people over to your house?

A. Yeah.

Q. How often would you have people over at your house?

A. All the time. I mean, even during the week, people would come over and we'd do like a dinner before it was time to go home and, you know, get ready for the next day.

Q. Okay. And how many people do you think would come over?

A. I guess it would vary. You know, from just one, like maybe Kay would come over one day, or, you know, Gina and Daniel and their kids would come over one day, or the whole crew would be there.

Q. You say the "whole crew." What does that mean?

A. There was like a pocket of people that we all hung out. Kashonda and April, Gina and Daniel, Kourtney and Audrey, Kyoko (phonetic) and her husband, Danielle and her husband. The list goes on. So we had a large group. Sometimes we'd all be at the same place, sometimes we wouldn't.

Q. And was there ever a time that you would be -- sorry. Let me strike that.

When you would have people over, would -- what kind of things would happen when people were over? I mean other than playing video games and things like that, would you guys cook?

A. Well, not me. I didn't know how to work a kitchen at the time.

Q. What about B-B-Q?

A. Yeah, we would B-B-Q. I didn't know now to work the B-B-Q. So it wouldn't be me either.

Q. Who would B-B-Q for you guys?

A. Daniel. We actually got him an apron. He's a heavier guy, he's like 320 pounds, and we got him an apron. I don't remember what it says something like Big Daddy Cook or something like that. So he would always hit the B-B-Q.

Q. So when all these people were around, did you hang out with the kids or did you hang out with the adults?

A. I hung out with the adults. Daniel tried to teach me how to B-B-Q, but when you're not interested in learning something, you don't learn it. So I was just like, yeah, that's cool but --

Q. So how did you become interested in

child care?

A. So, when I was younger, like I told you, I was with Kourtney and Crystal a lot. Um, and I wanted to be like Kourtney, you know, because she was the older cousin/sister. And so she finally got a job I thought that was really cool. And she got permission to let me come and quote/unquote volunteer.

And so I used to come and volunteer in the afternoons after school occasionally. And I did that from the time that I was like 14 to -- I think you were allowed to start working at 15 and a half if I'm not mistaken.

Then at 15 and a half, they hired me as a part-time assistant teacher, and I mean, at that time, it was really cool because, you know, again, I like a lot people around me, right. I was 15. I mean, the youngest kid was 12 so it wasn't that big of an age gap. But you could go in and play games all day and get paid for it. Like, that was amazing at that time, you know.

Q. And what location was this?

A. I started working at a place called Children's World. It was on Lake Sahara Drive.

Q. And how long did you work at Children's

World?

A. I think I started working from the time that I was 14 until I was 18, because when I turned 18, I left Children's World and I tried a grown-up job quote/unquote. And I went to Citibank, and I did customer service and I hated it. I think I lasted there six months, and that's when I started working at Kids 'R' Kids.

Q. Why did you hate customer service if you are someone that does well with people?

A. Well, you're in a cubicle, right. So there is no people. And then you have a headset and it just goes ding ding. And then the next call comes in and then you're just like, oh, yeah. And they are yelling at you, why did I get a late fee. I hate your guts.

And then, you know, click, and then ding ding, the next call comes in. Like you don't even have time to breathe or blink or anything.

Q. Okay. Um, so it's not how you wanted to spend your day?

A. No. You're yelled at all day long. When I call for credit cards, I'm super nice to these people because they are yelled at all day long.

Q. Fair enough. Now, you're working in

child care -- well, after you worked at Citibank, where did you go after that?

A. That's when I went to Kids 'R' Kids.

Q. How old were you?

A. I believe I was 18.

Q. So how long do you think you worked at Citibank?

A. Maybe six months.

Q. And going to work at day care, was this something to just earn money or was it more than that?

A. Well, I went back into child care because when I worked at Children's World, I went from being an assistant teacher to a teacher to the curriculum coordinator. When I left Children's World, I was the curriculum coordinator.

When I went got to Kids 'R' Kids, it was a new school, a new building, they were looking for new faces, new ideas and that type of stuff. So that's when I came in. They actually didn't even have a curriculum coordinator before I started, and they ended up building one, and I was the first person to take that position.

Q. Well, when you were 18 and just got hired at Kids 'R' Kids, what kind of background did

you have to work there.

A. Well, I had all my experience from the time that I was 15 to the time I was 18 at Children's World. And I had all of my classes and all that stuff.

Q. What classes are you talking about?

A. Well, your basic classes if I remember right. It's been a while. But you have to take reporting and recognizing abuse and negligent. You have to take signs and symptoms of illness. And then you have to be CPR certified.

Q. And did you get all these things before you started working?

A. Yeah, I had all those.

Q. And working in child care, did you find it rewarding?

A. Well, yeah. I mean you get to see children, you know, from little bitty, grow up and become, you know, responsible people. Eventually when I started working at Kids 'R' Kids, we incorporated -- we were the only facility that incorporated follow up to the kindergarten teacher. So what I would do is I would go back to the kindergarten teacher, midway through the year, and find out how my students were doing in their

classroom and kind of compare them to the other children that are coming in to make sure that our curriculum is where it needs to be. And I learned that our curriculum was right on point.

Q. So when you say follow up to your kids, are you talking about your prekindergarten kids?

A. Correct, at the facility.

Q. And now, in Kids 'R' Kids, were you the only male teacher?

A. No. There was another male teacher. His name was Jason. I don't remember his last name. He worked there for a while. When I was at Children's World, there was two or three male teachers there. It's not common to have male teachers, but it's not -- it's not like I was the only male teacher to ever work there.

Q. Did you ever feel that there was a different standard for male teachers?

A. Sometimes there was. Um, you know, and I kind of helped to that too though. Um, you know, you always want to make the parents feel, you know, comfortable. I tried to set a rule where men couldn't change diapers. It didn't work, but I tried.

Q. And so when you say "it didn't work,"

does that mean that men were required to change diapers?

A. Yeah.

Q. Did you like the teaching aspect, or did you -- were you more interested in kind of the administrative part of day care?

A. I liked it all. But, you know, I had a family so I was a man of growth. Um, you know, teachers are good, but in that position teachers don't make very much money. Um, and you know, it's better to teach the teachers because you still get your point across, and you can actually multiply it by how many teachers are in the building. That's kind of the direction that I wanted to take.

Q. And did you see your time in child care as kind of just the job or career?

A. No. It was a career.

Q. And did you earn a degree in child care?

A. It's a like a degree. It's a certificate. Child development associate certificate. You have to take a number of classes through a series of time, and then you get awarded it. I had it for a -- there's two different ones. You can get it for infants -- infants and toddlers or you can get it for preschool. Um, and I believe

I got the preschool one, and I was going back for the infant/toddler. I almost had the infant/toddler one too.

Q. How many classes were required to get this child development certificate?

A. It's kind of like one class with different sections. I believe it was 15 sections if I'm remembering correctly. So it was one class with a bunch of different sections.

Q. So when you say "one class," do you mean one class for semester or one class you sit one day, you take it and that's it?

A. I don't know if it was like a semester. I think it was six or eight months -- it was a six- or eight-month course.

Q. And where did you go to receive your child development certificate?

A. Um, I think we did it through -- UNLV has like a satellite program, I guess you could say. It was at EOB, the Equal Opportunity Board, which was on Rancho and Washington I believe. And the teacher there, his name was Ron Barracad (phonetic), he actually used to work in child care and he moved up into teaching.

Q. So even your teacher for the child

development certificate was male?

A. Correct.

Q. And how long did it take you to complete? Was it six to eight months?

A. Something like that. I think it was less than a year. And you have to have that CDA in order to become an assistant director or director.

Q. So you saw this as a stepping stone to coming outside of the classroom?

A. I want it anyway, but yeah.

Q. Um, did you take other classes, like continuing education?

A. Yeah. We did.

Q. And how many classes would you take?

A. We used to do them all the time. So it varied. Sometimes I would take two classes, you know, on any given weekend and then sometimes you would miss a weekend.

Q. So, um, was there ever a competition that you and Bonnie had regarding the amount of certificates?

A. Yes. And I believe I won. FYI. But yes.

Q. How many classes would you have to take in order to beat Bonnie?

A. Well, we weren't allowed to tell each other how many classes we took. And so we would take them in secret, and then at the very end, we would have calculated how many hours we had.

Q. How long, six months, a year?

A. I don't remember. I think it was like only three or six months.

Q. And you said that you started at Kids 'R' Kids when you were 18. Was there a time that you left Kids 'R' Kids?

A. Yeah. I left Kids 'R' Kids I want to say it was -- Kailey was born in 2010. So I left in 2010.

Q. And how old were you?

A. 26? Maybe.

Q. How old are you today?

A. 32.

Q. Okay. So 2010, if you're 32 today, obviously, you can't be --

A. Right. I was 26.

Q. 26?

A. Yes.

Q. And did you like the people at Kids 'R' Kids?

A. Yeah, I did.

Q. Did you like the adults there?

A. Sure.

Q. Did you like the kids?

A. Uh-huh.

Q. So why would you leave there?

A. Well, at that time, I had actually been given the opportunity to be a codirector with Bonnie. Um, but Bonnie is the owner and the director. Like she's never going to go anywhere. There's never going to be growth with the company. They understood that too.

So I went to Bright Child because one of our coworkers that used to work at Kids 'R' Kids with us started working with a new company.

It used to be called Sweet Pea and then Sweet Pea branched off and the silent partner took over five of the Sweet Peas and named them Bright Child, and the other, the front owners took two of the schools and named them something else. And so my friend was the regional director there.

And she said, "Cameron, if anybody can get this school in order, it would be you. It's our largest school. We need you to do it." She begged me, begged me, begged me. So finally I took the position.

Q. And do you know about when you started working at Bright Child?

A. It was right before Kailey was born. So April 2010.

Q. Okay. And when you started, do you know how many students were at Bright Child?

A. It couldn't have been any more than about 70.

Q. Was there a time that you stopped working at Bright Child?

A. Yes.

Q. When was that?

A. That was when these accusations came out.

Q. Was that December of 2011?

A. Correct.

Q. And in December of 2011, how many students did you have going to Bright Child?

A. Well, we kind of did a little bit of roller coaster. Um, but I believe there were anywhere from 180 to 200.

Q. So it sounds like in the six to seven months that you were there at Bright Child it improved?

A. Yeah.

Q. Did you implement some of your own policies as director?

A. Absolutely.

Q. Um, so what sort of accomplishment would you say that you accomplished at Bright Child?

A. Well, when I got -- when I first arrived, the enrollment was so low that a lot of the classrooms were closed. So by the time I left, all of the classrooms were opened, and we even had a waiting list for some of the classrooms.

We probably could have done more, but um, um, the way that the school was ran wasn't 100 percent of how I would run it. And so we were short staffed at times and it wouldn't -- it didn't enable us to grow.

Q. Do you know if the owners were happy with your performance?

A. Yes.

MS. RINETTI: Objection. Hearsay.

THE COURT: Do you know if they were happy with your performance?

MS. RINETTI: Yeah. Based on hearsay.

THE COURT: I'm going to overrule it. I'm going to let him answer that.

MR. MANN: Thank you, Your Honor.

BY MR. MANN:

Q. And your answer?

A. Yes.

Q. As director at Bright Child and assistant director at Kids 'R' Kids, were you familiar with the cameras?

A. Yeah.

Q. And how did you know about the cameras?

A. Well, at Kids 'R' Kids, I was a lot more involved in the day-to-day operation. You know, the owners and I became close because I had been there for so long. Um, and so I knew the ins and outs. I was really, you know, I knew that the people that watched me grow who used to do the cameras at Kids 'R' Kids very well.

Then when I went to Bright Child, I was familiar with the cameras system but I wasn't, you know, they were more closed and quiet. So I didn't really know like the background and, you know, how it worked. And so I knew how to work them. I knew how to give out access codes and stuff, but I didn't really know the inner workings of them.

Q. Let's talk about the cameras at Kids 'R' Kids. You said you were more involved in that. Was there any way that any person could manipulate

the cameras, the angles, or anything like that?

A. Not at all. So Kids 'R' Kids -- so Watch Me Grow was very protective over their cameras. Even like when a camera would go out, you'd have to call Watch Me Grow, and they would have you, you know, schedule you to go and to do X Y and Z. You have to be on the phone with them all the time. So no, you couldn't.

Q. Remind me what's Watch Me Grow?

A. Watch me Grow was the people that started the kids -- and actually it started as Guardian Cam and then we switched to Watch Me Grow for Kids 'R' Kids. So those are the third party vendor that watched over the cameras.

Q. So the third part vendor that Kids 'R' Kids would have to have all these cameras around?

A. Correct.

Q. How about at Bright Child? Was there any way for anyone to manipulate the cameras?

A. No. I didn't even know how to access the back office on the cameras like that. I had a parent log in.

Q. And at Kids 'R' Kids, was there a monitor where you could see what the cameras were seeing?

A. Yeah. At the front desk, there was four monitors and they flashed all the classrooms.

Q. What about at Bright Child?

A. Not that I remember.

Q. When you were director at Bright Child, where were you normally stationed?

A. Typically, I was in my office or the front desk, because we were trying to make new policies, we were trying to get the building back to where it needed to be.

There was a camera in my office, which I thought that was kind of weird. But that's pretty much where I stayed. I did get back to the classrooms, you know, to help with the teachers and kind of teach them where they needed to be, but I spent most of my time at the front because we were trying to get things in order, and we were short staffed and trying to, you know, turn the school around. So a lot of the times at the front.

Q. Now, you say that you would be in your office with procedures. What would you be doing regarding procedures?

A. So just making sure that the classrooms were in order. A lot of the teachers that were there didn't really know how procedures work. I

mean, there's procedures for everything, even changing a diaper. There's a procedure on how you change a diaper. And so I wanted to make sure that, you know, that I posted the correct stuff around the classrooms, that, you know, everything was the way that it was supposed to be so that if health department or licensing or the fire department were to come in, you know, we'd be where we needed to be.

Q. And licensing and the health department and the fire department, how often would they come into your facility?

A. Maybe once or twice a year.

Q. And what were the type of things that licensing would look for?

MS. RINETTI: Objection. Relevance at this point.

MR. MANN: Your Honor, it goes to what it looked like, what types of jobs that he was doing around there.

THE COURT: No, you asked what licensing did. I understand what his job was.

MR. MANN: I asked what they would look for. I think as the director he would know that. But if you would like me to move on.

THE COURT: I'm going to sustain the objection. I don't see the relevance.

BY MR. MANN:

Q. So as a director, did you develop relationships with parents?

A. Oh, yeah. Absolutely.

Q. And how would you develop these relationships?

A. Well, I mean, you always want the parents to interview you. You know, you're dropping off their prized possessions. You want them to know who you are and what you're about.

So I always encourage the parents come to our office, talk to us, hang out with us for a little bit. You know, get to know us, get to know who we are, get to know the teachers, ask questions.

I want to know, you know, if something's concerning you, I want to know. If it's concerning you, it's concerning me. And that was how I was able to be so successful. I mean, in my day, I fired a lot of teachers. And I, you know, rely a lot on the parents to help me with that.

Q. And so when you say, "I fired a lot teachers," and you would rely on the parents to

help you with that, how do you mean?

MS. RINETTI: Objection. Relevancy.

THE COURT: I am going to overrule. Go ahead.

THE WITNESS: Well, like for instance, there was a teacher that was drawing on a child's hand. She would always draw like just weird stuff. And, you know, we would tell them you know, don't make any marks on the children. You know some parents are okay with that. Some parents aren't. So rule of thumb should not be that.

If it wasn't for the parent coming to me and say, hey, Cameron, I wouldn't be okay if this teacher was drawing on my kid's hand and she's drawings on these kids' hand every day. If she wouldn't have brought that to my attention, I wouldn't know that she was not following policies and procedures.

So, you know, little things, I mean, nothing major. I mean, there could be major stuff, but typically when a parent complained about something, it wasn't too major.

BY MR. MANN:

Q. And so would you hang out with parents?

A. Yeah.

Q. Um, did you hang out with adults?
A. Yeah.
Q. So, we've heard a lot about this idea of parents' night out. Was that something that was at Kids 'R' Kids when you started there?
A. I believe so. I don't remember where parents' night out came from. I believe it was Kids 'R' Kids before I started.
Q. Was that something you created?
A. Um, well, no, I didn't create the idea at Kids 'R' Kids, no.
Q. How many -- at Kids 'R' Kids, how many parents' night out would you conduct?
A. I did a lot of the parents' night out at Kids 'R' Kids. The teachers, um, though they wanted extra money, a lot of times the teachers, when you're working in child care, they are a younger group, so they'd rather spend their Friday nights doing something else.
And so, you know, we offered it to them. We had put a sign-up sheet if anybody wanted to do parents' night out, let us know. If it was blank or, you know, one signed up, then management would just tackle it.
Q. I mean, you're talking about your early

20s. I would consider you to be part of the younger crowd. Why wouldn't you like to go out?

A. Because I had a wife and kids. So if I were leaving, it would be to go home with the kids and the wife.

Q. Um, where were these parents' night outs conducted at Kids 'R' Kids?

A. So sometimes we'd do them in the cafeteria, and then sometimes we'd do them in the gym or Room 600.

Q. Okay. Do you know about when you would do them in the cafeteria?

A. No. I think we only did it a couple of times in the cafeteria.

Q. Why in the cafeteria then?

A. Because we were trying to avoid the kids making a huge mess in the classroom. So the teachers in the gym, you know, you have to be courteous to them.

And so as children are being picked up, they are not really cleaning up behind themselves, and so at the end the day, it's our responsibility to pick up all the toys and to make sure that the classroom's left the way that it started.

Q. And so who would you do these parents'

night outs with?

A. Um, at Kids 'R' Kids?

Q. Yes, at Kids 'R' Kids.

A. I've done them with Lisa. Um, I think I did one with Jolyn. I've done them with Kashonda and April. Just random.

Q. Was it always you that would do these parents' night out?

A. Not always.

Q. So would there be Fridays that you wouldn't do parents' night out?

A. Yeah.

Q. Did parents' night outs happen every Friday?

A. No, it was every other Friday.

MR. MANN: Court's indulgence.

THE COURT: Yes.

MR. MANN: May I approach, Your Honor?

THE COURT: Yes.

BY MR. MANN:

Q. Showing you exhibits, Defense Proposed Exhibits F-1 through F-6. Can you review those?

A. Okay.

Q. Do you recognize those pictures?

A. I do.

Q. How do you recognize those pictures?
A. They are at Kids 'R' Kids in Room 600.
Q. Now, I see that there is a date on those pictures.
A. Right.
Q. Um, did you take these pictures?
A. I could have. Well, I'm in this picture so no.
Q. What about the other pictures?
A. I could have. I've been known to pick the camera up and take pictures.
Q. And in your experience, is the date on the camera accurate or inaccurate?
A. No, it's inaccurate. It's always wrong.
Q. Other than the inaccurate date, do these pictures fairly and accurately depict what a typical parents' night out would look like in Room 600.
A. Some of them.
Q. Which ones do not?
A. These two.
Q. These two?
A. Right.
Q. So that would be F-1 and F-2?
A. Correct.

Q. So are these of Parents' Night Out?
A. No. This one either. Those two.
Q. So --
A. Yeah.
Q. F-4 and F-5 also?
A. Correct.
Q. Now, F-1 through F -- I am sorry. F-2 -- I apologize just a second.
A. Three, seven, eight and six.
Q. So Exhibits F-4, F-5, F-1, and F-2 are not of parents' night out?
A. Correct.
Q. What are they pictures of?
A. That was a holiday program that we did. Um, I think it was something for Halloween.
Q. Okay. So Exhibits F-3, F-7, F-8, and F-6, those are all Parents' Night Out pictures?
A. Yeah.
Q. Do they fairly and accurately depict what a typical parents' night would look like?
A. Yes.
MR. MANN: Your Honor, at this time I would like to move into admission F-6, F-8, F-7 and F-3.
THE COURT: Any objections?

MS. RINETTI: No.

THE COURT: No objections?

MS. RINETTI: No objection.

THE COURT: Okay. They'll so be admitted.

(Whereupon Defendant's Exhibits F3, F6, F7 and F8 were admitted.)

MR. MANN: Your Honor, may I publish?

THE COURT: You can. Now that they are admitted.

BY MR. MANN:

Q. Showing you Exhibit F-3. What is that a picture of?

A. So that's a picture of parents' night out. All of the children were sitting in the eating area, and it looks like they were getting served their pizza.

Q. How many kids would typically go to a parents' night out?

A. At Kids 'R' Kids, we had a lot. Once I think we had like 60 kids.

Q. And how much did you get paid or how much would a parent pay per child?

A. It was 20 for the first child, and then ten for each additional.

Q. And that's for about four hours' worth of time with the kid?

A. Correct.

Q. And how would you guys keep track of the payments?

A. We'd write them down on an envelope with the children's names.

Q. Showing you F-6.

A. Yeah.

Q. Is that what you're referring to?

A. Correct.

Q. Now, at Bright Child, would you do parents' night out?

A. We did.

Q. And was it only you that would do parents' night out or were there other people that would do parents' night out?

A. No, there was a few of us that did it.

Q. And how many parents' nights out do you think you did at Bright Child?

A. I don't remember. It was every other week.

Q. But you said you didn't go every other week?

A. I didn't, no.

Q. And, um, was the setup at Bright Child very similar to the setup at Kids 'R' Kids for Parents' Night Out?

A. Like a classroom?

Q. Yeah. The physical setup of the --

A. Classrooms were a lot smaller. But then, you know, the amount of children that came was a lot smaller.

Q. Now, in 2006 to 2010, did you have dogs?

A. Yes.

Q. What were your dogs' names?

MS. RINETTI: Objection. Relevance.

MR. MANN: Your Honor, I'll get to that.

THE COURT: Okay. You're going to lay a foundation for this?

MR. MANN: Absolutely.

THE COURT: Okay. I'll overrule as long as you lay a foundation.

THE WITNESS: Buzz, Woody and Andy.

BY MR. MANN:

Q. Now, did you have a dog named Max?

A. I did not.

Q. Do you know someone that did have a dog named Max?

A. Yeah. My Aunt Jeanette and my Uncle

Mike.

Q. Okay. And would Uncle Mike ever just drop off Max?

A. No. He lived in California.

Q. So if there was testimony that there was a dog Max at your house when something occurred, would that mean Uncle Mike was there too?

A. Yes.

Q. When Uncle Mike would leave -- or you said Aunt Jeanette?

A. Right.

Q. When Uncle Mike or Aunt Jeanette would leave to go to the store, to go out to a club, would they leave Max there?

A. Yeah. So typically Aunt Jeanette wouldn't bring Max. If she did, he would stay wherever she was staying. But for the most part, Uncle Mike would bring Max. He used to come to our house quite often, almost every weekend for a while there. He's a really big poker player. So he would go and play poker at night.

Q. At night?

A. Correct.

Q. So if they were playing with the dog, Max, during the day, is it safe to assume that

Uncle Mike was there?

A. Yes.

MS. RINETTI: Objection. Speculation. Time frame.

THE COURT: I'm going to sustain that objection. If you want to ask it a different way, but I'm -- that's calling for speculation.

BY MR. MANN:

Q. During the day, would it be typical for Uncle Mike to be at your house?

A. Yes.

Q. Now, Kay, you knew Kay for a long time?

A. Yeah.

Q. Was she like family?

A. She was. I used to call her my sister.

Q. So we've heard a lot about this. Let's talk about the fight in December of 2009.

A. I'm ready.

Q. Was this a big fight?

A. It was a rather large fight, yeah.

Q. You and Kay ever have a fight this large before?

A. Sure. Yes.

Q. Why was this one different?

A. Um, this one was different because I

was, I was just at the point to where I was just fed up.

Q. Fed up with what?

A. With her being irresponsible. And you know, with just her in general. I mean, she wasn't -- she wasn't being the person --

MS. RINETTI: I'm going to object at this point. Improper character evidence.

THE COURT: I'm -- you can give -- I am going to sustain that. You can say why you were fed up, but don't say based on what her personality or -- give us observations. Give us facts. Not ones that would infer opinions about somebody's character. Does that make sense?

THE WITNESS: Yes.

THE COURT: If we can do it that way, I'd appreciate it.

THE WITNESS: So I was fed up with, you know, money situations, exchanges between money between her and I. Um, I was fed up with, you know, because I just, I wanted her to be more goal oriented I guess you could say.

BY MR. MANN:

Q. And if this was a fight between you and Kay, did April get involved?

A. Yes.

Q. And why would April get involved?

MS. RINETTI: Objection. Speculation.

THE COURT: If you know. I am going to overrule. If you know. Don't speculate if you have information or know why she got involved.

THE WITNESS: I know why she got involved. She told us that she was angry with us.

MS. RINETTI: Objection. Hearsay.

MR. MANN: Well, first of all it's not for the truth of the matter. It's for how it impacted him, how he reacted to that. It's not for the truth of the matter.

THE COURT: So that's -- you're not offering it for the truth of the matter sort of, but why he did his next --

MR. MANN: Correct.

THE COURT: I apologize. What did you answer I was multitasking?

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

THE COURT: All right. Back on the record. You have probably been here -- you have been here. So I keep instructing witnesses.

I need to instruct you also. Do not

give answers based on out-of-court statements, meaning conversations or anything out of court. Do you understand that? Because you started to get into that.

THE WITNESS: Okay.

THE COURT: And so that raised the objection, because under Nevada law you can't do that. That's called "hearsay."

So I know you've heard me say it to other witnesses that -- and I wanted to just remind you of that. Okay. If you could. All right.

Mr. Mann.

BY MR. MANN:

Q. Thank you. So is it fair to say that April got involved in the fight?

A. She did.

Q. And was the fight between you and April nastier than between you and Kay?

A. Yes.

Q. Um, when you, um, April testified regarding a conversation that you had with her over the phone.

A. Yes.

Q. Without telling me what she said, can you tell me what you said to her over the phone

that would make her angry?

A. I called her an unfit mother.

Q. And why would you call her an unfit mother?

MS. RINETTI: Objection.

MR. MANN: I'm sorry. I apologize. I am.

THE COURT: Okay. That's fine. I am going to sustain that objection.

BY MR. MANN:

Q. Was there a time that, well, after that conversation with April, did you see April again?

A. In Arizona.

Q. And how long of a period was that between your phone call conversation and Arizona?

A. Probably about three months.

Q. When did you think you had that phone call conversation? Was it in December or January?

A. It was the beginning of December.

Q. So December of '09?

A. Correct.

Q. And then the next time that you spoke to April was you said three months later?

A. Maybe five months or six months. It was May.

Q. So the next time you spoke was in May. And how did you end up speaking with April again?

A. I honestly don't remember. I know that Kay and I started trying to work on rekindling our friendship, and then it just kind of came around. I don't remember specifically how.

Q. All right. And so, it's fair to say that you guys ended up reconciling?

A. Yes.

Q. And if this fight was so nasty like you mentioned, why didn't, why did it not end your friendship?

MS. RINETTI: Objection. As to speculation, and he can talk about why he didn't.

THE COURT: Exactly. You can just phrase it as far as you know, from your end why. If you would do that way.

MR. MANN: I thought that's what I was doing. I'll try again, Your Honor.

BY MR. MANN:

Q. As to your perspective, why did this fight that you thought was so nasty not end your friendship?

A. Well, I've always looked at Kay as a sister, and so family fight. Family, you know, may

not agree with everything, but, it doesn't mean that you totally throw your hands up. Me personally, I wasn't excited about rekindling things with April, but for Kashonda I was willing to do it.

Q. And is it, did you end up rekindling your relationship with Kashonda?

A. I did.

Q. Did you guys come back to normal?

A. I wouldn't say normal. Our friendship, we weren't as close as we were before. But we were in the process. We were working on it.

Q. In September of 2010, was there ever a time that you offered Kay to move in with you?

A. Yes.

Q. Was your offer to just Kay?

A. Yes.

Q. Was it to the Reed girls?

A. No.

Q. Was it to April?

A. No.

Q. Why would you just offer to Kay, and without telling me what other people told you?

A. I offered it to Kay -- at that point in time, Kay and April were not together. And I

offered it to Kay so that she could come back, get back on her feet, and you know, live life.

Q. And did she take you up on that offer?

A. She did not.

Q. Do you know if -- do you know if April found out about that offer?

MS. RINETTI: Objection. Calls for hearsay and speculation.

MR MANN: I'm not sure what hearsay it calls for, but I'm asking if he knows.

THE COURT: Why don't you rephrase it. Do you have any -- let me think the best way to rephrase it. I don't want it based on any conversations and it makes it difficult. So without basing it on any conversations, do you have any independent information? What was the second part of the question? I'm sorry.

MR. MANN: If April knew about the offer to Kay to live with them.

THE COURT: You can't get around the hearsay. Let me think of how -- try to think of a way to phrase it. I'm trying, Mr. Mann, to think of a way. Can you just ask, um, that's going to get hearsay. I'm going to sustain. I am sorry, Mr. Mann, I'm trying.

///

BY MR. MANN:

Q. Cameron --

THE COURT: Sorry. I'm going to sustain the objection.

BY MR. MANN:

Q. Before December of 2009, were you close with Ambree, Zailey, Zoe and Karter?

A. Yes.

Q. How did you think of them?

A. Well, they were my godchildren. Um, and the way that I look at godchildren is, you know, similar to your own kids, you know, you're there for them for whatever they need.

Q. And would you do things with them?

A. Yeah.

Q. Would you play with them?

A. Yes.

Q. Now, there was testimony regarding Ambree or Zailey never coming over alone. Why -- I mean if these were your godchildren, why wouldn't they come alone?

THE COURT: I am going to object. I'm not going to object. I'm sorry.

What is your objection? I am so sorry.

It's become a long trial. I'm so sorry. The judge apologizes.

MS. RINETTI: And Judge, I'm going to probably agree with you about foundation and speculation.

THE COURT: No. That's not fair. What was your objection?

MS. RINETTI: Foundation. Speculation.

THE COURT: Yes. Okay. I'm going to sustain.

Could you rephrase that if you could, Mr. Mann? I know it's hard and the Judge can't rephrase. Just try again and let me listen. I'm focusing. Sorry.

BY MR. MANN:

Q. You were close with these girls?

A. I was.

Q. And you did things with these girls?

A. I did.

Q. Okay. Was there ever a time that Ambree, Zailey, Karter or Zoe would come over to your house alone?

A. No.

Q. Why wouldn't they come over to your house alone?

THE COURT: If you know.

THE WITNESS: Because they would throw a fit, you know, if one of them went, you know, they all -- at least two or three of them went, um, if not all of them.

BY MR. MANN:

Q. And would -- since you saw these kids as your own kids, would it be normal for you to be home alone with just, as the only adult, with just those kids?

A. I mean, I'm sure it happened. I don't recollect any time. Typically, when I was with them, either Kay or April was there. I mean, usually either myself and Kay worked the same schedule, or myself and April worked the same schedule. So it's not impossible.

MR. MANN: Court's indulgence. Your Honor, may I approach?

THE COURT: Yes. Yes. Yes.

BY MR. MANN:

Q. I'm showing you Defense Exhibit Q. Can you look that?

A. Yes.

Q. Do you recognize that?

A. I do.

Q. How do you recognize that?
A. That's me, Danté, Karter, Ambree and Zailey.
Q. Do you know where that picture was taken?
A. That was at Kay and April's house in Summerlin.
Q. So do you know what year that was taken?
A. It had to have been 2008, I believe.
Q. Okay. Does that fairly and accurately depict what happened at the Summerlin house in 2008?
A. Yes.
Q. Your Honor, at this time I'd like to move in Exhibit -- Defense Exhibit Q?
THE COURT: Any objection?
MS. RINETTI: No objection.
THE COURT: Okay. It's admitted.
(Whereupon Defendant's Exhibit Q was admitted.)
MR. MANN: If may approach, Your Honor?
THE COURT: Yes. It's admitted.
BY MR. MANN:
Q. Where is Zailey in this picture? Can you point?
A. Yeah.

MR. MANN: And, Your Honor, for the record showing, publishing Exhibit Q, where is Ambree in this picture.

THE COURT: Just for the record, there's a mark it looks like on the sleeve of a little girl, between the sleeve and the arm. And that's who --

THE WITNESS: Zailey.

THE COURT: Zailey is. I just want to make my record. Okay.

BY MR. MANN:

Q. Thank you. So is that Ambree?

A. Yes.

Q. And then where's Dante? Okay. And then who's the last person?

A. That's Karter.

Q. And what are they appear to be doing in this picture?

A. They are beating me up.

Q. Is that something that would normally happen?

A. Yes.

Q. And this was in 2008?

A. Correct.

Q. And when did you first meet the girls?

A. I believe it was the beginning of 2006 or the end of 2005.

Q. Now, did you have -- were you a smoker?

A. I was.

Q. How long did you smoke for?

A. High school through 2011.

Q. Okay. So you were in high school in 1999?

A. Yes.

Q. To 2011?

A. Correct.

Q. How often would you smoke?

A. Well, I didn't smoke cigarettes, I smoked Black and Milds. So they're like medium cigars type of things. And I would typically only smoke when other people smoked.

Q. Would you smoke in your car?

A. No.

Q. And would you allow your kids to drive in cars that people smoked in?

A. No.

Q. Why not if you smoked?

MS. RINETTI: Objection. Relevance.

MR. MANN: First of all, we have several testimonies about people going in his car and

whether his children were in the car or not. That becomes extremely relevant to where his kids were at the time, if they were in another car and how they got there.

THE COURT: Okay. I'm not sure how to hook up. You remember -- please recall the testimony the way you did so I'll give them a little. I sustain now but hook it up a little more. I'll overrule that objection.

BY MR. MANN:

Q. Did you and Jennifer have a rule about your kids and smoking?

A. Yes.

Q. And what was that rule?

A. That our kids could not be around cigarette smoke or Black and Milds smoke or any other smoke.

Q. And to your knowledge, did April and Kay smoke in the car?

A. They did.

Q. And to your knowledge, would your kids then be driven by April or Kay?

A. No.

Q. In high school, did you have something unique on your tongue?

A. Yeah. My tongue is pierced.

MS. RINETTI: Objection. Relevancy about what's unique on his tongue in high school.

MR. MANN: May we approach?

THE COURT: Yes, please.

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

BY MR. MANN:

Q. So in high school, was there something unique about your tongue?

A. Yeah. My tongue was pierced.

Q. How was it pierced?

A. Right through the middle.

Q. So not having a tongue ring or anything before, can you please describe it to me?

A. So I had -- it was right here.

Q. And you're pointing at the middle of your tongue?

A. Yeah. Maybe closer to the tip. And it had, it was a bar with a ball on the top and a ball on the bottom. I used to change them out. Sometimes I had a whistle. I had a bunch of ones.

Q. A whistle?

A. Yeah.

Q. Okay. And how long did you have this

for?

A. Um, so I got my tongue pierced, I believe I was a sophomore in high school. So I believe it was tenth grade. And I had to take it out after I was arrested.

Q. And that was in 2011?

A. 2011.

Q. Um, is your penis pink?

A. No.

Q. Is your penis rusty?

A. No.

Q. What about crusty?

A. No.

Q. Does it have dead skin all over it?

A. No.

Q. So did you put your penis into Ambree's vagina?

A. No.

Q. Did you put your penis anywhere near Ambree?

A. No.

Q. Did you put your mouth or tongue on Ambree's vagina?

A. No.

Q. Did you lick the breasts of Ambree?

A. No.

Q. Did you put your fingers in or around Ambree's vagina?

A. No.

Q. Did you try to get Ambree to touch your penis?

A. No.

Q. Did you -- was there ever a time you pulled Ambree into bed with you to have sex with you?

A. No.

Q. You heard the description of the cartoon incidents. Would you catch cartoons in bed with Ambree every Saturday?

A. No. Not that I recall, no.

Q. Do you remember a time that you would watch cartoons in bed with her?

A. No.

Q. Did you put your penis inside Zailey's vagina?

A. No.

Q. Did you put your penis anywhere near Zailey's vagina?

A. No.

Q. Did you put your penis anywhere near

Zailey?

A. No.

Q. Did you put your mouth or tongue on Zailey's vagina?

A. No.

Q. Did you put your mouth or tongue anywhere near Zailey's genitals?

A. No.

Q. Did you put your hand anywhere near the vagina of Zailey?

A. No.

Q. Did you touch or rub the genital area of Zailey?

A. No.

Q. Did you touch or rub the breasts or chest area of Mahairi?

A. No.

Q. Did you touch or rub the buttocks of Mahairi?

A. No.

Q. Did you touch or rub the vagina of Mahairi?

A. No.

Q. Did you touch or rub the vagina of Molly?

A. No.

MR. MANN: I'll pass the witness.

MS. RINETTI: Okay.

THE COURT: Do you want a break or do you want to start into cross-exam?

MS. RINETTI: A break.

THE COURT: So does the judge. Thank you. I just want to keep it going but okay. Then we'll come back and do cross-examine.

Ladies and gentlemen, we are going to take a 15-minute recess.

During this recess, you are admonished: Not to talk or converse among yourselves or with anyone else on any subject connected with this trial; or read, watch or listen to any report of or commentary on the trial or any person connected with this trial by any medium of information including, without limitation, newspapers, television, the internet and radio; or form or express any opinion on any subject connected with the trial until the case is finally submitted to you.

Come back and we'll start cross-examination.

(The jury exited the courtroom.)

THE COURT: Okay. Take a brief recess.

(Whereupon, a brief recess was taken.)

THE COURT: Okay. So we'll do this cross-examine and then we're done, right? I mean, I'm not making you. My understanding from timing yesterday the witnesses are done, correct?

MR. MANN: The defense would be resting.

THE COURT: Okay. I just want to --

MS. RINETTI: Judge, I had a question. It's 11:15 now. I don't anticipate my cross too long. I was just wondering, because I anticipate closing is going to be a little long. I didn't know if you would want to instruction before lunch, then come back.

THE COURT: Whatever you want me to do. I'll do whatever you want. Say it's 11:15. If you're finished before noon, do you want me to do it before lunch?

I tend to not want to because when I do the instructions, then I anticipate you will pull out some of the instructions during your closings, maybe you don't. But I don't know.

Usually, I think it flows better if they had just heard them from me but I could care less. If you want me to instruct them time wise, I would

be glad to do that. It's your preference.

MS. RINETTI: I mean, I would just because I think attention spans get a little --

THE COURT: It's up to you.

MS. KOLLINS: We have some set up so there's going to be a gap.

THE COURT: If you want, I would be glad to instruct them before they leave.

MR. MANN: I'm okay either way.

THE COURT: Okay. Well, then if you want me to, I have them all here. Did you give them their sets?

(The jury entered the courtroom.)

THE MARSHAL: Please be seated.

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

MR. MANN: Yes, Your Honor.

MS. RINETTI: Yes, Your Honor.

THE COURT: Okay. Cross-examine.

CROSS-EXAMINATION

BY MS. RINETTI:

Q. Mr. Thomas, as a 15-year-old teen-age boy, you thought it was fun to play games with younger children at day cares?

A. Um, yeah.

Q. Okay. And for period of time from high school to roughly 2011, you had a tongue ring?

A. I did.

Q. Did you have the same tongue ring or a different tongue ring?

A. Different tongue rings.

Q. What kind of had tongue rings did you have?

A. Um, I had a whistle, I had one with dice on it, I had different color ones. I had large ones. I had small ones. I had a variety of them.

Q. Sometimes there's bars that -- did you ever have a bar?

A. Yes.

Q. Okay. And when you had these multicolor ones with dice or things like that, would those lay flat on your tongue?

A. I had an extra-large bar, so it kind of sat on top of my --

Q. Sat on top of your tongue. Okay. Now, during the relevant time period, this is from 2006 to 2011, you resided at two different locations, correct?

A. Correct.

Q. You first you lived a North Las Vegas home on Starling Mesa in North Las Vegas?
A. Correct.
Q. Showing you State's -- excuse me. Defendant's Exhibit A-2. Is that the layout of the second floor of the Starling Mesa residence?
A. Yes.
Q. And do you see the bedroom area here?
A. I do.
Q. You see the bathroom area is over here?
A. Correct.
Q. And it mentions that there's a toilet, correct?
A. Correct.
Q. That there's sinks and cabinets, correct?
A. Correct.
Q. And that there's a walk-in closet, correct?
A. Correct.
Q. You mentioned that on direct examination that you considered, I want to call her "Kate Williams," a sister?
A. That's correct.
Q. You were very good friends with what is

referred to as Mama Kay, correct?

A. That's correct.

Q. You've known her since about kindergarten, correct?

A. That's correct.

Q. And that you knew April through Kids 'R' Kids and from Ms. Williams, correct?

A. That's correct.

Q. And eventually you became the godchild of several of their children, correct?

A. Godfather, correct.

Q. And back in 2010, you had approximately ten kids that you were godfather to, correct?

A. Correct.

Q. And the decision to become a godparent to the three children, that was against your wife's wishes, correct?

A. I don't believe it was against my wife's wishes.

Q. Do you remember making a statement to the police department back on January 5th of 2011?

A. I do.

Q. Do you remember telling them at that point that deciding to become a godparent to the Reed children was against your wife's wishes?

A. Maybe.

MS. RINETTI: May I approach.

THE COURT: Yes.

BY MS. RINETTI:

Q. Page seven. Direct you to the large paragraph just about midway down the page.

A. Okay. I remember, yeah.

Q. Does it refresh your recollection that you told the Metropolitan Police Department that becoming a godparent to the Reed children was actually against your wife's wishes?

A. Not because of the children though.

Q. But it was against your wife's wishes, correct?

A. I mean, you could say so.

Q. Did you not say, "It's something about April. I just don't know. But I went with it anyway against my wife." Correct?

A. Correct.

Q. And you heard your wife testify yesterday that was a decision that you made mutually, correct?

A. Correct.

Q. You spent a lot time with the Reed children; is that fair to say?

A. It is.
Q. And with the Reed family, correct?
A. Correct.
Q. You spent a lot of time at their house, correct?
A. Correct.
Q. And that they were at your house all the time?
A. Correct.
Q. And that the Reed family was at your house often, correct?
A. Correct.
Q. And that during this relevant period of time between 2006 and 2010, that you would take the Reed children to day care, correct?
A. 2006 and 2010. On occasion, I took some of them, correct.
Q. Okay. And when you were at day care with the Reed children on occasion, you would interact with them at the day care, correct?
A. Correct.
Q. And the Kids 'R' Kids had a second floor, correct?
A. Correct.
Q. They called it the attic or upper room,

correct?

A. Correct.

Q. That was an area that children weren't supposed to go to, correct?

A. Correct.

Q. But you did in fact take Brie and Zailey up to the attic area at Kids 'R' Kids, correct?

A. Correct.

Q. And you also, in addition to taking the kids to day care, you also took the children home from day care, correct?

A. On occasion, I took a few of them, correct.

Q. And you took them to their house, correct? From day care?

A. Possibly.

Q. Do you remember giving a statement to the Metropolitan Police Department on January 5th of 2011?

A. Yes.

Q. Okay.

MS. RINETTI: Page 73.

BY MS. RINETTI:

Q. Do you remember telling the Metropolitan Police Department that you would take them to your

house and to April's house after day care?

A. Yeah, that's what I said possibly. I mean I've taken them to many places, so yes.

Q. And your wife didn't work at the day care, correct?

A. Correct.

Q. And you would take them in your F-150 black truck, correct?

A. Correct.

Q. And the Reed family would spend the night at your house, correct?

A. On occasion.

Q. And that April and Kay would sleep downstairs, correct?

A. Correct.

Q. And that the Reed children would often sleep upstairs in the guest room, correct?

A. Some of them, correct.

Q. And that sometimes the Reed children would have sleep overs at your house, correct?

A. Correct.

Q. In fact, the Reed children had sleep overs all the time at your house, correct?

A. I mean, all the time like every day, no.

Q. Just "all the time," I'm using your

words, sir.

A. It's often.

Q. Often?

A. Yes.

Q. Okay. And when they would come over for sleep overs, you would watch movies together, correct?

A. Yes.

Q. Play video games, correct?

A. Correct.

Q. And watch cartoons, correct?

A. I'm assuming so, correct.

Q. And you mentioned under direct examination that you never watched Saturday morning cartoons in your bedroom with the kids, correct?

A. Not that I can recall.

Q. Okay. Do you remember telling the Las Vegas Metropolitan Police Department that you would watch Saturday morning cartoons with the Reed children in your bed?

A. I mean, I might have back then. I maybe was able to recall it back then, but now, it's been five years. So I don't -- nothing that I remember.

Q. Okay. Would looking at your statement refresh your recollection?

A. I mean, if it said it on the statement then I'm sure that I said it then.

Q. Okay. And so that you would watch Saturday morning cartoons with the Reed children, correct?

A. If that's what it said, yeah.

Q. In your bed, correct?

A. Possibly.

Q. And in fact sometimes Jennifer would work on Saturdays, correct?

A. Correct.

Q. From -- I believe the testimony yesterday was from about eight o'clock in the morning until 2:00 p.m., correct?

A. Correct.

Q. And that often you would help Jennifer get the kids ready for bed and then you would go back to sleep, correct?

A. Get the kids ready for bed in the morning?

Q. No. Get the kids ready just for the day and go back to bed.

A. Maybe. Not that I remember, but it could have happened.

Q. Do you remember telling the Metropolitan

Police Department that you would often do that?

A. Not that I recall.

Q. Will looking at your statement refresh your recollection?

A. Yeah.

MS. RINETTI: I'm going to go to Page 36. May I approach?

THE COURT: Yes.

BY MS. RINETTI:

Q. Direct you to the top half of that statement.

A. So it's during the week.

Q. Just does it refresh your recollection?

A. Yeah.

Q. Okay. And that's often that sometimes you would help get the kids ready in the morning and go back to bed, correct?

A. Sometimes. Correct.

Q. Okay. And that during these sessions when the kids would be in bed watching cartoons, you mentioned to the police that maybe something could have been misconstrued.

Do you remember saying that?

A. I don't.

MS. RINETTI: Page 41. May I approach?

THE COURT: Yes.

MS. RINETTI: Bottom of the page.

BY MS. RINETTI:

Q. Context for you. If you want to read that part.

A. I don't see where it says anything misconstrued.

Q. Do you remember telling them that -- being asked the question, "Could something have been misunderstood? I mean not off of the top of my head. That doesn't mean that it didn't happen. I mean, I'm very loving"?

A. Um.

Q. Is that what the statement says?

A. Yeah.

Q. The Reed kids spent a lot time at your house, correct?

A. The Reed kids, yeah.

Q. That includes Ambree, correct?

A. Correct.

Q. Zailey, correct?

A. Correct.

Q. Karter, correct?

A. Correct.

Q. Okay. And Zoe, correct?

A. Correct.

Q. And you mentioned on direct examination you don't remember a time ever being alone with the kids, correct?

A. Correct.

Q. And you were their godfather, correct?

A. Correct.

Q. And you knew these children late 2005, correct?

A. I believe so if not early 2006.

Q. 2006, correct?

A. Correct.

Q. 2007, correct?

A. Correct.

Q. 2008, correct?

A. Correct.

Q. 2009, correct?

A. Correct.

Q. And when they would come to your house, I know you didn't like to do household chores, would you be alone with the kids when let's say your wife was cooking?

A. So typically, Jennifer was --

Q. Sir, I just -- it's a yes-or-no question.

A. Would I be alone with the kids, no. Jennifer's in the house.

Q. Okay. So there were oftentimes that when the Reed children were over, there were other adults in the house, but not necessarily in the room you were in, correct?

A. Not typical.

Q. So you would be in the same room if Jennifer was cooking, correct?

A. Maybe not in the kitchen.

Q. Okay. So you would be in a different room, correct?

A. Like the living room, right next to the kitchen.

Q. Did you ever go upstairs while Jennifer was cooking?

A. Not that I can recall.

Q. Do you remember telling police that during breakfast time often you would stay upstairs with the kids while someone would be cooking downstairs?

A. Not that I remember.

Q. Okay.

MS. RINETTI: Court's indulgence.

THE COURT: That's fine.

///

BY MS. RINETTI:

Q. Do you remember telling the police department while you were watching cartoons that you called for someone to figure out who was going to make food while you watched cartoons?

A. Again, not that I remember.

MS. RINETTI: Page 40 if I can approach?

THE COURT: Yes.

THE WITNESS: You just want me to read the whole thing?

BY MR. RINETTI:

Q. Yes.

A. So, yes.

Q. Does that refresh your recollection?

A. It does.

Q. Often when you were watching cartoons, you called to see if someone is going to make food while you watched cartoons?

A. Right.

Q. Okay. So sometimes you would be alone with the kids, correct?

A. Um, it doesn't specifically say which kids were watching cartoons or who was there, and when calling it could mean on the phone.

Q. Sir, it's just a yes or no. I know Mr. Mann will have an opportunity to redirect you, okay?

A. You got it.

Q. You always like to have kids at the house, correct?

A. There were kids at the house a lot.

Q. Jolyn's kids would come to the house, correct?

A. Correct.

Q. The Reed children would come to the house, correct?

A. Correct.

Q. Kourtney's kids would come to the house, correct?

A. Correct.

Q. Gina and Daniel's kids would come to the house, correct?

A. Correct.

Q. And in fact a number of different kids from the day care would also come over to your house, correct?

A. Correct.

Q. And you made the parents feel comfortable who went to the day care, correct?

A. They felt comfortable, I didn't make them.

Q. You built a relationship with them?

A. I did.

Q. You would communicate with them, correct?

A. Correct.

Q. You felt it was important to kind of establish that relationship, correct?

A. Correct.

Q. Based upon establishing that relationship, approximately 20 to 30 different kids from your day care would come over to your house, correct?

A. On occasion.

Q. Do you remember telling the police department it was somewhere between 20 to 30 different kids would come over to your house during that relevant time period?

A. Yeah, on occasion. I have pictures and everything.

Q. Now, at the day care, you mentioned that you went to a variety of different classes; is that fair to say?

A. Correct.

Q. You actually had a competition with Bonnie Hart as to who could have the most classes for a period of time?

A. Correct.

Q. And that -- based upon kind of your experience in these classes, you wanted to implement kind of a boundary issue as far as male teachers diapering children, correct?

A. Correct.

Q. And on occasion when a teacher has misbehaved, for instance the example you gave where a teacher marked on a child's hand, you actually terminated that teacher, correct?

A. I don't know if I actually terminated her or not.

Q. Or disciplined?

A. Disciplined, absolutely.

Q. That was because it was a boundary issue, correct?

A. Correct.

Q. Marking on a child's hands? But a small child sitting on a male teacher's lap is not crossing any boundaries, correct?

A. Correct. We're taught the opposite.

Q. Is that a just a yes or no?

A. Yes.

Q. But I want to talk to you a little bit about your relationship with April and Kay in 2009, in late 2009.

Is it fair to say that you took a car title loan out sometime in May of 2009 to help April and Kay move into their house in Summerlin, correct?

A. Incorrect.

Q. Do you remember telling the police department that you took out a title loan so that they can move into their house in Summerlin?

A. That was for the Grasswood house.

Q. Correct. That's in Summerlin?

A. No, that's not in Summerlin.

Q. Grasswood is like Rainbow and Flamingo, correct?

A. Correct.

Q. So did you take a car title loan out so they can move into that Grasswood house?

A. Correct.

Q. And that's approximately May 2009, correct?

A. Possibly.

Q. Okay. If I told you that's when they

moved into the house, would you --

A. Sure.

Q. And that car title loan was for approximately 1,000, $1,200?

A. I think it was like 1,200.

Q. And then eventually the Reed family moved into your house for approximately two months at the fall of 2009, correct?

A. Correct.

Q. And that there was an argument between yourself, Kay and April, two separate different kind of arguments, in December of 2009?

A. Correct.

Q. And you were upset with Kay over some money issues and not being responsible; is that fair to say?

A. Yes.

Q. Now, on direct examination, you said you didn't speak to April and Kay until approximately May of 2010?

A. That I remember, correct.

Q. Do you remember telling the police department that you actually started speaking with April and Kay or started communications sometime in February or March of 2010?

A. It could have been February or March.
Q. So the argument started in December of 2009, and by March at the latest 2010, started to try to build a relationship or communicate with one another, correct?
A. Correct.
Q. That eventually that car loan was paid off prior to the Reed family moving to Arizona, correct?
A. Correct.
Q. And that's when they got their tax money, correct?
A. Correct.
Q. And then the Reed family moved out to -- excuse me, moved out to Arizona, correct?
A. Correct.
Q. And then by let's say latest March to May, you kept in communication with both April and Kay, correct?
A. April and May, yeah. Correct.
Q. You talked to Kay over the phone, correct?
A. Correct.
Q. You exchanged text messages, correct?
A. Correct.

Q. And Facebook messages, correct?
A. Probably.
Q. Okay. I'm not very familiar with Facebook so. You also communicated with April to a certain extent, correct?
A. I would assume so, yeah.
Q. And that's between March to April to May of 2010, correct?
A. Correct.
Q. And then at some point in Memorial Day weekend in 2010, your family went down to the Reed family's house, correct?
A. Correct.
Q. And the Reed family opened up their doors so that you could stay with them, correct?
A. Correct.
Q. Not only your family but also another family, correct?
A. Correct.
Q. And that was Kourtney's family, correct?
A. Correct.
Q. And there were no issues during the visit in Arizona, correct?
A. Not that I recall.
Q. And you heard from all the other people

I think Kourtney mentioned it, that there were no instances or no arguments in May; would that be fair to say?

A. Yeah.

Q. And the Reed family actually came -- actually, did Kay come out by herself to Las Vegas sometime between Memorial Day and the fall just by herself?

A. I don't believe so. I think every time they came, they came as a group.

Q. Okay. How many times did April and Kay come to Las Vegas as a group between Memorial Day weekend and December of 2010?

A. It was either two or three.

Q. Okay. And did you see the family during those times?

A. I did.

Q. You saw them the first time, correct?

A. Yes.

Q. The second time, correct?

A. I believe so, yeah.

Q. And the third time, correct?

A. Yeah.

Q. And there were no issues, correct?

A. No.

Q. You've known Ambree Palmer since late 2005 to early 2006, correct?

A. Correct.

Q. And she would have been approximately six years old, correct?

A. Correct.

Q. And when she -- during the time period that you knew her from 2005, 2006 to 2010, you took her bathing suit shopping, correct?

A. I did.

Q. And that was in approximately 2007 to 2008, correct?

A. Correct.

Q. And that was at Wal-Mart, correct?

A. Correct.

Q. And you went inside the dressing room, correct?

A. Correct.

Q. And drove your F-150 black truck, correct?

A. Correct.

Q. And you had that since 2005, 2006?

A. 2004, 2005, yeah.

Q. Fair to say that you also mentioned in your police interview that you may have taken

Ambree to Blockbuster, do you recall that?

A. I mean, again it could have happened. I don't recall ever specifically taking her to Blockbuster.

Q. Is it possible that you took Ambree by herself to Blockbuster?

A. Maybe, maybe not. I mean, I don't know. It's not anything that I recall.

Q. Okay. So it's a possibility that you were alone with the Reed children, correct? Specifically Ambree, correct?

A. I mean, I guess it could have happened.

Q. Kids 'R' Kids. It's located on Cimarron between Desert Inn and Sahara, correct?

A. Correct.

Q. And do you remember where the Grasswood house was?

A. Flamingo and Rainbow.

Q. Okay. So the distance, the driving time between Kids 'R' Kids and the Grasswood house was under ten minutes, correct?

A. Maybe ten to 15 minutes.

Q. It wasn't a house, the Kids 'R' Kids wasn't across the valley from the Grasswood house, correct?

A. No. Correct.
Q. Okay. And you've known Zailey Flores since 2005 to 2006, correct?
A. Correct.
Q. She would have been approximately four years old, correct?
A. Correct.
Q. And a child by the name Molly Sproles. She went to Kids 'R' Kids, correct?
A. Correct.
Q. During the time period where you were employed with Kids 'R' Kids, correct?
A. Correct.
Q. And she also attended Bright Child, correct?
A. Correct.
Q. And she was present or she attended Bright Child during the time frame where you were employed at Bright Child, correct?
A. Correct.
Q. And Molly attended parents' night out at both Kids 'R' Kids, correct?
A. Correct.
Q. And Bright Child, correct?
A. Correct.

Q. And as we heard kind of throughout this trial, that parents' night out is something that happens in the evening time, correct?

A. Correct.

Q. And there's pizza and movies, correct?

A. Correct.

Q. And the kids can come in their pajamas, correct?

A. Correct.

Q. And bring their pillows and blankets, correct?

A. Correct.

Q. And you worked some of those parents' night out at Kids 'R' Kids, correct?

A. Correct.

Q. And you worked some of those parents' night out at Bright Child, correct?

A. Correct.

Q. And actually I think there was testimony yesterday that you in fact implemented the Parents' Night Out at Bright Child, correct?

A. I brought the idea over, yeah.

Q. And then you also knew a child by the name of Mahairi Latterly, correct?

A. Correct.

Q. And you met her and her family while she was attending Kids 'R' Kids, correct?
A. Correct.
Q. And you would babysit Mahairi at your home on occasion, correct?
A. Correct.
Q. And she would call you "uncle," correct?
A. I don't remember that but maybe.
Q. Did you also have a child at Kids 'R' Kids named Sidney Keach?
A. Yes.
Q. And there was this -- Sidney Keach had spent the night at your house on several occasions, correct?
A. Correct.
Q. And that she also attended parents' night out, correct?
A. Correct.
Q. And that there was an incident at the day care where you took Sidney Keach upstairs to change, correct?
A. Correct.
Q. And that was at Kids 'R' Kids, correct?
A. Correct.
Q. And there was an issue that ultimately

resolved with Kids 'R' Kids in relation to that, correct?

A. Not necessarily an issue, but correct.

Q. All right. And ultimately you were terminated from Bright Child, correct?

A. I was, I went on leave, and then I was arrested.

Q. Okay. You went on leave prior to being arrested, correct?

A. Correct.

Q. And why did you go on leave?

A. Because I called them as soon as I found out about the accusations to tell them what was going on.

Q. And so based upon the information you provided, you went on leave, correct?

A. They put me on leave, correct.

Q. And eventually you ceased your employment with Bright Child, correct?

A. I moved to another company that the owners owned.

Q. What company did you move to?

A. The Doggie District.

Q. Is that a doggy day care?

A. Yes.

Q. Okay.
A. It is.
Q. Now, Mr. Mann asked you a series of questions at the end of your direct examination that you didn't touch Zailey, correct?
A. Correct.
Q. That you didn't touch Ambree, correct?
A. Correct.
Q. You didn't touch Mahairi, correct?
A. Correct.
Q. And you didn't touch Molly, correct?
A. Correct.
Q. Do you remember telling the Las Vegas Metropolitan Police Department in your interview on January 5th of 2011 that possibly these sex abuse allegations were true regarding Ambree and Zailey but they were just confused as to who actually perpetrated their crime?
A. Possibly.
Q. So that they may have been sexually abused but they were just incorrect with who perpetrated the crime, correct?
A. Correct.
Q. Nothing further.
THE COURT: Okay. Redirect, Mr. Mann.

///

REDIRECT EXAMINATION

BY MR. MANN:

Q. Mr. Thomas, when you were having that interview with the detective, did you know for sure if they had been sexually abused then?

A. No.

Q. And today do you know for sure if they've been sexually abused?

A. No.

Q. Were you answering a question that the detective was asking you to speculate?

A. Yes.

MR. MANN: No further questions.

THE COURT: Anything rere-cross?

MS. RINETTI: No.

THE COURT: Juror questions.

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

THE COURT: All right. Okay. I have some questions for you.

Being an assistant director, how did you find time to sit with kids on your lap during the day?

THE WITNESS: So throughout the day, I

would go in and help train the teachers. Um, and in classes, you're taught that children feel more comfortable when they come by you, they're sitting on your lap, they're hugging you, it's encouraged. And so that would be part of the training that I would give. It would be a natural thing if a child -- I wouldn't specifically go grab kids and put them on my lap. But if a child would come and ask to sit on my lap, I wouldn't say no.

THE COURT: Looking back at hindsight, would you have done anything differently as far as having kids sit on your lap?

THE WITNESS: Well, no. You're trained again that that makes them feel comfortable, that that makes them feel safe. Again, they are in an environment, preschool, you know, when you get to kindergarten, children's brains are more developed, first grade, second grade, but in preschool, you know, they have those safety issues. So we're trained to do that.

THE COURT: Do you feel you favored certain kids more than others?

THE WITNESS: No. And again, when children would come to me, they would come to me. I wouldn't just walk in a classroom and grab a kid.

THE COURT: Did you ever take Brie home sick or check on her while she was sick when M.J. died?

THE WITNESS: Michael Jackson?

THE COURT: Michael Jackson. M.J. Michael Jackson died?

THE WITNESS: No.

THE COURT: Okay. That's a long trial. Okay. Any follow up, Mr. Mann?

MR. MANN: No, Your Honor.

THE COURT: Okay. Ms. Rinetti?

DIRECT EXAMINATION

BY MS. RINETTI:

Q. Does it make a child safe to have a child to sit on your lap while touching their vagina?

A. If someone were to sit on a child -- I mean, if a child were to sit on someone's lap and touch their vagina, no, that wouldn't be safe.

MS. RINETTI: Thanks. Nothing further.

MR. MANN: Nothing, Your Honor.

THE COURT: Okay. All right. Thank you Mr. Thomas.

Any further witnesses or does the

defense rest?

MR. MANN: The defense rests, Your Honor.

THE COURT: Okay. Any rebuttal from the State?

MS. RINETTI: No, Your Honor.

THE COURT: Okay. All right. Based on our previous discussions, do you think we should go forward and do the jury instructions? Okay.

We're trying to keep it moving, and a long time ago, I explained to you about after they finished with their cases in chief, both of them, then what happens is I read the jury instructions. And we've already done the jury instructions. We did our work ahead of you, early -- late yesterday and early this morning.

So what we are going to do is I am going to read them to you. You will have a packet, each of you, of the jury instructions when you go back, but under Nevada law, I'm required to also read them to you.

I will read them to you, then we'll take a luncheon break, and then we'll start right into closing arguments. And if you remember, the State gets to do the beginning opening closing argument,

then the defense gets to do one and then the state gets -- since they have the burden of proof, gets to do the closing argument.

If you don't mind, can we stay a few more minutes and let me read, a few minutes was probably an exaggeration, it will be more than a few minutes. There are, I numbered them, 30 jury instructions.

Now, we can pass them out, but do me a favor and don't try to read them while you're doing it. Just listen to what I say, if you don't mind, because then you're going to get lost and you do get to take them back. Okay? So if you want to pass them down.

These are the jury instructions that apply in this case. Hopefully, I say the words correctly. Give you a chance. Okay, here we go. These are the instructions to the jury.

Jury Instruction Number 1. It is now my duty as judge to instruct you in the law that applies to this case. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence.

You must not be concerned with the

wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in the instructions of the Court.

Jury Instruction Number 2. If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you.

For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

Jury Instruction Number 3. An information is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in a Third Amended Information that the defendant, on or

between January 1st, 2006 and January 5th, 2011, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada.

Count 1. Sexual Assault with a Minor Under Fourteen years of age.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, unlawfully, and feloniously sexually assault and subject Ambree Palmer, a child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by said defendant inserting his penis into the genital opening of the said Ambree Palmer, against her will, or under conditions in which defendant knew, or should have known, that the said Ambree Palmer was mentally or physically incapable of resisting or understanding the nature of defendant's conduct.

Count 2. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Ambree Palmer, said

child being under the age of fourteen years, by said defendant using his penis to touch and/or rub and/or fondle the genital area of the said Ambree Palmer, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 3. Sexual Assault with a Minor Under Fourteen years of Age.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, unlawfully, and feloniously sexually assault and subject Ambree Palmer, a child under fourteen years of age, to sexual penetration, to-wit: cunnilingus, by said defendant placing his mouth and/or tongue on and/or into the genital opening of the said Ambree Palmer, against her will, or under conditions in which defendant knew, or should have known, that the said Ambree Palmer was mentally or physically incapable of resisting or understanding the nature of defendant's conduct.

Count 4. Sexual Assault with a Minor Under Fourteen years of Age.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, unlawfully, and feloniously sexually assault and subject Ambree

Palmer, a child under fourteen years of age, to sexual penetration, to-wit: cunnilingus, by said defendant placing his mouth and/or tongue on and/or into the genital opening of the said Ambree Palmer, against her will, or under conditions in which defendant knew, or should have known, that the said Ambree Palmer was mentally or physically incapable of resisting or understanding the nature of defendant's conduct.

Count 5. Sexual Assault With a Minor Under Fourteen Years of Age.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, unlawfully, and feloniously sexually assault and subject Ambree Palmer, a child under fourteen years of age, to sexual penetration, to-wit: digital penetration, by said defendant inserting his finger or fingers into the genital opening of the said Ambree Palmer, against her will, or under conditions in which defendant knew, or should have known, that the said Ambree Palmer was mentally or physically incapable of resisting or understanding the nature of defendant's conduct.

Count 6. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Ambree Palmer, said child being under the age of fourteen years, by said defendant using his hand or hands and/or finger/fingers to touch and/or rub and/or fondle the genital area of the said Ambree Palmer, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 7. Sexual Assault with a Minor Under Fourteen Years of Age.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, unlawfully, and feloniously sexually assault and subject Ambree Palmer, a child under fourteen years of age, to sexual penetration, to-wit: digital penetration, by said defendant inserting his finger or fingers into the genital opening of the said Ambree Palmer, against her will, or under conditions in which defendant knew, or should have known, that the said Ambree Palmer was mentally or physically incapable of resisting or understanding the nature of

defendant's conduct.

Count 8. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Ambree Palmer, said child being under the age of fourteen years, by said defendant using his hand or hands and/or finger or fingers to touch and/or rub and/or fondle the genital area of the said Ambree Palmer, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 9. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Ambree Palmer, said child being under the age of fourteen years, by said defendant using his mouth and/or tongue to touch and/or lick and/or kiss the breast or breasts

of the said Ambree Palmer, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 10. Attempt Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Ambree Palmer, said child being under the age of fourteen years, by said defendant attempting to cause and/or direct the said Ambree Palmer to use her hand or hands and/or finger or fingers to touch and/or rub and/or fondle the penis of said defendant, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 11. Sexual Assault with a Minor Under Fourteen years of Age.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, unlawfully, and feloniously sexually assault and subject Zailey Flores, a child under fourteen years of age, to

sexual penetration, to-wit: cunnilingus, by said defendant placing his mouth and/or tongue on and/or into the genital opening of the said Zailey Flores, against her will, or under conditions in which defendant knew, or should have known, that the said Zailey Flores was mentally or physically incapable of resisting or understanding the nature of defendant's conduct.

Count 12. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Zailey Flores, said child being under the age of fourteen years, by said defendant using his penis to touch and/or rub and/or fondle the genital area of the said Zailey Flores, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 13. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, lewdly, unlawfully,

and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Zailey Flores, said child being under the age of fourteen years, by said defendant using his hand or hands and/or finger or fingers to touch and/or rub and/or fondle the genital area of the said Zailey Flores, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 14. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Zailey Flores, said child being under the age of fourteen years, by said defendant using his hand or hands and/or finger or fingers to touch and/or rub and/or fondle the genital area of the said Zailey Flores, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 15. Attempt Lewdness With a Child

Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 29th, 2010, willfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Zailey Flores, said child being under the age of fourteen years, by said defendant attempting to cause and/or direct and/or encourage the said Zailey Flores to use her hand or hands and/or finger or fingers to touch and/or rub and/or fondle the penis of said defendant, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 16. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 5th, 2011, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Mahairi Slattery, said child being under the age of fourteen years, by said defendant using his hand or hands and/or finger or fingers to touch and/or rub and/or fondle the breast/breasts and/or body of the said Mahairi

Slattery, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 17. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 5th, 2011, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Mahairi Slattery, said child being under the age of fourteen years, by said defendant using his hand or hands and/or finger/fingers to touch and/or rub and/or fondle the genital area and/or body of the said Mahairi Slattery, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 18. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 5th, 2011, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Mahairi Slattery, said child being under the age of fourteen years, by

said defendant using his hand or hands and/or finger/fingers to touch and/or rub and/or fondle the buttocks of the said Mahairi Slattery, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 19. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 5th, 2011, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Mahairi Slattery, said child being under the age of fourteen years, by said defendant using his hand or hands and/or finger/fingers to touch and/or rub and/or fondle the breasts/breasts and/or body of the said Mahairi Slattery, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 20. Lewdness With a Child Under the Age of Fourteen.

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

upon or with the body, or any part or member thereof, a child, to-wit: Mahairi Slattery, said child being under the age of fourteen years, by said defendant using his hand/hands and/or finger/fingers to touch and/or rub and/or fondle the genital area and/or body of the said Mahairi Slattery, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 21. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 5th, 2011, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Mahairi Slattery, said child being under the age of fourteen years, by said defendant using his hand/hands and/or finger/fingers to touch and/or rub and/or fondle the buttocks/buttocks of the said Mahairi Slattery, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 22. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 5th, 2011, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Molly Sproles, said child being under the age of fourteen years, by said defendant using his hand or hands and/or finger/fingers to touch and/or rub and/or fondle the genital area of the said Molly Sproles, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

Count 23. Lewdness With a Child Under the Age of Fourteen.

Did, on or between January 1st, 2006 and January 5th, 2011, willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: Molly Sproles, said child being under the age of fourteen years, by said defendant using his hand/hands and/or finger/fingers to touch and/or rub and/or fondle the genital area of the said Molly Sproles, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said

defendant, or said child.

It is the duty of the jury to apply the rules of laws contained in these instructions to the facts of the case and determine whether or not the defendant is guilty of one or more of the offenses charged. Each charge and the evidence pertaining to it should be considered separately.

The fact that you may find a defendant guilty or not guilty as to one of the offenses charged should not control your verdict as to any other offense charged.

Jury Instruction Number 4. To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act. The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the defendant in order to convict. However, you may consider evidence of

motive or lack of motive as a circumstance in the case.

Jury Instruction Number 5. The defendant is presumed innocent unless the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life.

If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt.

Doubt to be reasonable must be actual, not mere possibility or speculation. If you have a reasonable doubt as to the guilt of the defendant, he is entitled to a verdict of not guilty.

Jury Instruction Number 6. The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness.

Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the defendant is guilty or not guilty.

The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the Court and any

evidence ordered stricken by the Court. Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

Jury Instruction Number 7. A person who subjects a minor under fourteen to sexual penetration, against the minor's will or under conditions in which the perpetrator knows or should know that the minor is mentally or physically incapable of resisting or understanding the nature of his conduct, is guilty of Sexual Assault with a Minor Under Fourteen years of Age.

"Sexual penetration" includes penetration however slight. Sexual penetration includes sexual intercourse, in its ordinary meaning, by placing the penis in the genital opening.

The genital opening includes the vagina, the labia majora, labia minora and the clitoris. Evidence of ejaculation is not necessary.

Cunnilingus is a touching, however slight, of the female sexual organ by the mouth or tongue of another person. Digital penetration is the placing of one or more fingers of the perpetrator into the genital or anal opening of another person.

Jury Instruction Number 8. If the State fails to prove beyond a reasonable doubt that any sexual penetration of a minor under fourteen was against the minor's will or under conditions in which the perpetrator knows or should know that the minor is mentally or physically incapable of resisting or understanding the nature of his/her conduct, then you must find the defendant not guilty of the offense of Sexual Assault with a Minor under Fourteen.

Jury Instruction Number 9. Physical force is not necessary in the commission of sexual assault. The crucial question is not whether a person was physically forced to engage in a sexual assault but whether the act was committed under conditions in which the defendant knew or should have known, the person was incapable of understanding the nature of the act.

Jury Instruction Number 10. A person is not required to do more than her age, strength, surrounding facts and attending circumstances make it reasonable for her to do to manifest opposition to a sexual assault or lewdness.

Jury Instruction Number 11. There is no requirement that the testimony of a victim of

sexual assault or lewdness be corroborated, and her testimony standing alone, if believed beyond a reasonable doubt, is sufficient to sustain a verdict of guilty.

Jury Instruction Number 12. Where multiple sexual acts occur as part of a single criminal encounter, a defendant may be found guilty for each separate or different act of sexual assault and/or lewdness.

Where a defendant commits a specific type of act constituting sexual assault and/or lewdness, he may be found guilty of more than one count of that specific type of act of sexual assault and/or lewdness if: one, there is an interruption between the acts which are of the same specific type; two, where the acts of the same specific type are interrupted by a different specific type of sexual assault/lewdness; or, three, for each separate object manipulated or inserted into the genital opening, which includes the vagina, the labia majora, labia minor and the clitoris, or anal opening of another.

Only one sexual assault and/or lewdness occurs when a defendant's actions were of one specific type of sexual assault and/or lewdness and

those acts were continuous and did not stop between the acts of that specific type.

Jury Instruction Number 13. Any person who willfully commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with any part of the body of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of Lewdness with a Child Under the Age of Fourteen.

Jury Instructions Number 14. If the State fails to prove beyond a reasonable doubt that any lewd or lascivious act, upon or with any part of the body of a child under the age of fourteen, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, then you must find the defendant not guilty of the offense of Lewdness With a Minor Under Fourteen.

Jury Instruction Number 15. An act done with intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime. The elements of an attempt to commit a crime are: one, the intent to commit the crime;

two, the performance of some act towards its commission; and three, the failure to consummate its commission.

Jury Instruction Number 16. The law does not require that the lust, passions or sexual desires of either of such persons actually be aroused, appealed to, or gratified.

Jury Instruction Number 17. To constitute a lewd or lascivious act, it is not necessary that the bare skin be touched. The touching may be through the clothing of the child.

Jury Instruction Number 18. Lewdness with a child under the age of fourteen years requires an act upon or with the body of a child under the age of fourteen years, but does not require physical contact between the perpetrator and the victim.

Jury Instruction Number 19. Where a child has been the victim of sexual assault with a minor under the age of fourteen and/or lewdness with a child under the age of fourteen, and does not remember the exact date of the act, the State is not required prove a specific date, but may prove a time frame within which the act took place.

Jury Instruction Number 20. Consent in

fact of a minor child under fourteen years of age to sexual activity is not a defense to a charge of lewdness with a child under the age of fourteen.

Jury Instruction Number 21. The defendant has introduced evidence for the purpose of showing that he was not present at the time and place of the commission of the alleged offense for which he is here on trial.

If, after a consideration of all the evidence, you have a reasonable doubt that the defendant was present at the time the crime was committed, he is entitled to a verdict of not guilty.

Jury Instruction Number 22. The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by

other evidence.

Jury Instruction Number 23. A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness.

An expert witness may give his opinion as to any matter in which he is skilled. You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion.

Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

Jury Instruction Number 24. Good character, when considered in connection with other evidence in the case, may generate a reasonable doubt sufficient to justify you in finding the defendant not guilty.

Jury Instruction Number 25. Evidence that the defendant committed offenses other than that for which he is on trial, if believed, was not received and may not be considered by you to prove that he is a person of bad character or to prove that he has a disposition to commit crimes.

Such evidence was received and may be considered by you only for the limited purpose of whether or not the allegations of sexual abuse were fabricated. You must weigh this evidence in the same manner as you do all other evidence.

Jury Instruction Number 26. In your deliberations, you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the Court. Your duty is confined to the determination of the guilt or innocence of the defendant.

Jury Instruction Number 27. Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify.

You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your

decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

Jury Instruction Number 28. When you retire to consider your verdict, you must select one of your member to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for you for your convenience. Your verdict must be unanimous.

As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

Jury Instruction Number 29. If, during your deliberation, you should desire to be further informed on any point of law or hear again portions of the testimony, you must reduce your request to writing signed by the foreperson.

The officer will then return you to court where the information sought will be given you in the presence of, and after notice to, the district attorney and the defendant and his

counsel.

Read backs of testimony are time consuming and are not encouraged unless you deem it a necessity.

Should you require a playback, you must carefully describe the testimony to be played back so that the court recorder can arrange her notes. Remember, the Court is not at liberty to supplement the evidence.

Jury Instruction Number 30. Now, you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the defendant and the State of Nevada.

Okay. I told you it wasn't fast. What we're going to do is it's 12:25. We are going to take a lunch break and then once again, as the instructions, the last one told you, we're going to

come back and hear closing argument.

Remember what I told you, State and defendant and then the State. All right. Then you will retire to deliberate in this case.

Counsel, can I ask, let me just ask a time limit how long.

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

THE COURT: I just asked them to make sure an hour was enough. You can imagine they have to prepare and be ready for closing argument. You can see that's important. They said an hour is enough. Okay.

So it is right now 12:26. If you come back at 1:30, they will be prepared to go for closing argument and this will probably be your last -- I shouldn't say that. Never mind. So your recess admonishment. So when you go back, then you don't need it.

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

including, without limitation, newspapers, television, radio or Internet; or form or express any opinion on any subject connected with the trial until the case is finally submitted to you.

We'll be back in an hour and start closing arguments. We'll see you back here at 1:30. You can leave everything. No one will be in here.

(The jury exited the courtroom.)

MR. MANN: Thank you.

THE COURT: You're welcome.

(Whereupon, a lunch recess was taken.)

THE COURT: I just want to go back on the record.

When I talked about how we did jury deliberations, the Judge was wrong. That's what we used to do. My marshal is correct. They had a training-type session with Judge Barker.

Obviously, I'm not in charge of deliberations. The Judge was incorrect. And I stand corrected. He is right. The last four or five trials, we have changed. So if you'll explain it to them better, disregard the remarks by the Judge.

THE MARSHAL: Timing wise it depends on

when we finish and we start deliberations how late we may go. It will be upon the Judge when she decides whatever. Say it's 7:00 o'clock, you want them to go 8:00 o'clock, whatever. She advises me, I talk to the foreperson, and if we get pushed back and they say oh, we just need a half an hour, I advise the Judge, and we go from there.

THE COURT: And we make a decision but we don't ask them anything. We just say I make a determination when I think it's late enough, and based on -- I've gotten in trouble if it's too late here.

And, I mean, if there's pushback, I guess that's the word, you know, we almost have a verdict in 30 minutes. Then I have a couple times let them go. But I don't -- if not, then I just tell them. They come back. It would probably be 9:00 o'clock is what we usually do.

THE MARSHAL: You know, it's really dependent on the -- kind of when we end it. Yeah, it's varied.

THE COURT: It's varied, because sometimes they will tell us, well, can we come back Monday at 10:00.

THE MARSHAL: I would like it to be 5:00

o'clock.

THE COURT: Okay. But anyway that is how we do it. It's different. All right. I just wanted to be clear since I misspoke.

I was thinking about the verdicts when I started in the old days, or when I first did it, when I did those trials in 2012 and 2013.

MS. KOLLINS: I have an alarm on my phone.

THE COURT: You have an alarm on your phone? Okay.

Yes, anything else on the record.

MR. MANN: Well, it was just between closing from the State and my closing --

THE COURT: Would you like a break?

MR. MANN: Just a short one. Just to make sure everything works correctly.

THE COURT: I have no problem. I always do that. In fairness to you. That's no problem.

MR. MANN: That was it. And then, I'm sorry. One last thing. The exclusionary rule obviously was in effect.

Now that it's closing, is that lifted and anyone can come into the courtroom? Any --

THE COURT: Yes. I don't see any reason

why not now. It's just argument. Yes, that's not a problem. It's just when there's testimony. All right. Now, you know how we do it -- okay.

(The jury entered the courtroom.)

THE MARSHAL: Please be seated.

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

MS. KOLLINS: Yes, Your Honor.

MR. MANN: Yes, Your Honor.

THE COURT: Now, we're at the part I told you on closing. Remember -- I'll once again remind you, what counsel says at closing is not evidence, just like opening statement. But they are going to explain the evidence as they heard it and apply the jury instructions so the State gets to go first.

Ms. Kollins, she looks like she's up.

MS. KOLLINS: I am. Thank you, Your Honor.

THE COURT: You're welcome.

MS. KOLLINS: In all seriousness, ladies and gentlemen, good afternoon. On behalf of the Clark County District Attorney's Office, my trial partner, Chief Deputy District Attorney Dina Rinetti, we thank you for your service.

We know this has been a huge obligation, very inconvenient for some of you for schedules and family obligations, things like that, but we thank you for allowing us to give Ambree and Zailey and Molly and Mahairi a voice in court.

A lot of lessons that have been learned in this case. When you review the evidence, the lessons that we hope that you have taken from this is that a kid can get touched very quickly. People are not always what they seem to be. Bad things can happen in plain sight. And it's easier to inject yourself into a kid's life as a mentor, as a parent figure, as a giver, to get access to that child. Because not every person that touches a kid is the scary guy in the raincoat in court.

In every criminal case, all across the country, doesn't matter if it's a robbery, a burglary, possession of stolen vehicle, two questions you have to ask. Who's responsible and what is the criminal conduct?

The who here is very simple. Defendant, Cameron Thomas. No one else has ever been identified as the molester, as the sex abuser of these four children. He was identified by Ambree, Zailey, Molly and Mahairi in this courtroom, in

their forensic interviews, at the preliminary hearing. Nobody else but Cameron Thomas. So that question is answered for you based on the evidence.

You heard the Judge read you instructions. I want to start with time frame. Even though the primary questions are who and what, time frame has a lot to do with your responsibility when you go back there.

When a kid in a sex case comes forward, the State is only required to prove a time frame that that conduct occurred on. Not an actual day, not an actual minute, not an actual month, but a time frame.

So when you take that information that you know from listening to the evidence in this case and you take it back there, you know that the defendant had access to these children at various times from 2006 to 2010.

He was either around them, they were at his house, they were at the day care. But we're not required to prove a specific date. And this is one of the things the law recognizes, because they -- the law understood that when you have protracted ongoing abuse, the law is not going to place an expectation on a kid to give you an exact

date.

There's timelines in this case, and your notes probably reflect those. But in an effort to give them to you in kind of one linear stream so that you don't have to go back and dig around, there's just some dates that the State submits that you should pay attention to in this case because they become important for what people's attitudes were, what their actions were, what their mannerisms were, when disclosures were made, who was still angry, who wasn't angry, was there a reconciliation between the parties.

In May of 2010, Cameron goes to Arizona with his whole family. Whole family. The whole loan, the $1,200 loan debacle has come to a conclusion and everyone has kissed and made up. Okay. There are no bad feelings in May of 2010.

August 2010. Kay and April visit Vegas. Again, no bad feelings. This is prior to the disclosure of Zailey. This is all months prior to Zailey's disclosure. So everyone is in a good place. There is no revenge at this time. There is no animosity, if you will.

On December 9th of 2010, notice four months and seven months after everybody's been

getting together, that's when Zailey discloses.

Officer Sink, and with his sergeant, goes to the Madison Elementary School down in Phoenix. Separated by time, space and geography, this kid's all the way in Phoenix.

There's no testimony. There's no evidence in this case that there were any fights, any disagreements, any unresolved issues on December 9th of 2010.

On December 10th, 2010, Kathleen Van Gordon, remember she was the detective here from Phoenix, she interviews those kids, does a forensic interview. Again, months after there are any issues between April Reed and Kay and the defendant and his family.

December 15th, 2010, Metro officers assigned here learn of the abuse from the investigators in Arizona.

12/16/2010, both sisters are interviewed. April's interviewed. 12/17 of 2010, the girls get an exam.

1/17 of '11, yes, after a media release, Cheryl Barbian calls Detective Johnson as does Ramona Slatterly.

The evidence showed you that this is

what prudent parents do. When prudent parents see that they've left their kids in an environment where someone is accused of touching, what would you have them do? Would you have them ignore it or would you have them talk to their children and make sure they were safe?

Well, that's what they did, and they had some concerns and they called the police.

At this time, Molly Sproles and Mahairi have been nowhere near Zailey and Ambree and the other children for months, if not years.

January 14th of 2011, Faiza Ebrahim, the forensic interview specialist, interviews Mahairi. They both have the same exam very shortly thereafter on 2/7 of '11.

In November of 2011, the preliminary hearing is held. And in August of 2014, the civil suit is settled.

So all financial gain at the inception of this trial is off the table. Nobody's getting anything else. This kids got $32,000. Is $32,000 enough to get your kid touched? Is $32,000 that parent can't control, can't touch?

The next primary question for you to address is what is the conduct that the accused is

responsible for? There are two major types of sexual conduct that we charged in the information, sexual assault on a minor under the age of 14 and lewdness with a minor. There are also an attempted lewdness with a minor, but all falls in the same category and you're going to get enough of these slides. So I am trying to cut it down for you.

I've already seeing a typo. I knew it.

A person who subjects a minor under the age -- this should say 14 -- to sexual penetration against the minor's will, or under conditions in which the perpetrator knows or should know that the minor is mentally or physically incapable of resisting or understanding the nature of the conduct is guilty of a sexual assault.

I am going to break that down for you a little bit, but that is the instruction that talks about sexual assault.

Sexual assault includes penetration, however slight. Penis to the genital opening, Dr. Cetl was up here and she gave you the graphic of the female anatomy. It included the labia majora, the minora, the clitoris, the vagina. Anything that goes past that point, however slight, is penetration.

Sexual penetration includes placing the mouth on the genital opening of the vagina. And on, there's no in requirement, just on.

Okay. Digital penetration, similar to intercourse, penetration however slight. Placing the finger in the female anatomy, labia majora, minora, breaking that plane is penetration.

When you have sex with a kid, no force is required because the law recognizes that an adult is in the position of control. The adult is calling the shots. The kid's not calling the shots, the adult is.

You don't have to force them, you don't have to hogtie them, you don't have to put their hand over their mouth. You don't have to force them.

It's whether it was committed under conditions where an offender knew. Should an offender know that you don't put your penis in the vagina an eight- or nine-year-old? They should know that. They know that that child is incapable of understanding the nature of the consequences of that conduct.

Most eight- or nine-year-olds are not familiar with the notions of a mouth on the vagina

or a penis inside of them or a finger inside of them.

A lewdness with a minor is committing any act other than a sexual act, other than something that amounts to penetration, with any part of the body of the child with the intent of arousing, appealing or gratifying the lust or passions of the person of the child or of the offender, is guilty of lewdness with a minor. Actual arousal is not required.

So that means the perpetrator does not have to be aroused or ejaculate or become erect or have an orgasm. And we certainly -- the law certainly would not impose that proof requirement when you're talking about a child. So this is kind of common sense stuff.

With a lewdness, as long as the body is used, the bare skin need not be touched. It can be over the clothes. Um, again, it can be with the body and not even any physical contact is required.

This is an instruction I want to talk to you about for a moment. Person is not required to do more than their age, strength, surrounding facts, attending circumstances, make it reasonable for her to do.

This kind of mimics the child standard that I spent a lot of that time talking to each and every one of you about during voir dire. Child standard. A child is not going to make the same decisions that you would make. A child is not going to take the same directed, pointed, maybe immediate action that maybe an adult would take.

So when you think about how these kids reacted to being touched and having mouths placed on their vagina and penises inside them, the law requires you to consider their age, their strength, the surrounding facts, the surrounding circumstances, the attendant circumstances.

And in this case, with Zailey and Ambree, they have two moms, defendant's best friends with one of them. They love him, they want to love him. He has endeared himself to them. They don't want to get to be bad. You heard them both talk about they didn't want to tell because they didn't want mom to be hurt, they were just scared. They were kids. They were scared of what Cameron would do. They were scared of what their moms would do.

So when we talked about those things, about kids' standard, I want you to think about

their credibility with that overlay.

What is it that I missed, shoot?

The credibility of anyone, or believability, should be determined by their manner on the stand, their relationships to the parties, their fears, their motives, their interest, their feelings, their opportunity to have observed a matter to which they testified, the reasonableness of their statements and the weaknesses of their recollections.

If you think that somebody's lied, you can disregard their whole testimony because that's what the law tells you. But what I am going to ask you to do is to walk through the components of that instruction with me, and I ask you as jurors when you review the evidence in this case, to look at those standards from the perspective of kids when they were eight or nine and they disclosed, and how they came in here and were able to testify to you.

Their manner on the stand. Were any of them emotional? Did they cry? Were they shy? Were they hesitant? You heard adults even in here come in here and say they were nervous.

Their relationship to the parties. They liked Cameron. He was part of their family. They

were afraid of what was going to happen. They didn't want to hurt their moms.

Their fears, coming to court, answering questions, were they afraid to disclose. In their mind, in those kids' mind, was it ever a good idea to tell?

Were their motives at eight and nine years old money and revenge? Were they greedy and vengeful eight- and nine-year-olds?

I submit to you there is not one piece of evidence in this case to impute the motives and suggestive motives, not evidentiary motives, but suggestive motives of the mothers to those kids.

The innuendo that moms were trying to get out of a $1,200 bill, or, um, foresaw a 2014 lawsuit. You can file a lawsuit and never get recovery. It's a long, long, long time. So when you think about the credibility of those kids, were they after money, were they after revenge?

Consider their interest or the feelings for their age. For their age. When you think about what kind of decisions kids make at eight, nine years old versus what adults would make. Opportunity to observe their manner and how they relayed that observation for their age.

These are all components of the instruction on credibility and the law -- when you say I'll follow the law, you promise to follow this instruction as well.

The reasonableness of their statements for their age, and the strength or weakness of their recollections for their age.

Kids lie to get out of trouble, you even heard that. I would lie, you heard it from Zailey. I would lie to get out of trouble. I stole something, and I would lie to get out of trouble. What did you think was going to happen if you told on Cameron? I thought I was going to get into trouble. So kids lie to get out of trouble, not to get into trouble. Excuse me.

Is this case about revenge or money or manipulation? Again, put can't impute moms' motives that were suggested by innuendo to those kids.

Is there any evidence of false memory in these children? That was the defense expert, who did not review the kids's statement, who did not review their interviews, nor did he review anything. He just threw out there that that can happen. He told you evidence of a false memory

might be a fantastical detail.

Remember he said the kids said the semen was purple. Do you remember that? Is there any evidence in this case that these kids suffer from false memory? I submit to you there is not.

Is there any evidence of suggestibility? I submit to you that not one of those children, not one forensic interviewer, not one police officer testified that they told those children what to say. Not one person. That is the evidence that you have before you.

Just because a question is asked on cross-examination regarding didn't you want X to happen to Cameron, to the moms, that does not, that is not evidence of suggestibility to those kids and what they had to say. So don't be confused by what you're asked to speculate about. It's outside this courtroom, and what is the evidence that you heard over the course of the last three weeks.

This case is contrary. These kids didn't want to talk. They delayed their disclosure. They disclosed after the money was paid. Didn't want to talk because defendant was the best friend of mom. There's no evidence in this case that those children were manipulated to

come forward, to go speak at a preliminary hearing in 2011, to speak to forensic interviewers in 2011, nor to come in this courtroom and testify before you.

The law tells you your verdict cannot be based on speculation. That means those questions that went unanswered for you during the course of this trial, you're not to speculate what the answers might be because that is not evidence before you on which to base your decision.

Core details on this case remain. Were these kids linear and observant? Did they know how to recite what happened to them like they might memorize something for school? That's your decision. That's your decision. Did they give you the core details?

Did they tell you that a mouth on a vagina felt icky or nasty or wet? Is a kid supposed to know on those sexual experiences at eight or nine years old? We're not talking about the girls that were in front of you testifying. We're talking about these girls. These little girls. That's when they first talked about this stuff. Little, tiny, prepubescent, undeveloped girls. Not the teenagers that you met in 2016.

What do these kids have in common? Mr. Mann would suggest to you what they have in common is revenge and a money motivation and media manipulation. That is not what they have in common.

Defendant has shown you his preference. Defendant has a preference for prepubescent, undeveloped female children. That is who he touches. That's what all those girls have in common. They're all just within a year or two of each other. They're undeveloped. He showed you his MO. That is his victimology. That is his preference. And because he chooses the environment he chooses to do it in, that's also part of his preference.

So when it has been suggested to you that the only commonalities of these young ladies is the fact that they want money, or revenge, I submit to you, based on what you have in front of each and every one of you, is that he's shown you his preference for young, undeveloped girls, and how he's going to touch them.

And if you think about it, the ones to which he had more access to, Zailey and Ambree, conduct went up. We talked about that in voir

dire. If you have more access to a child, feel more comfortable, start out slow, conduct gets more serious. I submit to you that's what you have in this case.

The law also, Judge Earley read you this instruction, recognizes that these crimes occur surreptitiously. Child sex offenders are sneaky. They are sneaky. A kid can get touched like that. Why didn't they scream? Why didn't they yell? That might be a decision that you might have made, but they didn't make that decision.

Does that mean you should disbelieve what they have to say? No, the law recognizes that these crimes do occur in secret and occur surreptitiously and quickly. So the law tells you that you can, if you believe the testimony of the child, beyond a reasonable doubt, without corroboration, that is sufficient.

And that's -- the law recognizes this because the law realizes that we don't always have the fortunate circumstance of a third party witness. We just don't have it. Otherwise, these cases and these disclosures would go unvindicated.

The law tells you to use your common sense and reasonable inferences that you draw

therefrom. But what it also tells you is that you can't speculate. You can't speculate about those unanswered questions, and you can't speculate about what you didn't hear in this courtroom because that's not evidence.

The counts that apply to Ambree are Counts 1 through 10. You have copies of the instructions in front of you. The information outlines Counts 1 through 5, one being sex assault, two being lewdness with a minor, three and four being sex assault, and Count 5 being sex assault.

Counts 6, 7, 8, 9 and 10, also apply to Ambree between January 1st of 2006 and January 29th, 2010. Count 6 being lewdness with a minor. Count 7, sex assault. Counts 8 and 9 lewdness and Count 10 attempted lewdness with a minor.

I know this is long and I know you have been here for three weeks. I am going to walk you through these counts and the evidence that you heard that supports each and every one of these counts.

We know Ambree's birthday was March 11th of 1999. She was six years old in January of 2006. You know she moved to Arizona in January 29th of 2010. So here in Las Vegas, the defendant no

longer had access to her. We know that the Grasswood home they lived in from 2009 -- or May of 2009 to October. We know when they were in the defendant's home. We know when she was enrolled in Kids 'R' Kids. So this is how we make our time frame for Ambree.

We also have the dates that Cameron and Jennifer lived in the North Las Vegas house and the Blue Diamond house. So that is how we build our time frame for what happened to Ambree.

Let's talk about Ambree's disclosure. Remember what she told you in her disclosure, I submit to you, and how this information comes out is part of the component of what you should view to assess her credibility.

The first time -- what she told you the first time she spoke about it, she spoke to her sister. She hadn't told anybody. Her sister, Zailey, came to her and said somebody's been touching me and Brie guessed Cameron. Is that the disclosure that's contrived based on greed and revenge? I submit to you the evidence does not point to that.

She said she was scared, she didn't want to tell. Um, she didn't want to tell until the

time was right. But as a kid, does she know when the time is right? She doesn't know what's going to happen. He's still friends with mom.

She testified to you that when she was young, she was very afraid. She was afraid of Cameron and afraid of mom.

She didn't tell until Zailey told at school and someone came and asked her. So while she told her sister and they're both unclear on when that conversation took place, sometime before the police knew, but she didn't tell any grown-ups until Zailey told the school.

So I submit to you when you view the circumstances of that disclosure, when you assess her credibility, because that's a pretty tough game plan that's all orchestrated, that's all contrived, and calculated how we're going to get the information out about Cameron.

She said she felt weird telling a stranger. She said to you, I submit to you very pointedly, "It's the second time I had to say it out loud. The second time I had to say it out loud." She was nervous and she tried not to show it. She said she felt bad and nauseous. This kid was having a physical reaction to talking about her

abuse. I submit to you assess that when you review her credibility.

Afraid of what mom would say. Afraid she'd get grounded or a whopping, or worse of all to her, that no one would believe her because it was Cameron.

Why was she afraid? Because they were adults and I was just a kid. They were adults and I was just a kid and Cameron was my mom's best friend.

First count for Ambree is Count 1. It's sexual assault on a minor under the age of 14. We know all these kids were under 14 at this, you have everyone's date of birth.

These are the details that she told you about Count 1. That she would usually stay over the weekends. This is kind of a general and then she got more specific. I have more than one slide, but you knew that already, right?

That she would watch Saturday cartoons in his bedroom. Defendant said today on the stand they'd watch cartoons in his bedroom with the kids.

That he would touch her at both houses. She remembers her sisters and other kids on the bed, and she remembers Tom and Jerry. Cameron

would call her to the top of the bed, and he would be under the covers. He pulled down her underwear and he would put his penis in her vagina. Come lay next it me. She didn't see his penis on the times that this happened. But what she told, she gave you a physical detail, is that it hurt. Said that back then, said it on the stand for you. She knew it hurt.

I submit to you that when a penis goes in a vagina and it hurts, that means there's penetration. At least it's sufficient to break the plane, the labia minora, the majora, the clitoris, the vaginal opening. Because if there's nothing in there, it wouldn't hurt.

She didn't say anything. She said they was afraid. If you remember in here, she said she was afraid she would be in trouble and that made her cry in here. Because six years, five years after she told, I submit to you it's still not easier for her.

He was the godfather of all of us. She told you how it would stop as the kids would turn around or somebody would want something to eat.

And that's what she remembers. She remembers the core detail, the penis in her vagina

and it hurting. And she remembers some of those peripheral details.

Now, she remembers a specific time, the pizza time. She was with Cameron and Kay was getting pizza, and she was in the fourth grade. They left the day care and they drove to her house in the F-150. They got out a movie for Dontae, Scooby-Doo, not animated, the real people one. She was on her way downstairs to play Rock Band and Cameron called her up to the room. Are these details the product of revenge and manipulation and greed? I submit to you not.

Defendant Cameron laid on her bed, put the covers over her and put his penis in her vagina. This also goes to Count 1. It was in her room. She told you what her room looked like. She had a big window and a TV. There were three beds on the ground because she shared with Zoë and Karter at the time. She remembers she had pink High School Musical sheets. Then she kind of got off into a tangent about going to see some posters.

She told you it was Cameron's idea to get in bed. Are those calculated, contrived details that a kid can carry on for you? She remembered she was facing him, he pulled her pants

and her underwear down. She remembers the button and zipper coming undone by Cameron. He didn't take his pants off, he just unzipped them. She heard the zipper.

I submit to you those sensory details heard, felt, touched, saw, those are the kind of details they're certainly not fantastical. They are certainly not out of the realm of what would happen. It stopped because Dontae came in that time.

And she even talks to you about the actions that Cameron took to cover up his conduct, which I submit to you is a salient detail for a child to relay, to recall what actions her offender took to cover up his conduct. Pretend he was tickling her, he tried to make me laugh, he used the blanket to cover his penis.

She talked about the fish tank time. We heard a lot of testimony yesterday about how Cameron would never clean the fish tank or wife would clean it and somebody else changed filters, whatever.

In Ambree's mind, somebody was doing something with the fish tank that day. She's a kid. How literal do you take a kid? I was

cleaning it. I was standing there while someone else was cleaning it. I mean, at eight years old, that can all mean the same thing. You decide what it means. But just because Mrs. Thomas and Mr. Thomas talked about there's no way this kid was ever over there for cleaning the fish tank, when this fish tank was in both homes for years and years, I submit to you that doesn't mean it didn't happen.

After she told you she doesn't remember how old she was, but she remembers after his shift he drove home. That we were watching Final Destination. She's really good about stuff that she is watching on TV. If you remember she remembers movies for all this stuff. Um, and when the part got about the tan beds that got too mature for her, I haven't seen Final Destination, so I don't know what she's talking about, but she remembered that, that she got turned off in the middle. And nothing happened that night. She went to bed.

And the next morning, Cameron was home. Jennifer was gone. We knew Jennifer would work on Saturday mornings by her own admission. So he had opportunity. This man had access to these kids.

And remember we only have to prove a time frame, not a specific date.

She wasn't sure if other kids were there, but she knew Jennifer was gone. He called me to his room and he's under the covers. The TV wasn't on that time. Told her to come lay down, get the remote and turn on the TV. Tom and Jerry came on. She remembers that.

She remembers that she had on a tank top and shorts. That she was on her side and it hurt and he put his penis in her vagina. And then he stopped.

She always testified that when he would put his penis in her vagina, he always would manipulate her body the same way. It would always side to side, or front to front or back to front.

She even described for you how he would take her little leg and hike it over his hip so that he could get his penis in her vagina.

I submit to you that child gave you salient details. No, she couldn't give you an exact date, but she could tell you the how, and she could tell you how it started, and she can talk about the environment and she can talk about how it ended.

Again, she got up and cleaned the fish tank. Whether he -- at eight years old, defendant pulling a filter out of a fish tank could be cleaning a fish tank. I submit to you how literal is a kid about cleaning a fish tank and all that might encompass.

So Count 2 for Ambree is alternative to Count 1. And how that works is if you believe that there was not penetration for purposes of sexual assault in all those acts that we just talked about but you believe the defendant rubbed his penis on her genital area without penetrating, then lewdness with a minor would be your appropriate verdict.

But I submit to you, this child talked about each and every time it hurt. To make it hurt, something needs to be in it. You can't make it hurt without touching it. And I know Dr. Cetl was in here and she talked to you about no findings exams and that no findings are normal. It's normal to be normal. It's normal to not see any physical symptomology, like transected hymens or bleeding or bruising years later.

She explained to you the healing properties of the vaginal genital area. It's just like the inside of your mouth, when you bite your

lip, it heals very quickly. She wouldn't expect to see anything all these years later. In any event, Count 2 is alternative to Count 1.

The next charge for Ambree is cunnilingus. She was in fifth grade or the summer before. It was in her second house and it was in her room. Cunnilingus is the placing of the mouth on the vagina, and it's just on, it's not in. So if you can feel it done there it's on. It doesn't have to be manipulated in any way.

She remembers that Kay asked Cameron to pick her up and went home, and she went to her room and he followed her.

Michael Jackson either died or was in the hospital day that, June 25th of 2009. If you notice in the attendance records, she was not at Kids 'R' Kids that day. She's absent that day. So whether she went in her with her mom and got a ride home, somehow she got home.

Defendant made a huge deal about not being able to leave that facility. If you're in management, I submit to you being hogtied to your place of employment is probably not reality. Could have been the day after that she remembers Michael Jackson being in the hospital or dying that day.

She didn't feel well. She wanted to go home. And Cameron picked her up, she remembers him being on the lunch break. She remembers -- again, this kid watched a lot TV. She remembers she couldn't watch cartoons because all that was on her cartoon channels was stuff about Michael Jackson. So whether he died that day or whether he was hospitalized, but as a kid, she remembers that because she was sick and she wanted to lay down. She couldn't remember -- or she couldn't watch what she wanted to watch. And she remembered it was hot outside in June. It would be warm. Cameron was alone. That's when she only shared a room with Zailey at that time.

He sat on the floor, and he pulled that child's pants down to her ankles, and she was wearing shorts, and he pulled her underwear down too. She was able to tell you. Her legs were towards the TV. Her feet couldn't touch the floor. She remembered that, that her little feet couldn't touch the floor. And Cameron was in between her legs and he put his mouth on her vagina. And what she did tell you about how it felt. It felt weird and I didn't like it. It felt weird.

Cameron left and she was at home by

herself until her parents got home. Her moms got home, and that's what she remembers.

That's a lot of information I submit to you to contrive and repeat in detail both in 2011 and in 2016.

Um, again, and this is where I would like to take just a moment to talk about the tongue ring that we heard about today. I suppose that the notion of Mr. Thomas having a tongue ring means that these children could not have had his mouth on their vagina because they would have talked about a tongue ring and what the tongue ring felt like. Well, I submit to you that for an eight or nine-year-old who has never had a mouth on their vagina, why would they even know that that was different? Why would they even know? What basis of knowledge do they have to know what that feels like?

None of them complained when his mouth was on them that it hurt, because that's not the kind of sexual touching that generally causes an injury. It's not like a penetration. In the strictest sense of the word, whether it's a finger or a penis, it's a mouth.

Defendant also admitted that he had

taken the kids home to his home and to April's and he admitted to that to Metro, and he admitted that on the stand. So you know the previous I never did that, you know, he said that to Metro. So he did have occasions to take those kids home.

Count 4. It's also Ambree. It's another time that she talks about cunnilingus. She doesn't remember exactly what time it was, but she remembers her parents going out. She remembers everybody's dressed up. I submit to you she's pretty visual with her ability to relay those details. She's pretty visual about what she remembers, you know, movies or colors of sheets or clothes or things like that.

They were in -- her cousin was over. They were in the den in the Summerlin house. She was -- that's not supposed to be played in. Obviously, my spell check didn't work. She was playing War with her cousin Jordan, and that was after he put his mouth on her vagina. She was telling kind of the aftermath about it first.

She heard Jennifer say your mouth smells like pee. And she told you that she felt guilty because she thought Jennifer was upset with her. Do you remember that? She told you she felt

guilty.

Again, she remembers that happened in the Summerlin house, in the den or the office.

Count 5, I submit to you a lot of this does not go in the order of her testimony. So you -- this is actually conduct she talked about first, but this is the count in the information that is supported by that testimony.

So I do this -- we do this in an effort so that you can match facts to the Count in the information so you don't have to figure that all out when you go back to deliberate.

First time, she was six or seven. Took place in the guest room at her first house in the North Las Vegas house. She was -- her sister, Zailey, was in the guest room. They were laying in bed. She was wearing a large shirt and her underwear, like a sleep shirt, I think she said.

Brie was under the covers, and Cameron got in bed, and he put his hand in her pants and he put his fingers in her vagina. And this is a time where from left to right, it was Zailey, Ambree and then Cameron. So she was six or seven years old. That means Zailey was four or five years old.

So I submit to you when you think about

some of the questioning that's transpired, well, none of the kids ever saw anything? Well, she was four. She was four. What burden would you put upon her to recognize that her sister's being digitally penetrated. None. It's not going to happen. She's four.

He does it under her clothes, and she told you that it hurt. And again, I submit to you it's not going to hurt if there's no penetration.

She told you that she didn't say anything to Cameron that night and that she was scared. This was the first time -- she knew she should tell but she didn't know how to tell. She's afraid she would get in trouble. She wanted to talk to her moms and tell them. And what she told you in here, "I was a little, I was little and I was afraid of everything. I was little."

Cameron said something to her the next day. He's driving her to day care in his F-150. Again, Zailey is four or five. Cameron told her don't say anything and I won't do it again. Well, at that time, she didn't know him well, but she didn't believe him. That's what she told you in here. She didn't know him very well and she didn't believe him.

But I submit to you her relaying to you and remembering what defendant said to her about not telling is a salient detail that you should use in conjunction with all these other details, to discern her credibility, when we're talking about her feelings and her motives. It's not unusual that offenders tell their victims don't tell.

Count 6 is alternative to Count 5. Where we have either the penis touching the vagina or fingers touching the vagina. If you don't believe there was penetration, then your appropriate verdict is lewdness with a minor. I submit to you that child, well, gee, that it hurt. It hurt.

Count 7, is also a count of digital penetration. It's the Blockbuster time. They were going to get candy. Do you remember that? They were going to get candy. They were going to watch movies at home and drive in his black F-150. He unbuckled her belt and put his hand in her underwear and fingers in my vagina. Cameron was driving and she was wearing a T-shirt and skirt or pants.

I submit to you here's another salient detail for you to use when you assess her

credibility. It was inside and it hurt because his nails were long, and it lasted all the way until we got to Blockbuster.

He tried to do it again and told her she would get candy. Told her she would get candy, and she pushed him away. Remember because she knew she was going to get candy anyway when she got back.

Count 8 is an alternative count to Count 7. Similarly to what we spoke about before. If you believe that there was no penetration, it's lewdness with a minor. Um, she talked about defendant placing his mouth on her breasts. Um, this is in conjunction with Count 2, I believe. Sorry, I've lost my place.

I will come back to which she testified to a course of conduct and this goes with that course of conduct, and I'm having -- I'm forgetting right now.

But she was sitting against a wall and she just left another room with Cameron. And there was a patio door in that room and she said she was on the second floor and the balcony had tables. And defendant lifting up her training bra and put his tongue on her nipple. Dontae was in back of her. When Dontae turned around, Cameron stopped.

Certainly you would not impose upon Dontae the duty to discover this conduct. He's just a kid too.

On another occasion, this is an attempted lewdness with a minor. An attempt is an action towards committing something, but failure to commit it. So attempted lewdness is an attempt to touch or an attempt to have that child touch him. Cameron grabbed her hand, pulled it towards his penis. Dontae had left. And this is in conjunction with the last count, the last lewdness count. He grabbed her wrist, and she pulled it away, and he tried more than one time. And she got up and went to her mom's room and nobody was home yet.

Those are Counts 1 through 10 as they apply to Ambree.

Zailey is covered in Counts eleven through 15. Same time frame as her sister. Same actions by the defendant. Count eleven is sexual assault by cunnilingus. Counts 12 to 14 lewdness with a minor, and Count 15 attempted lewdness with a minor.

Um, Zailey's date of birth is May 17th of '01. She was four years old in 2006. Again,

same with the parents testifying when they moved to Arizona, when they met defendant, when they enrolled at Kids 'R' Kids, what addresses they lived at in combination with the time frames that Cameron lived in North Las Vegas and the Blue Diamond area. So we know all that happened between 2006 and 2011 -- or 2010, excuse me, here in Las Vegas.

Think about Zailey's disclosure. What did she tell you? What do you know to be evidence in this courtroom over the course of the last three weeks?

And I know this is long, but if I didn't walk through this, I wouldn't be doing my job. So bear with me for just a little while longer. She didn't tell anyone because she thought she'd be in trouble. And Cameron told her, Cameron told her, if you tell about this, you're going to be in trouble. He imposed upon that kid the feeling that this was going to be her fault. Her fault.

So when you assess her credibility and her strength and how much you think she should resist or protest or tell someone, she's eight years old -- seven years old, and he's telling her don't tell anyone, or you will be in trouble. He

said it a lot. She testified to that, he said it a lot and she believed him.

The only person she had talked to prior to talking at school was her sister. She told Ambree somebody in the family was touching her, and this is the conversation where Ambree asked is it Cameron.

Now, when she talked to someone at school, she had to stay at school for the rest of the day, right? Brie got picked up, Zailey stayed at school. So those girls had no opportunity to talk to each other that day because they were talking to separate entities, separate times. They were not on the same school campus, and she took the bus home and Brie was picked up that day. When she gets home, CPS and the cops and her sister and moms are home, and her moms want to talk to her.

Now, at this point, the only person she's talked to is her teacher, and then the officer when he comes, and her sister. But if you remember what they both testified to, both those sisters, and they did discuss details of their abuse at the hands of Cameron Thomas when they had that conversation.

She hadn't talked to their moms before.

Brie had been there first. She spoke with her moms privately afterwards. Brie remembers being in the room for a minute, but everybody remembers a private conversation.

I submit to you there's no evidence in this case that prior to those two girls going to school on that day, that April or Kay told them what to say. And if they did tell them how -- what to say, how did they know that Zailey would tell a teacher that day.

I submit to you there was no way to orchestrate this, and you have no evidence of its orchestration.

She told you she didn't provide details to anyone until after she had to talk just a little bit to Mom and Kay. Not all of it.

Sexual assault with a minor under the age of 14 for cunnilingus. This is the first incident that Zailey spoke about.

You heard a whole lot about how the defendant doesn't do anything around the house. Doesn't do any laundry, wash any dishes, vacuum, whatever. Jennifer does everything so it's absolutely impossible that he can be doing laundry. I submit to you there was laundry being done. If

she remembers that. It could have been her laundry. It could have a been a ruse. Just because he doesn't ever do laundry, does not mean that her recitation of what happened to her is disingenuous. Testifying that you don't do laundry over a course of an eight-year period of time does not negate this. There could have been clothes to be folded, they could have been her clothes. That could have been his ruse to isolate that child. This is what she told you. This is what you have evidence of.

He came into the room. She was sitting on the bed. He pulled her bottoms down. It was in his bedroom. She told you that she was wearing a white sweatshirt with a pink heart and black and white stripes. She told you that in here.

She said that in her forensic interview in 2011. It was at his new house. And upstairs in his room, he put his mouth on her vagina. She was sitting down on the bed. Her pants went a little bit past her knees. Again, just like with his sister. He was kneeling on the floor -- with her sister. Excuse me.

He didn't say anything. She remembers just leaving. She knows Karter was born. She

thinks the kids were there, but she doesn't remember any other adult being there at this time. She remembers she left the room first.

She can tell you what that room looked like. There's a couch, a bathroom, a closet, a bed and a TV. What'd she tell you? That it felt slimy and wet and gross.

And I know she didn't talk about the tongue ring. She told you it felt slimy and wet and gross. She may have used the word disgusting at some point.

She remembers other kids playing hide and seek that time. And she remembered dogs being around. She remembers a dog name Max. We know the defendant said that they have three dogs. We now know there's a Max dog. Whether we believe any specific dog was there, she was still, I submit to you, able to give you salient details about what that felt like and what it did to her body.

What did she tell her interviewer back in 2011? That she was doing laundry with Cameron. That's how she remembers it. That she was sitting the bed. That he took off her skirt and underwear and put his mouth on her privates. Exactly what she told you here in 2016.

In 2011 she said that she was wearing the pink shirt with the heart on it. So she remembers what she was wearing.

She did not use the word penis and vagina back then. She used the word privates for both.

Now, of course, you know, she's a young woman now, and she used the words penis and vagina. That doesn't mean that's what she called it when she was seven, eight years old.

Count 12 is lewdness with a minor. That is for defendant, Cameron Thomas, rubbing his penis on the bare vaginal area and genital area of that child. It happened in the old house. It was a visiting time. That's what she told you, that it was a visiting time. She's not sure how old she was, but she knows it's after she met the defendant at day care through the moms.

She remembers playing with toys and watching TV. He came in and he pulled down his pants enough to expose his penis. And he put his penis on her vagina, but it didn't go in. She said it didn't go in, but he rubbed it on her. Rubbed it on the outside of the vagina and white stuff came out, and it got on her leg and her bed. I

think she described it as white, sticky and nasty.

So that is not a fantastical detail. That is not conduct -- ejaculation and the product of ejaculation, is not the conduct that would be within the purview of knowledge of an eight- or nine-year-old kid. What it feels like, what it looks like. It's white.

I submit to you that when you assess her ability to proceed and relay those details back to you, such as ejaculate was white and sticky and it went on me, that you should use that in assessing the child's credibility.

She knows defendant went to the bathroom after the ejaculate came out. Well, I submit to you your common sense and experience is that consistent with what an adult would do? Isn't that consist with what an adult would do who had ejaculate on themselves and wanted to clean it off? I submit to you of course it is.

So use that when you assess this child's credibility. She said the door was open. Um, she wasn't sure how far his clothes were down. She just remembers his penis.

Um, she remembers he pulled down her shorts. She does remember that. She remembers his

penis was sticking up. A child with no sexual exposure, should they be able to describe an erection? A child without sexual experience, should they be able to describe an erection? Do they even know that that's what happens to a penis when a man is aroused? Do they know that it gets hard at eight years old unless they've seen it or felt it?

She said the white stuff again got on her clothes a little bit. Got on Dontae's bed. Defendant said he was sorry. That's a -- I submit to you a very pointed detail to make up. Um, he didn't make any noises. She put her clothes back on.

Defendant said to her, there's another pointed detail between the apologies that Defendant told these children, "I won't do it again." But in this circumstance, he tells Zailey that she could not do these things again, and we can't do those things again. She was going to get in trouble.

Her molester, who just got ejaculate on her, is blaming this child for his conduct. Ask yourselves is that something that's subject to being contrived and calculated and talking about that ejaculate and telling that child that's her

fault, is that the product of a desire for money or revenge. I submit to you it is not.

When Zailey finally got to talk to mom -- moms, she was still, she was eight at that time. She described that as, I submit to you, in age-appropriate terms, that he peed on her leg. Because again, should a kid of that age know what an erect penis does when there's ejaculation or a man has an orgasm? No, to her it was pee. Is that descriptive? Is that her ability -- her age-appropriate way to relay what happened to her? What she actually saw with her eyes. She told her moms it was warm and white and sticky.

Those are all sensory details. I submit to you they are not the product of manipulation to these children. They are not.

Count 13, this is for fondling Zailey's genital area. It happened in the genital area. It happened in the Jacuzzi, at the Residence apartment, before this two-story house. Do you remember they said they lived in an apartment?

It was him and Zoë and Bree. Karter was born but not swimming is what she said. She said she thought it was daytime, she wasn't sure her moms were in pool or upstairs. The pool is

separate from the Jacuzzi. She can't remember Jennifer being there and does not think his kids were there. She remembers what her bathing suit was though. She remembers what she was wearing. She was wearing a blue bathing suit with a blue flower on the chest, and it was two pieces.

He was sitting next to her and he was wearing trunks and a white shirt, and he put his hand under her bathing suit and he rubbed her vagina. And there was skin to skin contact, meaning the skin of hands touched skin of her vagina, but she did not tell you that there was penetration. So when you touch the genital area in a moving motion, rubbing it, there doesn't necessarily have to be penetration. She didn't tell you that there was, but that is a lewdness with a minor.

Obviously, that is for nothing but sexual gratification and for no other purpose. It certainly was for no medical purpose. She didn't say anything, and she doesn't remember what made him stop.

Count 14, we -- over the years, things happen. Kids remember things, kids don't remember things. And Count 14 was originally generated for

the defendant fondling this child's genital area. She did not recall that in court. She didn't testify to it. We are, on behalf of the State of Nevada, I am not going to ask you to stretch evidence and plug holes where there are holes, and she just did not remember this conduct and she did not talk about it.

So you're appropriate verdict on Count 14 is not guilty.

Count 15 is an attempted lewdness with a minor. That's again for conduct that starts but is not completed. She was at her two-story house. She thinks she lived there in first or second grade. He picked her up at day care and took us to the house. Picked them up. They were watching TV downstairs. She remembers her sisters being upstairs watching the Bratz movie. Defendant was there and he wanted her to touch his penis. She remembers her moms weren't home.

This all started because she went to the couch in the living room and she was watching the Madagascar movie, one of the Madagascar movies. I looked back in my notes, I couldn't figure out which Madagascar movie it was, but trust yourself and your own recollection, I'm just trying to

remind you of the evidence that we've heard over the course of the last three weeks.

She saw his penis while he was sitting next to her. He told her to touch it. He just said with his words, and she said no. Obviously, by his conduct, by exposing his genitals to her and commanding her touch it, that is an attempt to commit that lewd act, an attempt to use her hands on his body.

A lewdness with a child can be either person's body touches either person's body. It doesn't have to be an offender's hands on the victim's body. It can be victim's body touching offender's genitalia. So it goes both ways.

That may sound really basic, but I want to make sure I cover my bases. And in the same house, that happened a second time. That was upstairs in a wall. Let me start over. Those words did not come out in the right order.

It was in the same house in the day time. Defendant drove the child home. It was behind a wall that's not a room. If you remember, those pictures of both of defendant's homes, both of those homes had multiple pony walls. Whether it was in the master bedroom, the hallway, the

defendant's office, you will have those to take back and look at later to remind you of them now. The pony wall, the small wall that that child testified to is consistent with the defendant's home and what you saw here in evidence.

He called her upstairs by name. She remembered she had a blanket around her shoulders. Her sisters were home, but she said her moms weren't present, which would make sense if he drove them home. Probably.

She thinks he drove them home from Kids 'R' Kids, and again, defendant asked her to touch his penis. His penis was already out. It was kind of hard. This time more than just the command, which is still an attempt, but this time, more than just the command, he grabs her wrist and pulls her wrist towards his penis. She didn't actually get there to touch it. Um, but defendant egged her on, come on.

I submit to you all these details, all these details in her testimony, come from her ability to perceive, and the evidence showed you that she lived these moments based on how she described them. He had her hand and he wouldn't let her go. She didn't tell anyone that day.

Again, she didn't tell because she thought she would be in trouble. He told her she would in trouble, and he said it a lot and she believed him.

You heard from Mahairi. Mahairi is the young woman who was 14 when she came in here to talk to you. That is how you spell her name, you just don't say it that way.

That child is covered in Counts 16 through 21. Those are for all the touching that Mahairi described. The chest and the crease of her leg and her butt or her bum. And Mahairi remembered that happening on two occasions that she had talked to you about, but the conduct was the same, both times.

When. We know what her date of birth is. When a child is touched in several ways in one encounter, the law holds the offender responsible for each one of those types of conduct. So in other words, if you touch a breast, then you move to the genital area, and then you move to the butt, those are three different ways that you touch a kid. Three different ways that the law will hold you responsible, even though they occur in one setting. There's an instruction that tells you

that.

We know that Mahairi was born on January 25th of 2002. Three or four years old in 2006. Her mom's surgeries were in May and March of 2010. We know that she stayed over at the defendant's Blue Diamond residence, and we know that the Mount Charleston retreat covered May 20 -- or, excuse me, November 20th to November 22nd of 2009.

So again, the time frames for Mahairi has been encapsulated by you, kind of penned in for you by what the adults have to tell you, where we know defendant lived at certain times. So she's well within those time frames.

One of the things Mahairi said near the end of her testimony in here, she didn't disclose until mom asked her. She said, "I called him "uncle" and I didn't know it was bad." She didn't know at that young age that getting touched like that was bad. The way she was touched didn't physically hurt her. It wasn't violent. There was no yelling. There was no straining. She didn't know it was bad.

I think it was my word not hers, look at your notes, but I said did you think it was affectionate? And she's like, "Well, I called him

uncle." She didn't know getting touched in those places was bad.

Defendant was seen on the news, Fox news. And the news said that other things had happened to other kids, and they issued a media release to have responsible parents talk to their kids, and that's what Cheryl did.

I submit to you that either of these parents that saw this on the news would have been neglectful, not dutiful parents, had they not spoke to their children to see if the place that they had been attending, where they had been cared for, had been touched.

But Mahairi doesn't remember that recording. She remembers something about not supposed -- she wasn't supposed watch it. She knew mom already knew about it. She said mom didn't show her the news. She knew that Cameron was arrested. And back then, she knew the word inappropriately. And she said mom said it to her. Should parents have talked to their kids about that stuff? Absolutely.

Did Cheryl know when she asked Mahairi if something happened inappropriate that this would be the end result? She sees something on the news.

She uses her due diligence and she talked to her kid. Did she know that this would be the end result? I submit to you she did not.

But Mahairi can tell you at least about the specific time. We know that Ms. Slattery was using the defendant to babysit her kids on occasion and she had been at the day care. She thinks Mount Charleston she was seven. Those are her words, but you have her date of birth and you know when the Mount Charleston trip was, November 20th to 22nd of 2009. So you can figure out old she was.

It was an overnight babysit. She doesn't think it was in the school year. I submit to you that that could be Thanksgiving. She knows that she slept in his daughter's room. She, the best she could remember right now is it was three nights in a row. Mom told you it was only two. She remembers playing with her friends hide and seek.

She got shaken up when she was in here. She was emotional. I had to have her breathe for a minute.

She knew that inappropriate meant that was places people weren't supposed to touch, you know, and she described to you that he touched her

on the chest, through the arm -- on the armpit part, on the top of her breast. Not all the way down to her nipple, but it was skin to skin. It was in his living room and there was a fire.

We know from the pictures from defendant's current home, that there are reclining sofas in there. So she was able to describe where he was sitting, sitting on the recliner. That he had clothes on. She was too young to wear a bra. Again, she is that preferred prepubescent, undeveloped female.

His hand moved around. There's no reason to put your hand on the breast of a seven- or eight-year-old child unless it's for sexual arousal. It was above her nipple. She remembers she had a T-shirt and shorts on. She remembered it went through her neck line. And she remembers nobody else was in there on that Mount Charleston time.

But if you remember, he did three things in a row. So Count 17 is for him fondling her genital area. If you remember, Mahairi said he started at her back. She talked about the small of her back. She even drew it for Ms. Ebrahim. She drew a squiggly line on the small of her back on

State's proposed 6.

And then she said and then he moved his hand around and touched the crease of her genital area by her leg. We'd try to get her to describe it without standing up and having to show us and embarrass her. She showed us on her animal. I think everybody got the gist of what she was talking about. It was skin to skin. It was under her underwear. It was the right by the part where you go to the restroom.

Um, there's no requirement that the touching to be a lewdness touch the whole genital area. Okay. It's touching the body. All right. And the general vicinity for a lewdness, there's no penetration requirement.

Um, she doesn't remember which night it was. She doesn't remember if it's the first night or the second night, but she knows she didn't stay over there very often, and she knows mom and dad were at a marriage retreat or some kind of retreat with church.

His hand went other places she said. Um, she said, these were her words if you remember, her bum area where the pocket is, inside her clothes. She remembers she had underwear on. Her

bum is what she sits on and the skin of Cameron Thomas's hand was touching the skin of her bottom, and he moved his hand around and it went further than her waistband. She doesn't remember how long it lasted. She does remember one of the kids came downstairs, and she does remember that Jennifer was at work during this Mount Charleston time.

She remembers another time. It might have been a play date, she's not sure if this was before or after Mount Charleston, but she remembers it was daytime out. Um, and it could have been a play date time where she called up to go over to play. She remembers her mom dropping her off that day and her mom being at work. She remembers Hayden, her little brother, going with her.

Um, and defendant's conduct is exactly the same for Count 19 as it was for the previous conduct of defendant touching her breast. They're in the living room, they are on the couch. He had one of the kids call her down. She can't remember which kid, but she had been upstairs playing and she got called down there and the other kids went back up, and the defendant told her to sit on his lap. And he was sitting on the couch and he was again reclined in that recliner with the footrest

kicked out. The same recliner you saw in the photos from the defendant's home. Her clothes stayed on, but he touched her breast area through the neckline or are the arm hole as best as she can remember it. She remembers the skin of his hand touching the skin of her breast.

Again, there's no legitimate purpose to sit a child on your lap and touch her bare breast other than the sexual purpose or for some type of sexual gratification. He moved his hand around. He did not say anything to her. She listens to him. She was a little kid, so when she was directed to sit in his lap, she did it.

Um, she remembers sitting in the middle of his legs, and she remembers her butt being on his leg that felt like. And then she told us that he touched her in the same places as the Mount Charleston time.

So we have one count for the breast area, Count 20, similar to the Mount Charleston time. He touched her underwear area. She doesn't remember what she was wearing that time, but she remembers that his skin touched her skin, as she told us, again, the underwear, the front of the underwear where you go to the bathroom, kind of

explaining the crease of her leg, and she doesn't remember anyone else coming in the room.

But when she spoke to Faiza, Ms. Ebrahim, the forensic interviewer, just so they were clear on what they were talking about, Ms. Ebrahim used a diagram with her and Mahairi was able to put a mark on the crease of her leg next to her genital area that she had been talking about. Remember that was done by Mahairi back in 2011.

Count 21. Similar to the Mount Charleston, for lack of a better word, encounter. His hand moved around to what she called her bum, what she sits on. His hand moved around. It was his skin touching her skin. It was through the waistband. It went down near her pocket area. She even said it was the same as Mount Charleston. He moved it around. She doesn't remember telling him to stop.

When she's interviewed in 2011, she told the same details to Ms. Ebrahim, that it was in his house in his living room. That mom and dad were at a Mount Charleston church retreat. That her and her brother were left there to play with kids. There were kids elsewhere in the house. Back in 2011, she remembers wearing sweatpants jeans. I

don't know what those are, but that's what she called them. When she was in 2011, back when she was eight, she didn't know what a recliner was called so she said the defendant was sitting on the pop up things on the end.

I submit to you that's a salient detail, something that she saw. She remembers sitting on his lap. And back in 2011, she remembered race cars being on TV. I think State's 8 shows evidence that Mr. Thomas likes to watch race cars. I think his wife even testified that he likes all types of racing and all types of cars. So I submit to you that that corroborates what happened to that child that day.

Let's talk about Molly. Count 22 and Count 23, the lewdness. Molly was the last child that you heard from. Her birthday is in August of 2002. August 7th. She's the youngest child. Three years old in January of 2006.

Cheryl Barbian testified they moved back to Las Vegas in 2006. So she was still three. She was immediately enrolled in Kids 'R' Kids, um and she went to Bright Child as well. And she was a frequent participant in parents' night out.

You know, I would like to talk to you

just about the propriety of having small children, especially ones that get up into the six, seven-year-old range, sitting in your lap in a day care facility. I submit to you that while Mr. Thomas testified that that is somewhere in some training manual somewhere, I submit to you that is poor judgment. That is poor judgment. I -- I find it, well, I'll move on.

Molly, she didn't tell her mom right away. She said she was scared of Mr. Cameron. She didn't tell us why she was scared. She just told us she was scared. She didn't have the relationship or the exposure to Mr. Cameron that the rest of these kids did. Remember she only knew him through day care.

She didn't go to the house. She wasn't with the family. She didn't know his kids. She didn't know Jennifer. She didn't know all those people. She just knew him as Mr. Cameron at school. And she was sitting on his lap. So she wasn't a goddaughter. He wasn't godfather to her. She was just a kid at day care.

Um, she didn't remember doing a bunch of fun things with him, and she didn't remember wanting to hang out with him.

She found out the defendant was in trouble, whether it was from having dinner at the neighbor's house or her mom talking to her. Her mom, thinks -- Cheryl thinks that Cheryl found out from the neighbor, and then she talked to Molly. But Molly never came to Cheryl, and again, parental due diligence. I submit to your parental due diligence. Your child is in a day care. There's been a press release that someone there might be touching kids, a kid or kids.

Do you talk to your child? Absolutely. Absolutely. A parent would be negligent and remiss if they did not talk to their child and inquire whether anything had happened there. So she talked to her kid. There in her room. She remembers being on the floor and mom came in her room. Um, mom asked her, did she get touched anywhere. She said yes. She doesn't remember what she told her mom, if she told her exactly where. But she remembers that she felt happy that she finally told, because remember, up here, she was scared.

When kids are scared, they isolate. When kids are scared, they don't talk. When kids are scared, they don't release. Kids might not use adult intuition and go get help if they're scared.

Kids don't always make adult decisions. Sometimes they just isolate. Okay. But she's relieved to tell her mom. She told her mom she didn't want to go back to day care.

Um, both of Molly's touchings happened in the same way. This is Count 22 and 23. Was always over the clothes. She was always sitting on defendant's lap. He would wave her hand, his hand, over her clothes on her genital area. And she said she was scared of him. He never went under her clothes, but think about where we are? We're in the middle of a day care, with cameras. Cameras where we don't have videotape. It wasn't pulled every day. But cameras that may have exposed Mr. Thomas for what he was doing. And how long does it take to put a kid up on your lap and touch her vagina. Not long. And that's what he did to her twice. At least once at Kids 'R' Kids and once at Bright Child.

It wasn't -- and it wasn't an accidental touching, because what Molly told you, what Molly told you is his hand moved around. It didn't just stay still. It wasn't there in an effort to pick her up and place her on his lap. That it went there and it moved around.

THE COURT: Are you okay? My court reporter needs a break soon. Are we almost there?

MS. KOLLINS: I'm almost done. I am.

THE COURT: I knew we were on Count 23. We'll make it. Then we'll get a break.

MS. KOLLINS:

Again, Molly didn't try to make the conduct worse. Molly didn't talk about penetration. Molly didn't talk about skin to skin. Molly talked about what happened, what she remembered and that was the sensation of his hand on her genital area over the clothes. And if you recall, the instructions tell you that skin to skin conduct is not required. That is sufficient for lewdness with a minor.

I submit to you, ladies and gentlemen of the jury, through the evidence in this case, through the details of these young women, well, children and now young women, have been able to communicate to you, the salient details, the expressive details, the emotions, if you hold them to the appropriate standard between when they were kids and when they came in here as young woman and spoke to you, you have sufficient evidence within your grasp to return verdicts of guilty for the

defendant.

Thank you for your service and I appreciate your attention this afternoon.

THE COURT: Thank you. We're going to take a brief recess, and then we're going to start with the closing argument of the defendant.

During this recess, you are admonished: Not to talk to converse among yourselves or with anyone else on any subject connected with this trial; or read, watch or listen to any report of or commentary on the trial or any person connected with this trial by any medium of information including, without limitation, newspapers, television, the Internet and radio; or form or express any opinion on any subject connected with the trial until the case is finally submitted to you.

We'll take a brief recess and we'll come back and do the defense closing argument.

THE MARSHAL: All rise for the jury.

(The jury exited the courtroom.)

(Whereupon, a brief recess was taken.)

(The jury entered the courtroom.)

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

MS. RINETTI: Yes, Your Honor.

MR. MANN: Yes, Your Honor.

THE COURT: Okay. Mr. Mann, defendant's closing argument.

MR. MANN: Thank you, Your Honor.

THE COURT: You're welcome.

MR. MANN: Ladies and gentlemen of the jury, thank you. Thank you for your time. Thank you for your patience. Thank you for paying attention. On behalf of Cameron Thomas and his entire family, we very much appreciate the importance that you have made this case. The time that you have taken in order to make sure that Mr. Thomas receives a fair trial.

Now, the State has to build you what I like to call a boat. They have to build you a boat with plans, with layouts, and they have to be able to give you something.

The defense's job is to inspect that boat, is to make sure that boat is seaworthy, to make sure that we point out areas where you can see that that boat may cause you to sink. The defendant's job is not to build that boat. That's the State's job. The defense's job is to merely inspect that boat and to point it out to you.

Now, your job is to see if the State's boat can get you from what I like to call innocent island, which you're there, all the way over to guilty island. They must get you there, in their boat. The State's boat isn't seaworthy. Are there holes in their case? Are there holes in their boat that cause their boat to sink? Would you feel safe getting in this boat and traveling the high seas to guilty island?

Now, you got a whole packet of instructions, and I'm sure it's a little overwhelming. It's a little overwhelming for me. But one of the first instructions that I want to point out to you is choosing a foreperson because that is a very important decision.

Choosing a foreperson is someone who allows a healthy debate. Someone who is going to make sure all voices, loud, quiet, are heard, so that everybody can participate in this process in your deliberations.

Now, you were -- received instructions on reasonable doubt. As we talked about, the defendant is presumed innocent unless the contrary is proved.

Okay. That the State has the burden of

proving beyond a reasonable doubt every element of the crime charged, and that the defendant is the person who committed that offense.

And as the instruction reads, "A reasonable doubt is one based on reason." It is not a mere possible doubt, but it is such a doubt as would govern or control a person in the more weighty affairs of life.

And in the minds of the jurors, after the entire comparison and consideration of all the evidence, that you're in such a position that they can say that they feel an abiding conviction of the truth of the charge, there's not a reasonable doubt.

Doubt to be reasonable must be actual and not a mere possibility or speculation. If you have a reasonable doubt as to the guilt of the defendant, he's entitled to a not guilty verdict.

Corroboration. There's this instruction in there that says there's no requirement that the testimony of a victim of sexual assault or lewdness be corroborated, and her testimony standing alone, if believed beyond a reasonable doubt, is sufficient to sustain a verdict of guilty.

So you have to be able to believe the

person testifying beyond a reasonable doubt on their own. If you don't, you need to see if there's any corroboration.

The credibility or believability of a witness should be determined by his manner upon the stand. His relationship to the parties. His fears, motives, interest or feeling. His opportunity to have observed the matter to which he testified, and the reasonableness of his statements and the strength or weaknesses of his recollections.

Now, the State has argued to you that there's a kids' standard. That we need to treat kids differently than we treat other witnesses. That's not exactly correct.

Okay. You are supposed to look at their credibility, and what they say. And you're supposed to look at how they say it and what they remember, and you're supposed to weigh that.

Now, obviously, there is an age component there that you're supposed to take into consideration, but that doesn't mean just because it's a kid, you accept everything that they say as automatically as true.

Just because they are a kid, doesn't

mean that you start ignoring salient details that contradict other things.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his or her testimony which is not proved by other evidence.

So if you believe that there are some significant facts that one witness testified about that just aren't true, that don't work out, you can disregard that entire testimony. You don't have to take pieces that you like and pieces that the State likes and just pay attention to those and disregard only the things that you don't like.

What that says is that if a witness has proven their true colors about their memory, about their motivations, about what they're testifying about, then you can disregard the entire thing.

Good character. Good character, when considered in connection with other evidence in this case, may generate a reasonable doubt sufficient to justifying you in finding the defendant not guilty.

And common sense. No one has asked you to disregard your common sense. That's what this

instruction is about. Although you are to consider only evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. So you are allowed to understand what your common sense tells you what would normally happen. That's not speculation. That is using your common sense. Thus you are not limited solely to what you see and hear as the witness testified.

You may draw reasonable inferences from the evidence which you feel are justified in light of the common experience, keeping in mind that such inferences should not be based on speculation or guess.

Do not check your common sense at the door. Bring it in. Bring it into your deliberations and ask yourself, does this make sense? So do the pieces fit? Is their boat seaworthy?

Now, we all have heard this statement: Revenge, a dish best served cold.

Now, as we said, the defense's job is to inspect the boat. Not to build that boat. We don't know exactly what motivations are from people

involved.

But we do know what can be perceived. We do know how things have fettered out. The quickest way to destroy a person's life is to accuse them of child molestation. Just the mere fact of saying someone is a molester, they're done. They're automatically forced to deal with that pariah that is associated with them.

So what we have here is April. What type of person was April on that stand? The mother of two of the children who are accusing Cameron Thomas of sexually molesting them. Could you believe anything that was coming out of that woman's mouth? You saw her attitude. You can judge and weigh her attitude as part of your deliberations.

She was all happy and go-lucky when it was the State's turn. As soon as I started asking her questions, she became broiled and arms crossed and upset.

But it goes beyond how she looked on the stand. We learned from both Ambree and Zailey that they were scared of their own mother. Their own flesh and blood. They were scared. Both of them said it separately, they were scared of their

mother. Here are these girls who are scared of their mother, who we saw on the stand how she acted. What do you think is going to happen if the mother has some motivation to do something? What do you think is going to happen with these kids when mom wants them to do something? We saw what she said. A child's place is a child place.

And we know from Kay, her significant other, her fiancée, now her wife, that April would use those girls as pawns to control Kay. What kind of person is that to use four children that love a woman, that has called them "mom," called her "mommy," as pawns to keep her from doing something? That is the essence of manipulation. That is the core of manipulation.

Pawns to control Kay. What do we know? April and Kay dated for four years. Kay is best friends with Cameron. And Kay testified -- Kay testified that she and April broke up in November and December of 2010. In November and December of 2010, they break up. All of a sudden in December of 2010, these girls are alleging abuse.

So what, they broke up. Why is that a big deal? Because April can no longer have control over Kay. Kay finally separated herself from

April. Kay was going out on her own and trying to move on.

But with the allegations, what happens? Immediately upon the allegation, what happens? April and Kay get back together. Back in the same room, back dealing with their kids. And for April, this is just icing on the cake, because for April to have her kids accuse Cameron was nothing more than getting back at Cameron, as revenge, a dish best served cold.

So let's talk about the allegations. Ambree. Her stories sound fantastical, ridiculous. The description of sex seems impossible.

Everyone is around most of the time. None of her stories sound real. Nothing happened. The first time she described, Cameron puts her to bed with Zailey, maybe Zoë too. He is pulling her pants down while these two other girls are in bed with her. He's pulling her pants down. She said it hurt. Zailey doesn't notice anything. Zoë doesn't notice anything. Parents don't notice anything. No testimony from Zailey regarding this.

And it's interesting that the State stands up and says, well, you know, time, time is kind of a funny thing that we shouldn't really pay

that much attention to time. Yet when it helps them, when it's in their favor, all of a sudden we're saying Zailey was only four years old. So Zailey couldn't say anything. Yet they are a moving target as to when anything happens, but somehow or another, they know how old Zailey was. They know that she was only four. So she couldn't say anything.

Ambree didn't make any noise when she said it hurt. With how protective her mothers were, how could this even happen? We heard testimony from April, Kay, the girls, that mom was very protective. That moms would ask them has anyone touched you, what's going on, things like that. And if this really happened as Ambree said, close to Cameron meeting them, within a month or two, how does a protective mother allow a new male to go upstairs and put her kids to bed? That doesn't make sense.

So the Saturday morning cartoons. Ambree said it happened every Saturday or every other Saturday. She said that her clothes were never off. They were around her knees or ankles. She was lying on her side, and I asked specifically, how you were, what side you were on,

things like that. Cameron's pants were still on. We have six kids in the bed or on the bed. He would stop having sex with her when one of the kids would turn around.

Now, I don't know how many eyes he has, but I don't think he has eyes in the back of his head. I don't think he would know when a kid was turning around, that doesn't make sense. You have kids lined up on the edge of the bed. In fact, you have him, according to Ambree, in bed having sex with Ambree, and he would stop when one of the kids would turn around. How is it even possible?

She said it hurt. Doesn't know if there was blood. She said the door was open to that room, and we know that there were adults around. So that's pretty brazen. It's pretty out there for a man to be having sex while six other kids are there, with a girl in his room, with a door open while other adults are there milling around wherever they may be.

If you were to believe Ambree's story, she said it happened every Saturday or every other Saturday. Well, they're 52 weeks in a year. Every other Saturday would equal 26. Over a four-year period, 104 times penis into vagina if we were to

believe Ambree. A 300-pound man putting his penis inside an eight to ten-year-old girl. Does that make sense?

No physical evidence. The same exam demonstrates the hymen is intact. No evidence of sexual abuse. 104 times. No scarring. Does that make sense at all?

Zailey testified that Cameron would not normally watch cartoons with them. Zailey further said that Cameron never watched cartoons with her.

The description of sex. Does it make sense? She says they are laying on sides facing each other, okay. Remember she has clothes around both her legs, and her clothes are still on her legs. How does he get his penis into her vagina? How does that happen?

Now, one of the jurors asked a question to Ambree about that. Said would he move your leg, or how would he get his penis into your vagina? And she then for the first time at that time said, oh, well he moved my leg. And then when I came back and asked her questions about that, I said wait a second, you had clothes on your legs. On both your legs. How did he move your legs? She didn't have an answer for that. Does that make

sense?

This is the time when you bring in your common sense and understand how things happen. And say you know what, wait a second. This doesn't make sense. This couldn't have happened.

And again, how do the kids not notice? The adults are around and no one comes in?

I have kids. I know that I never --

MS. RINETTI: Objection.

THE COURT: That's improper argument. You can't bring yourself --

MR. MANN: Sorry.

THE COURT: The objection is sustained.

MR. MANN: Anyone who has kids knows that they don't get a free minute to themselves. That they are always around. That they are always in your business whether you want them to be or not.

So let's talk about the Blockbuster incident. This is an incredible story. She testified that Blockbuster was two minutes away. With one hand, according to Ambree, with one hand he was able to drive. With the other hand he was able to unbuckle her belt, unbutton her pants, unzip her pants, put her hand -- his hand down her

underwear and put his finger in her vagina.

Two minutes. Two minutes driving. I asked her was it a straight shot? Was it just a straight street from where they lived to Blockbuster at the time? She said no. And she also testified that once they got to Blockbuster, he stopped. If he was so intent on molesting her, why did it matter if they got to Blockbuster or not? Why would he go to Blockbuster? I mean, here he has a child, someone that Ms. Kollins would say is his type, free rein, right? Same girl that he's supposedly having sex with. And oh, I'm sorry. We made it to Blockbuster, time to stop. Time to go get our candy.

Why not drive somewhere else? Why not go somewhere else to do this? Because it didn't happen.

Now, this was also the time apparently she was able to tell him no. Why was she able to tell him no? Because she knew she was going to get a piece of candy. She knew, you know, I didn't have to let him do it because he offered me candy. I knew I was going to get candy anyway, so I'm going to say no. I'm going to decline your offer of molestation.

The day Michael Jackson died. We all know now, if you didn't know before coming in here, you know June 25th, 2009, the day Michael Jackson died. She said she was watching the news coverage and she knew it was the day that Michael Jackson died. Explains in great detail the sexual act of Cameron allegedly putting his mouth on her vagina.

Now, the defendant has introduced evidence, and this is a jury instruction, for the purpose of showing that he was not present at the time and place of the commission of the alleged offense for which he is here on trial.

If after a consideration of all the evidence, you have a reasonable doubt that the defendant was present at the time the crime was committed, he is entitled to a verdict of not guilty.

So if there is any reasonable doubt that he may not have been there, that would be a not guilty.

So what does she say? Originally she says she was home sick. However, in 2016, she changes that and says she testified that Cameron took her home early. That's new.

Originally, she said Cameron came over

during lunch break. Now she testified that he came over during a break.

First time anyone hears about this Michael Jackson incident that is so ingrained in her head, is at a court hearing in 2011. Not to her moms. Not to the police. This detailed story that she's able to tell for the first time we hear in 2011. And in 2016, all of a sudden, her details are changing yet again because there's an alibi issue.

This is what the State wants you to believe. Mom, an employee, takes sick kid to day care. First of all, let's just stop right there. Would it ever make sense for an employee of a day care to take a sick kid to a day care?

Now, according to Ambree, all of a sudden she sits with mom instead of going to class, hopefully trying to explain away the attendance records. She becomes so sick that she needs to go home.

So now we have an employee who has taken a sick child to the day care to expose other children to the sickness, where they even in fact have a boo-boo room as we heard about. A room where sick kids go or hurt kids go. But no she

says she was out there with mom and she becomes so sick that she needs to go home.

So mom has made the choice of bringing her to day care, and mom, instead of saying okay, I need to leave, I have to take care of my own child, she says, oh, let's farm it out to someone else to do and sends sick child to be taken home. We were talking about a, I think, eleven-year-old at this point, to stay home alone.

A kid that was sick, but she had to take to the day care and now too sick that she has to take home but is going to leave alone. Mom doesn't take her. Cameron, according to Ambree, takes her.

Bonnie Hart testified that it was not allowed for an employee's child to sit up with an employee while the employee worked. Makes sense. Employee is there to work. If the employee is consumed with their own child, they are not working.

So, the alibi, you'll get this as one of the evidence, but this is the roster where we see that Ambree Palmer was not checked in on June 25th, 2009, the day Michael Jackson died. And what does that mean? That means that Ambree Palmer was not at school or at day care. But who was?

We know that Cameron Thomas was on a field trip to the Rancho Zoo from ten to one. We know that he was working. We have pictures of him on this field trip June 25th, 2009, Rancho Zoo. Witnesses said that they were with him on June 25th, 2009. So we have more than pictures, we actually have witnesses. Lisa Rampolla took pictures at the field trip.

We have Jolyn Welch who talked about Cameron normally helping her do the inventory at that time. That this was an extremely busy time at the day care. That there was a lot things going on. That it was one of their largest orders, $10,000 order that took up an entire classroom, and he is the assistant director.

And we have Bonnie Hart, his boss, saying it would be incredibly unusual for him to leave. That it wouldn't make sense. That she would know about it. And she knew of nothing.

Ambree's story, if that's what it is, a story, that she was sick in bed, her feet were on the bed. He comes into the room and says, "Hi, how are you feeling." Comes to the side of the bed, pulls down her pants and underwear, gets on the bed then puts his mouth on her vagina. We know this is

false. We know Ambree's story is not true.

Now, Ms. Kollins stated that how can a child come up with such detail and not tell true stories. First of all, what do we know about Ambree? She's an artist. She's creative. Right. She does animation. She does things like that. So it's not past anyone to make up a story. Even children. Children make up stories all the time.

Just because we as adults have trouble with the implications of a story, doesn't mean that kids can't come up with a story like that. Doesn't mean that kids can't get information to make it sound real. Don't ignore the facts that are right in front of your face.

We have a girl saying one thing, but we have three other adult witnesses saying something else. We have pictures saying something else. We have attendance records saying something else.

All we have is a girl's story. What we have is something tangible. Something corroborated. Something that proves it wasn't true.

Her breath smelled like pee -- or his breath smelled like pee. She said she was at the Summerlin house. Cameron and Jennifer came over

dressed nice. And Jennifer was not upset that his breath smelled like pee, but, according to Ambree that he lied about his breath smelling like pee. So Jennifer not only would have a conversation about the breath smelling like pee, but instead would know what that meant and be upset that he was lying about it.

And if someone said, hey, your breath smells like -- I think she said cilantro, and you said, no, it doesn't, would someone get upset with you for saying, no, it doesn't? No. It's just a difference of opinion.

But here, they were having an argument and we have Jennifer getting upset about him lying about his breath smelling like pee.

Now, a lot people are in the house. Moms were there outside maybe smoking. We had cousin Jordan there. We had Zoë and Zailey and Karter there. We had Cameron and Jennifer there. Who heard this? Only Ambree? Only Ambree heard this discussion?

That was so salient that it remained in her mind? This idea of someone's breath smelling like pee after cunnilingus, after putting his mouth on her vagina, which is what she's implying. Does

that make sense? Doesn't that sound like something that would come from a mind of a child that doesn't understand how things are? Jennifer said this argument never happened, and it doesn't even make sense.

The fish tank. Ambree said she stayed the night without her sisters. Jennifer testified that they would never come over just one of them. Cameron also testified to that, and in fact, April testified to something similar about that. That it was all of them or nothing.

Ambree said she came over to clean the fish tank with Cameron. And Jennifer stated that she was the only one that would clean the fish tank with Cameron. That this was a big production. That this was something she was definitely involved in because she's got a little bit of a meticulitis, making sure that everything is very clean. Making sure that there are lots of things just the way that she likes it. Especially when it comes to her household.

Ambree never told the police about this fish tank incident that she remembers. It was not until the preliminary hearing, almost a year after she originally made some sort of disclosure.

Now, the State in their closing wanted you to believe that, you know what, just ignore some, some facts. It's okay. You can ignore the little -- did she really mean literally the fish tank? This is not a game. This is serious. And they're playing move the target. Pay attention to what they say. Now, don't pay attention to what they say. Pay attention to what they say. No, don't pay attention to what they say. Which is it?

Ambree describes Cameron calling her into his room. And Ambree testified that she thought he was just calling her in there to just watch TV. Now let's take a thought here. He's molesting her every Saturday or every other Saturday, and she thinks, hey, Ambree come on in, that he's just calling her to watch TV? That was her thought process. No one put that -- no one said that. That was her saying that. That that's what she was thinking. Does that make sense?

She's being abused 26 times out of the year, minimum. And again, Ambree's description of sex does not make sense. She was lying side by side, okay. How does he get his penis inside of her? She can't lift her legs up. How does it happen? And when she's challenged, her story

starts to change.

The pizza incident. She said Cameron took her home from school. Only Dontae with her and waiting for mom to get home from getting the pizza. Only Dontae? What happened to Janae, his daughter? She went to day care.

We know it was in the Summerlin house. We know she was born, 2008. So why would he have not driven his daughter too? And we've heard that they had a rule in their house to not allow April and Kay to drive their kids because they would smoke in the car.

She says at the preliminary hearing that only touching at that time was licking the breast. But now, now in 2016, during the trial she says that they had sex in her room and that Dontae came in while they were having sex.

About Dontae coming in while they were having sex, and all of a sudden, he starts goofing off and acting like she's being tickled. Well, her pants are down. Supposedly his penis is out. And no one sees this? He's there in their house alone? Where are the other girls? Where are the other people? It doesn't make sense.

Sorry about the typo. Arizona.

Memorial Day, not date. Sixteen people in the house, in 2010, in Arizona. Eight kids sleeping on the ground in the living room. We heard Kay that it wasn't a very large apartment.

Ambree said that she could reach out and touch the kid next to her. She doesn't have the wing span that I do, but the kids were close.

She was at the beginning of the hall. So as soon as someone would walk out of the door, they could look down the hall and they could see her at the end of the hall. And anyone could walk out and see.

And this is just another example of a fantastical story that Ambree tells. Because at this story, she's talking about a 300-pound man getting on top of her, in the middle of the room where kids are everywhere. They are laid out everywhere.

In the morning, with at least six adults in bedrooms right behind him, and he's putting his penis inside of her. No witnesses. No evidence. Does not sound logical and it doesn't make sense.

So Zailey. She's an admitted liar. She admitted it. She says I was always lying. Admitted she made things up to Detective Van

Gordon. So not like Ms. Kollins said that, oh, kids lie to get out of trouble. Here we have -- she admitted in 2016 on the stand here to making things up to detectives. When I asked her about her mom being in the loft, her testifying to her mom being in the loft, what did she say? Oh, I made that up.

Her disclosure which started this all, first, to her teacher Amanda Halpern, penis into vagina. What was her demeanor like? Matter of fact. No emotion. Here's a girl who's kept a secret for four or five years.

The first time she's finally telling someone, according to her, she has no emotion. And what does she say? Penis into vagina. We heard Ms. Halpern on the Skype. We heard her say that's what she said. And Officer Sink said, yes, she told me penis into vagina. Matter of fact. No emotion.

And what does the State of Nevada think? The State of Nevada does not even believe her. Here we have the very first disclosure that she's making, and she's saying penis into vagina. Nowhere do they allege that Zailey said penis into her vagina. So the State of Nevada does not even

believe her. Why should you? Her matter-of-fact story changed once she talked with her mothers.

All of a sudden, it was no longer penis to vagina. Why? Speculation, or common sense would tell you, probably because her mothers didn't think that made sense. Probably because her mothers believed it was more believable for there to have been no intercourse. We have a younger child who is talking about penis to vagina and it wouldn't make sense if there was no evidence.

Amanda Halpern. Zailey said that Halpern asked her about her God dad. At the preliminary hearing, she said Halpern just asked if she had a God dad. And then again it changed at trial.

She said that Halpern asked if Zailey had anyone to talk to like a God dad. It seems a little strange that she would randomly ask her about a God dad. But the teacher specifically says she did not ask about God dad. That she stayed right with the four questions that she was required to talk about. And Zailey's reaction to Halpern, supposedly spontaneous disclosure, no crying, no sobbing, just matter of fact.

We had heard from Detective Van Gordon,

who said that she was there to just prove it was true. She ignored glaring signs of problems in the testimony and stating that she was just there to help Metro out, Las Vegas Metropolitan Police Department out.

Talking about the video. She sat up here and told you she couldn't tell you what Zailey said about a cop telling her core details on the alleged abuse. Isn't that kind of an important detail?

If you're sitting there doing a forensic interview and a child says a cop told me where people were, wouldn't you say, whoa, hey, hold on. Let's ask some follow-up questions about that. Let's delve into that a little bit more. Isn't that kind of important? And she didn't. She didn't talk about that. She just let it go and tells you that, um, okay, well, I'm not sure if she said "cop."

Zailey's first time. She went into the bedroom, and apparently Cameron started to pull down her pants, but she pulled up her pants and ran out. Didn't say anything to anyone? Now, 2016 she says both moms outside smoking. Original statement, one mom outside, one mom in loft, and

like I said, "Cop said kids were in Dontae's room." What cop? Who told her this?

She said she runs out of the bedroom directly into loft where mom is. Kids are also upstairs. No one saw this? She just pulled up her pants and ran out. No one saw her upset. You don't think a child would have been upset if that had happened?

So, here's the bedroom. This is Zailey. We got one of the moms up here, we got the kids down here. Got Zailey running out of the bedroom. What's the first thing she comes to? The loft. Mom doesn't see her? Mom doesn't know what's going on? She doesn't run right to her mom's arms, save me, help me, anything? Kids don't see her running out with her pants halfway up?

Folding clothes. Living with the Thomas family from October 2009 to December of 2009. Cameron, according to her, asked her to help him fold clothes. In his room, door was open, dog Max was there. How does she know? Because she knew that other kids were playing with dog Max then. No one else saw all this happening?

Her description of cunnilingus with the door open, clothes are still on her legs. She's

sitting on the bed, her legs are together. And supposedly cunnilingus is going on. He's putting his mouth on her vagina.

Now, we know from a lot different sources that Cameron does not fold clothes. And Cameron not folding clothes becomes a very important detail. A detail that all of a sudden the State says, okay, well, maybe Zailey didn't really mean that Cameron was folding clothes.

Didn't really mean that Zailey went in there to fold clothes with Cameron, but rather that was just kind of a ruse, except for we heard from Zailey saying what did you tell Cameron? I told Cameron that I'm not going to help you fold clothes anymore. That she threatened to leave if he kept on doing that. So that would imply definitely that there was an act of folding clothes.

We know the dog Max was there, and we know if dog Max was there, Uncle Mike was there, which means more adults. We already know her parents were there. We already know that there may have been Jennifer there, we don't know, or other adults. We also know that that house constantly had lots of people in it. We have a family of six, a family at that time of four, ten people just in

and of itself that were living there at that time.

Dontae's room. She said she was in Dontae's room playing with toys and watching TV. Again, door was open. Pulled her shorts down, got his penis out, white pee came out. Got on her leg and the bed. She describes that when Cameron, after he had ejaculated, that his pants were down around his ankle, and his boxers were up.

And he walks with his pants around his ankle from the room to the bathroom. Pants around the ankle, walking to the bathroom. Don't you think that would be a site to be seen? Don't you think someone would notice? Cameron, what the heck are you doing? What the heck is going on? She left and went downstairs and saw that he was going to the bathroom.

Cameron allegedly has been having sex with Ambree on a regular basis. Ambree never mentioned the ejaculation, never mentioned white pee. But for some reason that when he takes his penis out and attempts to touch Zailey with his penis, now all of a sudden that he ejaculates on her? First time? Don't you think that ejaculation would be a salient detail for Ambree? Don't you think that would be one of those things?

He's putting his penis inside of her 26 times out of the year, minimum, and no ejaculation, if that's really his type, that's really what gets him off.

Zailey and the pink penis. Zailey describes his penis as pink. And we know from her description in Dontae's room that she saw his penis, and she describes it is pink.

Jennifer said his penis is not pink. Pink is not a unique color to say. It's kind of unusual. You would think that someone would notice.

She describes his penis as crusty. Jennifer says it's not crusty. Zailey describes Cameron's penis as having dead skin all around it. Jennifer says no.

So here we have a child that tells stories and she's starting to giving one too many details. Where we're able to, as adults, start to see through their fantastical stories, we have actual testimony saying that can't be true.

So, before I get to this, Zailey also talks about time at the Residence pool. And Zailey says okay, she's sitting in the pool or hot tub with Cameron and her two other sisters. Adults all

around. As they're out in the pool, doesn't say if it's day or night, and right then and there, he molests her. Puts his hand in her bathing suit under her bottom and reaches up and touches her vagina? Does that even make sense? Out in the public. Out in the open, this is going on. Adults, parents of these children right there. Kids in the spa with them.

Zailey and Ambree. There's little discussion of either of them resisting. In fact, except when we talk about them possibly grabbing someone's penis, that's the time that they resist. She's molested 26 times or has intercourse with him 26 times. He put his mouth on her vagina. She doesn't ever talk about resisting. Never talks about trying to get away. But the time that she may grab his penis, that's when she's going to resist. Every time you hear about a possible grab of the penis, they are resisting.

Ambree's story about the pizza. He tries to make her grab his penis after Dontae comes in. And she resists then. He just had sex with her and that's when she resists? That's when she says no?

What do we know about Zailey and Ambree?

Well, we can see how they act afterwards. Do they act scared of Cameron? Do they run away from him? Do they shy away from him? Do they try to keep away? You hear Ms. Kollins say, oh, finally it was time and place in Arizona, geographically away, time was away, all that stuff.

Except for in December of 2009, January 2010, we have both Mada talking about how girls, the girls were waving at Cameron, trying to get his attention, as she was being dropped off. And when they couldn't get her attention, Mada said that they were sad.

Kourtney, godmother of Zailey, says the same thing. Cameron's driving by to drop off Mada. She sees Ambree and Zailey run up. "Cameron, Cameron." And then nothing. So they're sad.

And then we also know in September or October of 2010, that the girls, when they come to visit, they come to the Thomas house. We have lots of different people there. We have Mada there, we have Jennifer there, we have Cameron there, we have his kids there. They run past everyone else in the house and hug and say hello to Cameron. Does that make sense?

They do not display behavior one would

think would be connected to abuse. They want to see Cameron. They greet him first. We know, this is in 2008, doesn't look like they are having a hard time with him being around. This is supposedly two years of abuse going on at this point.

Fifty-two Saturdays over a two-year period Ambree was penetrated by Cameron supposedly. That's Ambree. We have Zailey 2009, smushing cake --

MS. RINETTI: Objection. That was not in evidence.

MR. MANN: What appears to be smushing cake on him. Their stories don't make sense. Their actions do not make sense.

So Mahairi. She said, "Yep, I heard it was a dirty secret on the news." Isn't that strange? Dirty secret on the news. Not I heard it on the news. Not I heard he went to jail from the TV. Not some man on the TV said Cameron did bad things. But a dirty secret. Those words, dirty secret.

There's already analysis that that child has done what someone one has told her. She refers to the incident as if it didn't happen to her.

That oh, yeah, Mr. Cameron touched some kids. Not Mr. Cameron touched me. Mr. Cameron touched some kids. And she learns from mom that Cameron is in jail for touching other kids.

And mom makes her demonstrate. When we heard her testify, we heard a lot of I don't remember. Now, this is supposed to be a pretty impactful moment in her life. How she describes it is exactly the same every time. Does not seem to remember core details about what happened.

We heard from Ramona Slattery. We heard her testify when she got up on that stand and she started making up details. Never once those details that she said that she told the police.

Apparently, according to Ramona Slattery, her mother, that Mahairi told her that she got in bed, that Cameron asked her to get in bed with him naked. And she doesn't tell the detective that piece of information. The sole person who's trying to investigate this?

And then in 2011, she doesn't say that at the preliminary hearing? She doesn't tell the prosecutors? All of a sudden, on the stand, she makes up these details. She comes up with this information. Why? Because you can see her

motivations.

You can see what's really, what she really wants. And that is to make this up. And it only begs the question of what was her real conversation with her daughter? Can she be trusted that she didn't take her daughter knowingly or unknowingly.

We heard from Ramona that she asked Mahairi after telling her Cameron was in jail for touching kids. So you're asking your child if anything happened, but before that you're saying oh, by the way who I am going to ask you about, I want to let you know, he's in jail and he's in jail for touching kids.

So can you now tell me, did he touch you in your private parts? And she specifically asked did Mr. Cameron touch you on your private parts?

What does an eight, nine-year-old supposed to think from that? Mommy's concerned. Mommy told me that he's in trouble. Mommy told me that he is in jail for touching other kids. Now, I want to know. Did he touch you? Yes, mommy, he touched me.

And she said it happened when the parents went out to Mount Charleston. She said she

stayed the night over at the Thomas house. And mom says that they went up for the retreat in November of 2009. And when I asked the mom during cross-examination, I said, "What day did you drop her off"? She said, "Saturday afternoon." "What day did you pick her up?" She said "Sunday afternoon."

I said, "Was that the 21st?" "Yes, that was the 21st through the 22, yes." So we know that the Mount Charleston incident mom remembers it as her staying one night, not the three nights that the State is trying to make you think it is, or even the two nights of the weekend. One night. November 2009.

November 2009. Who was there in November of 2009? April Reed, Kay Williams, Zoë Flores, Ambree Palmer, Zailey Flores, Karter Williams? Six other people? During that Mount Charleston Retreat incident with Mahairi, Mahairi says "Oh, no, no, no, no, no, no. It was only his two kids, me and my brother and Cameron."

But we know that November of 2009, that was the whole time that the Reed family was staying with the Thomas family. So how is Mahairi so far off from knowing that six other people were in that

house. Why wouldn't Mahairi remember a core detail like six other people being in that house?

She displays no signs of being fearful of Cameron until she speaks to her mom who makes up details. 2009. Displays no fear of Cameron Thomas. If we can't believe her core details regarding Mount Charleston, what makes us think we can believe anything that she has to say?

She is obviously confused. She is obviously someone whose mother, whether purposely or not, caused her confusion and tainted her testimony.

Molly. First time Molly heard about this was from a neighbor talking about it. Didn't disclose to mom at the time that she got home from being with a neighbor. And was not until mom asked her if Cameron touched her on the privates that she said something. Molly testified, the State has submitted this, that she was scared of Cameron. Cheryl testified though the contrary. That Molly was the one that wanted to go to parents' night out.

According to Molly, this whole parents' night out thing was happening continually. Cheryl testified that there was no indication that Molly

didn't want to go. It wasn't Cheryl that needed Molly to go. It was Molly that wanted to go. And Cheryl testified that Molly wanted to go to Bright Child. Cheryl had testified that Molly had formed a bond with Cameron that she wanted to continue.

And Molly's forensic interview, there was lots of prodding to get her to talk. What teacher is this about again? Oh, because I saw Cameron on the news once, and, um, oh, what is this about again? Yeah. I don't remember. She didn't ask open-ended questions.

She wanted her to talk about Cameron. And what Molly describes doesn't make sense. She describes parents' night out, and I'm sure you guys will never want to hear those words again, "parents' night out," after the end of this trial.

But many people were in the room. Adults and kids. It's an open room where she describes kids coming up to Cameron.

We have Jackie Taylor, who also described that kids would constantly come up to Cameron. Her description of what happened. She said she was on the edge of Cameron's knee, sitting on a chair. She's not back here. She's up on the edge of his knee. And supposedly he's then at the

same time reaching around and rubbing her vagina? Sounds a little more difficult to happen, especially on the edge of the knee.

And here's the room of parents' night out. This room where a lot things are going on obviously, but in the middle of the room, with adults being around, with kids being around, at least 20 kids, sometimes 30, sometimes more, we have this parents' night out where Molly's being sexually molested in front of everyone with cameras, with adults, with kids.

Bonnie Hart testified that the walls were all glass. That you could see through the entire building. Testified that there were cameras, that people were watching. We heard from some of those people.

At Bright Child, Jackie Taylor says she was at parents' night out with her and her husband. She never saw anything that was concerning.

The State wants you to believe that if something happened, that it was very quick and that just a split second was enough for Molly to be violated. Well, if this man is so brazen to get his jollies off of touching this girl in the middle of the room, why would it need to be quick?

Molly testified she was scared of Cameron. Jackie Taylor said Molly never acted scared around Cameron. Acted the exact opposite. Wanted to be around Cameron. No evidence that she ever displayed any sort of fear towards Cameron. She doesn't look to be in fear there. And she's the one holding on to him. This is in 2009.

She's been going to Kids 'R' Kids for some time by then. Going to parents' night out for some time by then. Molly said she was scared. She's not scared. She's just a normal kid.

How does no one see him doing this? Time and time again. Out in the open for the entire world to see. For cameras to see.

His good character. We talked about this jury instruction that when considered in connection with other evidence in this case, may generate a reasonable doubt sufficient to justify you in finding the defendant not guilty.

Who did we hear from? People who worked with him, his friends, his family. They said he was generous, kind, good with kids, friendly, would give the shirt off his back, trustworthy, would not hurt a kid.

Does this sound like someone who would

be out there brazenly molesting kids? Does this sound like someone who didn't care what other people thought of him so much so that he would do these horrific things in public?

Does that sound like a person, what they said, does that sound like the same person? Is he living a double life? Except for a double life has to be done in secret. And according to Ambree, Zailey, Mahairi, Molly, he's out in the open.

Lisa Rampolla testified she went on field trips with him, observed Cameron professionally. Never saw anything that caused her concern. Worked at Kids 'R' Kids as well as Bright Child. Had plenty of time to see Cameron.

Now remember, everyone liked Cameron so everyone was coming up to Cameron. Everyone was hanging out with Cameron.

Courtney, Lisa's daughter, went to parents' night out with her mother. Hung out with Cameron. Saw Molly hanging around Cameron, never saw anything of concern. And remember Courtney said that she was with Cameron a lot of the time during parents' night out. That she liked hanging out with him. Nothing happened to her.

Mada Eddins Smith. She talked about how

she observed Ambree's and Zailey's behavior. Ambree and Zailey were upset that they could not see Cameron and ran to him over everyone else.

Bonnie Hart talk about the cameras in the day care. Described that facility as being all glass. Described him as being a good worker. Wanted to improve himself. Wanted to excel in the day care field. Never saw anything that caused her any concern.

Margaret, also known as Peggy or Pete. She had a child in the day care and she would watch those cameras constantly. They talked about how people made fun of her because she always watched those cameras. Spent lots of time talking with Cameron, getting to know him. Thought he was a very giving and generous man, and never saw anything that caused her concern.

Jackie Taylor worked with him at Bright Child. Was his assistant director. Did parents' night out with Cameron. Her husband was there too, and thought he was a great boss. That he inspired her to get back into the field.

She also said that Molly never acted strange or scared around Cameron. Never saw anything that caused concern. Remember Jackie is a

teacher. Been a teacher now for a couple of years.

Jolyn Welch worked at Kids R' Kids. Says that Cameron helped with the big supply order in June of 2009. We talked about that. Also socialized with him with her and her four kids and her husband. Never saw anything that caused her concern.

Danielle Wasser. Met Cameron at Kids 'R' Kids. Struck up a friendship. He would drive her daughter home. Never saw anything that would cause her concern.

So what does the State have? There is doubt as to those girls' stories. We talked about it. No witnesses saw anything. I mean, usually the State stands up here and says that those crimes are committed in secret. But now we have the people that are saying that something happened, that it wasn't a secret. It was around everyone.

Nothing to support their claims. The allegations would indicate that he is the most open molester ever known to man.

There is no corroboration. There is nothing. There is no investigation. All we have is these girls saying it happened, and them taking it to be true. That's it.

The physical evidence. There's no bruising, no tearing, no marks. And they had a state doctor come up here and say that it was perfectly normal to have none of that.

A 300-pound man, 104 times over four years and there's nothing? Then why do we employ these sexual assault examinations? Why do we even need them? It doesn't show anything. Why do we have it? Use your common sense. Does that make sense? No, it doesn't. There's no physical evidence.

They didn't interview anyone. They didn't go out and try to investigate Ambree's claims, Zailey's claims. They didn't look at video recordings or go out and get those. The State's presented nothing like that. And the interviewers sure didn't challenge the girls and say hold on a second, that doesn't make sense.

No investigation. So what does the State have? The State has a sinking ship. Hole after hole, asking you to disregard common sense. To disregard the facts that are right here in front of you. Asking you to ignore the contrary facts after contrary fact.

The case is riddled with reasonable

doubt. The description of the sex doesn't make sense.

The ridiculousness of the claims, everyone being around, all that happening. The fact that he's putting his penis in her vagina during this.

Timing issues. The State wants you to disregard timing issues because it doesn't help them. However, when it helps the defense, they definitely say, oh, hold on, kids are kids. You just got to, you know, disregard that, you know, the kid standard.

Tainting issues. We have moms who admitted saying certain things to their kids. Honestly, I don't fault the moms for talking to their kids. That's not what I'm saying. Not even a little bit. But this is not a game. This is charges against Cameron Thomas that could impact him.

And we need to know if how this stuff came out was from suggestibility. And we know that there is doubt as to how these things came out. We know that April has motives. She was mad at Cameron. She wanted to get back at Kay. What better way to do it than to do both?

The inconsistences. Everyone was around but no witnesses. These are all doubts.

Nothing to verify anything of their wild accusations.

Cameron's alibi. Nothing to counter that. We know at a minimum that Zailey was lying -- I'm sorry, Ambree was lying about June 25th, 2009. Because we know where Cameron was. And we know Cameron's good character. This is all doubt. The pieces just don't fit.

The State's case is taking on water and would you trust their boat? Would you sail the high seas in the boat that they have made for you? I wouldn't.

MS. RINETTI: Objection.

THE COURT: It's the same. You can't. Under the golden --

MR. MANN: Sorry.

There's only one answer. And I ask you to find him not guilty. Thank you.

THE COURT: Thank you, Mr. Mann. Do you need a break? Do you want to keep going? Okay. I can't see all of you through there, but I'll take him as a proxy, when he says keep going. Helpfully we'll be okay. If it becomes unbearable, raise

your hand.

Closing argument.

MS. RINETTI: Thank you, Judge.

THE COURT: You're welcome. Let's go.

MS. RINETTI: I have the dubious task of talking to you at 4:30 on Friday. So bear with me. I'm not going to be long.

Three weeks ago, you entered this courtroom and you entered a world. A world that a lot of people don't know about.

That's the world of child sexual abuse. It is a world of special victim prosecutions. This is the world that you have entered. Where the defense's own expert says 57 percent of disclosures of sexual abuse happen several years after the fact. What does that mean? Why does that happen? You have to look no further than the defense's own expert. Dr. O'Donoghue got on that stand and said, "kids will delay disclosures because the perpetrator tells them not to talk." They feel guilty, they don't want to get in trouble. They don't want to get someone else in trouble.

Wait a minute. What did we hear from the girls on the witness stand? I felt guilty. He told me not to say anything. I didn't want to get

in trouble. I didn't want get him in trouble. What happens to these late disclosures, and Mr. Mann had several slides about the failure to investigate? It's years after the fact.

What did we hear about sexual assault examinations, from the State's doctor? She's a child abuse doctor at Sunrise Children's Hospital. Less than 5 percent of sexual assault examinations have any type of findings.

Mr. Mann talked about the hymen and bleeding. Remember what Dr. Cetl said? We were all here; Mr. Mann must have just forgot. She says the hymen isn't something special, it doesn't go away, it's not indicative of anything. You don't necessarily get bleeding from penetration even as a child. So yes, there are no physical findings. Less than 5 percent of cases have physical findings.

He put a slide up. They never investigated the video from the day care. Oh, wait, what did we hear from Bonnie Hart? The retention rate of the video at Kids 'R' Kids is two weeks. Can the State recreate video that's now been lost forever? No.

Yes, in these cases, you don't

necessarily have corroboration. And that is why you have that jury instruction, if you believe those girls beyond a reasonable doubt, you may convict.

In order for you to find this defendant guilty, you have -- not guilty, you have to find that lightning struck four times. Because you have to disbelieve Ambree, oh, no, not just Ambree, you have to disbelieve Zailey. Oh, wait, you don't have to just disbelieve Ambree and Zailey, you have to disbelieve Mahairi. Oh, to find him not guilty, not only do you have to disbelieve Ambree, Zailey, Mahairi, but now you have to disbelieve Molly as well. You have to disbelieve four victims who took that stand over there.

Ambree was on the stand for almost seven hours. What else do you need? Do you need a fifth victim? A sixth victim? How about an even dozen?

MR. MANN: Objection.

THE COURT: What's your objection? It's argument.

MR. MANN: Sympathy, Your Honor. Implying that there are other victims out there.

THE COURT: No. She didn't say there was other victims. It's overruled. This is

argument. That is proper argument.

MS. RINETTI: Thank you so much.

What else do you need? The law says in that packet of instructions, all you need is the victim's word.

Now, I want to take a moment to talk to you a little bit about the character evidence.

I have no doubt the people over there think he's a great guy. Parents don't give access to people who are creepy to have their most prized possession. He built trust. People believed in him. He was caring, he was loving. He was all of these things, and because of that, because of the environment he cultivated, he was able to abuse it. He was able to take advantage of it, and do this in the open. Why? Because no one expected it.

Think of Bonnie Hart, the director of Kids 'R' Kids. No problem with young girls sitting on a male teacher's lap. Wouldn't even think twice about it. All out in the open. Director of a child day care says not a problem. So why not do it out in the open? No one's suspecting it. No one would believe it.

He had free rein to abuse those children. And just because he abused it and he

takes advantage of those people and their trust, doesn't mean that these girls' details of their abuse are fantastical because there's other people around. It's simply untrue.

He took advantage. And what are the odds, and here ladies and gentlemen, we're here, here in Las Vegas, that all four would say it happened around people. What are the odds? He was brazen because he could be. Because he took advantage and poisoned that trust.

I want to make a moment to talk about his alibi. His alibi and what happened to Ambree is not mutually exclusive. Do you remember the state of the evidence? Ambree says she went home sick. She said that when she was eleven years old that when Michael Jackson died, she was sick.

Low and behold, ladies and gentlemen, five years later, when the defense gets their exhibits, and you look at that attendance record for the entire of month of June, guess what the only day that Ambree is absent? June 25th of 2009.

What are the odds that that eleven-year-old girl would foresee in the future that Mr. Mann and the defendant would have those attendance records, and low and behold she's not

there? But oh, well see Ambree says she was there for a bit and she went home sick. And the attendance records are meticulously kept at this day care. So much so that the director didn't even know that workers bring their children to the day care. Do you remember that? Remember the 13, 15-year-old, Jocelyn, who's there at the day care? But Bonnie Hart says, no, those older kids aren't allowed at the day care.

We heard someone was at the day care at that age. Oh, oops. Oh, no, people don't bring their kids to the day care. We heard from several people, not just Kay and April, that people are bringing their kids, and low and behold, she's sick. There's the boo-boo room and she's with her mom. So hard to believe she wasn't checked in at the day care.

Oh, the defendant was at the zoo trip. What time did the zoo trip let out? One o'clock. What time did Ambree say her abuse happened? Sometime in the afternoon. Low and behold ladies and gentlemen, it must have been a ten-minute drive to the Grasswood house. You can be there and back. But I guess he's such a dedicated worker.

I mean, these workers never get a

moment's rest. He must not have a lunch break because remember what the testimony was when he first got back. He let the one teacher take a lunch break. So maybe he just never took a lunch break? No, he could have left. Went to check on Brie and came back.

The alibi they are not mutually exclusive. He could have gone from the day care to Grasswood to check on Brie to see how she was feeling as Brie described. Less than a ten-minute drive and then come back. They are not mutually exclusive, ladies and gentlemen.

And they said it just a moment ago. You have to disbelieve four girls. So what is their motivation or what is the defense trying to say?

One of two things. Either they are intentionally lying, or it's this false memory. There's only two options. So let's go through those. Let's go through those victims.

But when I do, I want to ask you to just ponder this: When we talk about these girls intentionally lying, because I don't think the defense is saying Molly is or Mahairi is.

It's merely Ambree and Zailey. And so what is the motivation that we've heard throughout

this trial. Revenge. All over a $1,200 car loan that took place in May of 2009. A year and a half before the girls disclosed.

Do you remember the defendant's own testimony this morning? Yes, there was an argument, and they patched things up maybe in March, and he started to communicate with Kay and April. They exchanged phone calls and text messages and Facebook. And in fact, the defendant's family went to Arizona.

Now, there's such bad blood still, they wouldn't have gone to Arizona, right? There's such bad blood and April couldn't stand the defendant. She wouldn't have opened up her home. What was the defendant's own testimony after May? The family came three different times to Las Vegas.

The defense's own witnesses, Mada, said no issues when the family came to Las Vegas. So if they were going to make up this story, this family and have these girls intentionally lie about these allegations, wouldn't it have happened when they were fighting in 2009? Not December of 2010.

Strike while the iron is hot ladies and gentlemen. Revenge is a dish best served cold. This is ice cold. This is glacier. I mean, we're

talking a year and a half later from this argument. At least, eight months after things have patched up. The timing doesn't make sense. There is no motivation for revenge.

There was some talk about money in a civil suit. Maybe that was the genesis, for April, this vile human being, to have her children make this story up.

What is the state of the evidence though? The reason civil attorneys got involved was because Cheryl contacted a civil attorney because she didn't want Molly to testify live. She wanted something like video or something. Do you remember that?

And then they approached her about the civil suit, and all other parents said they were contacted by that civil attorney. So the motivation for the civil suit, the impetus if you will, had nothing to do with money, but rather to protect Molly.

Then there is this other theory that April's making the girls intentionally lie because, well, she's trying to manipulate Kay.

Manipulation. Let's talk about that. Somehow she wanted to rein, rein Kay in. Well,

remember April was dating someone new, and Kay was dating someone new, and that's why, when they came up to Vegas, April spent the night at a hotel, because she had the new girlfriend. Does that make sense ladies and gentlemen? No.

I'm not saying breakups aren't hard, sure. But there was an informal custody arrangement, right? Thursday family dinners and then Kay had arrangements on the weekends to see the girls. Breakups are hard. Sure.

So for you to find that April is making these girls lie, this is a pretty well thought-out plan. So what would have happened was April would have had to tells the girls what to say, and then just by chance wait for a day that Zailey gets called up to the office, and this eight-year-old girl's going to know this is my time. This is the time to -- the plan is now in motion, and I am going to shout sexual abuse.

And then when the authorities go to Ambree's school, which is not attached to Zailey's school, that low and behold, Ambree's going to know, oh, the plan is in motion, I need to disclose as well.

Remember there's no evidence whatsoever

that these two girls talked that day. Somehow there's this devious plan in the works and it always hinges on this eight-year-old going up to her teacher and saying that she's sexually abused. Does it make sense, ladies and gentlemen? No.

Mr. Mann pointed out, you know, Zailey's lying because well, she has a history of lying. Lying about stealing? Okay. She took some perfume from her mom's new girlfriend. So we make that giant leap from I stole perfume to I was sexually abused. Kids lie. Lie about this stuff. Use your common sense.

Mr. Mann pointed to Zailey saying on the stand that she made things up to the forensic interviewer. Put it in context. Do you remember that series of questioning?

Mr. Mann was confronting Zailey about whether or not one mom was in the loft and one mom was outside, or both moms were outside. She says I don't know. I guess maybe I was wrong. Maybe, yeah. Maybe I made it up. Meaning she didn't know where everyone was. She just knew moms weren't with her when she was being abused. Does that mean you make the giant leap to she's making all of this up? Absolutely not.

And if this is such a conspiracy, why not make it a little bit better? Right. I mean, Brie and Zailey are talking about other kids being in the room. Why don't you have them isolated so you don't have this issue of other kids in the room, when things are happening? Make it good. And when Zailey's disclosing about he got ejaculate on her body, you know what, we should, you know what, we are not going to say it was penetration, we're going to say it was on the outside. Go big or go home, ladies and gentlemen.

There was no master plan. It makes no sense. Mr. Mann points to April. She has to be this vile woman to do this, right? And it's for you this trier of fact, based upon her testimony, to say whether or not she's putting her girls up to it. Putting her girls up to being interviewed by police, by child protective services, being forensically interviewed, getting a medical examination.

Testifying at a preliminary hearing, and testifying at trial. She would have to do all of this, all of this for a grudge from years ago. It's 2016. The argument was in 2009. We are talking about almost seven years ago. Do you

really think April Reed is going to put her children up to that? Absolutely not.

So if they are not intentionally lying, then the girls have had these false memories of this abuse. And remember what Dr. O'Donohue said? He said suggestibility of children kind of dwindles moderately as they get a little bit older. So about with the age range of our victims is about 30 percent. So that means 70 percent are not suggestible. And remember there are no studies regarding false memories regarding sexual abuse.

Remember what Dr. O'Donohue said. That would be unethical to plant that into a child's mind. What do they point to? Oh, there was this study that Elizabeth Watson did where she implanted into the minds of adults that as children they got lost at a mall. Something really generic.

Can you really reconcile getting lost in the mall as a child and trying to recall that as an adult to a child having a false memory of being sexually assaulted? Absolutely not.

So let's talk about this false memory. If Zailey and Ambree are having these false memories, they are not being put up to it. How the heck does an eleven-year-old girl like Ambree know

about digital penetration and oral sex? She just concocts that in her mind? She's able to just come up with these things, about how men manipulating women's bodies in order to have vaginal intercourse?

What about Zailey? She was eight years old. Such a false memory? Is an eight-year-old going to come up with the fact that when someone ejaculates, when a man ejaculates, pee comes out. Not only that pee comes out, but it's white. And it's sticky. And it's warm. Does an eight-year-old child have the knowledge to make up those false memories? Absolutely not.

So what about Molly and Mahairi? Ah, yes. They were influenced by outside factors, the news and their parents. And Ms. Kollins stood up in front of you and said what does a parent do when they get news that the day care that they have been using, one of their workers is accused of sexual abuse?

Should we be expecting parents to bubble wrap their children? Put sound reducing headphones on them? Put around a blanket and ship them off to a forensic interview? No. Parents are going to talk to their child. It's the responsible thing to

do as an adult.

So let's first talk about Molly. Molly, the state of the evidence is that Molly was at dinner and heard that the defendant had been arrested. And she didn't know why. Why do we know that? Because Cheryl testified that when Molly got home, she asked why the defendant was arrested.

And what was Cheryl's response? I didn't think it was appropriate to tell her. So at that point, the only thing Molly knew was the defendant was in trouble. That he had been arrested. And that made her sad.

What is the state of the evidence? Cheryl testified that on Sunday, two days later, she had a conversation with her child in her bedroom. And she doesn't disclose the details of the facts of why the defendant's arrested until after she questions Molly. That is the state of the evidence. So at the time of Molly's disclosure, she does not know the details of the news.

And yes, Cheryl asks, did Mr. Cameron ever touch you, point blank. Okay. And Molly is so suggestible that Molly had to make this stuff up? No. Absolutely not.

What about Mahairi? She may have heard some stuff from the news. She may have saw a reporting of it. Okay. What did Dr. O'Donohue say? There are no studies regarding suggestibility with the news, with the media. There just are nothing. So mere speculation and guess. And, let's just, for the sake of argument say, you heard the news, and it says that the defendant was touching girls, kids at the day care.

But Mahairi's disclosure isn't that she was touched at the day care. She was touched at his house. Not at the day care. She didn't say anything happened at the day care. It happened when she was babysitting. Watching those race cars in the recliners, the pop up things. That's what you know.

Mr. Mann talked about the forensic interviews and it being tainted. You have absolutely no evidence that any of those forensic interviews were tainted. None. You heard from three of the four forensic interviewers. And what were their responses? I followed protocol. Although Dr. O'Donohue says there's no national protocol, there seems to be three that our local advocacy center uses.

So the state of the evidence is those forensic interviewers followed national protocol, they asked open-ended questions, non-leading, and no repetitive questions unless for clarification, which is allowed under the protocol.

That's the state of the evidence. Dr. O'Donohue reviewed nothing. Remember all of my questions I asked of each about every item of evidence in discovery? Reports, interviews, videos, nothing.

He reviewed absolutely nothing. The state of the evidence as you sit here, ladies and gentlemen, there are no -- there's no evidence that those forensic interviews were tainted. Those children disclosed not when their parents were around, but with trained professionals.

And I had a PowerPoint about all of the consistent statements that Zailey, Brie, Molly and Mahairi told you. But Ms. Kollins went through a lot. I'm not going to go through it again.

And Mr. Mann made some issue about the facts that Brie said certain things one time in her voluntary statement, and a couple of different things in the preliminary hearing, different instances. Same thing with Zailey. This was

ongoing abuse.

Do you remember what Brie said? Think about it. When I think about it now, things pop up.

What did Zailey say at her forensic interview? It happened so much I can't remember every time.

Kids go to Disneyland. Hey, little Johnny, what did you do at Disneyland? I rode the Matterhorn, Space Mountain and I went on the Haunted House. Little Johnny goes to school. Teacher goes what rides did you go on at Disneyland? I went on the Matterhorn, I went on the teacups and I went on Peter Pan.

Does that mean that the child is lying? That they didn't go on Space Mountain or the Matterhorn or the Haunted House? No. Just how kids relay information.

At eleven years old and at eight-years-old, did Zailey and Ambree know the significance of saying every minute detail and every instance of abuse. And it was ongoing and Mr. Mann said it happened so many times. It's unrealistic to expect an 11-year-old and eight-year-old, when being forensic ally

interviewed, to admit every instance of abuse when it was ongoing for years.

The state of the evidence is you have no evidence that these girls, Zailey and Brie, were lying intentionally. And there's no evidence that these children had false memories. No fantastical details. And all of their core details are consistent.

They may not remember everyone that was around in the house that day, but they remember the conduct, their clothing, whether it was pulled off or on.

Those were the core details. This isn't a game. Four girls. Brie, Zailey, Molly, and Mahairi.

When you go back into that deliberation room, that's what you have. In order to find the defendant not guilty, you have to find that lightning struck four times. And that four girls are all being untruthful, whether intentionally or unintentionally, in order to find him not guilty. Four girls.

Two sisters and two girls that their only commonality is a day care facility. There's no evidence they conspired with one another.

What else do you need? You're not going to have physical findings. Less than 5 percent of sexual assaults do. What you have is from that witness stand. And what you need to take back into that deliberation room is all of those notes and the manner and demeanor of those girls on the stand. Brie and her breakdown. Mahairi and her breakdown. Zailey being Zailey, kind of monotone. Kind of like in the forensic interview. Kind of like when she talked to her teachers. And then Molly.

Lightning does not strike four times. Don't be manipulated. Don't be duped because the defendant has good character or everyone says he's a great guy.

As Ms. Kollins said, don't expect the toothless guy in the van when it comes to sexual abuse.

The perpetrators are people that parents trust. They allow them around their children. And what you have is the voice of four girls, four now young adults.

And that's what you need to take with you, ladies and gentlemen of the jury, their voices, their details, and the fact that there is

no motive, whether intentional or unintentional. And as Nevada law says, "The testimony of a victim, if believed beyond a reasonable doubt, is enough to convict."

There's no boat. This isn't a game. It's about facts and the law.

And we ask that you find the defendant guilty of the charges. I appreciate your time.

THE COURT: Thank you. All right. Marshal, you need to step up and Ms. Tibbs.

This is my JEA, who is my assistant, Miss Kelly Tibbs, and she is going to be sworn in to take the alternates. If you want to -- she's a new player here.

THE CLERK: Do you solemnly swear to keep this jury together in some private and convenient place, that you will not permit any person to speak to them or that you will speak to them yourself, except to ask them if they have reached a verdict, that you will return them into the courtroom if so agreed, so help you God.

MS TIBBS: I do.

THE MARSHAL: I do.

THE COURT: Okay. The marshal will take charge. I will now tell you that the alternate

jurors Number 13 and 14. So the first 12 jurors, 1 through 12, are the ones that are going to deliberate in this case.

I'm going to ask that the alternates stay because I need phone numbers, because it has happened sometimes that when there's deliberations, the reason we have alternates is if someone gets sick, as you know, you don't know, but one of the jurors we had before, her father died the night after the jury.

So that's why we did not have the three alternates. So things happen. So you need to stay in.

Everybody else, 1 through 12, take everything with you. You're now going to deliberate.

All your personal belongings, anything else you have. Please take your jury instructions packets with you and follow the marshal please.

(The jury exited the courtroom.)

THE COURT: Okay. Um, Crystal and Massie, what we're going to do, my JEA, her name is Kelly Tibbs. She's going to take the phone number please that we can get a hold of you, in case we do need to call you in. And you cannot be released

from jury duty until a verdict is returned, as you can see why.

And I have to give your admonishment once again, because if you talk about it then you cannot go back and deliberate. Does that make sense?

You are still under the oath, and I am going to give you it for jury service. Please let me give the admonishment, then please give the phone number.

If there's a couple, because we really do need to get a hold of you. And then what we'll do too is let you know what's going on, when the verdict is in, so you'll know when you're released and what's going on. Okay.

All right. You are admonished: Not to talk to converse among yourselves or with anyone else on any subject connected with this trial; or read, watch or listen to any report of or commentary on the trial or any person connected with this trial by any medium of information including, without limitation, newspapers, television, the Internet and radio; or form or express any opinion on any subject connected with the trial until the case is finally submitted to

you.

You are further admonished not to form or express any opinion on any subject connected with this trial until you are released from jury duty, and we'll make sure we tell you, all right, so you are not left hanging. All right. Thank you very much.

If you would give Kelly please your phone numbers, and Counsel, can you stay a few more minutes after they leave and get your information.

(The alternate jurors exited the courtroom.)

(The deliberations began at 4:28 p.m. and the proceeding's concluded at 7:10 p.m.)

-oOo-

ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF PROCEEDINGS.

/s/Gina M. Shrader

Gina M. Shrader, CCR 647, RPR

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