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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA, )  
 )  
Plaintiff, )  
 )  
vs. ) CR 2008-031021-001  
 )  
JODI ANN ARIAS, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Phoenix, Arizona  
October 30, 2014  
1:36 p.m.

BEFORE THE HONORABLE SHERRY K. STEPHENS

REPORTER'S EXCERPT TRANSCRIPT OF PROCEEDINGS

ORIGINAL

**REPORTED BY:**  
MARLA F. ARNOLD, CR, RPR  
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FOR THE STATE:

BY: Mr. Juan Martinez  
Deputy County Attorney

FOR THE DEFENDANT:

BY: Mr. Kirk Nurmi and Ms. Jennifer Willmott  
Attorneys for the Defendant

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Phoenix, Arizona  
October 30, 2014

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(Whereupon, proceedings beforehand were not transcribed at this time.)

(Whereupon, Jury entered the courtroom.)

THE COURT: Please be seated. The record will show the presence of the Jury, the Defendant and all counsel.

Good afternoon, Ladies and Gentlemen. Thank you for your patience with us. I have closed the proceedings for the next portion of the trial. The family members of the victim are permitted by law to be present at all proceedings. The Defense may call its first witness.

MS. WILLMOTT: Thank you, your Honor. The defense calls Miss Jodi Arias to the stand.

THE COURT: Miss Arias, please stand to be sworn.

(Whereupon, the witness was duly sworn.)

THE COURT: You may proceed.

MS. WILLMOTT: Thank you.

1 J O D I A N N A R I A S,  
2 having first duly sworn and testified as follows:

3 D I R E C T E X A M I N A T I O N

4 BY MS. WILLMOTT:

5 Q. Could you tell us your name again, please.

6 A. Jodi Ann Arias.

7 Q. And, Jodi, have you already been convicted of  
8 killing Travis Alexander?

9 A. Yes.

10 Q. And did you kill Travis Alexander?

11 A. Yes.

12 Q. When is the first time that you admitted that to  
13 anyone?

14 A. In 2010.

15 Q. This happened in 2008, didn't it?

16 A. Yes.

17 Q. Why did it take you two years to admit that, that  
18 you did it?

19 A. It took me that long to be able to admit to  
20 myself that -- that I did it.

21 Q. Why did it take you that long to admit it to  
22 yourself?

23 A. Because -- because what I did was so horrific  
24 that I couldn't have -- I could never have imagined myself  
25 doing that to another human being.

1 Q. And did that make it difficult for you to even  
2 think about it yourself?

3 A. Yes.

4 Q. You were present this morning when Miss Sorenson  
5 and Mr. Alexander spoke to the Jury, weren't you?

6 A. Yes.

7 Q. And did you listen to what they had to say?

8 A. Yes.

9 Q. What do you think of when you hear what they had  
10 to say?

11 MR. MARTINEZ: Objection. Relevance.

12 MS. WILLMOTT: It is mitigation.

13 THE COURT: Overruled.

14 BY THE WITNESS:

15 A. I think that when I hear that, if I could do -- I  
16 wish so badly that I could just take that away from them,  
17 and that I could reverse what I did, and that I could take  
18 away what all these people are feeling that I have hurt  
19 including Travis.

20 BY MS. WILLMOTT:

21 Q. You were here the other day also, right, when we  
22 sat here and watched your interviews with Detective  
23 Flores?

24 A. Yes.

25 Q. In those interviews, were you being truthful

1 about your participation of what you did to Travis?

2 A. No.

3 Q. Why weren't you being truthful about that?

4 MR. MARTINEZ: Objection. Lack of foundation.  
5 Which time?

6 THE COURT: Sustained.

7 BY MS. WILLMOTT:

8 Q. During all the interviews with Detective Flores.

9 A. Anything surrounding my having to deal with  
10 Travis dying I was not truthful about that.

11 Q. Why?

12 A. Well, again, it was something that I was years  
13 from being able to even come -- coming around to admitting  
14 to myself that I did something that horrible. Also, I had  
15 never been in trouble with the law. I didn't -- I was  
16 very lost. I didn't really -- I didn't really know how to  
17 act or what to do.

18 Q. When you look at yourself in those videos, what  
19 do you think about yourself?

20 A. It is revolting. I look at that, I just think  
21 about how stupid I was. I was lost -- just -- I think of  
22 what just those lies put so many people through, and I  
23 just wish I could -- there are a lot of things I wish I  
24 could do over again, but that is just one of them.

25 Q. We know that you then made a phone call to Mr.

1 Alexander's voicemail, right?

2 A. Yes.

3 Q. And that was just after June 4th after you left  
4 his house; is that right?

5 A. Yeah, I think it was still on June 4th. It was  
6 right around that -- it was at night.

7 Q. And in that phone call -- were you truthful in  
8 that phone call, that voicemail that you left for Mr.  
9 Alexander?

10 A. No.

11 Q. Why did you do that?

12 A. By the time I made the phone call, I realized  
13 that I had done something very bad. I couldn't remember  
14 details, but I knew -- I had a very heavy feeling, and I  
15 knew that I had done something very bad. So that phone  
16 call was the beginning of when I started to try to cover  
17 my tracks.

18 Q. When you listen to your voice on that phone call,  
19 what do you think of yourself?

20 A. Well, I'm talking very fast. I'm nervous. I  
21 hear -- I remember -- I was at the Hoover Dam. I remember  
22 that phone call, and I remember how many tries it took to  
23 get the recording right so that I sounded normal; and I  
24 just think that that was something I shouldn't have done.  
25 I didn't know what to do. I didn't know what to do.



1 Q. And after that phone call, did you drive up to go  
2 see somebody, Ryan Burns?

3 A. Yes.

4 Q. Was Mr. Burns was somebody -- was he expecting  
5 you?

6 A. He was.

7 Q. After you did this bad thing, why did you  
8 continue on to go see Mr. Burns?

9 A. Well, after driving some more, my impulse was to  
10 go home but a lot of people in Utah were expecting me and  
11 I thought if I don't go to Utah, everybody is going to  
12 wonder; and so my intention was to go to Utah and pretty  
13 much say hi and bye and not even stay for an entire day  
14 and just leave at that point.

15 Q. At that point were you trying to cover up what  
16 had happened?

17 A. Yeah. At that point I was trying to act normal,  
18 as normal I could manage and, you know, just trying to act  
19 like I had never been in Arizona and just trying to cover  
20 up.

21 Q. At that point why is it that you couldn't say  
22 something to somebody, that you couldn't say what really  
23 happened?

24 A. Something like that is just -- that is -- I mean,  
25 I know who I am and who I have been my whole life, and I

1 -- for these few minutes out of my whole life, I was  
2 somebody that I wasn't and I couldn't -- I couldn't even  
3 face that. It is completely discording with how I lived  
4 my whole life, and I couldn't even wrap my mind around the  
5 fact that I did that. I can't even -- it is still hard to  
6 imagine because -- just who I know that I am, and I think  
7 that's why it just took me so long to finally be able to  
8 say yeah, I did that.

9 Q. And before Detective Flores even -- before you  
10 were arrested, did you call Detective Flores? Did you  
11 start calling him?

12 A. I did.

13 Q. And were you here when we listened to those phone  
14 calls of you talking to him?

15 A. Yes.

16 Q. What do you think of yourself when you listen to  
17 yourself in those phone calls?

18 A. Again, just how -- how stupid I was. I just -- I  
19 didn't know what to do. I was -- I wasn't initially -- I  
20 wasn't even a thought of mine to call him at first. I  
21 didn't even realize that was an option. My friend Leslie  
22 in Utah called me and told me that a lot of people were  
23 saying things about me after Travis was found, and she  
24 believed in my innocence; and she said -- urged me to call  
25 him and clear this up and straighten this out and I

1 thought oh, oh maybe I should do that.

2 Q. Did you do that then? Is that one of the reasons  
3 you called?

4 A. That was my -- more attempt to cover up what I  
5 had done.

6 Q. We also heard that you sent flowers to Mr.  
7 Alexander's grandmother. Did you ever meet her Mr.  
8 Alexander's grandmother?

9 A. Yes. I met her on three occasions.

10 Q. And did you send flowers to her after you killed  
11 Mr. Alexander?

12 A. I did.

13 Q. Why would you do that? Was that some kind of  
14 plan to make her hurt more?

15 A. No, no, definitely not.

16 Q. Why?

17 A. She was the only family member that I knew that I  
18 had ever met, and thinking about her and the pain she was  
19 going through I didn't know what to do. Like it seemed to  
20 me more insensitive to not reach out to her at all. I  
21 realize now -- I'm six years removed from that -- and I  
22 see how insensitive that was, but at the time I just felt  
23 like if I do nothing, that is worse. I didn't know what  
24 to do so I just did that.

25 Q. What about, did you go to his memorial -- Mr.

1 Alexander's memorial?

2 A. Yes.

3 Q. Why would you do that?

4 A. Again, the memorial -- separate from the funeral,  
5 the memorial was where a bunch of friends gathered and  
6 these were all people that I knew, people that knew I was  
7 close to Travis; and since I was in this mode of trying to  
8 cover up and trying to act like I had nothing to do with  
9 that, I knew that by not showing up, it would look more  
10 suspicious. So I was -- I showed up and I tried to act as  
11 normal as I could.

12 Q. You were obviously here when Dr. Horn testified,  
13 right?

14 A. Yes.

15 Q. And did you see the pictures?

16 A. Yes.

17 Q. You saw the pictures of the way Mr. Alexander was  
18 found?

19 A. Yes.

20 Q. I'm showing you Exhibit No. 683. Do you  
21 recognize that photo?

22 A. Yes.

23 Q. Why do you recognize that photo?

24 A. I took it. I took it in the loft of his house.

25 Q. And when you saw it being played this morning,

1 what goes through your mind when you see this photo?

2 A. That was nearly a year before he died, and I  
3 think back on that time; and I just can't even -- I can't  
4 believe that things ended up the way they did. He was --  
5 my mind freezes up when I think back on that. There was a  
6 whole series of photos that he was playing with his dog.  
7 I remember that very clearly. I was sitting on the love  
8 sack.

9 Q. Does that remind you of good times that you had  
10 with Mr. Alexander?

11 A. Yes. It takes me right back to that day. It was  
12 a difficult time during our relationship, but that was a  
13 good day.

14 Q. And when you see the pictures that were taken  
15 after he died and you see the number of stab wounds that  
16 there were, how do you feel about that when you see that?

17 A. Again, I think that this is somebody that I cared  
18 about and I caused -- I caused that pain, and those were  
19 his last moments; and it makes me sick and I wish -- I  
20 wish so badly that I could just do that whole day over  
21 again.

22 Q. When you look at --

23 A. I think --

24 Q. -- those pictures, does it -- do you think about  
25 -- is that something that you thought you would have ever

1 done?

2 A. No.

3 Q. Why not?

4 A. As I was saying, my whole life I was -- I have  
5 been -- I considered myself somebody who is -- I know who  
6 I am. I know who I was. And I did that, and it is not  
7 who -- that is not who I am; but I did that and I can't --  
8 it is so hard to reconcile the two because I just can't.  
9 It is so hard to believe that I did do it, and I just --  
10 it is hard. I can't -- I wish so much that that day never  
11 happened.

12 Q. Jodi, I want to talk to you a little bit about  
13 who you were, okay? You have been telling us that you  
14 know who you were, and so let's talk a little bit about  
15 who that was. Okay? Tell me where were you born.

16 A. I was born in Salinas, California.

17 Q. And when were you born?

18 A. July 9, 1980.

19 Q. So does that make you 34 now?

20 A. Yes.

21 Q. And were you just about -- almost 28 -- when you  
22 were 27 when you killed Mr. Alexander?

23 A. Yes.

24 Q. Who are your parents?

25 A. My parents names are Bill and Sandy Arias.

1 Q. And where do they live -- are they married?

2 A. They are.

3 Q. Where do they live?

4 A. They are living in Yreka. My mom is living here  
5 during the trial and my dad --

6 Q. Is that in California?

7 A. Yes.

8 Q. Do you have any -- do you have grandparents who  
9 are living?

10 A. Yes. I have two -- both of my grandmothers are  
11 living.

12 Q. And where do they live?

13 A. My maternal grandmother lives in Yreka also, and  
14 my dad's mom lives in Idaho.

15 Q. I want to talk to you a little bit about your  
16 siblings. Do you have siblings?

17 A. Yes.

18 Q. Where are you -- are you in the line of siblings?

19 A. I have an older half sister from my dad's  
20 previous marriage. She is five years older than I am and  
21 I'm the first of my parents.

22 Q. And do you have a younger sibling then?

23 A. I do. I have three younger siblings.

24 Q. Who is that? Who is the first one?

25 A. My brother Carl came two years after I did, and

1 my sister Angela was born when I was 11; and my youngest  
2 brother Joseph -- Joey, he was born when I was 13.

3 Q. Is there quite a bit of difference between you  
4 and Joey and Angela?

5 A. Yes.

6 Q. 11 to 13 years?

7 A. Yes.

8 Q. Did you have time -- when you were growing up,  
9 did you spend time with your brother Carl?

10 A. Yes, we played a lot.

11 MS. WILLMOTT: Judge, may I approach?

12 THE COURT: Yes.

13 BY MS. WILLMOTT:

14 Q. Miss Arias, I'm showing you Exhibit 668. Do you  
15 recognize that?

16 A. Yeah, I do.

17 Q. Is that a picture of you and your brother?

18 A. Yes.

19 MS. WILLMOTT: Judge, I would move for admission  
20 of 668.

21 THE COURT: Any objection?

22 MR. MARTINEZ: No.

23 THE COURT: 668 is admitted.

24 BY MS. WILLMOTT:

25 Q. Is that a picture of you and your brother



1 playing?

2 A. Yes.

3 Q. What kind of things -- you said you were born in  
4 Salinas. Did you live there for a while?

5 A. Yes.

6 Q. How long?

7 A. Until I was like a month from turning 12. I was  
8 11 but almost 12.

9 Q. So most of your time in Salinas, was that spent  
10 with you and your younger brother Carl?

11 A. Yes.

12 Q. Tell us a little bit about what life was like in  
13 Salinas. What kinds of things did you do?

14 A. In Salinas when I was younger my brother and I  
15 played -- this house was in a cul-de-sac. We had friends  
16 in the cul-de-sac. We played a lot. We rode bikes. We  
17 roller skated. We went on trips. We had a huge backyard,  
18 pets.

19 Q. And is this a picture of one -- did you use to  
20 build forts in your living room and things like that?

21 A. We did. Where he took furniture and blankets and  
22 played all day. This was probably on Saturday morning  
23 when we weren't in school.

24 Q. At that point in time in your life, were you  
25 close with your brother Carl?

1 A. Yes.

2 Q. Were you close with your mom and dad?

3 A. Yes.

4 MS. WILLMOTT: Judge, may I approach?

5 THE COURT: You may.

6 BY MS. WILLMOTT:

7 Q. Is that a picture -- I'm showing you Exhibit  
8 No. 689?

9 A. Yes.

10 Q. Is this another picture of you and your Carl --  
11 I'm sorry -- you and your brother?

12 A. Yes.

13 MS. WILLMOTT: Move for admission of 689.

14 THE COURT: Any objection?

15 MR. MARTINEZ: No.

16 THE COURT: 689 is admitted.

17 BY MS. WILLMOTT:

18 Q. Is that a picture then, Jodi, of you and your  
19 younger brother?

20 A. Yes.

21 Q. Do you have fond memories of your early years in  
22 Salinas with your younger brother?

23 A. I do.

24 Q. Is this a picture of something that evokes those  
25 types of memories for you?

1 A. Yes.

2 Q. In Salinas was there a time when your memories  
3 change as far as positive memories of your childhood?

4 A. There is, yes.

5 Q. When is that?

6 A. It wasn't one defining moment but around age 7  
7 things began to change in my household.

8 Q. Tell me what changed.

9 A. My parents' discipline grew a lot --

10 Q. I'm sorry. I can barely hear you.

11 A. I'm sorry. My parents, their discipline became  
12 more severe.

13 Q. In what way did it become more severe?

14 A. Well, my mom began to carry a wooden spoon around  
15 in her purse and wherever we were -- whether it was at  
16 home or out somewhere -- if we were misbehaving, she would  
17 pull it out and whack us with it. My dad began to use a  
18 belt on my brother and I. Emotionally my mom became more  
19 -- a little bit more distant at that point, a little bit  
20 -- I hate to say meaner but she was -- it was meaner. I  
21 don't know how else to say it.

22 Q. Tell us a little bit about -- you said your mom  
23 had a wooden spoon.

24 A. She did.

25 Q. Did she hit both you and Carl?

1 A. Yes. She actually broke it on Carl one time.

2 Q. Do you remember -- do you have a specific memory  
3 of being hit with the spoon?

4 A. Yeah, I do. Several.

5 Q. Do you remember what you felt or how it made you  
6 feel when your mom hit you?

7 A. Yes, physically, it is extremely painful. My  
8 skin welts up, but emotionally it made me angry.

9 Q. Why did it make you angry?

10 A. Well, she is my mom and I love my mom and my mom  
11 says she loves me and I understand I'm not a perfect  
12 child; and I may be misbehaving, but here she is whacking  
13 the hell out of me and it hurts so bad. Sometimes -- you  
14 know -- we squirm when you are getting hit because we  
15 don't like to get hit. When we would squirm, she would  
16 give up on hitting our butts. She would hit anywhere she  
17 could land it. That hurt.

18 Q. Did that hurt physically?

19 A. It hurt physically and it made me mad at her  
20 pretty bad.

21 Q. And other than being mad, did it hurt you  
22 emotionally?

23 A. Yeah. It hurt me emotionally as well because she  
24 is my mom. She is this person in my life who has been  
25 loving and nurturing my whole life, and it wasn't

1 overnight; but she just began to get angrier and more  
2 severe in the way she disciplined us.

3 Q. And what was happening then at this point in  
4 time? When your parents started getting into this type of  
5 beating, what was happening with your relationship with  
6 your parents?

7 A. Well, I think there was a wedge growing between  
8 us, especially my mom and I. There was this wedge that  
9 was starting, and it was growing a little bit more every  
10 time. My dad and I, sort of became a wedge as well. It  
11 grew a little bit when I became a little bit closer to my  
12 teen years.

13 Q. Were you close to your dad when you were younger,  
14 as close to your dad as you were with your mom?

15 A. When I was very young. I remember at two years  
16 old he would bounce me on his knee and kiss me and his  
17 face was scratchy, and he would tell me "I love you to  
18 pieces." He always said that. He used to say that a lot  
19 to me.

20 Q. Did that change as well after you were 7 and  
21 after the discipline started turning into beatings?

22 A. Yes, my dad worked a lot. So he wasn't around  
23 much. He was in the household, but he was gone a lot of  
24 the day. So we weren't as close anymore.

25 Q. And you said that your father, did he use a belt

1 for his discipline?

2 A. Yes.

3 Q. And did he use that belt on you?

4 A. Yes.

5 Q. And did he also use that on Carl?

6 A. Yes.

7 Q. What about as far as his voice, did he ever raise  
8 his voice to you or things like that?

9 A. Oh, yeah, he would scream pretty loudly in my  
10 face. Like his spittle would get on me. He was screaming  
11 so forcefully.

12 Q. And do you have specific memories of that?

13 A. I do.

14 Q. So you said you lived in Salinas up until about  
15 age 11, right before you turned 12, right?

16 A. Right.

17 Q. Where did you go after Salinas?

18 A. We moved to Santa Maria California.

19 Q. And in Santa Maria what grade were you going  
20 into?

21 A. I was going into 6th grade. Carl was going into  
22 5th grade.

23 Q. Okay. Did you obviously have to start over at a  
24 new house -- I mean, a new school?

25 A. Yes, we did.

1 Q. And how was that going into a new school in 6th  
2 grade?

3 A. Well when my parents first announced we were  
4 moving, it was awful. I was very -- I was very sad. I  
5 had lots of friends in Salinas, and it was scary going to  
6 a new school, people I didn't know.

7 Q. Were you able to make friends?

8 A. Yes, I did.

9 Q. And did you spend your middle school years in  
10 Santa Maria?

11 A. I did, yes.

12 Q. And is that until 8th grade?

13 A. Yes.

14 Q. What was happening between your mom and your dad  
15 at that time as far as your household is concerned? How  
16 was their relationship? What were you viewing?

17 A. Well, my dad was always -- my dad could be very  
18 complimentary toward my mom and very loving toward her but  
19 on -- at the same time he could also be very critical and  
20 say demeaning things towards her.

21 Q. Did you see your dad do that towards your mom?

22 A. I did.

23 Q. Did you see your dad demean her in front of you?

24 A. Yeah, he mostly would demean her about her  
25 weight.

1 Q. Okay. Was that something that he used to pick on  
2 her about?

3 A. He did.

4 Q. And what did you see as far as how your mom  
5 handled that? What did she do?

6 A. She normally just -- she didn't really say  
7 anything. She wouldn't cower but she would just not say  
8 much. Sometimes she would -- my dad put a picture of her  
9 on the refrigerator when she was thinner. So every time  
10 she would go to the refrigerator she would see that; and  
11 she would take it down, and he would put it back up and  
12 she would take it down and he would put it back up. She  
13 tried to avoid it. She didn't really tell him to knock it  
14 off.

15 Q. Did you ever see her stand up to him?

16 A. Nothing stands out in my mind.

17 Q. Did you ever see her be assertive to him and tell  
18 him directly to his face to stop it?

19 A. I think I remember her saying that a few times  
20 but --

21 Q. How did that go?

22 A. He didn't listen to her.

23 Q. All right. Are your parents still married today?

24 A. Yes.

25 Q. And has your mom stayed loyal to your dad?



1 A. Yes, they are very loyal to each other.

2 Q. Were you ever aware of your parents ever involved  
3 with drugs?

4 A. Yes.

5 Q. What was that?

6 A. When I was 4, I have a distinct memory of going  
7 into my parents' bedroom. I didn't know what it was at  
8 the time. There was a mirror with white powder and a  
9 razor. So I realize now what that was or what it probably  
10 was and also when I was 5, my uncle -- my dad's brother  
11 got married and my dad was in the wedding. I was in the  
12 wedding. He brought cocaine to the wedding as part of the  
13 party.

14 Q. Other than that, did you have any other -- did  
15 you know anything else about them using drugs?

16 A. I have learned since that my mom smoked pot on  
17 the day I was born prior to giving birth to me. She may  
18 have done it more throughout her pregnancy, but I'm not  
19 aware of that.

20 Q. Is that something you more recently learned?

21 A. Yes.

22 Q. That was something that she didn't want to share  
23 with you before?

24 MR. MARTINEZ: Objection. Speculation. Lack of  
25 foundation.

1 THE COURT: Sustained.

2 BY MS. WILLMOTT:

3 Q. Is that something she didn't share with you  
4 before?

5 A. No.

6 Q. Let's talk a little bit about Santa Maria then.  
7 You said you spent your middle school years there?

8 A. Yes.

9 Q. And how were you adjusting in school, in a new  
10 school?

11 A. Well, 6th grade was still part of the elementary  
12 school. I adjusted. I made friends, and then I had -- I  
13 went to a new school for middle school, which was a little  
14 bit difficult because we moved that summer. So I went to  
15 a new school district. It was right next door. I had to  
16 make new friends again at school, but I did.

17 Q. What kind of interests did you have when you were  
18 in middle school? Did you have any kinds of things that  
19 were special to you?

20 A. Yeah.

21 Q. Tell us what that was.

22 A. I became interested in art very early on. I took  
23 art class at school. When I was younger, I wanted to  
24 learn Spanish. I couldn't wait to get to high school to  
25 take Spanish. In 8th grade they offered it as an elective

1 so I was very excited to take that so I did.

2 Q. So were those two things special to you?

3 A. They were.

4 Q. And what kind of grades were you getting in  
5 middle school?

6 A. Mostly As and Bs for the most part until the last  
7 semester of 8th grade.

8 Q. Was there a problem your last semester of 8th  
9 grade?

10 A. Yeah.

11 Q. What was the --

12 A. There were a few problems.

13 Q. Let's start with your family. What was your home  
14 life like at that point?

15 A. Well, it was -- it wasn't as warm anymore. My  
16 mom -- well, my little brother and sister were born. I  
17 was close with them. My brother was doing his own thing.  
18 We weren't really hanging out anymore. My mom was working  
19 full-time. My dad was working full-time. I was baby  
20 sitting a lot --

21 Q. Jodi, who were you baby sitting?

22 A. My little brother and sister. If they were home,  
23 the focus was on the babies. We weren't really having  
24 dinner anymore or hanging out or going to the movies,  
25 things that we had done when we were little.

1 Q. Could you tell a difference in your household as  
2 far as your family dynamic was working?

3 A. Could I tell the difference?

4 Q. Yes, from the time you were a little girl.

5 A. Yes, I could see a difference.

6 Q. Was it getting any better -- better than it was  
7 or was it getting worse?

8 A. It wasn't getting better. It was kind of sliding  
9 as far as just quality, general quality of our  
10 relationships we have in the family.

11 Q. What was going on as far as the discipline was  
12 concerned? Were your parents still disciplining you?

13 A. Yes.

14 Q. Was your mom still hitting you?

15 A. She was.

16 Q. And what about your dad?

17 A. He was still aggressive. He wasn't using the  
18 belt so much. He began to shove me into furniture and  
19 scream and yell and things like that.

20 Q. Continued screaming and yelling at you?

21 A. Yes.

22 Q. Was your home something that was calm and serene  
23 or was it more chaotic?

24 A. It was very chaotic. If no one was home, it was  
25 calm but it was chaotic.

1 Q. With your -- we were talking about some of the  
2 problems by the end of 8th grade. So your family dynamic  
3 -- that's what we were just talking about -- was there  
4 another problem?

5 A. I think so, yes.

6 Q. Did you meet friends -- did you have a particular  
7 friend who you think was helping you along with the  
8 problems?

9 A. Kind of, yeah. I met somebody -- a girl that we  
10 were hanging out with -- a few girls actually and we --  
11 she introduced me to marijuana so I started smoking that.

12 Q. And about how long did you do that for?

13 A. Five months in 8th grade, January through May  
14 pretty much.

15 Q. And so that was the end of your semester -- end  
16 of your 8th grade, right?

17 A. Yes, right.

18 Q. Were you able -- did you stop on your own?

19 A. I did.

20 Q. And did it -- did you ever get arrested for that  
21 or anything like that?

22 A. No.

23 Q. Did you ever have any kind of criminal charges or  
24 ever have to go to juvenile hall?

25 A. No.

1 Q. After 8th grade, did you move again?

2 A. Yes.

3 Q. Where did you guys move?

4 A. My entire family -- the immediate family, we  
5 moved up north to Yreka.

6 Q. This is Yreka, California?

7 A. Yes.

8 Q. Tell us where Yreka is in comparison to Santa  
9 Maria and Salinas?

10 A. Salinas is about two hours south of San  
11 Francisco, about 20 miles inland. Santa Maria -- I don't  
12 know miles -- like miles but it is about three and a half  
13 hours south of Salinas, and I think Santa Maria to Salinas  
14 is roughly 600 to 700 miles. It is 15 minutes from the  
15 border.

16 Q. Yreka, you mean.

17 A. Yreka.

18 Q. Santa Maria to Yreka is very far? Is that what  
19 you are saying?

20 A. Yeah, it is an all-day drive.

21 Q. Did you mean to say Yreka is 15 minutes from the  
22 Oregon border?

23 A. That's what I meant to say if I didn't.

24 Q. When you say your entire immediate family, who is  
25 that?

1 A. My three younger siblings and my parents and  
2 myself.

3 Q. Did anyone else live in Yreka at that time, any  
4 other family?

5 A. Yes, almost all of my mom's immediate family; all  
6 of her siblings and her parents were either in Yreka or in  
7 the area.

8 Q. So in Yreka, did you start high school there?

9 A. Yes.

10 Q. So you were starting into a new school?

11 A. Yes.

12 Q. How did that go? What did you think of the high  
13 school there?

14 A. I liked the school. It was smaller. Well, at  
15 first as a teenager I hated being in Yreka. It was a  
16 small town. There wasn't a lot to do. My mom -- my mom  
17 went to high school there, and my grandfather went to high  
18 school there. They all knew people. So a former friend  
19 of hers from high school had a daughter my age. A  
20 daughter going into her senior year and she -- so I had a  
21 friend and --

22 Q. So you had some comfort. So you had somebody to  
23 kind of --

24 A. Right, a few people.

25 Q. -- to know right when you got there?

1 A. Yes.

2 Q. All right. Tell me about your home life once you  
3 moved to Yreka. What was going on at home?

4 A. At home it just seemed to slide even more. Home  
5 life was kind of dark. It was cold. We weren't hugging.  
6 We weren't saying I love you. We weren't really even  
7 talking.

8 Q. What was the relationship between you and your  
9 mother at that point?

10 A. It was quite distant at that point. It was -- we  
11 didn't get a long. I love her, of course. I have  
12 always -- I love her but it was painful because we just  
13 don't mix.

14 Q. Did you see other friends with their moms?

15 A. Yeah, I did.

16 Q. And did you see -- did some of your friends have  
17 good relationships with their mothers?

18 A. Yeah, some of them are -- like, they were close,  
19 they were loving. I want to say like friends but it was  
20 still a parental/child relationship but they were close.

21 Q. How did that make you feel?

22 A. It was confusing to me because I would look at  
23 them and say how can you guys get along like that. My mom  
24 and I don't get along at all. I envy it but at the time  
25 it was like foreign when I would see that.



1 Q. That type of relationship was foreign to you?

2 A. Yes.

3 Q. And what about in -- as far as working? So when  
4 you start high school, how old are you?

5 A. I am 15.

6 Q. And are you working at this time?

7 A. Yes.

8 Q. Actually, did you start working in Santa Maria,  
9 when you lived in Santa Maria?

10 A. I did.

11 Q. Let's go back for a second. What did you do in  
12 Santa Maria?

13 A. I worked at my dad's restaurant. I was a  
14 hostess.

15 Q. And how old were you when you started working for  
16 your dad?

17 A. I was either 13 or 14. I think I was 13.

18 Q. Okay.

19 A. I think.

20 Q. And did you do that the whole time? Once you  
21 started 13, did you keep working as a hostess until you  
22 moved to Yreka?

23 A. Yes, until I moved to Yreka, yes.

24 Q. All right. And when you moved to Yreka -- we  
25 were talking about your home life -- what about jobs, did

1 you have a job in Yreka?

2 A. I did.

3 Q. What did you do?

4 A. I also worked at my dad's restaurant.

5 Q. And what did you do there?

6 A. When I started working at that restaurant, I was  
7 waiting tables.

8 Q. Which restaurant was that?

9 A. It was called Claim Jumper's Family Restaurants.

10 Q. Is that Claim Jumper like a chain?

11 A. No, it is not part of the chain.

12 Q. Is that something that your dad -- that your  
13 family owned?

14 A. Yes.

15 Q. What did you do -- so you were getting paid  
16 obviously?

17 A. Yes.

18 Q. What did you do with that money?

19 A. I saved it.

20 Q. For what?

21 A. Mostly. I bought little things here and there.

22 Q. For what?

23 A. For a car.

24 Q. You were saving for a car?

25 A. Yes.

1 Q. In high school what kinds of interests did you  
2 have? You told us about Spanish and art in middle school.  
3 What about high school? What were you doing then?

4 A. Those interests continued. I was interested in a  
5 lot of subjects. The only one I didn't like was math but  
6 I liked school. I liked being in school. I liked the  
7 classroom. I liked the teachers. The students, the  
8 setting, the learning. Art and Spanish were my favorite.

9 Q. Did you have any particular teachers that made an  
10 impact on you?

11 A. Yes, my art teacher, Mr. Rangle (phonetic) made  
12 an impact on me.

13 Q. How did he do that?

14 A. He saw -- I think he saw talent in me and he  
15 recognized that and he praised my art.

16 Q. Was he supportive of you?

17 A. Yes.

18 Q. Did he encourage you?

19 A. Yes, he did.

20 Q. And were you getting any type of support or  
21 encouragement at home like that?

22 A. No, not that kind at all.

23 Q. Did your parents support your love for art at  
24 this point? Did they do anything to help you?

25 A. Not at this point, no.

1 Q. What kind of grades were you getting in the  
2 beginning of high school?

3 A. In the beginning I was getting As and Bs mostly.  
4 It wasn't -- I wasn't 4.0 but I was in the high 3. whatever  
5 grade average.

6 Q. And you said you enjoyed school?

7 A. I did. Yeah, I really liked school.

8 Q. Was school different than what you -- when you  
9 went home from school every day, was there a difference  
10 between your home and your school, the type of atmosphere?

11 A. Yeah, it was like night and day really. I would  
12 go home and it was not a conducive environment for, say,  
13 doing homework or just having a place to study or be  
14 successful, that kind of thing. At school, we were all  
15 supported that way. As a student body we were all  
16 supported in learning and just being successful. That's  
17 how the teachers are.

18 Q. At this point in high school how were your mom  
19 and dad getting along? What did you see?

20 A. Kind of the same thing. He would berate her but  
21 he was also complimentary to her. It was kind of a  
22 strange paradox. If there was a pretty woman on TV and we  
23 were watching, he would say "Weil, she is not as pretty as  
24 your mom" in her presence and other times he would say  
25 things that were very degrading toward her.

1 Q. So this type of relationship between the two of  
2 them continued?

3 A. Yes.

4 Q. And was your mom's reactions the same as before?

5 A. Yes.

6 Q. What did she do?

7 A. Almost like a non-reaction, just kind of quiet.

8 Didn't say anything, not much.

9 Q. She didn't stand up to him?

10 A. No, she didn't.

11 Q. And your dad at this time, what -- let's talk  
12 about your dad for a second. Was he -- in your mind  
13 growing up with him, was he an imposing figure?

14 A. Yes, he was.

15 Q. In what way?

16 A. He was huge. He was a body builder. He had huge  
17 biceps, huge shoulders. He was tall to me. He is 5'11.  
18 He is tall but growing up he seemed huge.

19 Q. And what kind of discipline was going on in your  
20 house during high school? Was your mom still hitting you  
21 with the wooden spoon?

22 A. No, by that point she had broke it on my brother.  
23 Sometimes she would smack me with a hair brush. My  
24 brother got it with a wire hanger a few times. Sometimes  
25 she would use a belt.

1 Q. And at a certain point were you getting old  
2 enough that you were trying to stop her?

3 A. Yeah, I was trying to -- well, there was a few  
4 times when I would try to grab her hands and prevent her  
5 from hitting me.

6 Q. Was it kind of getting different from when you  
7 were smaller in the sense that you were able to try to do  
8 something about it?

9 A. Right. I mean, it was a bad idea because there  
10 would be repercussions, but you can't help it. When you  
11 are being attacked, you kind of grab, you know.

12 Q. What about -- you told us about art. Were you  
13 still interested in Spanish?

14 A. Yes.

15 Q. Did you take Spanish in high school?

16 A. I did.

17 Q. You said you were working for your dad?

18 A. Yes.

19 Q. So when you would get home -- were you taking  
20 care of Angela and Joey still?

21 A. I was occasionally, yeah. I would baby sit.

22 Q. How did you do all of that, the school, work and  
23 caring for your brother and sister?

24 A. Well, school was not the number one priority in  
25 the house. More it was chores and, you know,

1 contributing. If I went to sleep at night without doing  
2 the dishes and it was my turn to do the dishes and I went  
3 to school without that, instead of being able to do my  
4 schoolwork, I had to drop everything; go get that done  
5 first and then if you want to do whatever you want to do,  
6 you can do that, those kinds of things. Maybe I was just  
7 slacking off as a teenager, but there wasn't a lot of  
8 encouragement as far as just focus on your school and do  
9 your work and that kind of thing.

10 Q. Did you say there was not?

11 A. There was not. There was no emphasis there.

12 Q. You said when you were working that you were  
13 saving money?

14 A. Yes.

15 Q. Okay. What types of things did you save your  
16 money for? I know you told us a car.

17 A. Right.

18 Q. Is that one of the things?

19 A. Yes.

20 Q. Okay. Did you buy your own car?

21 A. I did.

22 Q. Is that with all of your own money?

23 A. Yes.

24 Q. Did you care for your car by yourself?

25 A. Yes.

1 Q. And how did you do that?

2 A. I continued to work. At one point it broke down,  
3 and my dad helped me; but mostly I paid the gas. I paid  
4 the insurance. I paid for the car itself, and I just  
5 continued working and making a little bit of money. It is  
6 a slow town, but that's how I did it.

7 Q. What about was there ever -- in high school with  
8 your interest in Spanish, did you ever get to go anywhere  
9 with your Spanish class?

10 A. Yes.

11 Q. Where?

12 A. We went to Costa Rica.

13 Q. How was it that that happened?

14 A. Well, my sophomore year in September at the  
15 beginning of the year there were fliers up advertising for  
16 an exchange program; and it was only a three-week deal in  
17 the summer. So I saw that as something I could do. So I  
18 decided I was going to do it.

19 Q. You decided you were going to do it?

20 A. Yes.

21 Q. How is it that you did it?

22 A. I just came home. My parents were vegging on the  
23 couch, and I told them I'm going to Costa Rica this next  
24 summer. They looked at me and didn't argue.

25 Q. Did they help you at all?



1 A. A little bit, yes, they did.

2 Q. And did you save money for that?

3 A. Yes.

4 Q. Did you pay for most of the trip yourself?

5 A. I did.

6 Q. Is that something that the students had to do?

7 A. We -- no one was paying for the students. It was  
8 them or their families that came up with the money to go.

9 Q. You said it was a three-week trip?

10 A. Yes.

11 Q. And when was this?

12 A. This would have been the summer of 1997.

13 Q. So summer 1997 you were 17; is that right?

14 A. Right. Well, I turned 17 in Costa Rica.

15 Q. Okay. You turned 17, okay. So summer of 17, so  
16 you are heading into your junior year?

17 A. Yes.

18 Q. Tell us then at this point is your family life  
19 getting any better?

20 A. No, it is getting worse.

21 Q. How is it getting worse?

22 A. My relationship with my dad was getting more  
23 hostile, I guess. He was getting a little bit -- it did  
24 not increase in frequency but it increased in severity.

25 Q. Tell me what you mean by it increased in

1 severity.

2 A. He was yelling and angry, and I remember getting  
3 shoved into the piano. One time I was shoved into a door  
4 frame, and I hit my head on the side here and I passed  
5 out.

6 Q. Sorry. Tell me what happened when you got hit  
7 into the door frame.

8 A. I lost consciousness briefly and I slid down the  
9 wall.

10 Q. What was going on? Were you arguing with  
11 somebody?

12 A. Yeah, I was arguing with my mom. I don't  
13 remember why, but she started trying to hit me. I don't  
14 remember with what. I grabbed her hands and we locked  
15 hands like this (indicating), and she was digging her  
16 acrylic nails into my skin and it hurt and my dad got  
17 involved. Got up and --

18 Q. What did your dad do? You said your dad got  
19 involved. What did he do?

20 A. He got up from the chair he was sitting in and  
21 came over, and somehow, I guess, he separated us and --  
22 well, he didn't throw me but he shoved me into the door  
23 frame.

24 Q. All right. And your head hit the door frame. Is  
25 that what you remember?

1 A. Yes.

2 Q. And you said you lost consciousness?

3 A. Yes.

4 Q. What happened when you woke up or when you --

5 A. I'm sure it was brief because the next thing I  
6 remember was I was sitting slumped like on the floor and  
7 my mom was holding my chin up.

8 Q. What was your mom doing when she was holding your  
9 chin up?

10 A. She was continuing to yell at me, whatever she  
11 was --

12 Q. Did you hear her say anything to your dad?

13 A. Yeah, I did. I heard her say "Be careful, Bill".

14 Q. How did that make you feel when you get to this  
15 point of supposed discipline with your family?

16 A. I was stunned because my dad had never done -- it  
17 was reaching a level of dangerousness that it had never  
18 reached before. So it was -- I don't know. It was just  
19 odd to me because even though there had been a violent  
20 type of discipline in my house, it had never reached that  
21 kind of level.

22 Q. How did it make you feel inside as far as the way  
23 your mom -- were your mom and dad -- did your mom get  
24 upset with your dad for doing that?

25 A. She didn't really seem to, no, she didn't.

1 Q. How did that make you feel?

2 A. Well, it drives the wedge even farther between  
3 us. I felt more distanced than ever between my parents.  
4 I just didn't feel like we were a family. We were a  
5 family but we weren't acting that way. There were no warm  
6 feelings between us. There was no ill-will; but like I  
7 said, there was no hugging. There was no I love you. It  
8 just became worse and more distant and more cold and just  
9 a little bit -- it just felt darker in the house.

10 Q. And did there come a point in time when -- you  
11 said this was going into your junior year, right?

12 A. I was in my junior year when that occurred. I  
13 believe it was after the new year, I think.

14 Q. After the new year. Before the new year, the  
15 first semester, and the first two years -- first two years  
16 of school in high school, what kind of grades were you  
17 getting? How were you doing?

18 A. I remember getting As and Bs, I think. Yeah.

19 Q. And was there a difference -- after that  
20 particular incident, was there a difference in your school  
21 years?

22 A. Yes.

23 Q. What was the difference?

24 A. The grades began to slide. I was taking advanced  
25 placement college class. So the workload was higher but

1 the home environment was no more conducive to that, and  
2 the relationship with my parents was sliding. I didn't  
3 have a relationship with my brother really anymore.

4 Q. You are talking about your brother Carl?

5 A. Yes, Carl. And it just became -- my grades began  
6 to slide. I wasn't really making it.

7 Q. After junior -- did you finish your junior year?

8 A. Not really. I guess I finished with Ds and Fs  
9 and almost no attendance towards the end.

10 Q. Did you go back to school for your senior year?

11 A. No. I turned 18 that summer and stayed in the  
12 work force.

13 Q. You kept working?

14 A. Yes.

15 Q. Now at the time -- in your junior year, were you  
16 dating anybody?

17 A. Yes.

18 Q. Who was it that you were dating?

19 A. When I first started my junior year, I was dating  
20 a guy named Victor. I broke up with him sometime in the  
21 fall, not too long.

22 Q. Let me take you back before -- Victor is somebody  
23 you met in Costa Rica, right?

24 A. Yes.

25 Q. Let's talk -- let's go before that a little bit.

1 A. Okay.

2 Q. Had you met somebody named Bobbie Juarez?

3 A. Yes.

4 Q. How old were you when you first met him?

5 A. 15.

6 Q. Did you date him a little bit?

7 A. Not initially we were just friends. Then  
8 eventually, like, I met him in the summer; and I think by  
9 the new year or slightly after the new year, sometime in  
10 January, we decided to be boyfriend and girlfriend.

11 Q. How old were you when that happened, when you  
12 decided to be boyfriend and girlfriend?

13 A. I was still 15.

14 Q. Okay. How old was Mr. Juarez?

15 A. He was 18.

16 Q. So was he in school with you?

17 A. No. He was out of high school.

18 Q. How long did that last?

19 A. I don't recall, but it didn't last until the  
20 school year. It didn't last very long.

21 Q. What happened?

22 A. He was getting very serious and so I felt it was  
23 a little bit heavy. He was saying "I love you" and he  
24 wanted to spend forever with me and that sort of thing.  
25 So it just seemed a little bit intense and serious. So I

1 broke up with him.

2 Q. So you broke up with him. Is that what you said?

3 A. Yes.

4 MS. WILLMOTT: May I approach, Judge?

5 THE COURT: You may.

6 BY MS. WILLMOTT:

7 Q. Jodi, I'm showing you what has been marked as 691  
8 and 690. Do you recognize these?

9 A. I do.

10 Q. Is one a family picture and one a picture of you  
11 and Mr. Juarez?

12 A. Yes.

13 MS. WILLMOTT: Judge, I move for the admission of  
14 691 and 690.

15 MR. MARTINEZ: Lack of foundation, dates.

16 THE COURT: Sustained.

17 BY MS. WILLMOTT:

18 Q. With regard to the family picture that I showed  
19 you, which is Exhibit 690, do you remember around what  
20 time that was taken or how old you were?

21 A. If I could look at it one more time.

22 Q. Do you want to see it again?

23 A. Yeah, I could probably let you know.

24 (Whereupon, a brief pause was had.)

25 BY THE WITNESS:

1 A. It looks like it would have been like around '95.

2 MR. MARTINEZ: Judge, she keeps trailing off and  
3 I'm having difficulty hearing her. I want to know if  
4 perhaps she can.

5 BY THE WITNESS:

6 A. I'm sorry. I don't know the exact date but I  
7 believe it was mid-'90s.

8 BY MS. WILLMOTT:

9 Q. Are you a teenager in this picture?

10 A. Yes.

11 MS. WILLMOTT: Judge, I move for Exhibit 690.

12 THE COURT: Any objection?

13 MR. MARTINEZ: No.

14 THE COURT: 690 is admitted.

15 BY MS. WILLMOTT:

16 Q. So is this a picture of your immediate family?

17 A. Yes.

18 Q. When you are a teenager?

19 A. Yes.

20 Q. And that is obviously you at the top?

21 A. Yes.

22 Q. Is that your brother Carl to the left?

23 A. Yes.

24 Q. And your mom to the right?

25 A. Right.



1 Q. And then Joey and --

2 A. Angela.

3 Q. Angela?

4 A. Yes.

5 Q. And obviously your dad?

6 A. Yes.

7 Q. This is at a time you say you were an early -- a  
8 teenager at this point?

9 A. Yes.

10 Q. We were talking about when you first Mr. Juarez  
11 and that you dated him just for a few months, right?

12 A. Initially, yes.

13 Q. And then you said you went to Costa Rica in high  
14 school?

15 A. No, right after -- well, yeah, in high school but  
16 it was in the summer.

17 Q. Right. The summer that you turned 17?

18 A. Yes.

19 Q. So the summer that you turned 17 did you meet  
20 anyone when you went to Costa Rica?

21 A. Yes.

22 Q. Who did you meet?

23 A. I stayed with a family there -- an exchange  
24 family and one of the family members was a guy named  
25 Victor who was about my age.

1 Q. What was Victor's last name?

2 A. His last name was Arias.

3 Q. But there was no relation?

4 A. No, a different Arias family.

5 Q. And from -- after meeting him in Costa Rica, were  
6 you dating him?

7 A. Yeah, you could say that.

8 Q. How did that work because he lived in Costa Rica,  
9 right?

10 A. Right.

11 Q. How did that work?

12 A. Well, he and I hung out. We saw the tourist  
13 attractions in Costa Rica, and I left I think in -- well,  
14 in July and then he came to visit in the United States in  
15 August. He stayed in Redding, California and then came to  
16 Yreka and stayed there for a few weeks; and we kept in  
17 touch mostly via letters but sometimes phone calls.

18 Q. So you said you kept in touch mostly phone calls  
19 and letters?

20 A. Mostly letters and sometimes phone calls, right.

21 Q. And did you say he came to the US once?

22 A. Yes, once that I know of. He has been there more  
23 than once.

24 Q. You saw him once in the U.S.?

25 A. Yes.

1 Q. And in other words, did he visit with you when he  
2 came to the U.S.?

3 A. Yes.

4 Q. And at some point in time -- did this  
5 relationship last very long?

6 A. I wouldn't say long, no.

7 Q. What happened to it?

8 A. It got to a point where -- I mean, he is a nice  
9 guy. He is good looking but he was -- we argued a lot.  
10 He was -- he didn't like me to -- he didn't like for me to  
11 talk to other people. How do I say? He was kind of  
12 possessive and it was just not my thing.

13 Q. And at this point were you only 17?

14 A. Yes.

15 Q. And did you -- obviously the relationship broke  
16 up, right?

17 A. Right.

18 Q. Who did the breaking up?

19 A. I broke up with him.

20 Q. How did you --

21 A. Yeah, I called him.

22 Q. -- do that?

23 A. I called him and broke up with him.

24 Q. Obviously that was over the phone then?

25 A. Yeah, it was over the phone.

1 Q. And you are kind of wincing when you say that you  
2 called to break up with him. Was that something difficult  
3 for you?

4 A. Yeah, it just seems kind of messed up to break up  
5 with somebody on the phone. It is something I think -- I  
6 knew he loved me. It was difficult. I heard him crying  
7 on the other end of the line, and I felt like at least I  
8 owed it to him to break up to his face; but we were in  
9 different countries so.

10 Q. Is that something you were still able to do,  
11 break up with him?

12 A. Yes.

13 Q. After you broke up with Victor Arias, did you end  
14 up meeting or -- had you been friends with Mr. Juarez  
15 after you broke up?

16 A. Yeah, we reconnected and were talking for a while  
17 at that point.

18 Q. At the point you were dating Victor, had you been  
19 friends with Mr. Juarez again?

20 A. Yes.

21 Q. Mr. Juarez, where did he live?

22 A. He lived in Montague. It is a town outside of  
23 Yreka.

24 Q. Is it fairly close to Yreka?

25 A. It is about six miles away.

1 Q. At a certain point did that friendship turn into  
2 dating again?

3 A. Yeah, several months later it did.

4 Q. Several months from when?

5 A. From the time I guess I broke up with Victor.

6 Q. Do you remember time wise when that was?

7 A. I don't remember exactly the date I broke up with  
8 Victor, but it was in the fall; and Bobbie and I began  
9 dating again on the first of the new year.

10 Q. So when we are talking about fall and first of  
11 the new year, is that -- the first of the new year, is  
12 that in the middle of your junior year?

13 A. Yeah, that would be 1988.

14 Q. All right. So you begin dating Mr. Juarez again  
15 at the time that we have discussed. And your family life  
16 and your grades start to slide. Is that all at the same  
17 time?

18 A. Right, all in -- a lot was going on that year.

19 Q. And you remember I showed you the Exhibit No. 691  
20 a picture of you and Mr. Juarez?

21 A. Right.

22 Q. About when was that taken?

23 A. I think I was 19 when that was taken. So  
24 probably 1999 but I may have been 18. I may have been --  
25 yeah.

1 Q. Was it taken sometime after you had started  
2 dating again?

3 A. Yes.

4 MS. WILLMOTT: Judge, I move for the admission of  
5 691.

6 THE COURT: Any objection?

7 MR. MARTINEZ: No.

8 THE COURT: 691 is admitted.

9 BY MS. WILLMOTT:

10 Q. Is that a picture of you and Mr. Juarez?

11 A. Yes.

12 Q. At the time that things were happening in your  
13 house when we talked about your junior year and how things  
14 started to slide, was there a certain point in time when  
15 you decided that you had had enough?

16 A. At home, yes.

17 Q. Yes, at home.

18 A. Yes.

19 Q. What happened?

20 A. Well, things had gotten just to a point where I  
21 didn't want to live there anymore. I began -- Bobbie and  
22 I began to make plans to move in with him and his  
23 parents/grandparents.

24 Q. When you say "parents/grandparents," what do you  
25 mean?

1       A.    They were an elderly couple.  I believe they were  
2 his grandparents like biologically but he called them mom  
3 and dad.

4       Q.    You and Bobbie started making plans for you to  
5 move in with him?

6       A.    Yes.

7       Q.    You are still in high school at this point?

8       A.    Yes.

9       Q.    How did you effectuate those plans?  What were  
10 you doing?

11      A.    Well, little by little I began to pack up some  
12 things that I had and whenever I was visiting, I would  
13 take them over to his house and he had a shed in the back;  
14 and we would put all my things -- I had dishes and things  
15 that my dad had given me when he closed the restaurant  
16 this year, household stuff my books things like that.

17      Q.    At this point in time this is your end of your  
18 junior year, right?

19      A.    Yes.

20      Q.    Are you still working?

21      A.    I am, yes.

22      Q.    Where are you working?

23      A.    Well, if I wasn't still working at my dad's  
24 restaurant, I began to work at -- restaurants was my thing  
25 then.  So I worked at a restaurant either called Grandma's

1 House as a hostess or the Purple Plum as a busser or maybe  
2 it was both. I can't remember. It was all in that,  
3 similar.

4 Q. All around that same time?

5 A. Right.

6 Q. Okay. So you were obviously earning money then?

7 A. Yes.

8 Q. So what happened then? At some point do you  
9 actually leave your house?

10 A. Yes.

11 Q. What happens?

12 A. Well, at that point I stayed up all night packing  
13 and --

14 Q. Tell me what point this is.

15 A. This is three months before I was 18.

16 Q. So you would have turned 18 in July of 1988?

17 A. 1998.

18 Q. Sorry.

19 A. I would have turned 18 that July. So roughly  
20 April. I think it was sometime in the spring. I packed  
21 up all my things all night long, and then I picked up my  
22 cat and walked out the door about 7:00 in the morning and  
23 drove everything -- drove out to his house; dropped  
24 everything out and --

25 Q. When you walked -- sorry -- when you walked out



1 the door, were your parents there?

2 A. My mom was in the kitchen.

3 Q. Did anybody say anything?

4 A. You can see the front door from the kitchen and  
5 she saw me with my cat and she said "what are you doing"  
6 and I said "nothing." And I just shut the door and I took  
7 off in my car and then I called her.

8 Q. You went over to Bobbie's?

9 A. Yes.

10 Q. Did you call your mom later?

11 A. I called her when I got there that morning just  
12 so they were aware of what I was doing at that point.

13 Q. Is that when you told them that you were moving  
14 out?

15 A. Yes.

16 Q. Did they do anything to stop you?

17 A. No.

18 Q. Did they come over to Bobbie's house and pack  
19 your things up and make you come back?

20 A. No.

21 Q. Did they try to convince you to come back?

22 A. No, to come back, no.

23 Q. After you moved your stuff into Bobbie's house --  
24 grandparents' house, did you go to school?

25 A. I did that day, yeah.

1 Q. That is the end of your junior year or the  
2 beginning of the end of your junior year, right?

3 A. Pretty much. Things were already getting  
4 difficult, but I think that was sort of a turning point  
5 where things really began to go south where I couldn't  
6 salvage my grades anymore at that point.

7 Q. During this time when you lived with Bobbie,  
8 that's when you think you were working at a couple of  
9 different places?

10 A. Yes.

11 Q. And what about Bobbie, was he working?

12 A. No. He had never had a job.

13 Q. And so where was your money going?

14 A. Well, eventually it was going to him and I. We  
15 were living -- it was kind of a 50/50 team.

16 Q. Were you helping to support him?

17 A. Yeah, food, clothes, that sort of thing.

18 Q. About you -- you guys had a house to live in?

19 A. We did.

20 Q. Can you describe for us the house? What was the  
21 house like that you moved in with Bobbie?

22 A. Well, you could sort of see it in this picture.  
23 It was not in very good shape. It was very dirty.

24 Q. I'm sorry. It was what?

25 A. Dirty. The front room had, I think, cigarette

1 tar running down the walls in brown. There was a lot of  
2 dusty junk piled up everywhere. The carpet was like  
3 thread bear. The kitchen linoleum was all peeling off.  
4 It was just really in bad shape.

5 Q. Yet did you stay there?

6 A. I did.

7 Q. What was the relationship like with Bobbie at  
8 this point?

9 A. It was all right. I thought.

10 Q. You thought?

11 A. Yeah, I mean, there wasn't a lot of drama or  
12 anything like that. We got a long. I don't know. He --  
13 it was all right.

14 Q. Was there a certain point in time when you broke  
15 up?

16 A. Yes.

17 Q. About when did that happen?

18 A. I think that was in May I broke up with him.

19 Q. May of 1998?

20 A. Yes.

21 Q. What happened that you broke up with him?

22 A. I found out he was cheating on me so I broke up  
23 with him.

24 Q. Can you speak up a little bit, Jodi?

25 A. I'm sorry. I found out that he was seeing

1 someone else so I broke up with him.

2 Q. How did you find that out?

3 A. Well, he had been talking with this woman for a  
4 while on the phone; and she was out of state; but they  
5 spoke very frequently. My understanding was that he had  
6 an interest in her previously but they were just friends  
7 now.

8 Q. Are these things he would tell you?

9 A. Yes, uh-huh. So I saw them talk and friendship  
10 is fine. So I didn't think much about it. I kind of had  
11 a weird feeling. We would go to the public library to  
12 check our e-mails.

13 Q. Let me stop you there. So back in that day, 1998  
14 -- this was 1988. Did you have a computer in the house?

15 A. No. No computer, no cell phone, nothing like  
16 that.

17 Q. You had e-mail?

18 A. Yes.

19 Q. You said you had to check your e-mail at the  
20 public library?

21 A. Right.

22 Q. Did you both go and do that?

23 A. Right.

24 Q. What happened?

25 A. We would go to the -- sometimes we would just

1 each use a terminal or if the terminals were being used,  
2 we would each take turns using the same terminal. We  
3 would check our e-mails right in front of each other. It  
4 didn't seem like he was hiding anything, and I would see  
5 e-mails in his inbox from her.

6 Q. Wait. You would see emails in his inbox from  
7 who?

8 A. From this woman.

9 Q. This woman that he was supposedly just friends  
10 with?

11 A. Yes, right. I never read any of them. He never  
12 read any in front of me. Just the way he spoke to her  
13 seemed a little bit more than just friends.

14 Q. How did you hear him speak to her?

15 A. He was very sweet to her. He laughed a lot.

16 Q. How is it that you would hear him?

17 A. He would speak on the phone when I was home. It  
18 seemed like when they were on the phone, it was their own  
19 world. You could just tell, you know. He seemed kind of  
20 -- tune everything out, not in a bad way. More like in a  
21 way that you could see that someone had feelings for  
22 someone, almost an in love kind of feeling.

23 Q. How did that make you feel?

24 A. It was uncomfortable. I mean, I took his word  
25 for it at first; but it was uncomfortable.

1 Q. What happened during the time you broke up with  
2 him?

3 A. The day we checked our e-mails I was headed to  
4 the Purple Plum to work and before going there, I dropped  
5 him off at his friends so he could hang out there. He  
6 didn't have a car.

7 Q. Sorry to interrupt you. What is the Purple Plum?

8 A. I'm sorry. That's the restaurant I was working  
9 at at that time.

10 Q. You were headed to the Purple Plum to work and  
11 you were dropping Bobbie off where?

12 A. At his friend's house.

13 Q. What happens?

14 A. Well, my feeling was very strong by that point.  
15 So I decided I wanted to check. So I went back to the  
16 library and I checked the e-mails that he had been writing  
17 her the ones he had sent her and they were very loving.  
18 They were more than friends clearly. So --

19 Q. What did you do?

20 A. I printed them all out and I drove to the house  
21 we were living in. I packed up all my things; threw them  
22 in my trunk. Asked my grandma if I could stay with her.  
23 She said, yes, and then I drove -- I called in sick for  
24 work. I was sad. I was upset. I drove back to the  
25 friend's house where Bobbie was and I pulled him aside so

1 we could talk privately, and I handed him the letters and  
2 showed him.

3 Q. When you pulled him aside, did you yell at him?

4 A. No, I didn't say anything I just handed them to  
5 him.

6 Q. You didn't say anything to him?

7 A. No.

8 Q. You just handed him the letters?

9 A. Right.

10 Q. Okay. And what was his reaction?

11 A. He seemed very shocked.

12 Q. Okay.

13 A. His -- he -- he asked if she had sent them to me.

14 Q. He thought that she told on him?

15 A. Yes.

16 MR. MARTINEZ: Objection. Speculation. Lack of  
17 foundation. How?

18 THE COURT: Sustained.

19 BY MS. WILLMOTT:

20 Q. He asked you if she sent them to you?

21 MR. MARTINEZ: Objection. Leading.

22 THE COURT: Overruled.

23 BY THE WITNESS:

24 A. Yeah, that was his first question.

25 BY MS. WILLMOTT:

1 Q. What happened between the two of you?

2 A. At that point he wanted to leave the house. He  
3 said let's go somewhere so we can talk. We drove back to  
4 his house and we just -- I don't know. He --

5 Q. Let me ask you this: How did you feel when you  
6 discovered that he was cheating on you?

7 A. I felt awful. It was very hurtful. I felt  
8 deceived, of course; and I felt really hurt. He was very  
9 sweet and loving toward her. He treated her better than I  
10 thought he was treating me.

11 Q. At this point in time had you been dating him for  
12 approximately how long?

13 A. I think at that point it would have been roughly  
14 five months, maybe four.

15 Q. And you were living with him?

16 A. Yes.

17 Q. So when you go back to his house, does he notice  
18 that all of your things are gone?

19 A. Yeah, he saw the closet area where all my clothes  
20 were hanging were empty and some of my belongings were out  
21 of the spaces.

22 Q. How did that go?

23 A. He got upset. He said it made him sick to his  
24 stomach so see that I moved everything out. He felt  
25 really bad. He apologized.



1 Q. Did you still move out?

2 A. I can't remember if I stayed at my grandma's for  
3 one or two nights, but I did move out; but I was right  
4 back in the house again.

5 Q. How did -- is it that you landed right back in  
6 the house again?

7 A. He promised he would not talk to her anymore.  
8 There was nothing going on between them. He cared about  
9 me. He loved me. He won't talk to her, that sort of  
10 thing. He was very apologetic, and I believed he was  
11 sincere.

12 Q. Did you accept his apology then?

13 A. Yes.

14 Q. Did you believe his apologies?

15 A. I did.

16 Q. When you moved back in, what was your  
17 relationship like after that?

18 A. At that point it was -- it wasn't that great. I  
19 mean, it just seemed to get emotionally more chaotic.  
20 There was turmoil as far as that goes.

21 Q. Turmoil between the two of you?

22 A. Yeah, emotionally like he was a little more upset  
23 all the time. I can't really describe it. He would kind  
24 of play mind games.

25 Q. Was your relationship rocky after that?

1 A. Yeah. It wasn't super rocky but it got rockier  
2 as time went on.

3 Q. What -- when you stayed with him after you came  
4 back, why did you do that?

5 A. You mean why did I continue to stay?

6 Q. Right.

7 A. I loved him. In fact, I was in love with him;  
8 and he told me he loved me. So we were two people that  
9 love each other. We were young but we loved each other.  
10 I figured we could work through our problems that's how I  
11 thought.

12 Q. Is that what you were trying to do?

13 A. Uh-huh.

14 Q. Is that a "yes"?

15 A. Yes.

16 Q. Now, at this point in time where are you working?

17 A. I believe I was still at the Purple Plum.

18 Q. Okay. And were you serving there?

19 A. No. I was bussing tables. I wasn't 18 yet so I  
20 couldn't wait tables.

21 Q. And what about Bobbie, was he working yet?

22 A. No, he didn't have a job.

23 Q. Was your money still going to support the two of  
24 you?

25 A. Yes.

1 Q. Is there a point in time when you broke up with  
2 him again?

3 A. There were several times where we broke up and  
4 then made up and broke up and got back together. So,  
5 yeah.

6 Q. And did you maintain your job at the Purple Plum?

7 A. No. At one point I decided to move to Chico,  
8 California, which is just north of Sacramento. That  
9 didn't work out. So I was right back. At that time --

10 Q. Tell us what was happening between you and Bobbie  
11 when you moved to Chico.

12 A. Okay. Bobbie and I -- I don't remember exact  
13 time lines. Somehow he decided again he wanted to try to  
14 work things out with other girl. She bought a Greyhound  
15 ticket and came into town and stayed with him, and I was  
16 out of there.

17 Q. You moved out?

18 A. Oh, yeah, I moved out before she got there.

19 Q. Okay.

20 A. I went to Chico and stayed with some friends  
21 there to see if that's where I wanted to live there and  
22 maybe get an apartment and work. I came back to Yreka  
23 briefly for more of my stuff or to visit family. I can't  
24 remember. I was only gone about four days, and I came  
25 back. And let's see. I don't remember how Bobbie and I

1 reconnected, but we went to Carl's Jr.; and he takes my  
2 hand and says "I just know things are going to work out  
3 between us." And that was very shocking to me because I  
4 thought he was trying to be with this other girl.

5 Q. So did you see a pattern with him as far as when  
6 he wanted you and when he didn't want you?

7 A. Yeah, I did.

8 Q. What did you see? And I should ask you this:  
9 When is it that you saw this pattern? Did you see it when  
10 you were involved with him or later?

11 A. Well, looking back, I see it was a pattern almost  
12 from the beginning; but I didn't notice it until later --  
13 later being later on in the relationship. It seemed like  
14 when he had somebody there to provide for him, he didn't  
15 need me or want me but when someone wasn't there or he  
16 needed clothes, he was trying to make the relationship  
17 work.

18 Q. And when he tried to make the relationship work,  
19 is that something that you went along with?

20 A. Yes, I did.

21 Q. You said you broke up and got back together  
22 several different times?

23 A. Right.

24 Q. Was there a time when you broke up with him  
25 completely?

1 A. Yes.

2 Q. And approximately when is this?

3 A. This was late 1999.

4 Q. So late 1999, you would have been 19?

5 A. Yes.

6 Q. Is that close in time do you think when this  
7 picture is?

8 A. Probably. That could have easily have been in  
9 1999.

10 Q. You are not sure?

11 A. I'm not 100% sure if it was 1998 or 1999.

12 Q. Okay. What happened -- where were you working at  
13 that point?

14 A. I began to work in Denny's in August of 1998. I  
15 believe it was August.

16 Q. Denny's where?

17 A. Yreka.

18 Q. What were you doing?

19 A. Waiting tables.

20 Q. So now you were 18?

21 A. Right.

22 Q. You said in August of 1998, that's when you  
23 started working in Denny's?

24 A. Yes.

25 Q. And were you making pretty decent money there?

1 A. I thought I was, yeah. It was the most I had  
2 been making since I started working in that field.

3 Q. Again, where was your money going when you --

4 A. Living expenses. I had a few bills now. I had a  
5 little credit card to build up my credit, gas, insurance,  
6 food, clothes.

7 Q. Do you still have your own car?

8 A. Yes, and that was constantly needing repair. It  
9 was a junker kind of.

10 Q. At this point in time are you still living with  
11 Bobbie?

12 A. Yes.

13 Q. Is there a certain point when you move out from  
14 him?

15 A. Yes, about a year later -- well, we were together  
16 close to two years, and then I think it was late 1999 we  
17 were no longer living together.

18 Q. When you were no longer living together, is that  
19 when you were still working at Denny's?

20 A. Yes. I was still working at Denny's until late  
21 1999 also.

22 Q. So what happens? Around this time is there -- is  
23 there a break-up?

24 A. Yes.

25 Q. What happens?

1 A. There was a break-up. At Denny's I built up  
2 vacation time. So I decided to use that. I went back to  
3 Costa Rica to heal from the break-up, just to get away  
4 from everything. So I spent eight days there with the  
5 family. Victor had moved out and moved on. He was doing  
6 other things. I was with the family and hanging out and  
7 trying to heal; go to the beach and --

8 Q. Let me ask --

9 A. Sorry.

10 Q. You said a lot in that. You were working at  
11 Denny's and you were able to save money to go to Costa  
12 Rica?

13 A. Yes.

14 Q. And you said that where was Victor Arias at this  
15 point?

16 A. He moved out and had gotten his own apartment.

17 Q. Were you going to visit him?

18 A. No. I was going to see my exchange family.

19 Q. Your exchange family. All right. Did you go to  
20 kind of clear your head?

21 A. Yes.

22 Q. And what were you thinking about? When you say  
23 clear your head, what were you thinking about?

24 A. Well, I was -- there was a lot of pain in the  
25 relationship and things we had been through. It was kind

1 of processing. It was meditative in a way. There wasn't  
2 a whole lot of activity like when I was 17, we went to all  
3 the tourist spots. It was more educational. This was  
4 more relaxing.

5 Q. So what happened? So you come back from Costa  
6 Rica?

7 A. Yes.

8 Q. Did you make a decision about your relationship  
9 with Bobbie?

10 A. Yes, we were broken up.

11 Q. Did you intend to keep it that way?

12 A. Yes, I had not planned to contact him.

13 Q. What happened?

14 A. I came back to work at Denny's where I was  
15 working, and I was just working my shift. I went in the  
16 back for something. I came back out. There are counters  
17 in the front where the swinging door is from the back.  
18 When I came out, he was sitting right on the first seat  
19 there with this puppy dog look on his face, like his head  
20 in his hands kind of thing.

21 Q. Was he just waiting for you?

22 A. Yeah.

23 Q. Did you end up speaking with him?

24 A. Yeah.

25 Q. And how did that conversation go?



1       A.    It was emotional. I was coming up on my break.  
2    So he waited and we left the building and we went outside  
3    to the parking lot to my car to talk and there were tears  
4    and he missed me and I missed him. I guess so we ended up  
5    -- I don't know that we actually got back together. This  
6    was very much towards the end, but we continued to see  
7    each other.

8       Q.    At this point in time where were you living?

9       A.    I believe I was with my grandma at that point.  
10   Yeah, I think I was living with my grandma.

11      Q.    Other than this back and forth with you and  
12   Bobbie, was there ever a point in time when he was  
13   actually physical with you?

14      A.    Yes, one time.

15      Q.    And as far as when we are talking timeline, when  
16   does that happen?

17      A.    This was also late 1999. I don't recall the  
18   exact month, but it might have been around October and I  
19   was at my -- I was at my friend's house. I forgot. I was  
20   living at this girl's house, just staying there. I stayed  
21   there a few months. So at this point I'm at her house and  
22   -- this is in Montague as well. He was over there  
23   visiting. There was no one else home, just him and I. We  
24   got into an argument.

25      Q.    What happened in the argument?

1 A. The argument, he --

2 Q. Was he yelling?

3 A. He was yelling. He was very dramatic. He is  
4 very emotionally deep. He was just being himself, and we  
5 were arguing; and he approached me and he spun me around  
6 and he got me into a choke hold.

7 Q. He had his arm around your throat?

8 A. I think both arms. I don't really know how to do  
9 a choke hold but he does. So he did that.

10 Q. Why does he know how to do a choke hold?

11 A. He was in Martial Arts and that sort of thing.

12 Q. You said he came up to you and he spun you  
13 around?

14 A. Yes, he just took my shoulders and spun me around  
15 so my back was to him.

16 Q. What were you expecting? Do you remember -- do  
17 you have a memory of what you thought was going to happen  
18 when he spun you around?

19 A. Yeah. I mean, we had made up after arguments  
20 before and he was nice. He had never been physical with  
21 me before. So I was thinking he was going to hug me or  
22 something and instead he choked me.

23 Q. What happened when he choked you? Do you  
24 remember it?

25 A. Yeah, he squeezed really hard and he let go; and

1 I fell to my knees. Very, very light headed. I almost  
2 passed out but I didn't.

3 Q. What was going through your head at that point in  
4 time?

5 A. I was kind of mad. I thought you just choked me.  
6 I was a little bit mad. I was stunned. He had never done  
7 that before. So I turned around and followed him out to  
8 the living room and said something -- I don't remember  
9 what I said -- something to the effect that my family  
10 would be very upset if they knew what you just did. It  
11 wasn't that but it was --

12 Q. Jodi, let me ask you this: He just choked you  
13 and you followed him out?

14 A. Well, we were in this house. The living room is  
15 right outside the bedroom. So you know -- he went to the  
16 living room and I went to the living room.

17 Q. So then what happens?

18 A. At that point he approached me again, and he got  
19 me into some kind of hold. I don't recall like how it  
20 was, but it was -- he had my arm and he was placing  
21 pressure on my forearm; and it seemed his intention was to  
22 break it.

23 Q. Because of the pressure that he was placing?

24 A. Right, the way he was holding it, the way he was  
25 putting the pressure on it.

1 Q. At this point in time do you remember what was  
2 going on through your head?

3 A. Well, the phone was like not 5 or 6 feet away.  
4 So that was my intention.

5 Q. What did you do?

6 A. I somehow squirmed over to the phone and managed  
7 to grab it. We were both trying to grab it. I grabbed it  
8 and I turned it on and I called 911.

9 Q. Is this a cell phone or home phone?

10 A. A portable home phone.

11 Q. Okay.

12 A. He grabbed the phone from me and hung it up.

13 Q. Okay. Did they ever call back?

14 A. Yeah. He was telling me to shut up because at  
15 that point I was crying. He kept telling me to shut up  
16 because they were going to call back. Maybe a few seconds  
17 later, a minute -- not even a minute later the phone rang.  
18 He answered and he talked to the operator and he told her  
19 everything was fine. It was just a mistake.

20 Q. Do you know if the police ever showed up?

21 A. I don't -- I mean, we left.

22 Q. I was going to say, why don't you know?

23 A. Yeah, we left. We were leaving. He didn't have  
24 a ride. So I took him wherever he needed to go.

25 Q. After all this, you took him? You just didn't

1 leave him?

2 A. You know, I don't know actually -- I know he left  
3 and we both left. I'm sorry. He may have walked away or  
4 he may have gotten in my car with me. I don't remember.

5 Q. But did you stay at the house?

6 A. No, not that time.

7 Q. You said this was a house -- a friend's house  
8 that you had just been staying at briefly?

9 A. Right.

10 Q. Did you have any idea what the address was?

11 A. No, I didn't get any mail there.

12 Q. And after you were arrested and this case was  
13 pending, did you have any idea what that address was?

14 A. No. I mean, I could drive to the house. I know  
15 where it is, but I don't know the address.

16 Q. You didn't know -- you didn't have the actual  
17 physical address of it, right?

18 A. No, I don't.

19 Q. After this happens with Bobbie, did you tell  
20 anybody?

21 A. Yes, I did.

22 Q. Who did you tell?

23 A. I told my parents.

24 Q. And okay and anybody else?

25 A. Um --

1 Q. Well, after you told your parents, did anybody  
2 else find out?

3 A. Yes.

4 Q. Who?

5 A. I guess they told my brother Carl.

6 Q. Why do you guess that?

7 A. Because he got a little gang of his friends and  
8 they went over to Bobbie's house and confronted him.

9 Q. Carl and a little gang of his friends, was one of  
10 his friends named Kellan (phonetic)?

11 A. Yes.

12 Q. Did you know Kellan?

13 A. I did know him -- not very well but I knew he was  
14 a friend of my brother's.

15 Q. And did Kellan, was he in high school when you  
16 were --

17 A. Right, he was a grade younger -- a grade below  
18 mine and my brother. My brother was only one grade below  
19 me. So they were in the same grade.

20 Q. So your brother Carl and Kellan, were there other  
21 boys involved that you knew of?

22 A. There were other boys involved to my  
23 understanding.

24 Q. What did they do?

25 MR. MARTINEZ: Objection. Lack of foundation to

1 my understanding. How does she know?

2 THE COURT: Sustained.

3 BY MS. WILLMOTT:

4 Q. What did they do?

5 A. They went to --

6 MR. MARTINEZ: Same objection. Lack of  
7 foundation.

8 MS. WILLMOTT: Her answer was not in relation to  
9 that question.

10 THE COURT: Overruled. You may answer.

11 BY THE WITNESS:

12 A. They went to Bobbie's house.

13 MR. MARTINEZ: Objection. Foundation. They went  
14 to Bobbie's house.

15 THE COURT: Sustained.

16 MS. WILLMOTT: Judge, may we approach?

17 THE COURT: Yes, you may. Actually, we are going  
18 to take the afternoon recess. Please be back in the  
19 designated area at 10 minutes after 3:00. Please remember  
20 the admonition. You are excused.

21 (Whereupon, the Jury exited the courtroom.)

22 THE COURT: We will show that the Jury has left  
23 the courtroom.

24 MS. WILLMOTT: I guess we don't have to approach.

25 THE COURT: There is no one else that can hear.

1 The objection was foundation?

2 MR. MARTINEZ: She is narrating something. I  
3 want to know how she knows.

4 MS. WILLMOTT: I can ask her how she knows.

5 THE COURT: Correct. Let's take up the issue of  
6 the transcript of the hearing conducted in chambers. The  
7 attorney for the press has requested it. Thinking about  
8 it, my suggestion is that I enter an order that the  
9 transcript be prepared under seal and provided directly to  
10 the Court of Appeals in the event there is a special  
11 action filed. So it would not go to anyone other than to  
12 the Court of Appeals.

13 MR. MARTINEZ: Well, I think that this involves a  
14 third party. They should probably be heard on that issue;  
15 but if that is the ruling that goes to the Court of  
16 Appeals, someone should perhaps tell their lawyer that's  
17 where it is.

18 THE COURT: Right. I told the lawyer for the  
19 media that I needed to speak to you to get any objection  
20 to providing the transcript.

21 MR. MARTINEZ: No, I have no objection to the  
22 transcript being provided.

23 MR. NURMI: Not to the Court of Appeals.  
24 Obviously our concern is it getting out to the media in  
25 any way, shape or form. So the attorneys for KPNX to be



1 instructed it is also under seal and only being created  
2 for the limited purposes of a special action.

3 THE COURT: Okay. So, Randy, you want to go out  
4 and see if the attorney is still out in the hallway.

5 MS. WILLMOTT: Judge, may Miss Arias step down?

6 THE COURT: Yes, you may step down.

7 (Whereupon, a brief pause was had.)

8 THE COURT: I will ask court staff to contact the  
9 attorney and give him an opportunity if he wants to be  
10 present. Otherwise, we will tell him that the intention  
11 is we will provide a sealed transcript directly to the  
12 Court of Appeals. If he wants to be heard on that issue,  
13 he can come down and have a hearing on Monday. We are at  
14 recess.

15 (Whereupon, a short break was had.)

16 (Whereupon the Jury entered the courtroom.)

17 THE COURT: Let the record show the presence of  
18 the Jury, the Defendant and all counsel. Miss Willmott,  
19 you may continue.

20 MS. WILLMOTT: Judge, may we approach?

21 THE COURT: Yes.

22

23 (Whereupon, an off-the-record discussion was  
24 had.)

25

1 DIRECT EXAMINATION (cont'd)

2 BY MS. WILLMOTT:

3 Q. Jodi, when we took a break, we were talking about  
4 what happened after Bobbie choked you and what your  
5 brother did?

6 A. Right.

7 Q. How -- are you aware whether or not your brother  
8 did anything after that?

9 A. Yes.

10 Q. How were you aware of that?

11 A. One of my family members told me. I think it  
12 might have been my parents and also Bobbie told me.

13 Q. Bobbie told you later?

14 A. Right.

15 Q. What is it that you learned that happened?

16 A. My brother and a group of his friends confronted  
17 him. They went to his house. They knocked on his door  
18 and they went out there and confronted him.

19 Q. When they confronted him -- did they beat him up  
20 or what happened?

21 A. I don't know dialogue or anything, but their  
22 intention was to go there to intimidate him somehow.

23 Q. Is that because of what he did to you?

24 A. Yes, right.

25 Q. And what -- do you know based on what Bobbie told

1 you what he did?

2 A. Yes.

3 Q. What did Bobbie do?

4 A. He got a sword and he -- he knows how to wield  
5 it. So he came out there and started swinging it around  
6 and scared them off.

7 Q. Okay. At this point in time in your  
8 relationship, is that -- was that -- how did you feel  
9 about your relationship after that?

10 A. Well, at this time -- this is around the time the  
11 whole relationship just began to fall apart for good, not  
12 permanently yet; but it was coming close to that point.

13 Q. And what did you do about that? How is it that  
14 it fell apart?

15 A. Well, there was that incident; and I did go to  
16 Costa Rica to heal from things. Also, I ended up moving  
17 to Santa Maria to sort of get away from everything.

18 Q. When you say you moved to Santa Maria, tell us  
19 again, this is from Yreka to Santa Maria?

20 A. Yes, back to Santa Maria.

21 Q. About how far apart is that?

22 A. I'm guessing about 600 miles. I just know it  
23 takes all day long to drive.

24 Q. When you moved to Santa Maria, did you stay with  
25 -- who do you stay with?

1 A. I stayed with a friend of mine that I had made  
2 friends with down there.

3 Q. And what did you do when you were down there?

4 A. I got a job and began working.

5 Q. Where did you get a job at?

6 A. Applebee's.

7 Q. During this time did Bobbie contact you at all?

8 A. Yeah, he continued to contact me.

9 Q. Was that by phone?

10 A. Right, by phone.

11 Q. Did he ever come to visit you?

12 A. Yes. He did come to Santa Maria with me at one  
13 time.

14 Q. And did you consider yourself dating him anymore?

15 A. We were still dating. I don't know where we were  
16 going, but we were still seeing each other.

17 Q. And if you were still dating, why did you move to  
18 Santa Maria?

19 A. Well, like I said, we were constantly breaking up  
20 and getting back together and breaking up. He would  
21 always say it was over. It is over and he would call me  
22 back again. He would apologize or whatever. He was  
23 dramatic.

24 Q. All right. So about how long did you stay in  
25 Santa Maria?

1 A. How long, only like two months.

2 Q. Okay. What happened to Bobbie during those two  
3 months?

4 A. He ended up moving to Medford, Oregon which is  
5 about 50 miles north of Yreka.

6 Q. 50 miles north of Yreka?

7 A. Yes.

8 Q. Okay. And when he moved to Medford, where was he  
9 living just generally?

10 A. He started living with a friend that he  
11 reconnected with.

12 Q. At this point did Bobbie finally get a job?

13 A. He finally managed to get a job.

14 Q. So was he working in Medford then?

15 A. Yes, he was.

16 Q. During this time you said that you were still in  
17 contact with him?

18 A. Right.

19 Q. At a certain point did you leave Santa Maria?

20 A. Yes.

21 Q. Why is that?

22 A. It was harder than I thought it would be  
23 financially. So I moved back to Yreka to be with my  
24 grandma. I wasn't in Santa Maria very long.

25 Q. You said you moved in with your grandma?

1 A. Right.

2 Q. Why not move in with your parents?

3 A. I didn't want to go back to that environment. My  
4 parents and I were getting along better now that we  
5 weren't interacting so much. Our relationship improved  
6 somewhat after I moved out.

7 Q. When you didn't have constant contact with them?

8 A. Right. When I wasn't living with them under the  
9 same roof, seeing them all the time under their rules.  
10 They didn't -- they were nicer and I just didn't have -- I  
11 don't know. It was just better between us. Everything  
12 improved when I moved out.

13 Q. When you came back to Yreka, was that -- is that  
14 why you moved in with your grandma?

15 A. Right, and my grandmother and I have always  
16 gotten along.

17 Q. Was your grandfather still alive at that time?

18 A. Yeah, both of my grandparents were there.

19 Q. All right. And what did you do -- how long did  
20 you stay in Yreka?

21 A. Well, not long.

22 Q. Okay.

23 A. I don't remember exactly.

24 Q. You don't remember exactly?

25 A. Yeah, I was there during the holidays; but I may

1 have just been there for the holidays. I wasn't there  
2 long.

3 Q. And at this point in time is Bobbie still  
4 contacting you?

5 A. Yes, we are still hanging out.

6 Q. And because of that, do you meet -- do you know  
7 who his roommate is?

8 A. Yes.

9 Q. Did you get to meet his roommate?

10 A. I did.

11 Q. Did you become friends with this roommate?

12 A. Yes.

13 Q. What was his roommate's name?

14 A. His name is Matt McCartney.

15 Q. And Matt McCartney, the roommate, did he have  
16 family in Yreka?

17 A. He did.

18 Q. And because of meeting Mr. McCartney, did you  
19 also meet his family?

20 A. Yes.

21 Q. And at the time are you living at your  
22 grandparents house still?

23 A. For a brief time and then I moved.

24 Q. So the time that you are living at your  
25 grandparents' house, did you also see Mr. McCartney's

1 family?

2 A. Right. I befriended his sister and her children.

3 Q. And at a some point in time you said you moved  
4 from Yreka. Where did you go?

5 A. I moved in with Matt's family also. He had  
6 family all along that whole interstate area from Yreka to  
7 Medford he had family. I moved in with his family.

8 Q. And why did you do that?

9 A. Well, in that area where there are more cities,  
10 there are more job opportunities and also I was able to --  
11 I was hired right away at Applebee's in Medford because I  
12 had prior experience with that company.

13 Q. So when you moved in with Matt's family, where  
14 are we talking about? Actually in Medford?

15 A. It is in a city Phoenix, Oregon.

16 Q. Phoenix, Oregon?

17 A. Right.

18 Q. Where is Phoenix, Oregon in comparison to  
19 Medford?

20 A. I would say 15 -- well, probably 10 miles south,  
21 maybe.

22 Q. And what was the point of you moving in with  
23 Matt's family?

24 A. Well, there was no rent. They took me in to get  
25 on my feet so I can get a job and be in an area where



1 there were jobs available.

2 Q. Were there more jobs available in Medford than in  
3 Yreka?

4 A. Much more and in the industry I was in there is  
5 more money to be made than in Yreka.

6 Q. So you began working in Applebee's in Medford?

7 A. Yes.

8 Q. All right. At a certain point did -- did you and  
9 Bobbie stop contacting -- did he stop contacting you?

10 A. Yeah, he did.

11 Q. At what point did this happen?

12 A. I don't remember the exact date. It was in 1999.  
13 The sword was mine so he -- I just remember he liked and  
14 held onto it, but then one day he put them out on the  
15 porch where he was living and he gave them to me. Didn't  
16 say a word and he just shut the door and that was it.  
17 Matt couldn't explain his behavior. He didn't want to  
18 talk to me.

19 Q. Bobbie didn't want to talk to you?

20 A. Right. I thought that was the end but we ended  
21 up talking one last time again. At that point I can't  
22 remember how we had our last contact. I don't remember  
23 that but it was toward the end --

24 Q. It was pretty much over?

25 A. It was done, yeah. We weren't --

1 Q. Did Bobbie eventually move away from Matt?

2 A. I think they moved out of the studio apartment  
3 they were sharing at the time. They found separate  
4 places.

5 Q. In the meantime are you friends with Matt?

6 A. Yes.

7 Q. And you are still friends with his family?

8 A. Right.

9 Q. And are you still staying with his family in  
10 Phoenix?

11 A. Yes.

12 Q. And are you working at Applebee's at this time?

13 A. Yes.

14 Q. At a certain point in time did you and Matt  
15 become involved in a relationship?

16 A. Yes, later on we did.

17 Q. And when you say "later on," what do you mean?

18 A. Well, not too later on. I would say a few months  
19 later we were seeing each other.

20 Q. A few months later?

21 A. Right.

22 Q. And a few month later than what?

23 A. Gosh, a few months after Bobbie and I stopped  
24 communicating.

25 Q. Okay. And at the time that you and Matt had

1 started in a dating relationship, how long had you been  
2 friends about?

3 A. I would say maybe 3 or 4 months.

4 Q. And then you start this dating relationship?

5 A. Yes.

6 Q. And are you still working at Applebee's in  
7 Medford?

8 A. Yes.

9 Q. Did you and Matt move in together?

10 A. We did.

11 Q. Where did that happen?

12 A. In Medford.

13 Q. During the time when you started dating Matt,  
14 what kind of relationship was that? What were your common  
15 interests?

16 A. Well, I have always considered myself a spiritual  
17 person. He was into that too, just different ways we  
18 connected on that level. We went to meditation seminars  
19 and things like that. It was a good relationship, I  
20 think.

21 Q. Did you find you had things in common then?

22 A. Yeah, we did. He was also in Martial Arts. I  
23 had taken that as well with my brother. That was another  
24 common interest.

25 Q. Did you do Martial Arts together?

1 A. We did.

2 Q. Did you ever take Martial Arts classes from  
3 anybody?

4 A. Yes.

5 Q. With Matt?

6 A. Yes.

7 Q. And who was that?

8 A. The instructor's name was Kit Crum (phonetic).

9 Q. And where was that?

10 A. That was in Ashland.

11 Q. Ashland, Oregon?

12 A. Oregon, right.

13 Q. Where is Ashland, Oregon in comparison to  
14 Medford?

15 A. It is about 15 miles south of Medford. Ashland  
16 is about 10 or 15 miles away. It is closer to Yreka. It  
17 is on the border.

18 Q. So you and Matt would take these Martial Arts  
19 classes from Mr. Crum in Ashland?

20 A. Yes.

21 Q. And you said that you went to meditation  
22 seminars?

23 A. We did.

24 Q. How did that come about?

25 A. Well, he -- I can't remember -- he had been

1 exploring different religions. I was raised Christian.  
2 So at first it was a little bit odd for me, but he  
3 explained -- I don't know. He had been exploring Wiki  
4 Hinduism, all these different things. So we sort of kind  
5 of merged into this new age kind of genre, so to speak;  
6 and he found this meditation class online that was  
7 happening in Nevada in the Bay Area. And so we went there  
8 and we checked it out.

9 Q. So you traveled with him to do that?

10 A. Yes.

11 Q. As far as your relationship was concerned, we  
12 talked about Bobbie not having a job when you were with  
13 him. How was it with Matt? How did he treat you in that  
14 sense?

15 A. With Matt he was working. He had a stable job.  
16 Wasn't a lot of money, but he was responsible with his  
17 money mostly; and he paid for his half of things mostly,  
18 and he treated me a lot differently than Bobbie did.

19 Q. How is it that he treated you differently?

20 A. He was polite. He was a gentleman. He was a  
21 little more chivalrous. He was nice.

22 Q. Was he respectful?

23 A. He was respectful.

24 Q. At a certain time -- how long altogether were you  
25 with Matt?

1 A. About a year and eight months roughly, close to  
2 two years but not quite.

3 Q. All right. And when you were dating Matt, was  
4 there a time when you left your job at Applebee's?

5 A. Yes.

6 Q. Where did you go?

7 A. Matt and I moved to Crater Lake, Oregon.

8 Q. And where is Crater Lake, Oregon?

9 A. It is 70 miles northeast of Ashland and southeast  
10 of Medford, I think. I mean, it is east. It is kind of  
11 the -- in the middle of nowhere in the mountains.

12 Q. What kind of place is it?

13 A. It's -- I believe it is a national park or it  
14 might be a State park. I think it is a national park. It  
15 is all protected land. There is a resort there. There is  
16 a lodge there. It is not really a resort.

17 Q. Why -- sorry. Go ahead.

18 A. It is a historic lodge with a dining room. So we  
19 got work there.

20 Q. You got work there. Is that why you moved there?

21 A. Right, seasonal work.

22 Q. Sorry?

23 A. Seasonal work.

24 Q. Seasonal work. Okay. So what do you mean by  
25 seasonal work?

1 A. Well, it snowed out almost the whole year except  
2 for five months starting July through maybe October is the  
3 only time that the season is --

4 Q. Did you go up there to work during that season  
5 when it was not snowed out?

6 A. Yes.

7 Q. And did you and Matt both go up there?

8 A. Right.

9 Q. What kind of living arrangements did you have?

10 A. They are dorm style living arrangements. We had  
11 our own dorm. It has a bathroom and there is a main  
12 kitchen area for all of the employees. It is like staff  
13 housing. There are two different dorms. We stayed at the  
14 newer ones down at the bottom of the mountain and there  
15 are older ones at the top.

16 Q. You said staff housing?

17 A. Yes.

18 Q. As an employee, does that mean that you would --  
19 you were able to live in specific housing just for  
20 employees?

21 A. Yes.

22 Q. You said you and Matt shared a dorm?

23 A. Yes.

24 Q. And what is it that you did there?

25 A. We both waited tables there.

1 Q. So you continued on with your serving -- with  
2 being a server?

3 A. I did, yes.

4 Q. And because this is more of like a resort or a  
5 lodge, is it -- how would you compare it to Applebee's?

6 A. It was kind of more fine dining. I don't know if  
7 it has a rating of any kind or anything like that. It is  
8 fancier. It is nicer. The food is more gourmet.

9 Q. Did you feel like you were progressing as far as  
10 your job was concerned and the places you were going?

11 A. It seemed like a nicer place. Obviously, it is  
12 nicer than Denny's; and I kind of felt like I was moving  
13 up. The money was getting better, that sort of thing.

14 Q. So you are there for the season. What do you do  
15 after the season is over?

16 A. We moved back to Medford.

17 Q. What did you do when you moved back to Medford?  
18 Did you have a job waiting for you?

19 A. Applebee's hired me back. It is almost like we  
20 went back to our old life again.

21 Q. What happened during the second season? Did you  
22 go back up to Crater Lake?

23 A. No. The second season came close and Matt and I  
24 decided to have space between us. By then we weren't  
25 getting along -- we were getting along. There was a



1 little more argument in our relationship. It wasn't as  
2 happy anymore. We decided to spend time apart.

3 Q. When you are spending time apart, did you  
4 consider yourself broken up?

5 A. We were not broken up. We just needed space, not  
6 living together. It was like kind of a trial period. We  
7 were still together on the weekends. He still came to my  
8 apartment. I moved to Ashland and we were still together.

9 Q. Why did you move to Ashland?

10 A. Ashland is where I always wanted to be. It is a  
11 little more expensive because it is kind of a little  
12 touristy town, but I found a good deal on some apartment  
13 listing online; and I applied for it and I got the  
14 apartment.

15 Q. Were you working at Applebee's still in Medford?

16 A. Yes.

17 Q. And so during the second season, where did Matt  
18 go?

19 A. He went to Crater Lake for the soon.

20 Q. And you stayed in Ashland?

21 A. I did.

22 Q. At some point in time, was there -- was there a  
23 break-up in your relationship?

24 A. Yes.

25 Q. What happened?

1 A. I found out that he was seeing somebody at Crater  
2 Lake. So --

3 Q. How did you find that out?

4 A. Some people who work at Crater Lake told me. I  
5 didn't know these people, but they recognized me because  
6 on the weekends that he didn't come stay with me, I went  
7 and stayed with him.

8 MR. MARTINEZ: Objection. Lack of foundation.  
9 How does she know they recognized her?

10 THE COURT: Sustained.

11 BY MS. WILLMOTT:

12 Q. Did people come and talk to you?

13 A. They stopped me. I don't know how --

14 Q. They stopped you. Did they know who you were?

15 A. Yes.

16 Q. How do you know that?

17 A. They said "Hi Jodi."

18 Q. Based on the fact that they called you by name,  
19 you were able to understand that they knew you?

20 A. Right.

21 Q. You were at Applebee's at the time?

22 A. Yes.

23 Q. So they stopped you as you were walking by you  
24 said?

25 A. Right.

1 Q. And what happened?

2 A. I just asked them how -- I asked them if I knew  
3 them. Maybe I didn't remember them from something. They  
4 said, "We work at Crater Lake."

5 I said, "Oh, that's great."

6 I knew they were there and they knew Matt  
7 and that's how they knew me, and I just said "hi" kind of  
8 thing and I continued on and kept working and --

9 Q. Did you eventually learn that Matt was seeing  
10 somebody?

11 MR. MARTINEZ: Objection. Leading.

12 THE COURT: Overruled.

13 BY THE WITNESS:

14 A. Before they left, I stopped by their table one  
15 more time and they told me.

16 Q. They told you?

17 A. Yeah, they said they took a vote and they decided  
18 to tell me.

19 Q. I'm sorry?

20 A. They said "We took a vote and decided to tell  
21 you."

22 Q. Prior to that, were you at Matt's dad's house  
23 ever?

24 A. What do you mean by ever? I have been there.

25 Q. That's a good question. Prior to that, did you

1 ever see a picture of Matt and a girl at Crater Lake?

2 MR. MARTINEZ: Objection. Leading.

3 THE COURT: Overruled.

4 BY THE WITNESS:

5 A. I did. I was at Matt's dad house hanging out  
6 with his girlfriend, and we were on the computer and we  
7 were looking at photos and there were photos of a girl  
8 with -- the file name was just of B. That was the initial  
9 maybe. The file names were B, B1, B2, B3 and that kind of  
10 thing.

11 Q. Where was the picture taken? Can you tell?

12 A. Yes, I could tell it was in the lodge. It is  
13 called the great hall, the lodge of the dining room.

14 Q. Could you tell whether or not it was a current  
15 picture, like from that particular season?

16 A. That I couldn't tell. I didn't look at the date,  
17 time stamp. It looked current.

18 Q. So based on that and then you have these people  
19 talk to you at Applebee's after that?

20 A. Yes, this occurred after that. It made me put  
21 the two together but not right away but, yeah.

22 Q. Tell me what happened when you find out that Matt  
23 is seeing somebody.

24 A. I asked them a few more questions. Oh, I asked  
25 them what her name was. They said it was Bianca and so

1 that's when I put the two together.

2 Q. The B and Bianca?

3 A. Yeah, they said Bianca. I didn't know her. It  
4 was slow. I asked my boss to leave early and --

5 Q. Why did you ask your boss to leave early?

6 A. So I can go there and find out if it was true.

7 Q. So you were going to drive all the way up to  
8 Crater Lake?

9 A. Right.

10 Q. How long of a drive is that?

11 A. It is 70 miles.

12 Q. So it is a little over an hour?

13 A. Well, it is through the mountains. It takes  
14 roughly an hour and a half I think if I remember  
15 correctly.

16 Q. Did you do that? Did you drive up there?

17 A. Yes, I did.

18 Q. And was Matt in Crater Lake at this time?

19 A. No. He was in Borago Springs during that time.

20 Q. What is that?

21 A. Borrego Springs is -- it is either a city, I  
22 think. I have never actually been there. It is in  
23 Southern California near San Diego, and he was trying to  
24 get seasonal work during the winter at a resort there.

25 Q. Okay. So you are driving up. What is your

1 purpose when you are driving up there?

2 A. I wanted to see if -- I wanted to ask Bianca if  
3 that was true. I didn't know these people. If it is  
4 true, I obviously don't want to continue in a relationship  
5 with Matt. If it is not true, then -- I don't know who  
6 these people are. So I didn't want to just take their  
7 word for it.

8 Q. Okay. So what happens when you get up there?  
9 What did you do?

10 A. I went to the dorm on the top of the mountain,  
11 and I just walked in. I mean, people are everywhere.

12 Q. So it is something that you can just walk in?

13 A. Yeah, right.

14 Q. And were you able to find who this Bianca was?

15 A. I did.

16 Q. And was she in -- was she in a room or something?

17 A. She was in her dorm.

18 Q. Okay. And did you go and knock on her door?

19 A. Yes.

20 MR. MARTINEZ: Objection. Leading.

21 THE COURT: Overruled.

22 BY THE WITNESS:

23 A. I did.

24 BY MS. WILLMOTT:

25 Q. You did knock on her door?

1 A. Right.

2 Q. When you knocked on her door, are you yelling at  
3 her?

4 A. No.

5 Q. Are you causing a scene in any way?

6 A. No.

7 Q. Were you pounding on her door to let you in?

8 A. No. I knocked loudly so she could hear, but I  
9 wasn't pounding.

10 Q. Did she come to the door?

11 A. She and a friend came to the door.

12 Q. So tell us what happened.

13 A. The friend took off and she let me in. She said  
14 she knew who I was. I guess she said she knew me --

15 Q. Jodi, I can't hear you.

16 A. I'm sorry. She let me in. We got talking. I  
17 asked her and she said --

18 Q. You asked her what?

19 A. Well, I said I heard that -- I don't remember my  
20 exact words but I asked her about her and Matt and she  
21 pretty much confirmed for me --

22 Q. What did you do --

23 MR. NURMI: I'm having a very difficult time  
24 hearing her.

25 THE COURT: Can you push that back?

1 BY MS. WILLMOTT:

2 Q. Okay. So she confirms for you that Matt is  
3 actually seeing her? Is that what you just said?

4 A. Yes.

5 Q. Okay. How did you feel?

6 A. Well, at the time -- I'm in her home. I'm not  
7 going to freak out or anything.

8 Q. Inside. We are talking about inside. How did  
9 you feel?

10 A. I didn't feel good. I mean, I felt very deceived  
11 obviously. He is still sleeping with me. He is still  
12 coming to my house on the weekends. You know, we are  
13 going places. I mean, physically going places -- not in  
14 our relationship obviously. So it hurt. I was very hurt.

15 Q. How did you handle that situation with Bianca  
16 after she confirms it?

17 A. I just -- I asked her like how long it had been  
18 going on, and she told me that. She said they had not  
19 slept together, but they were romantic; and they saw each  
20 other often and hung out; spent the night with each other,  
21 that sort of thing.

22 Q. Did you do anything to her?

23 A. No. No.

24 Q. Did you start yelling at her then?

25 A. I never yelled at her.



1 Q. Did you have any kind of angry words with her at  
2 all?

3 A. No, not at all. She didn't even know we were  
4 still together. She was under the impression we were  
5 broken up. I didn't blame her for anything, you know?

6 Q. So what did you do after -- what did you do after  
7 that with Matt with your relationship?

8 A. At that point I waited for Matt to get back to  
9 Borago Springs. I think he was coming back the next day.  
10 So I went over to where he was staying at his dad's at  
11 that point and confronted him.

12 MS. WILLMOTT: Judge, may I approach?

13 THE COURT: Yes.

14 BY MS. WILLMOTT:

15 Q. Jodi, I'm showing you what has been marked at  
16 692. Do you recognize that?

17 A. Yes.

18 Q. Do you have any idea when that photo was from?

19 A. That would have been taken in 2001 or 2002 after  
20 we broke up. I think it was 2002 early.

21 MS. WILLMOTT: Defense moves for admission of  
22 692.

23 MR. MARTINEZ: I have no objection. I'm really  
24 having a hard time hearing her. I don't know what date it  
25 was, if she can tell us again.

1 THE WITNESS: It was around late 2001 or early  
2 2002. Sometime in one of those years. It was after our  
3 break-up.

4 THE COURT: Exhibit 692 is admitted.

5 BY MS. WILLMOTT:

6 Q. Is that a picture -- who is that a picture of?

7 A. That is Matt and I.

8 Q. You said -- you said this could have been taken  
9 after you broke up?

10 A. I know it was taken after we broke up because  
11 that is at the Monterey Bay Aquarium, and he moved to  
12 Montana after I did.

13 Q. That begs the question: Were you friends with  
14 him after you broke up?

15 A. Yes.

16 Q. So tell us how is it that this relationship  
17 ended.

18 A. There were tears and he cried. I cried. It was  
19 difficult.

20 Q. Did you break up with him?

21 A. Well, it just seemed -- I don't know that one  
22 person really broke up with the other. It is just that  
23 the relationship was over. He was seeing somebody else,  
24 you know. Obviously he was -- he had moved on in some way  
25 because he was seeing somebody else, but we just were no

1 longer together at that point.

2 Q. Okay. Now, at this point in time, you are  
3 staying in Ashland?

4 A. Yes, I was living in Ashland at that point.

5 Q. In Ashland, is that where Kit Crum, the Martial  
6 Arts instructor, taught from?

7 A. Yes, he and his girlfriend lived there too.

8 Q. He and his girlfriend?

9 A. Right.

10 Q. Did you become friends with him?

11 A. Yeah, I did.

12 Q. And through them did you meet anybody else?

13 A. Through them?

14 Q. Yes.

15 A. I met his girlfriend's brother.

16 Q. His girlfriend's brother?

17 A. Right.

18 Q. And his girlfriend's brother is -- what is his  
19 name?

20 A. His name is Richard Molay (phonetic).

21 Q. And Richard Molay, of what importance is he to  
22 you?

23 A. He was eventually a reference for me to get a job  
24 down in Monterey County again so I could leave Southern  
25 Oregon. It was kind of a sentimental place for Matt and

1 I. I just wanted to get out of that area in a way now  
2 that we were broken up.

3 Q. Richard Molay, how is it that he got you a  
4 reference? Where was he working?

5 A. He was working at a resort called Ventana Inn and  
6 Spa in Big Sur, California.

7 Q. Can you describe for us what Big Sur, California  
8 is like?

9 A. Right. It's more -- it has its own zip code. It  
10 is more of a region than a city. There is not a lot of  
11 development there. It is a protected area. It is roughly  
12 28 or 30 miles south of Monterey, and it is directly on  
13 the coast.

14 Q. Is it the place that we see in pictures that has  
15 big cliffs?

16 A. Right, like plummeting into the Pacific. That is  
17 that area.

18 Q. As far as living in Big Sur, is that an expensive  
19 place to live?

20 A. It is, yeah.

21 Q. And so through Richard, how does that come about  
22 that you -- that he helps you get a reference to Ventana?

23 A. I talked to Kit. I told Kit and his girlfriend,  
24 I believe, that we broke up -- Matt and I broke up. She  
25 -- it was one of them -- suggested maybe you should go

1 work at Ventana. I said where is that. So we waited  
2 until her brother -- he takes a year vacation -- he takes  
3 a vacation every year.

4 Q. Who takes a vacation every year?

5 A. Richard Molay, and he goes to specific places  
6 every year on his vacation; and one of those places to  
7 visit his sister. So when they were coming up, we decided  
8 to all meet. We were actually building something -- a TV  
9 in the forest at their property. So we spent the day  
10 together doing that, and so he could get to know who I am  
11 to see if I was somebody who would be a good reference.

12 Q. You spent a day basically with Richard Molay?

13 A. Right.

14 Q. And then Kit and his girlfriend?

15 A. Yes.

16 Q. After that, did he then help you get a job at  
17 Ventana Inn?

18 A. He did.

19 Q. What happened? Did you go down for an interview  
20 or how did that work?

21 A. Yes, I went down for an interview and I was  
22 hired.

23 Q. Describe for us what type of a place Ventana Inn  
24 is.

25 A. Well, you drive forever on a windy road on the

1 coast, Highway 1 and Ventana is in the mountains. There  
2 is a view of the ocean. Roughly 1100 feet up. It is a  
3 four-star resort. It is a beautiful place. It has -- not  
4 really like bungalows, but there are like rooms there. It  
5 is an Inn. It is pricey. The restaurant is nice.

6 Q. As far as when we talk about you progressing, in  
7 going -- working from the Purple Plum to Denny's to  
8 Applebee's, those type of places, how does Ventana Inn fit  
9 into that?

10 A. I would say it is the nicest place I ever worked.

11 Q. And as far as money was concerned, was it good  
12 financially for you?

13 A. Yes.

14 Q. You got hired to do what?

15 A. I was waiting tables there as well.

16 Q. Now, this required -- in order to work at Ventana  
17 Inn, did you have to move then from Ashland?

18 A. Yes.

19 Q. Where did you move to?

20 A. Well, they have employee housing there. I got on  
21 a waiting list for that, and there was a place opening up  
22 in about two weeks.

23 Q. Let me stop you there. So when you say employee  
24 housing, is that like Crater Lake employee housing?

25 A. Similar. It is not like a dorm. It is like

1 little small condos.

2 Q. And that is for the employees that work at  
3 Ventana to live?

4 A. Yes.

5 Q. So you get the job. You said you applied --

6 A. Right.

7 Q. -- for the housing?

8 A. Yes.

9 Q. Was anything open right away?

10 A. No.

11 Q. So what did you do?

12 A. I stayed in the campground.

13 Q. In the campground?

14 A. Yes.

15 Q. What do you mean in a campground?

16 A. Well, they have -- I'm sorry. They have a  
17 campground on the property as well. There is a canyon and  
18 so in the canyon -- like a redwood canyon, they have  
19 campground spots. So I stayed there. Matt did not get  
20 hired at Borago Springs. He also came and we set up a big  
21 thing there and stayed in the campground there for two  
22 weeks, and I got housing and he remained in the  
23 campgrounds.

24 Q. When you talk about campgrounds, did other  
25 employees do that?

1 A. There were some other employees that stayed  
2 there.

3 Q. Is that something that people did before the  
4 housing was available?

5 A. Right. It was -- in the off-season. So October  
6 it is the off-season. Summer is the height of their  
7 season. So sometimes the campground will fill up in the  
8 summer. So it is not available; but when it is open, you  
9 can stay there.

10 Q. Okay. You said you were there for how long in  
11 the campground?

12 A. Two weeks roughly.

13 Q. And you also told us that Matt came down to  
14 Ventana also?

15 A. Yes.

16 Q. How was that?

17 A. Well --

18 Q. How did that happen?

19 A. He needed a job. He had experience now with  
20 Crater Lake. So he was able to get -- I think my boss was  
21 worried that -- I remember he expressed concerns that I  
22 wouldn't stay there if Matt didn't get hired because I  
23 told him that Matt was a friend of mine. We remained  
24 friends and that he wanted to --

25 MR. MARTINEZ: Objection. Lack of foundation.



1 Who is the boss?

2 THE WITNESS: I'm sorry.

3 THE COURT: Sustained.

4 THE WITNESS: The boss --

5 BY MS. WILLMOTT:

6 Q. It is okay.

7 A. Okay.

8 Q. Did Matt come down after you?

9 MR. MARTINEZ: Still lack -- objection. Lack of  
10 foundation. Who is the boss she is talking about?

11 MS. WILLMOTT: I will get to that when I get to  
12 that.

13 THE COURT: Overruled.

14 BY MS. WILLMOTT:

15 Q. So did Matt come down after you did?

16 A. He did.

17 Q. So he followed you to -- when I say "followed,"  
18 he came after you --

19 A. Yeah, I was hired --

20 Q. -- to Ventana?

21 A. I was hired on his birthday, which is  
22 October 20th, and I believe he was hired in early  
23 November.

24 Q. What year are we talking about?

25 A. 2001.

1 Q. 2001. All right. So you after a couple of weeks  
2 in the campgrounds, are you able to get housing then?

3 A. Yes, I got housing. He got housing eventually  
4 but it was later.

5 Q. It was later?

6 A. Yes.

7 Q. Did you and Matt house together?

8 A. No.

9 Q. You had your own?

10 A. Yes, I had roommates but not Matt.

11 Q. At that point in time are you and Matt seeing  
12 each other at all?

13 A. Not really. I mean, there is still some  
14 sentimentality there. We know we are not together. We  
15 are not being romantic much. There was some intimacy  
16 after our break-up, but it was brief and not ongoing.

17 Q. At the time you were working at Ventana once you  
18 are in your housing and everything, what type of  
19 relationship did you have with Matt?

20 A. We sort of became more friends and by that  
21 following spring he moved away.

22 Q. So we are talking at the end of 2001 is when you  
23 -- towards the end of 2001 is when you are starting at  
24 Ventana, right?

25 A. Well, yeah, I believe -- I think I believe I

1 started right in November. I got hired in October, and I  
2 went back to tie up ends in Yreka and Southern Oregon and  
3 all that and I moved down.

4 Q. And then Matt only stayed until the following  
5 spring?

6 A. Yes -- well, he came back eventually but he did  
7 leave that spring.

8 Q. How long in all did you stay working for Ventana?

9 A. Three-and-a-half years, maybe four years. I  
10 think it was more like three-and-a-half.

11 Q. When you first began working there, are you  
12 dating anybody?

13 A. No.

14 Q. Did you meet friends?

15 A. I did.

16 Q. And --

17 MS. WILLMOTT: Judge, may I approach?

18 THE COURT: You may.

19 BY MS. WILLMOTT:

20 Q. Let me show you what has been marked as  
21 Exhibit 693.

22 A. Yes.

23 Q. Is this a picture taken at Ventana?

24 A. That is actually in Palm Desert.

25 Q. Oh, that is later?

1 A. Yeah, that is later.

2 Q. We will wait. So you said you met some friends  
3 at Ventana, the people you worked with?

4 A. Right, yes.

5 Q. And was Richard Molay there?

6 A. He was.

7 Q. And during this time that you were working at  
8 Ventana, you said -- were you working as a server?

9 A. Yes.

10 Q. Did you ever get hired to do any type of hiking?

11 A. Yes.

12 Q. Tell us about that.

13 A. Another server there who had been there for quite  
14 sometime as well started a company that was guiding hikes  
15 in the area, and --

16 Q. Tell us what his name was.

17 A. Steve Copeland.

18 Q. Steve Copeland, he started a company you said?

19 A. Yes. He may have already had the company, but it  
20 was new to me. It was something that came up after I had  
21 been there for a while.

22 Q. All right. And did Mr. Copeland ever ask you to  
23 help him?

24 A. He did.

25 Q. What is it that you did for him?

1 A. We would guide hikes to different destinations  
2 that were kind of like not really known except for the  
3 locals. It was kind of special because you couldn't find  
4 it any other way. They were just secret trails and things  
5 that led to water falls or little coves where there were  
6 private beaches and things like that.

7 Q. Did you lead these hikes? Did people -- who were  
8 the people who were going on these hikes?

9 A. They were mostly guests of Ventana.

10 Q. Did you lead these hikes for these guests from  
11 Ventana?

12 A. Yes.

13 Q. Did you take them all over these secret trails?

14 A. Yeah, I took them a few different places.

15 Q. Okay. And was that additional income for you?

16 A. Yes.

17 Q. How long did you do that for Mr. Copeland?

18 A. Not very long because I did it when I was  
19 available. The hikes usually were on a Saturday morning.  
20 So sometimes I would work at the restaurant so I wasn't  
21 able. Whenever I was available, I would do a hike. I  
22 don't recall how long that lasted.

23 Q. Okay. During the time that you were working at  
24 Ventana, did you eventually meet anybody that you started  
25 to date?

1 A. Yes.

2 Q. And who was that?

3 A. His name is Daryl Brewer.

4 Q. And did Daryl Brewer work at Ventana?

5 A. He did.

6 Q. What did he do?

7 A. He was the food and beverage director at the time  
8 and he hired me.

9 Q. He was the person who hired you?

10 A. Right.

11 Q. So being the food and beverage director, did you  
12 work with him directly when you first started?

13 A. Yes.

14 Q. You did?

15 A. Right.

16 Q. Was there any type of romantic feelings in the  
17 beginning?

18 A. No.

19 Q. Were you friends at all? Did you hang out after  
20 work?

21 A. No, we didn't fraternize at all.

22 Q. I'm sorry. You didn't what?

23 A. We didn't fraternize at all.

24 Q. You didn't fraternize at all?

25 A. Right.

1 Q. At what point did that change?

2 A. Well, at one point he decided to step down from  
3 that position so he could spend more time with his son;  
4 and we were interested in each other at that point. We  
5 had a conversation that we discovered that. So we sort of  
6 began to date.

7 Q. Tell us a little bit more about Mr. Brewer. He  
8 was the food and beverage director. How old was he at the  
9 time that you --

10 A. At the time he was 42.

11 Q. So was he older than you?

12 A. Yes.

13 Q. Quite a bit?

14 A. Quite a bit.

15 Q. Was he married?

16 A. He was divorced.

17 Q. Did you ever come to understand the type of  
18 divorce? In other words, was it something friendly? Was  
19 it something he was dealing with -- how did he feel about  
20 it?

21 A. It was civil but I think he was bitter about it.

22 Q. Is that based on your discussions with him?

23 A. Yes.

24 Q. How long did you work together before you started  
25 to become involved?

1 A. A little over a year I think -- well, about a  
2 year because we -- I remember just dates. So, yeah, it  
3 was about a year.

4 Q. And was he your boss when you started dating him?

5 A. No, he was no longer my boss.

6 Q. How did that change?

7 A. When he stepped down from that position, he had  
8 -- he became more of a supervisory role. He stepped down  
9 from that and became a lead server kind of thing. He  
10 still had some authority when there were no other managers  
11 around. He was nobody's boss. He made decisions if there  
12 was nobody else to make them, and eventually he became a  
13 regular server like all of us. So that he wasn't tied up  
14 in his work schedule. He had more time to be with his  
15 son.

16 Q. Did that provide him more flexibility?

17 A. Flexibility in his schedule?

18 Q. Yes.

19 A. Right, yes. He worked less hours.

20 Q. How is it that you two became involved?

21 A. We were just sitting together one evening --  
22 where were we? We were downstairs in an office, and we  
23 were just talking. Yeah, he was sitting at a table. I  
24 was at the table. We were just sitting there.

25 Q. Did you ever go out on a date or anything?



1 A. Eventually we did, yes.

2 Q. How is it that you -- did you have anything in  
3 common with him?

4 A. Yeah.

5 Q. About how much older was he than you?

6 A. He is close to 20 years older than me, about  
7 19 years, 8 months or 19 years, 9 months something, like  
8 that.

9 Q. So 20 --

10 A. Yeah, pretty much 20 years older than me.

11 Q. What is it that you had in common with him?

12 A. Football.

13 Q. Football?

14 A. Yeah, that was one of our first dates was going  
15 to the 49ers game. What else? I was into camping. That  
16 was something my family and I did my entire life. He  
17 liked to camp also. We did that. I sort of became close  
18 to his son. So that was --

19 Q. Did he -- when you first started dating, did he  
20 introduce you to his son right away?

21 A. No. I had seen him once or twice at the  
22 restaurant. He was there with his dad when his dad was  
23 kind of like on the clock. I mean, he was a salaried  
24 employee. He was a manager. So I had seen him, but I  
25 wasn't close with him.

1 Q. At that point in time Mr. Brewer, had he  
2 intentionally introduced -- you weren't dating Mr. Brewer  
3 at that time?

4 A. No.

5 Q. So when you first started dating Mr. Brewer, did  
6 he bring his son around you right away?

7 A. I don't recall. His son came on the weekends. I  
8 was not a big presence in his life at first.

9 Q. You were not a big presence in his life?

10 A. No.

11 Q. At first?

12 A. At first.

13 Q. Where was Mr. Brewer living at that point?

14 A. He always lived in the staff housing.

15 Q. So when he had his son, he was living in staff  
16 housing?

17 A. Yes.

18 Q. You said they were like condos?

19 A. Yes.

20 Q. So when you start dating, about -- do you have an  
21 idea about when that was?

22 A. It was in the fall 2002. I think it was November  
23 of 2002.

24 Q. In November of 2002 where was Matt? Was he --  
25 where was he?

1 A. The previous May 2002 he worked in Vail, Colorado  
2 to work there and he was still working there at that time.

3 Q. Had you remained in contact with him?

4 A. Yeah, roughly. We sort of fell off -- we still  
5 called each other on occasion and just less and less and  
6 less as time went on.

7 Q. Did you consider him a friend?

8 A. I did.

9 Q. When you first started dating Mr. Brewer, what  
10 was your understanding about the type of relationship that  
11 you were going to have with regard to marriage?

12 A. There would be no marriage in the relationship.  
13 That was my --

14 Q. Why did you have that understanding?

15 A. Well, when we first began dating, he was very  
16 mature about it. He just told me "Look. I don't ever  
17 want to get married again. I didn't see myself having a  
18 girlfriend, but I like you if you are okay with that. We  
19 can be together." And I was okay with it at that time.

20 Q. How old were you at this time?

21 A. 22.

22 Q. Eventually does he start bringing his son around  
23 when you were there too?

24 A. Yes.

25 Q. Do you become involved with his son?

1 A. Yes.

2 Q. In what way?

3 A. We begin going out on the weekends and doing  
4 things together. Sometimes his son came with us camping.  
5 We would go to the beach. We would go to the aquarium,  
6 the park, just different things.

7 MS. WILLMOTT: Judge, may I approach?

8 THE COURT: Yes.

9 BY MS. WILLMOTT:

10 Q. I'm showing you Exhibit 696, 695 and 694. Do you  
11 recognize these?

12 A. Yes, I do.

13 Q. Are these pictures of you and Mr. Brewer and his  
14 son?

15 A. Yes.

16 MS. WILLMOTT: Judge, move for admission to 696,  
17 695 and 694.

18 THE COURT: Any objection?

19 MR. MARTINEZ: Foundation. The dates they were  
20 taken?

21 THE COURT: Sustained.

22 MS. WILLMOTT: May we approach, Judge?

23 THE COURT: Yes.

24

25

1 (Whereupon, a bench conference is held on  
2 the record:)

3 MR. NURMI: Judge, with regard to the dates --  
4 the specific dates that these photos were taken is not  
5 important. The foundation is really who is in the picture  
6 and does she know them. That's the foundation that is  
7 needed. As far as when they were taken, it doesn't matter  
8 as far as admitting them into evidence. It is not a  
9 proper objection.

10 MR. MARTINEZ: Well, I respectfully disagree. We  
11 have a right to know when these photographs were taken and  
12 if we don't know, then the foundation hasn't been laid.  
13 It can be ten years after the killing. We don't know just  
14 by looking at the photographs.

15 THE COURT: Just a general range of what year  
16 they were taken. It doesn't have to be specific but  
17 generally speaking, if it was the time she was in the  
18 relationship with him. Lay some foundation so the Jury  
19 understands when they were taken, and they can put it in  
20 context.

21 (Whereupon, bench conference concludes.)

22 BY MS. WILLMOTT:

23 Q. Jodi, one of the things that I don't think we  
24 really talked about yet is photography.

25 A. Right.

1 Q. Did you like to take photos?

2 A. I did.

3 Q. Tell us a little bit about your -- your --

4 A. Interest?

5 Q. Yeah, your love, your interest in photography.

6 A. Yes. I came interested in photography when I was  
7 very young. I got my first camera -- it was either  
8 Christmas or birthday. It was a birthday present when I  
9 was 10 and that sparked my interest. I just progressed  
10 with that and continued to be interested in that.

11 Q. You continued what?

12 A. To be interested in that.

13 Q. And as you got older, did you continue with your  
14 -- did you get more serious as a photographer?

15 A. I did.

16 Q. In what way?

17 A. I decided to make it a profession, and so I  
18 invested in a nicer camera. I began to -- I bought nicer  
19 software for photo editing, and I began to photograph  
20 weddings, portraits, things like that.

21 Q. At the time you were dating Mr. Brewer, was that  
22 something that you were -- were you interested in  
23 photography at the time that you were dating Mr. Brewer?

24 A. Yes, right.

25 Q. When you were dating Mr. Brewer, did you ever go

1 to -- on trips with Mr. Brewer and his son?

2 A. Yes.

3 Q. Did you ever go to Mount San Jacinto?

4 A. Yes.

5 Q. Do you remember approximately when that was?

6 A. That was after we moved to Palm Desert because  
7 that is right next to Palm Springs. You take the tram  
8 straight up into the mountain.

9 Q. When approximately? When did you move to Palm  
10 Desert?

11 A. We moved there in 2005.

12 Q. After 2005?

13 A. It was either in 2005 or the year after. I  
14 believe it was that winter.

15 MS. WILLMOTT: Judge, I move for admission of  
16 695.

17 MR. MARTINEZ: I need to look at it and see which  
18 one.

19 (Whereupon, a brief pause was had.)

20 MR. MARTINEZ: No objection.

21 THE COURT: 695 is admitted.

22 BY MS. WILLMOTT:

23 Q. All right, Jodi, is this a picture of you and Mr.  
24 Brewer and his son?

25 MR. MARTINEZ: Objection. Leading.

1 THE WITNESS: Overruled.

2 BY THE WITNESS:

3 A. Yes.

4 BY MS. WILLMOTT:

5 Q. Where was this picture taken?

6 A. That was at the top of the mountain.

7 Q. Is this on one of the trips you would take with  
8 him?

9 A. Right, this was a day trip.

10 Q. This was obviously you said some time after 2005?

11 A. Either during or right after.

12 Q. So had you been dating Mr. Brewer for a while at  
13 this point?

14 A. Yes, by that point we are coming up on three  
15 years I think.

16 Q. Did you ever attend any birthday parties, any of  
17 his son's birthday parties?

18 A. Yes.

19 Q. Is that something you did every year or --

20 A. Well, that year I remember we went to Chuck E.  
21 Cheese's. That was in Palm Desert, the one you are  
22 referring to. That was in 2005 or 2006. I think it was  
23 2005 because his ex-wife was still there. She was still  
24 at the party.

25 Q. So sometime around 2005 or 2006?



1 A. Right.

2 MS. WILLMOTT: Move for admission of 696.

3 THE COURT: Any objection?

4 MR. MARTINEZ: Objection. Where?

5 THE COURT: Repeat where it was taken.

6 THE WITNESS: It was at Chuck E. Cheese's.

7 BY MS. WILLMOTT:

8 Q. Are you sure of that?

9 A. I'm pretty sure.

10 MR. MARTINEZ: No objection.

11 THE COURT: 694 is admitted.

12 BY MS. WILLMOTT:

13 Q. What is this picture showing?

14 A. That is the three of us celebrating his birthday.  
15 He had friends there. His mom was there.

16 Q. His son was celebrating his birthday?

17 A. Yes.

18 Q. At this point -- I know we are skipping ahead in  
19 time. At this point in time were you involved in Mr.  
20 Brewer's son's life quite often?

21 A. Yes, much more. We all lived together. He  
22 stayed with us part-time but, yes.

23 MS. WILLMOTT: May I approach?

24 THE COURT: Yes.

25 BY MS. WILLMOTT:

1 Q. I'm showing you Exhibit 694. Do you remember  
2 approximately when this was taken?

3 A. It would have been roughly in 2004.

4 MS. WILLMOTT: I'm moving 694 in.

5 THE COURT: Any objection?

6 MR. MARTINEZ: Objection. Foundation. Where it  
7 is taken?

8 MS. WILLMOTT: It is not needed, Judge.

9 THE COURT: Overruled. 694 is admitted.

10

11 BY MS. WILLMOTT:

12 Q. What is this picture showing us, Jodi?

13 A. That is Darryl, Jack and I together on the  
14 terrace at Ventana.

15 Q. And somewhere --

16 MR. MARTINEZ: I'm still having trouble hearing.

17 Are you saying when?

18 THE WITNESS: On the terrace at Ventana.

19 MR. MARTINEZ: On the terrace. I'm sorry.

20 THE WITNESS: Sorry.

21 BY MS. WILLMOTT:

22 Q. You said this was sometime in 2004 you think?

23 A. Yes. It was before we moved to Palm Desert.

24 That date is correct.

25 Q. It is dated, right. So August 2nd of 2004?

1 A. Yes.

2 Q. If that's correct?

3 A. Right.

4 Q. Let's go back in time a little bit. We were  
5 talking about when you first started dating Mr. Brewer.  
6 Is there -- how long were you dating when you were living  
7 in staff housing?

8 A. I think that shortly after we began dating, he  
9 moved to Monterey. The whole point was to be closer to  
10 his son, and his mother lived in Carmel; and he moved to  
11 Monterey.

12 Q. What is the difference between Monterey and Big  
13 Sur?

14 A. Monterey is a city. Big Sur is more just a  
15 region.

16 Q. I mean distance. Sorry.

17 A. It takes roughly an hour to get there because you  
18 have to drive kind of slow on the winding road. It is  
19 about 30 miles south.

20 Q. And so soon after you started dating, you said he  
21 moved to Monterey?

22 A. Yes.

23 Q. Did that interrupt your dating at all?

24 A. No. I'd stay with him on the weekends.

25 Q. I'm sorry?

1 A. We had the same days off. I would stay with him  
2 on the weekends.

3 Q. Did you go up to Monterey to stay with him?

4 A. Right.

5 Q. And at this point in time when you were staying  
6 with him on the weekends is -- how old were you at this  
7 point?

8 A. 23, 24.

9 Q. So are we in 19 -- 2003?

10 A. Yes.

11 Q. About?

12 A. About, yeah.

13 Q. And just so we have parameters, about how long  
14 were you dating Mr. Brewer altogether?

15 A. Roughly, close to four years. We were just shy  
16 of four years.

17 Q. Is there a point in time when you left staff  
18 housing at Ventana?

19 A. Yes.

20 Q. When did that happen?

21 A. I'm trying to remember the exact year. It was  
22 close to 2005. Maybe in late '04, but I moved -- I moved  
23 to Monterey because --

24 Q. Why did you move to Monterey?

25 A. My boss changed my schedule, and I wasn't making

1 as much money anymore.

2 Q. How is it that you aren't making as much money  
3 because your boss changed your schedule?

4 A. Well, I got into construction on the hours in the  
5 morning, and at night I worked in the restaurant. So at  
6 night is where the money is at the restaurant. It is  
7 dinner. The gratuities and tips are more, and the  
8 construction job was good money as well.

9 Q. Jodi, what did you do for construction?

10 A. Well, I was the labor foreperson.

11 Q. What does that mean?

12 A. I helped keep the labor ready crew on task to  
13 make sure they were doing what they wanted to do.

14 Q. So was that additional income for you?

15 A. Yes.

16 Q. What happened then with your change in schedule?

17 A. He changed my schedule to the daytime, so I could  
18 no longer work the construction, and I wasn't making the  
19 money at night. I was just working lunch. So the  
20 employment -- my housing was contingent on my employment.  
21 I needed to make more money. So I moved to town to find  
22 different work.

23 Q. Did you quit Ventana at that point?

24 A. Shortly thereafter I gave my notice once I found  
25 an apartment.

1 Q. You gave your notice and you moved to Monterey.  
2 Were you living with Mr. Brewer?

3 A. No.

4 Q. You lived by yourself?

5 A. Yes.

6 Q. What did you do in Monterey?

7 A. I began -- Darryl gave me a reference at a  
8 restaurant where he used to work. It was in Carmel. I  
9 started tending bar there, and I also began tending bar at  
10 another restaurant that I helped open in Monterey.

11 Q. Were you working two jobs at the same time you  
12 mean?

13 A. Yes.

14 Q. You were still dating Mr. Brewer?

15 A. Yes, I was.

16 Q. How long were you in Monterey?

17 A. Oh, I don't know, about a year maybe, roughly.  
18 I'm trying to remember. I moved from Ventana to Monterey,  
19 and eventually Darryl and I decided to move to Southern  
20 California.

21 Q. And while you were in Monterey, did you keep  
22 working those two jobs?

23 A. Well, not for long. The schedules were  
24 conflicting so I let one job go and kept one job.

25 Q. And after the time in Monterey, does there come a

1 time when you move --

2 A. Yes.

3 Q. -- you said and why is it that you move?

4 A. Darryl's ex-wife remarried and moved to La Quinta  
5 which is in the Palm Springs area, Southern California.

6 So Darryl and I decided we would like to buy a house and  
7 invest. So we were unable to afford property in this area  
8 because it is very expensive. So we decided to move up to  
9 the Sacramento area, and we made an offer on a home. It  
10 got accepted and --

11 Q. Did you end up moving into Sacramento?

12 A. We didn't.

13 Q. It didn't work out?

14 A. No. Darryl decided that he would -- he didn't  
15 want to keep his son far apart from his mom because we  
16 were going to keep his son with us full-time.

17 Q. And -- but did that end up happening? Did his  
18 son end up staying with you full-time?

19 A. No. We decided to come down to the area where  
20 she was which was Palm Desert. He continued -- they  
21 continued on the same schedule where she had him about  
22 roughly four days a week, and he had him three days a week  
23 or you know. Sorry.

24 Q. Okay. So at the time that you guys move, are you  
25 starting to become interested in real estate?

1 A. Yes, well I was.

2 Q. You were?

3 A. Right.

4 Q. What year is this about?

5 A. Well, I had been interested in real estate for  
6 years but --

7 Q. You had been what?

8 A. Interested in real estate for years, but I didn't  
9 have any money to invest. So --

10 Q. What did you do with your interest in real  
11 estate?

12 A. I took classes at the Monterey Peninsula College;  
13 read up on it sort of thing; followed real estate trends  
14 and prices.

15 Q. I'm sorry. What year was this about?

16 A. The year that I took the classes would have been  
17 2003 or 2004.

18 Q. The year that you moved to Palm Desert?

19 A. 2005.

20 Q. In 2005 what was going on in real estate  
21 generally speaking at that point in time?

22 A. It was booming at that point in time.

23 Q. And what is it that you and Darryl or Mr. Brewer  
24 were trying to do by buying a house?

25 A. We were going to invest in a house; hang on to it



1 for two years and flip it -- not flip it in that sense.  
2 We wanted to hold on to it for two years with the hope it  
3 would increase in value and sell it and buy another house  
4 or more property.

5 Q. Were you able to buy a house in Palm Desert?

6 A. Yes.

7 Q. And distance-wise, did that keep Mr. Brewer close  
8 to his son?

9 A. Yes.

10 Q. You know, besides real estate classes, did you  
11 take any other classes?

12 A. Yes.

13 Q. What other classes did you take?

14 A. I continued my Spanish education. I took college  
15 classes there as well, same place.

16 Q. All right. So you get a house in Palm Desert.  
17 Tell us about that. Palm Desert you said is close to --

18 A. It is near Palm Springs. It is all the same  
19 area.

20 Q. What kind of house did you get?

21 A. It was kind of an older house. I think it was  
22 built in the '70s sometime. It was refurbished,  
23 remodeled.

24 Q. What was the financial situation between you and  
25 Mr. Brewer? How did you both -- did you both buy it?

1 A. Yes.

2 Q. How did that work?

3 A. Well, Darryl had really good credit. I had  
4 excellent credit, not quite as high as his. So we bought  
5 it on good credit. It was one of those no money down  
6 interest only kinds of loans, kind of risky but we had  
7 saved up a lot of money.

8 Q. Did you save up money?

9 A. I did.

10 Q. How much money? Do you remember how much money  
11 you had saved up to buy this house?

12 A. Roughly \$12,000. I didn't use it towards the  
13 house. The bank wanted to see money in the bank before  
14 they lent it.

15 Q. I was going to ask you: What -- is that  
16 something you were able to do through working at Ventana  
17 and working in Monterey?

18 A. Right.

19 Q. You were able to save money and put it aside?

20 A. Yeah, socking it away.

21 Q. And did that help you then when you came to buy  
22 the house?

23 A. Yes.

24 Q. So you both -- you said you both had good credit.  
25 Who owned the house? How did you work that out?

1 A. We were joint tenants in common. So we both had  
2 50% ownership of the house.

3 Q. Okay. When is it that you bought the house?

4 A. We closed in June 2005 at the height of the  
5 market.

6 Q. And you moved -- did you move there?

7 A. Yes.

8 Q. So when you moved to Palm Desert, did you start  
9 working?

10 A. Yes.

11 Q. I assume -- did you leave your job in Monterey?

12 A. I did.

13 Q. Where did you -- where were you working then?

14 A. I stayed with the same company and transferred to  
15 a different restaurant; put in an application.

16 Q. You just transferred?

17 A. Right.

18 Q. What restaurant was that?

19 A. That was California Pizza Kitchen.

20 Q. And there was one in Palm Desert?

21 A. Right.

22 Q. Did you have any other jobs there?

23 A. Eventually I did get a few other jobs there.

24 Q. At the same time or were you working --

25 A. No. I typically kept two jobs so I could have

1 extra income.

2 Q. So tell us about when you moved into the house.  
3 What was life like at that point?

4 A. It was kind -- it was exciting because it was my  
5 first house. There was a pool. We went shopping and got  
6 furniture. We didn't go all out. We just had fun getting  
7 a brand new refrigerator, things like that.

8 Q. Was Mr. Brewer also working?

9 A. He was, yes.

10 Q. Let's talk about your mom and dad for a second.  
11 At this point in time did you have contact with them?

12 A. Sporadically. We didn't call each other a lot.

13 Q. Did you talk to your mom very often about your  
14 relationship with Mr. Brewer?

15 A. Not really.

16 Q. For that matter, did you talk to her very often  
17 about your relationship with Matt McCartney?

18 A. No, not really.

19 Q. So you said sporadic contact?

20 A. Yeah, by the time I was in Palm Desert, we talked  
21 on the phone. I don't remember how often, but it wasn't  
22 really often.

23 Q. Was your mom at that point anyone you thought you  
24 could confide in?

25 A. No.

1 Q. You didn't have that type of relationship?

2 A. We didn't have that type of relationship.

3 Q. All right. And when you were in Palm Desert,  
4 what happened after your first year as far as the house is  
5 concerned?

6 A. The house decreased in value. We weren't -- it  
7 wasn't appreciating. The whole housing market was start  
8 to go crash at that point.

9 Q. So generally speaking, the housing market  
10 everywhere or what did you see going on?

11 A. The housing market mostly everywhere. I'm sure  
12 there were some pockets in the country that were  
13 increasing still, but the whole housing market was coming  
14 down.

15 Q. What did that do then to your investment with Mr.  
16 Brewer?

17 A. It made it more or less worthless.

18 Q. Worthless?

19 A. Yeah.

20 Q. During that first year, did you two live  
21 together?

22 A. Yes.

23 Q. Were you living this in that house?

24 A. Yes.

25 Q. How often did his son come?

1 A. He came -- well, that first summer he was with us  
2 the whole time; and then he stayed with us on the  
3 weekends.

4 Q. All right. And his mother allowed him to stay  
5 with you both for the whole summer?

6 A. Right. I don't remember what she was doing at  
7 that time, but we had him the whole summer.

8 Q. And then he would come on the weekends?

9 A. Yeah, he started school. We made sure to get a  
10 house in the good school district because the one she was  
11 living in was not good. We wanted him to go to a good  
12 school. So he --

13 Q. How would you characterize your relationship with  
14 Mr. Brewer's son?

15 A. Well, he already had a mom so it wasn't like  
16 that. It was more -- it was more like I was a big sister  
17 to him. He had grown -- I had grown-up with young  
18 children in the house. He was like a little brother to me  
19 in a way. There was a little bit of mothering going on.  
20 It wasn't like that. He was more like a little brother to  
21 me.

22 Q. Were you trying to take over for his mother?

23 A. No.

24 MS. WILLMOTT: This might be a good time to stop.

25 THE COURT: All right. Ladies and gentlemen,

1 Monday, 9:30. Monday, 9:30. Please remember the  
2 admonition. Are there any questions?

3 JURY PANEL: (No oral response.)

4 THE COURT: You are excused.

5 (Whereupon, the Jury exited the courtroom.)

6 THE COURT: The record will show that the jury  
7 has left the courtroom. Miss Arias, you may step down.

8 (Whereupon, proceedings were had which were  
9 not transcribed at this time.)

10 \* \* \*

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1  
2 CERTIFICATE  
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6 I, *MARLA F. ARNOLD*, Official Certified  
7 Reporter herein, hereby certify that the foregoing is a  
8 true and accurate transcript of the proceedings herein all  
9 done to the best of my skill and ability.

10 Dated at Phoenix, Arizona, this 11th day of  
11 January, 2015.  
12  
13  
14

15  
16 /s/ 

17 MARLA F. ARNOLD, CR, RPR

18 Certified Reporter No. 50870  
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25



1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

2 IN AND FOR THE COUNTY OF MARICOPA

3

4 STATE OF ARIZONA, )

5 Plaintiff, )

6 vs. ) CR 2008-031021

7 JODI ANN ARIAS, )

8 Defendant. )

9 )

10

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13 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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15 (Testimony of Jodi Ann Arias)

16

17 Phoenix, Arizona  
November 3, 2014

18

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Before The Hon. Sherry K. Stephens

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REPORTED BY:

22

MICHAEL A. BABICKY, RPR  
Certified Court Reporter  
Certificate No. 50361

23

24

PREPARED FOR:

25

MR. DAVID BODNEY, ESQ.  
Copy

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EXHIBITS

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3

4

None marked.

5

6

WITNESSES

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Page

9

Jodi Ann Arias

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

was taken on November 3, 2014 commencing  
at 10:30 a.m., at the SUPERIOR COURT, MARICOPA  
COUNTY, 175 W. Madison, Phoenix, Arizona, before  
MICHAEL A. BABICKY, a Certified Reporter in the  
State of Arizona.

COUNSEL APPEARING:

For the Plaintiff:  
DEPUTY COUNTY ATTORNEY  
BY: MR. JUAN MARTINEZ, Esq.

For the Defendant:  
BY: MR. KIRK NURMI, Esq.  
BY: MS. JENNIFER WILLMOTT, Esq.

1

## PROCEEDINGS

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THE COURT: On the record. The record will show presence of the defendant and all Counsel. There was oral argument on the Motion to Stay.

6

Counsel, do you have anything to report to the Court?

7

8

MR. MARTINEZ: Yes. They indicated they would have a ruling this afternoon.

9

10

THE COURT: Okay. I haven't seen anything. I have my e-mail on. So if something does come through, I'll stop the proceedings and let you know.

11

12

13

Ms. Arias, why don't you come up and take the stand?

14

15

THE COURT: The record will show the presence of the jury, the defendant and all Counsel.

16

17

Ladies and gentlemen, I apologize having you wait this morning. As I explained to you at the beginning, sometimes things come up that we can't anticipate. We appreciate your patience.

18

19

20

21

Did any of you read, see or hear anything about this case in the media over the weekend or since we were here last? I see no hands.

22

23

24

Did anyone attempt to talk to any of you about this case? I see no hands.

25

1 Did any of you talk with anyone about this case  
2 including your fellow jury members? I see no hands.

3 Did any of do any research about this case? I  
4 see no hands. All right.

5 Ms. Arias, you're still under oath, do you  
6 understand?

7 A. Yes.

8 THE COURT: You may proceed.

9 DIRECT EXAMINATION (CONT.)

10 MS. WILLMOTT: Thank you, Judge. Good  
11 afternoon, Ms. Arias.

12 A. Good afternoon.

13 Q. When we stopped last week, we were talking about  
14 your house that you bought with Daryl Brewer in Palm  
15 Desert. Do you remember that?

16 A. Yes.

17 Q. I want to -- we had looked at some of the  
18 pictures of you and Mr. Brewer. Showing you Exhibit  
19 Number 644. Is that a picture of you and Mr. Brewer and  
20 his son?

21 A. Yes.

22 Q. During this time when you lived in Palm Desert,  
23 what was the living arrangement?

24 A. In Palm Desert we bought a three -- three  
25 bedroom, two bath house. I had my own room. Daryl had

1 his own room and Jack had his own room.

2 Q. But you were romantically involved with Mr.  
3 Brewer?

4 A. We were involved. We just went to our own  
5 rooms, our own space. We usually fell asleep in the same  
6 room but we had our own rooms if that makes sense.

7 Q. Your own space?

8 A. Right.

9 Q. One of the things that we -- that we talked  
10 about a little bit was your interest in photography. Do  
11 you remember that?

12 A. Yes.

13 Q. Tell us a little bit more. Did you -- did your  
14 interest in photography ever blossom into something as an  
15 adult?

16 A. Yes. After I moved to Palm Desert, I upgraded.  
17 I went to digital. I got nicer equipment and I began  
18 to -- I had done a wedding in the past. That was  
19 something -- I continued with that. I began to do  
20 portraits, weddings, landscapes, everything like that.

21 Q. All right. And one of your other interests from  
22 back when you were a child talked a little bit about art,  
23 right?

24 A. Right.

25 Q. And what about writing?

1 A. Writing also was an interest of mine from the  
2 time I was very young.

3 Q. And how did that become an interest of yours?

4 A. When I was eight years old, I was at the mall  
5 with my mom and we went into Hallmark and I saw this  
6 journal. And on the front it had a cat that looked just  
7 like my cat at the time. And I asked her for it and she  
8 got it for me. So I began to just write. I started  
9 journaling when I was eight.

10 Q. And did you notice at the time things in  
11 particular that you would journal about?

12 A. Well, just my life, my siblings, my mom. If my  
13 mom and I had a fight, I would write about that and get it  
14 out on to the page and that would help me process it.  
15 Like when my older sister become pregnant, I was excited.  
16 I wrote about things going on there.

17 Q. And as you -- now did you journal every day from  
18 age eight on up till you were arrested?

19 A. There were periods where like a few years here  
20 or there where I wasn't as consistent about it. But I  
21 think mostly from age eight, fairly regularly through high  
22 school, a little bit in my upper 20's, and more regularly  
23 again when I was 27 on.

24 Q. Okay. All right. So we were talking about --  
25 in Palm Desert were you working?

1 A. Yes.

2 Q. And what kind of work were you continuing to do?

3 A. Restaurants.

4 MS. WILLMOTT: May I approach, Judge?

5 THE COURT: Yes.

6 BY MS. WILLMOTT:

7 Q. Showing you Exhibit 693, do you recognize that?

8 A. Yes.

9 Q. Is this picture taken at one of the restaurants  
10 that you worked at?

11 A. It was actually taken at a restaurant we went to  
12 after work. I think it was the Yard House.

13 MS. WILLMOTT: Judge, defense asks to admit 693?

14 THE COURT: Any objection?

15 MR. MARTINEZ: Foundation.

16 MS. WILLMOTT: Judge, may we approach?

17 THE COURT: You may.

18 (Sidebar discussion.)

19 THE COURT: Foundation?

20 MR. MARTINEZ: The defendant complained about  
21 yesterday -- not yesterday but on Thursday when I made my  
22 objection on foundation, date and time, that I was making  
23 a speaking objection. So I'm not making a speaking  
24 objection.

25 THE COURT: I appreciate that.



1 MR. MARTINEZ: I guess the point is, do I  
2 need -- I believe under the law, when I say foundation, I  
3 need to give the reason but defense Counsel doesn't want  
4 it.

5 THE COURT: And you can give a reason.

6 MR. MARTINEZ: The time.

7 THE COURT: Okay. Say based on time.

8 MS. WILLMOTT: And Judge, this is the time she  
9 was living in Palm Desert.

10 THE COURT: Get her to say the approximate date  
11 to refresh the jury's memory when we talk about years.

12 MR. MARTINEZ: May I voir dire the witness on  
13 foundation?

14 MS. WILLMOTT: Judge, I object to voir dire.  
15 There's no reason to voir dire the witness with regard to  
16 the picture of where she worked.

17 THE COURT: You can cross-examine her. But what  
18 did you want?

19 MR. MARTINEZ: I want to establish the date.

20 MS. WILLMOTT: It's not necessary to establish a  
21 particular date.

22 THE COURT: Do it on cross.

23 (Open court.)

24 BY MS. WILLMOTT:

25 Q. At the time you were living in Palm Desert, what

1 year was that?

2 A. I had lived there between 2005 and, 2006 and  
3 part of 2007.

4 Q. Okay. And at the time that this picture,  
5 Exhibit 693 was taken, is that during one of the years?

6 A. Yes.

7 MS. WILLMOTT: Judge, I move for the admission  
8 of 693?

9 MR. MARTINEZ: No objection.

10 THE COURT: 693 is admitted.

11 BY MS. WILLMOTT:

12 Q. Is this a picture of you and some of the people  
13 that you knew when you were working in Palm Desert?

14 A. Right. Those are my co-workers.

15 Q. At some time when you were living in Palm  
16 Desert, did something happened with the housing market?

17 A. Yeah. It imploded.

18 Q. And so did that affect you?

19 A. It did.

20 Q. How did it affect you?

21 A. Well, our house became worthless for what we  
22 paid for it. Our mortgage index had jumped up. It jumped  
23 up \$600 more per month. We didn't read the fine print  
24 before signing very well, I guess. Well, we actually  
25 swapped actually on the --

1 Q. And Jodi, how did you -- were you able to  
2 continue paying the mortgage for some time?

3 A. For a little bit. But then eventually it became  
4 too much to pay.

5 Q. How did you continue paying the mortgage?

6 A. I start paying with my credit cards.

7 Q. Did you ever have more than one job in Palm  
8 Desert?

9 A. Yes.

10 Q. One job at a time I mean?

11 A. I usually had two jobs at a time, sometimes  
12 there was one at a time but I typically needed two jobs at  
13 a time.

14 Q. And was that in part to help pay for the  
15 mortgage?

16 A. Yes.

17 Q. In the beginning of 2006, was there ever another  
18 financial opportunity that presented itself to you?

19 A. Yes.

20 Q. Tell us what happened?

21 A. I was at work and a co-worker asked when I  
22 planned to retire. I said some day. And he said, I'm  
23 retiring in five years. He was about my age. So it was  
24 kind of a bold statement I thought.

25 And so he gave me information about a

1 company called Pre-Paid Legal and said that it's a great  
2 opportunity to make a lot of money, passive income.

3 Q. And at that point in time did you know what  
4 Pre-Paid Legal was?

5 A. No.

6 Q. Did you end up signing up for Pre-Paid Legal?

7 A. Eventually, yes.

8 Q. And when was that in comparison to the time that  
9 you first spoke to this person?

10 A. Oh, it was roughly -- I mean, roughly six months  
11 later, several months later. I don't remember exactly how  
12 many.

13 Q. And how is it that you signed up for Pre-Paid  
14 Legal?

15 A. I was cleaning out a closet and I had the  
16 information that he had given me. I had wanted to throw  
17 it away because I didn't want it. But before I threw it  
18 away I wanted to know what was on the DVD he gave me. So  
19 I popped the DVD in the DVD player and watched it. And I  
20 liked what I saw. So I decided to pursue it.

21 Q. And what you saw, was that an explanation of the  
22 type of money people can make working for Pre-Paid Legal?

23 A. Yes.

24 Q. Can you explain to us briefly what Pre-Paid  
25 Legal is or was?

1 A. Yeah. It's now called Legal Shield to my  
2 understanding. The company is -- they market legal  
3 services. It's much like legal insurance where you pay a  
4 monthly fee and you have attorneys on-call as far as  
5 advice and things like that.

6 Q. And how is it that your signing up for to work  
7 with Pre-Paid Legal -- how is it that someone like you  
8 could make money from that?

9 A. Okay. Well, I sign up, the person who signs me  
10 up makes a commission, an advanced commission. So you can  
11 sign up just for the service. But if you want to do it to  
12 make money, you can become an associate and sign up other  
13 people and make an advanced commission off their  
14 memberships. And those people become associates. They  
15 sign up others. The advance commission trickles up so you  
16 continue to make residual income based on how many people  
17 you continue to sign.

18 Q. And at this time are we talking when you first  
19 learned about Pre-Paid Legal -- what time line are you  
20 talking about?

21 A. I think this would have been late 2005, kind of  
22 around the time when I first heard about it, not when I  
23 signed up.

24 Q. When is it that you signed up?

25 A. I believe it was in March 2006.

1 Q. And how did you sign up? Do you -- how do you  
2 do that?

3 A. Well, I called the 800 number that was on the  
4 little label on the DVD, that's the guy who gave it to me.  
5 He wasn't doing the business any more. So he said he  
6 would refer me to his up line which is the guy who signed  
7 him up. And so I called him. He wasn't doing the  
8 business anymore, so I couldn't get any information. He  
9 never did.

10 So finally I looked on line to see if  
11 anybody had any information and somebody from Hemet, which  
12 is in the same area of Palm Desert, called me back.

13 Q. Did you ever get suspicious that the people who  
14 told you they were going to retire and he's not doing it  
15 any more, then his up line person isn't doing it any more,  
16 did that ever cause any suspicion for you?

17 A. Yeah. It was a little bit -- not -- I wouldn't  
18 say suspicion, just made me wonder. But I was going off  
19 the information in the DVD rather than these people. And  
20 I could see just by the DVD that it's something that  
21 requires diligence so I assumed that.

22 Q. And with the DVD and things that were contained  
23 on that DVD was it somewhat motivational?

24 A. Yeah, it was positive.

25 Q. Now, at the time -- at this time in your life

1 are you still involved with Mr. Brewer?

2 A. Yes.

3 Q. And are you still living together?

4 A. Yes.

5 Q. And we discussed your financial situation. Was  
6 it getting any better?

7 A. No. It was not.

8 Q. So after you signed up, did you become involved  
9 right away?

10 A. No. I signed up. I was given the materials. I  
11 really didn't do anything with it for a while.

12 Q. At some point did you become involved?

13 A. Yes.

14 Q. When is that?

15 A. Let's see if I would have signed up in March  
16 there is a international convention in September which was  
17 at the time being held in Las Vegas. So the lady who  
18 signed me up, she called me, I think, around June or July  
19 and urged me to go. She had wanted me to go to another  
20 part of that. But I had a wedding booked. So I didn't  
21 go. But I went to the convention. That's when I became  
22 more involved, a little bit more.

23 Q. And let's take a step back for a second. When  
24 you talk about conventions, what is it that -- and other  
25 events, what kind of event did PPL or Pre-Paid Legal have?

1 A. Okay. Yeah. The event that occurred in July  
2 that she invited me to was just one -- it was a smaller  
3 event. I don't know if you're familiar with network  
4 marketing companies. They have different organizations  
5 within the company where, you know, if you recruit a lot  
6 the people that becomes sort of your team. And so this  
7 was a team retreat.

8 The team I ended up being recruited into  
9 was called Team Renew and it was a retreat that occurred  
10 at Daniel Summitt's house near Park City, and they just go  
11 there and went to a lodge and just hung out.

12 Q. Is that -- the retreat you're talking about is  
13 that -- when was that?

14 A. That -- I believe that year was in July.

15 Q. Okay. Is that what -- who signed you up? Do  
16 you remember the person's name?

17 A. Her name was Michelle.

18 Q. And did Michelle -- did she want you to go to  
19 the Daniel Summit retreat?

20 A. Yes.

21 Q. Did you ending going to that?

22 A. No. I went to the wedding.

23 Q. You went to a wedding?

24 A. Yeah.

25 Q. And when you go to these retreats or



1 conventions, who is paying for you to go?

2 A. We pay our own way.

3 Q. And so throughout the year does Pre-Paid Legal  
4 have different functions that's everybody gathers at?

5 A. Yeah. Usually monthly it's a regional, weekly  
6 it's a -- more of a like city wide event. And then yearly  
7 it's international. There are people from Canada. Last  
8 time I was involved there were provinces from Canada and  
9 all 50 states that offered this type of service. So the  
10 whole organization is invited.

11 Q. And have you heard the term Super Saturday?

12 A. Yes.

13 Q. What is that?

14 A. That's one of the regional events that occur  
15 monthly where it's kind of like a training slash  
16 recruiting event where you bring a guest and they teach  
17 you more about the company and that sort.

18 Q. And at these events, did you get an idea what  
19 the general goal is for the events? What does it do for  
20 the employees or associates?

21 A. It kind of instilled -- it heightened moral. It  
22 makes you get -- kind of re-injects you with like a sense  
23 of excitement for the company.

24 Usually the speaker is somebody that has  
25 had success in the company. So it helps you to see --

1 they give their background where they come from -- so it  
2 helps you to see, you know, basically anyone from any walk  
3 of the life can come into the company and stick with the  
4 system they have and have success. That's what we're  
5 told.

6 Q. When you would leave these conventions or these  
7 retreats, did you leave with an impression?

8 A. Right. Usually you left with an impression that  
9 it takes work. But it's something you can do to make  
10 money and fulfill your dreams.

11 Q. All right. So what's the first convention that  
12 you went to?

13 A. The first convention I went to was in  
14 September 2006.

15 Q. And in September of 2006 are you still living  
16 with Mr. Brewer?

17 A. Yes.

18 Q. Are you still involved with his son?

19 A. Yes. Actually at that point he had moved back  
20 to be with his son.

21 Q. His son?

22 A. Right.

23 Q. Did you not see him as much?

24 A. Not as much.

25 MS. WILLMOTT: Judge, may I approach?

1 THE COURT: You may.

2 BY MS. WILLMOTT:

3 Q. Jodi, I'm showing Exhibit 697. Do you recognize  
4 that?

5 A. Yes.

6 Q. Is this a picture of your family?

7 A. Yes. My siblings.

8 Q. Your siblings? Was this taken sometime in 2005?

9 MR. MARTINEZ: Objection, leading.

10 THE COURT: Overruled.

11 BY MS. WILLMOTT:

12 Q. Defense moves in 697.

13 THE COURT: Any objection? Eighty-seven or 97?

14 MS. WILLMOTT: Ninety-seven.

15 THE COURT: Any objection?

16 MR. MARTINEZ: No.

17 THE COURT: 697 is admitted.

18 BY MS. WILLMOTT:

19 Q. All right. You said this is a picture of your  
20 siblings; is that right?

21 A. Right.

22 Q. Can you name them for us?

23 A. Yeah. On the far left is Angela, the younger  
24 one is Joseph, my brother Carl, and myself.

25 Q. And you're the oldest of this group?

1 A. Right.

2 Q. And you said this was sometime in 2005?

3 A. Yes.

4 Q. And is that when you were in Palm Desert?

5 A. That actually was taken in Yreka.

6 Q. Right. But were you living in Palm Desert?

7 A. I was living in Palm Desert at that time.

8 Q. All right. So the first convention that you go  
9 on to, how does that happen that you decide to go?

10 A. Michelle was very adamant that I go. And she  
11 talked it up, said how exciting it was going to be. So I  
12 went.

13 Q. Where was it?

14 A. In Las Vegas at the MGM Grand.

15 Q. And how is it that you got there?

16 A. Michelle and I and Lenore, we all car pooled.

17 Q. I'm sorry, Michelle, you and --

18 A. Lenore, a woman that -- we car pooled in her --  
19 in Michelle's car.

20 Q. Were they from the same area that you were?

21 A. Yes. Lenore and Michelle, I believe lived in  
22 Hemet. I know Michelle lived near Palm Desert. It's the  
23 same county. Actually I don't know. It's very close.

24 Q. All right. And so did you drive together? Is  
25 that what you mean by car pool?

1 A. Right.

2 Q. And how long did this convention last?

3 A. The convention lasted, the actual convention  
4 part lasts two days. It's Friday, Saturday and on  
5 Thursday night there's also an event.

6 Q. Okay. And when did you all go?

7 A. She and I -- the three of us, we drove like  
8 starting Wednesday, got there Wednesday evening.

9 Q. You got there Wednesday evening?

10 A. Right.

11 Q. And what kind of things are you doing Wednesday  
12 evening?

13 A. We're just hanging out. We walked by the pool.  
14 There were a lot of people there that Michelle knew and we  
15 were introduced to tons of people. We were in the lobby.  
16 We went to dinner at the Rain Forest Cafe, checked in,  
17 that sort of thing.

18 Q. When you say there was a lot of people, can you  
19 give us an idea how many people generally attend these  
20 conventions?

21 A. Yeah. My understanding is between 12 and 16,000  
22 people come for the event.

23 Q. I'm sorry, Jodi, 12 and 16,000?

24 A. Yes.

25 Q. And so was Michelle taking you around and

1 introducing you to a bunch of different people?

2 A. Right.

3 Q. You said you had dinner at the Rain Forest Cafe?

4 A. Yes.

5 Q. Where is that?

6 A. It's inside the casino. There are different  
7 restaurants. There's a casino area with all the slot  
8 machines and then there's shop and that sort of thing.

9 Q. And which casino are we talking about?

10 A. The MGM Grand.

11 Q. And how -- after dinner, what are you doing  
12 after dinner?

13 A. After dinner we're -- we paid our bill, just  
14 milling around. Right outside the MGM Grand there's kind  
15 of -- it looks a little bit like a mall. We were just out  
16 there hanging out with a ton of other people, big crowd.

17 Q. Did you meet anybody in particular that you  
18 remember that -- when you were milling around outside the  
19 Rain Forest Cafe?

20 A. Yes.

21 Q. Who did you?

22 A. I met Travis.

23 Q. Mr. Alexander?

24 A. Right. Yes, Travis Alexander.

25 Q. Tell us how you met him?

1           A.    I was standing with Michelle and Lenore, the  
2 executive director, my up line. His name is Dave or was  
3 Dave. And then I'm standing there, there are crowds like  
4 just everywhere, different people grouped together, and  
5 out of my left there's somebody walking towards me really  
6 fast. And I could see this person coming out of my  
7 periphery. And he was walking toward me. And he seemed  
8 to be going somewhere. So I moved to step out of the way  
9 to let him pass and he stopped right in front me and put  
10 his hand out and said, hi, I'm Travis.

11           Q.    And was he saying that to you?

12           A.    Yes.

13           Q.    And did you shake his hand?

14           A.    Yes.

15           Q.    And what happened after that?

16           A.    Well, he knew everybody that was in the circle  
17 that I was with. So he just stood there and we all talked  
18 or he was talking to people. He was talking with me.

19           Q.    All right. Did you go anywhere after that?

20           A.    Yeah. We began to walk throughout the casino,  
21 Michelle and I. And Travis walked with us.

22           Q.    And what did you do when you were walking  
23 throughout the casino?

24           A.    We -- well, Travis and I, we were talking,  
25 getting to know each other a little. We walked past a

1 sports bar and he was checking the football scores. And  
2 so he just began to ask me about my interests and things  
3 like that. We eventually meandered around to the lobby  
4 where the big golden lion statute is and we were standing  
5 there and just hanging out and watching different  
6 associates that were coming and going. That's where the  
7 entrance is.

8 Q. And during this time are the two of you  
9 specifically talking with each other?

10 A. Right. Mostly just him and I speaking. I kind  
11 of realized I wasn't talking to anybody else in the group.  
12 He was keeping my attention.

13 Q. And you said he was asking you questions about  
14 you?

15 A. Yes.

16 Q. Was he talking about himself?

17 A. Yes.

18 Q. Did you learn anything about him?

19 A. I learned -- well, he was asking my interests.  
20 So it seemed like every time I said, I like this or that,  
21 he was hearing my interests. So it seemed we had a lot in  
22 common.

23 Q. What kind of things were those?

24 A. Football, the same team. What else? Traveling,  
25 journaling, things like that.



1 Q. And how long is it that you spent this time  
2 together? Are we talking Wednesday night?

3 A. Yes. This was Wednesday evening.

4 Q. Okay. How long is it? Do you have an idea how  
5 long you spent with him?

6 A. I think maybe an hour, two hours. It didn't  
7 seem like a long time. It wasn't brief.

8 Q. And how did that night end?

9 A. Said goodbye, went back to my hotel room, that's  
10 it.

11 Q. Were you sharing a hotel room?

12 A. Yes. With Michelle, her mom and Lenore.

13 Q. Michelle, her mom and --

14 A. Lenore.

15 Q. Okay. Thank you. All right. So we're on to  
16 the next day now, Thursday, right?

17 A. Right.

18 Q. Okay. So what happened for associates on  
19 Thursday?

20 A. Well, Thursday was pretty much an open date.  
21 There was an executive banquet that occurs in the evening.  
22 And unless you're an executive director you don't get an  
23 invite.

24 Q. Jodi, tell us what an executive director is?

25 A. Sure. Within a company, usually within multi

1 level marketing companies there are different levels you  
2 reach depending on your production.

3 So an executive director is a level that  
4 you must qualify for monthly based on your volume of  
5 production. If you qualify for that, which is usually a  
6 high level of production, either yourself or your team  
7 members then you become executive director.

8 Q. All right. So you said there was an executive  
9 director banquet that evening?

10 A. Yes.

11 Q. But you weren't anywhere near an executive  
12 director; is that right?

13 A. No, I wasn't. I don't think I was anything at  
14 that point.

15 Q. Okay. So what is it that you and your friends  
16 are doing that Thursday?

17 A. We were just hanging out most of the day. We  
18 went across town, went to Applebee's, just had dinner that  
19 sort of thing.

20 Q. At some point during the day, do you get a  
21 message or have contact from Mr. Alexander?

22 A. Yes.

23 Q. What is it that you receive or hear?

24 A. We were at Applebee's having dinner and he  
25 called Michelle. He had her phone number and he invited

1 me to go with him to the executive director banquet.

2 Q. And why is it that Mr. Alexander -- to your  
3 understanding why is that Mr. Alexander got to go to the  
4 executive director banquet?

5 A. He was an executive director.

6 Q. Okay. What happens when you get this invite?  
7 Does Michelle tell you?

8 A. Yeah. She was on the phone with him and I just  
9 heard her half of the conversation. I didn't know who it  
10 was.

11 When she hung up, she asked me. She told  
12 me that he wants you to go with him.

13 Q. What was your initial response?

14 A. I declined.

15 Q. You declined?

16 A. Yes.

17 Q. Why is that?

18 A. It was a nice event. I didn't bring a dress or  
19 anything like that. I didn't have the proper clothing to  
20 wear.

21 Q. And what did your friends think about that?

22 A. Michelle --

23 MR. MARTINEZ: Objection, lack of foundation.

24 Which friend?

25 THE COURT: Sustained.

1 BY MS. WILLMOTT:

2 Q. Who is it that you were with at Applebee's?

3 A. Michelle and Lenore.

4 Q. What did Michelle and Lenore have to say about  
5 your declining to go to the executive director banquet?

6 MR. MARTINEZ: Objection, lack of foundation.

7 Which one?

8 THE COURT: Sustained.

9 MS. WILLMOTT: I'm sorry. I didn't hear the  
10 objection.

11 THE COURT: Repeat your objection.

12 MR. MARTINEZ: Lack of foundation.

13 BY MS. WILLMOTT:

14 Q. Michelle and Lenore were talking to you?

15 A. Right.

16 Q. And had Michelle spoken with Mr. Alexander?

17 A. Yes.

18 Q. And did she convey to you -- did Michelle convey  
19 to you that Mr. Alexander wanted you to go to the  
20 executive director banquet?

21 A. Yes.

22 Q. And you had said no, is that right? Is that  
23 what you told her?

24 A. Right, I did.

25 Q. Okay. And did Michelle and Lenore have any kind

1 of response to you?

2 A. Yes.

3 MR. MARTINEZ: Same objection. Which one?

4 THE COURT: Sustained.

5 BY MS. WILLMOTT:

6 Q. Which one? Did they both talk to you?

7 A. Yes.

8 Q. Did they both have similar feelings about you  
9 declining to go?

10 A. Yes.

11 Q. Okay. And so, generally speaking, what was  
12 there feeling?

13 A. They thought it would be a bad idea to turn it  
14 down. They said it was a rare opportunity to go, not very  
15 many people get to go, and I should take advantage of it.

16 Q. Based your conversation with both Lenore and  
17 Michelle, did you get the feeling that this executive  
18 director banquet -- was it a special event?

19 MR. MARTINEZ: Objection, leading.

20 THE COURT: Overruled. You may answer.

21 A. Yes.

22 BY MS. WILLMOTT:

23 Q. All right. And so ultimately did you not go?

24 A. Ultimately I did end up going.

25 Q. You did end up going? How is it that you ended

1 up going?

2 A. First we drove over to Kohls and we were trying  
3 to get dresses and things. I called Travis back and told  
4 him, I can't make any promises. I don't have a dress but  
5 I'll look. And at one point he called me back and said,  
6 we have a dress for you back at the hotel so come back.  
7 So we drove back through the traffic and just got there.

8 Q. Let me interrupt you there. You said that Mr.  
9 Alexander called you back to advise that he had found a  
10 dress for you?

11 A. Yes.

12 Q. And did you -- where did he find a dress for  
13 you?

14 A. He -- his friend, his best friend's wife, Sky,  
15 she had a dress. She was the same size as me. So she let  
16 me use it.

17 Q. How is it that Mr. Alexander knew your size?

18 A. He just described me to her, my understanding,  
19 and she said, she could wear my dress. She had brought  
20 two.

21 Q. All right. And up and to that point, had you  
22 been -- had you found a dress at all you could buy on your  
23 own?

24 A. No.

25 Q. So what did you do?

1 A. We ditched the operation at Kohls and drove back  
2 to the MGM.

3 Q. All right. And did you then meet Sky Hughes?

4 A. I met her. I didn't really formally like shake  
5 her hand and meet her. I didn't see her until we finally  
6 made it to the banquet. We were late. So Travis and I  
7 made it into the banquet hall and she was at the round  
8 table where there was a bunch of other people.

9 Q. Is that when you found out whose dress it was  
10 you were borrowing?

11 A. I think I did find out at the table there.  
12 Yeah, he pointed her out.

13 Q. All right. So how is it -- so you get back to  
14 the hotel. How is it that -- is there a dress waiting in  
15 your room?

16 A. No. It was in Sky's room with her husband  
17 Chris. It was in their room. So they gave Travis the  
18 room key and Michelle and I and Travis went up to their  
19 room and I put on her dress.

20 Q. All right. So you went to -- tell us what  
21 happened at this executive director banquet?

22 A. Sure. Usually they are people who have earned  
23 \$100,000 or more in the year.

24 MR. MARTINEZ: Objection, non-responsive. She  
25 was asked --

1 THE COURT: Sustained.

2 MS. WILLMOTT: Judge, may we approach?

3 THE COURT: Yes.

4 (Sidebar discussion.)

5 MS. WILLMOTT: Judge, the question was: Tell us  
6 what happened generally about what happened at the  
7 executive director banquet. Her answer -- she starts to  
8 describe the necessary background to describe what  
9 happened at the executive banquet. So she's describing  
10 the background and who is there and that type of thing.  
11 That information was necessary for her to answer my  
12 question. So I don't believe it's non-responsive.

13 MR. MARTINEZ: Well, she can certainly ask her,  
14 describe the banquet for us, who was there and that sort  
15 of thing but, you know, she's --

16 THE COURT: Well, technically she was not  
17 answering the question. She was answering who was in  
18 attendance.

19 Why don't you just restate the question and ask  
20 it broadly enough so she can answer the question that you  
21 technically asked her. So she can answer it. So just  
22 restate it.

23 BY MS. WILLMOTT:

24 Q. What type of people -- Jodi, what type of people  
25 attend this banquet?



1 A. Again they're executive directors and one  
2 invite, so typically a spouse or friend.

3 Q. Okay. And what happens at these banquets with  
4 these \$100,000 earners?

5 A. Right. Not everyone at the banquet is --  
6 they're called ring earners. Once you earn \$100,000, you  
7 get a ring. So not everybody is a ring earner but  
8 everybody who got in is an executive director.

9 Q. What happens -- so what goes on? Are there  
10 speeches? Do you just eat?

11 A. Well, we get a three course dinner. There are  
12 speeches with the ring earners, usually people who just  
13 earned their ring. So they give their speech of how they  
14 had their success and that sort of thing.

15 Q. And that type of speech -- what kind of the  
16 speech is it?

17 A. It's very inspirational. They're real good  
18 speeches, typically. Sometimes they're very funny.  
19 Sometimes they make you cry.

20 Q. And how did those type of -- well, what else  
21 happened?

22 A. Well, we get, you know, our salad and dinner  
23 served. It's -- usually it just boosts moral basically.

24 Q. Is it a chance for people to mingle with the  
25 high income earners?

1 A. Right. It's a chance to rub shoulders with very  
2 substantial people.

3 Q. And at this point in time, I believe, you had  
4 said earlier that you weren't anything at this point as  
5 far as PPL was concerned?

6 A. Right. I was just at the bottom level of  
7 whatever that was at the time.

8 Q. And so what was your impression of rubbing  
9 shoulders with these types of people?

10 A. It was interesting like -- they've always been  
11 like my customers or clients or guests in restaurants but  
12 now I'm sitting there with them. It was different. It  
13 was interesting.

14 Q. All right. And this is Thursday night?

15 A. Yes.

16 Q. Okay. So what happened? How long does this  
17 banquet last approximately?

18 A. Well, we were late. But I think it's about an  
19 hour, hour and a half.

20 Q. Right. Did you do anything afterwards?

21 A. Yes. Afterwards we just -- that night, I didn't  
22 do much, other people do, but that night I just -- we hung  
23 out outside the banquet hall where other people who  
24 weren't invited show up and mingle around.

25 Q. Jodi, when you say you didn't do much, you

1 didn't -- I'm sorry, I can't hear when the printer's  
2 going -- you said -- can you tell me again what it is that  
3 you did afterwards?

4 A. Sure. Afterward Michelle came, Lenore came. We  
5 stayed for a little while, maybe 10, 15 minutes and then  
6 we left.

7 Q. And where did you go?

8 A. Back to the hotel room.

9 Q. And was that it for the night?

10 A. That I recall, yes, for that night.

11 Q. Did you have any other contact with Mr.  
12 Alexander that night?

13 A. Yes, he texted me.

14 Q. He contacted you via text?

15 A. Right.

16 Q. Just one or was it a conversation?

17 A. It wasn't a conversation. He just thanked me  
18 for accompanying him and said, you're a great girl.

19 Q. What kind of -- how did Mr. Alexander behave  
20 towards you during the banquet?

21 A. He was very mature, very gentlemanly. He was  
22 kind. He seemed chivalrous, if that makes sense.

23 Q. On Friday -- is Friday the next day?

24 A. Yes.

25 Q. And on Friday, what kind of things go on at the

1 convention?

2 A. Friday morning is when the first session of the  
3 convention starts and it's like stadium seating and  
4 there's also seats on the floor.

5 Q. Let me stop you there. When you say stadium  
6 seating, how big of an area are we talking?

7 A. It's pretty huge. It may hold 12 to 16,000  
8 people. It's almost like -- if you can imagine an NBA  
9 stadium. There's a flat area where the basketball court  
10 might be, but there's not a basketball court there, rather  
11 there's a stage set up at the end and then the stadium  
12 seating looks like a "U" all around and raised up high.

13 Q. And is where the -- is this where the meetings  
14 take place?

15 A. Yes.

16 Q. Okay. So did you go to the meeting?

17 A. Yes.

18 Q. And where did you sit?

19 A. We were sitting -- Michelle and I and other  
20 people were sitting in the stadium area toward the back  
21 part of the "U" if you go down -- it was toward the back  
22 like farthest from the stage.

23 Q. And did you see Mr. Alexander at all that day?

24 A. Yes.

25 Q. When did you see him?

1 A. He sent me a text message and invited me to sit  
2 down on the floor. It's not on the actual floor but the  
3 chairs on the floor close to the stage.

4 Q. And he did that on Friday?

5 A. Yes.

6 Q. And did you do that?

7 A. I did.

8 Q. So did you get to sit then -- who were you  
9 sitting with when you sit on the floor area?

10 A. Those are all reserved for executive directors  
11 seating as well.

12 Q. Okay. So the girl who hasn't done much in PPL  
13 is now sitting with a bunch of executive directors?

14 A. Right.

15 Q. Were you sitting with yourself or did -- or by  
16 yourself or did your friends get to come with you?

17 A. There was one open seat that was right next to  
18 Travis.

19 Q. Okay. So that particular day, did you spend --  
20 did you spend the day sitting next to Mr. Alexander?

21 A. Most of it, yes.

22 Q. So did you have more conversation with him  
23 during that day?

24 A. Somewhat. Mostly we were listening to what was  
25 going on on the stage, they were great, but, yeah, we

1 passed -- at one point, I think it was the next day, we  
2 passed a few texts back and forth.

3 Q. And how long did that part of the convention go  
4 so Friday from in the morning till when?

5 A. There's a morning session, then there's lunch,  
6 then the afternoon session, then we break for the evening.

7 Q. At lunch -- who did you spend lunch with?

8 A. With Michelle.

9 Q. And not with --

10 A. And Lenore, yes.

11 Q. Mr. Alexander was not at lunch?

12 A. No.

13 Q. Did you go back to sitting next to Mr. Alexander  
14 in the afternoon?

15 A. Yes.

16 Q. What about Friday night? Did you have any  
17 contact with Mr. Alexander Friday night?

18 A. I think I did. But this was more like in a  
19 group setting. I don't recall exactly Friday night.

20 Q. Okay. All right. So on to Saturday.

21 A. Yes.

22 Q. What happened at the convention on Saturday?

23 A. Same thing. I'm sitting on the floor next to  
24 Travis and we're listening to the speeches, the talks, the  
25 training. And there's lunch with Michelle and Lenore.

1 And then in the evening we more were together again in the  
2 food court at that point.

3 Q. In the evening you're together --

4 A. In the food court area.

5 Q. Whose together?

6 A. I'm sitting next to Travis. There were a bunch  
7 of associates. His friend Chris is there. I didn't know  
8 everybody that was there.

9 Q. What are you doing at the food court?

10 A. Mostly just talking, socializing. Chris is  
11 telling stories. We were just listening.

12 Q. And how long are you there in the food court  
13 together?

14 A. How long are we there?

15 Q. Approximately?

16 A. Not too long. I leaned over and told him I  
17 would like to talk to him later. No, I'm sorry, I sent  
18 him a text message earlier and told him I would like to  
19 talk to him one on one when we have a chance. And so at  
20 that point he is sitting next to -- he said, do you want  
21 to go for a walk? So I took that as an opportunity to  
22 speak to him.

23 Q. And what is that you wanted to speak to him  
24 about?

25 A. Well, at that point I got the sense that he

1 liked me. So I wanted to tell him that I had a boyfriend.

2 Q. Because were you still dating Mr. Brewer?

3 A. Yes.

4 Q. And so do you go -- do you end up going on a  
5 walk with him?

6 A. Yes.

7 Q. And where are you guys going?

8 A. We were just -- at this point it was about 1:00  
9 in the morning, really late. So we were just walking  
10 around near all the shops and things. They're all closed.  
11 But we found a small park bench, some type of seat, like  
12 against the wall and sat down there and talked for a  
13 little while.

14 Q. And what kind of things were you talking about  
15 generally that you can remember?

16 A. Just life, subjects like, he wanted to know my  
17 favorite colors, favorite movie, he told me his. He told  
18 me not to settle for mediocrity in life in my  
19 relationships and things like that.

20 He told me that he sensed that that's what  
21 I wanted to talk to him about was my boyfriend. Michelle  
22 told him I had a boyfriend.

23 Q. I'm sorry. What did you say? Michelle told him  
24 that you had a boyfriend?

25 A. Right, yes.



1 Q. And so he had sensed that that's what you wanted  
2 to talk about?

3 A. Yes.

4 Q. Okay. And what other things did you talk about?

5 A. He told me about his religion. He asked me what  
6 my religious beliefs were.

7 Q. What was his religion?

8 A. He said I'm Mormon.

9 Q. And did he describe it all to you or did he just  
10 tell you?

11 A. The only thing he said as far as that goes was  
12 when I told him my religion, he said, well the best thing  
13 you could have said is I'm Mormon. But the second best  
14 thing you could have said is what you just said. So what  
15 I told him -- he like what he heard, but I wasn't LDS.  
16 That's all I --

17 Q. I didn't hear you?

18 A. Nothing about the church at that time.

19 Q. And what did you tell him as far as what your  
20 religion was?

21 A. I told him that that I was just -- I didn't  
22 adhere to one particular religion that I had certain  
23 beliefs that I had and that I was always open and  
24 searching for things.

25 Q. All right. So at some point during the

1 conversation do you also tell him that you have a  
2 boyfriend?

3 A. Yes.

4 Q. How did that go?

5 A. He just -- well, I told him that while we were  
6 still walking. He smiled, looked at the floor, and kind  
7 of kept his eyes averted. He seemed a little bit -- I  
8 don't know, he didn't seem upset or anything. He just --

9 Q. Okay. And how does this night end?

10 A. He walks me back to the elevators. We get on  
11 the elevator and he walks me back to my suite.

12 Q. And when you're on the elevator, does anything  
13 in particular happen?

14 A. Yes. When I got on to the elevator, they had  
15 mirrors all in the elevator. He was leaning up against  
16 the railing, against one of the mirrors, and he put his  
17 hand up, he didn't touch me, but he had his hands on both  
18 sides of the railing.

19 Q. So did he get closer to you?

20 A. Yeah. He was inches from my face.

21 Q. And did he have either hand on either side of  
22 you?

23 A. Yes.

24 Q. Is that what you mean?

25 A. Right.

1 Q. Okay. And tell me what happened?

2 A. He just licked his lips and said, I wish you  
3 didn't have a boyfriend.

4 Q. Anything else happen?

5 A. He -- at one point the elevator door opened and  
6 started to shut and another guy caught the door and came  
7 on. And so then Travis backed off really quick and leaned  
8 against the adjacent wall till he stepped off and then he  
9 was back on me the next few floors up.

10 Q. And as far as that particular evening, is that  
11 the extent of any type of gestures on Mr. Alexander's  
12 part?

13 A. Yes.

14 Q. And did you go to your room after that?

15 A. I did.

16 Q. And he didn't follow you, did he?

17 A. He walked me all the way up to the door. He  
18 didn't come in.

19 Q. So the next day then is Sunday; is that right?

20 A. Yes.

21 Q. Okay. And what happens on Sunday at the  
22 convention?

23 A. Okay. At this time, this Sunday there was a  
24 break out. Later -- they began to do it before rather  
25 than on Sundays, but this time they -- it's called break

1 out. It's like a last meeting before we all go home but  
2 it's not the whole company. It's just -- again just the  
3 team. So we were in a little theater, a small theater,  
4 and there were a few people that were at the top of that  
5 smaller organization that were speaking on that and  
6 then --

7 Q. Did you have any contact with Mr. Alexander at  
8 this break out?

9 A. Minimal. After that -- well, he approached me  
10 and invited me to get breakfast at the buffet that was  
11 there at the MGM. We went there afterwards.

12 Q. And was anybody else with you two?

13 A. I remember Dave being there, maybe his brother,  
14 Mike. I don't -- there might have been one other person,  
15 I don't recall who it was.

16 Q. Okay. So it was more than just the two of you  
17 having breakfast?

18 A. Right.

19 Q. Okay. And anything in particular about the  
20 conversation or anything about breakfast?

21 A. Travis ate a lot of ice cream for breakfast. So  
22 that's all I remember.

23 Q. All right. This Sunday -- did you leave  
24 convention on Sunday?

25 A. Yes.

1 Q. And how is it that you left when Mr.

2 Alexander --

3 A. Oh, he left first. He was getting into the taxi  
4 cab, the bell hop made a joke about him being crazy for  
5 not taking me with him and he joked back with him and then  
6 he came and gave me a hug and then we parted. And I later  
7 checked out with Michelle and Lenore. We had lunch again  
8 at the Rain Forest Cafe. And then we drove home.

9 Q. After being -- now, this was your first  
10 convention, right?

11 A. Right.

12 Q. After leaving that convention, did you have any  
13 type of impressions about -- that you learned from  
14 convention?

15 A. Yeah. It's -- I had never been involved in a  
16 network marketing company before. So that was my first  
17 experience with that. It's very inspiring. I had  
18 relatives that had tried to do things like that before  
19 with other companies. They were not successful.

20 MR. MARTINEZ: Objection, non-responsive as to  
21 her impressions.

22 THE COURT: Sustained.

23 BY MS. WILLMOTT:

24 Q. Did you have other impressions having to do with  
25 your life and where your life was going?

1 A. Well, I thought I saw an opportunity that would  
2 help me to make ends meet, you know, more than I was at  
3 the time.

4 Q. All right. When you leave, do you -- where do  
5 you go?

6 A. We drove back to Hemet where my car was parked  
7 and I went back to Palm Desert that evening.

8 Q. Now, at this time between you and Mr. Brewer --  
9 showing you Exhibit Number 695. At this time between you  
10 and Mr. Brewer, what type of relationship -- just prior to  
11 going to convention, how was your relationship going?

12 A. It was going okay, but it wasn't going anywhere  
13 really.

14 Q. Anywhere in the sense of what?

15 A. Well, my goal was to get married, have children,  
16 start a family. And he was happy where he was. He liked  
17 things as they were.

18 Q. And by December of 2006, how long had you been  
19 together with Mr. Brewer?

20 A. We were coming up on four years.

21 Q. And so --

22 A. Well, 2006, gosh, maybe more than four years.  
23 No, it was almost four years, I'm sorry.

24 Q. And so at that point in time, did you have a  
25 change of heart as far as when you first met him with

1 regard to what you wanted in the future?

2 A. Yes.

3 Q. In what way?

4 A. Well, at this point I had just hit 26, age 26, a  
5 few months earlier, and my by 20's were halfway over. So  
6 I realized that I didn't have time to just linger in a  
7 relationship that was going nowhere, even though I loved  
8 him and he loved me. I wanted to move on. I mean, I  
9 wanted to move on with him. But he didn't want to have  
10 children. So that was an important goal of mine at the  
11 time.

12 Q. Was that something as far as you were aware --  
13 is that something Mr. Brewer was still clinging to the  
14 idea that he didn't want to be married again?

15 A. Right.

16 Q. And didn't want to have children?

17 A. Yes.

18 Q. And so you go to this convention. And during  
19 convention, during the times that you spoke with  
20 Mr. Alexander, did you ever discuss the idea of family  
21 with Mr. Alexander, not you having a family, but the idea  
22 of what families mean?

23 A. Right. At convention, not so much family, just  
24 the idea that -- that I shouldn't settle for anything less  
25 than what I wanted in life kind of thing.

1 Q. Did that mean something to you at this point in  
2 time with your relationship with Mr. Brewer?

3 A. It did. It stuck me because I was comfortable  
4 in my relationship with Daryl. But I realized that it was  
5 because -- what Travis told me kind of made me realize it  
6 really wasn't going anywhere.

7 So do I want to continue in this  
8 relationship and be comfortable and never pursue my dreams  
9 or do I want to get uncomfortable and pursue my dreams.

10 Q. And after you leave convention do you have --  
11 are there any plans for speaking with Mr. Alexander again?

12 A. Well, he said he would call me, and he did, the  
13 very next day.

14 Q. And did you have contact with him that week?

15 A. Yes.

16 Q. Besides him just calling you the next day?

17 A. Oh, let's see, I did, actually the following  
18 weekend.

19 Q. Was that the first time you had a chance to see  
20 him?

21 A. Yes.

22 Q. And where is it -- so the next time that you saw  
23 him, how close in time are we from the convention that you  
24 just left?

25 A. I saw him Sunday. We left Las Vegas, then I saw



1 him again Saturday, the following Saturday.

2 Q. The following Saturday?

3 A. Right.

4 Q. How did that happen?

5 A. Let's see, there was a going away party at his  
6 friend Chris's house. His two brothers were moving. So  
7 we were having a going away party and a welcome back party  
8 because Chris's wife's brother was coming back from his  
9 mission. So it was like a dual purpose. Her brother was  
10 coming back and it was --

11 Q. And that was in California?

12 A. That's in southern California, close to San  
13 Diego.

14 Q. So from the time that you leave convention to  
15 the time that you see Mr. Alexander, again was anything  
16 changed between and you Mr. Brewer?

17 A. On Thursday, yes, of that week, I sat down and  
18 had a conversation with -- Daryl. I wanted --

19 Q. You can call him Daryl.

20 A. With Daryl, and I just told him my feeling about  
21 things. And I told him, you know, that I understood where  
22 he was coming from and I wanted to do what was right with  
23 him. And I felt like I should pursue my dreams.

24 Q. You say that you sat down with him on Thursday.  
25 How is it that you know it was a Thursday that you sat

1 down with him?

2 A. Well, I had already been invited to this event.  
3 I thought Travis was going to be there. There's kind of  
4 an attraction there. There might be something that  
5 happens, might not. But I don't cheat on my boyfriends.  
6 But I didn't want to even go there if I was with this  
7 person and since I already knew this relationship wasn't  
8 going anywhere, I made that decision. It was like push  
9 come to shove kind of. I thought this was the time to do  
10 it. So I just remember it being a Thursday when I saw  
11 Travis.

12 Q. Okay. And about -- all right. So did you end  
13 up then going to California?

14 A. Well, I was already in California.

15 Q. That's right. You were in California.

16 A. Yes.

17 Q. Did you end up going to see either to either  
18 Temecula or Murrieta?

19 A. Yes.

20 Q. And that was -- whose house was that again?

21 A. Chris and Sky Hughes.

22 Q. Okay. Did you drive there by yourself?

23 A. Yes.

24 Q. And what happens when you get there? What day  
25 do you get there?

1 A. I got there Saturday, I don't know, afternoon,  
2 evening, something like that. The party was already going  
3 on.

4 Q. Okay. And what happens when you got there?  
5 What do you do?

6 A. Michelle is there, a bunch of --

7 MR. MARTINEZ: Objection, non-responsive, she  
8 was asked what she did.

9 THE COURT: Sustained.

10 MS. WILLMOTT: Judge, may we approach?

11 (Sidebar discussion.)

12 MS. WILLMOTT: Judge, I asked to approach  
13 because it's going to take a very long time if we keep  
14 getting these particular objections. The idea is what she  
15 was doing. In order to describe what she was doing, she  
16 starts to describe who was there so she can tell us who  
17 she was talking to. If she just starts talking -- saying  
18 I was talking to Michelle, that's another objection for  
19 foundation for whose Michelle.

20 So it's just a general descriptive question. I  
21 don't think it's non-responsive. She needs to answer  
22 these questions. She needs to describe who is there and  
23 give the general details in order to answer the question.

24 MR. MARTINEZ: She was asked what she did not  
25 who was there. If she wants to ask who was there, she can

1 ask her that. I mean --

2 MS. WILLMOTT: It's the same --

3 THE COURT: Well, I understand your position.

4 But when he makes an objection, if you could restate the  
5 question and you don't even need to come back here. I  
6 think you can clearly ask the questions you're asking.

7 The problem is she's answering the question  
8 slightly different from what you're asking. So  
9 technically the objection is well founded. So just  
10 restate your question. I don't think the State is  
11 objecting to her answers to any of the questions. It's  
12 just that she's not being responsive to the question  
13 you're asking.

14 MS. WILLMOTT: I guess just for the record,  
15 Judge, I just see it as an objection that's to interrupt  
16 the proceedings because the actual material of the  
17 information that she's saying is not objectionable, but  
18 rather it goes to the question. I ask to approach to make  
19 just to make that record, Judge, because this is going to  
20 take very long if she doesn't answer exactly my question  
21 each time.

22 THE COURT: The problem is if she doesn't answer  
23 the question then we don't know what she's about to say.  
24 So it could be objectionable. So the question frames her  
25 answers, I think that it's appropriate. The State is able

1 to object. Just restate your question.

2 MR. MARTINEZ: Quite frankly this witness is  
3 hard to hear. She's going really quickly. So adding to  
4 what you said, when she starts answering something that  
5 she is not asked, it's difficult to follow. I mean,  
6 that's part of the problem.

7 THE COURT: You're having trouble hearing?

8 MR. MARTINEZ: I am having trouble hearing so  
9 when she asks her something and she starts going off --

10 THE COURT: All right. Thank you.

11 (Open court.)

12 THE COURT: Ms. Arias, if you could speak a  
13 little more loudly.

14 THE WITNESS: Sure.

15 THE COURT: Thank you. You may continue.

16 BY MS. WILLMOTT:

17 Q. All right. So we were talking about when you  
18 get to the Hughes' house, right?

19 A. Yes.

20 Q. Who was there at the Hughes' house?

21 A. Michelle was there, Chris, Sky, Bryan her  
22 brother, Mike and Dave, which are Chris's brothers. There  
23 was guy named Jeff. There were --

24 Q. So are there a bunch of people there?

25 A. Right. There's a bunch of people there.

1 Q. And you said it was some type of a celebration?

2 A. Yes.

3 Q. What type of a celebration?

4 A. Mike and Dave were moving to Colorado and Bryan  
5 was coming back from his mission.

6 Q. When you get there, are you speaking with  
7 anybody?

8 A. I'm sticking close to Michelle. I don't really  
9 know that many of the people.

10 Q. Is this the same Michelle that got you involved  
11 with PPL?

12 A. Yes.

13 Q. And is it the same Michelle that you car pooled  
14 with to Las Vegas?

15 A. Right.

16 Q. And so were you talking to her mostly?

17 A. Yes. At that point I was.

18 Q. Okay. When you first arrived was Mr. Alexander  
19 there?

20 A. No.

21 Q. At some point did you see him?

22 A. He came much later.

23 Q. All right. So what types of things are you  
24 doing and who are speaking with while Mr. Alexander is not  
25 there?

1 A. I'm hanging out with everybody in the living  
2 room kitchen area. Michelle left and essentially the  
3 whole party disbursed. I was staying the night there with  
4 them that night.

5 Q. I'm sorry. You were staying the night where?

6 A. At their house.

7 Q. Chris's house?

8 A. Chris and Sky's house.

9 Q. Why was that.

10 A. Well, I was invited earlier that week to go  
11 attend church with them in the morning. So it's Saturday  
12 night, they're all going to church in the morning and  
13 Travis invited me to go to church with them.

14 Q. And when is it that he made that invite to go to  
15 church?

16 A. When he initially invited me over to the party,  
17 he said he had already spoken with Sky and asked if it was  
18 okay if I go to church with them. So rather than drive  
19 home and drive back, I just stayed with them.

20 Q. And did this invitation come during the week in  
21 between the convention and the weekend when you went to  
22 the Hughes' house?

23 A. Yes.

24 Q. And what type of contact or communication were  
25 you having with Mr. Alexander that week?

1 A. We spoke on the phone every night that week.

2 Q. Okay. So were you getting to know him better?

3 A. Yes.

4 Q. And as far as you know was he getting to know  
5 you better?

6 A. Right.

7 Q. When you get to -- do you remember about how  
8 long you're at this party before Mr. Alexander shows up?

9 A. I don't remember how long particularly, but it  
10 was a few hours at least.

11 Q. Okay. How are you feeling at this party with  
12 people that you just met?

13 A. I wasn't -- they made me feel very comfortable.  
14 They were very nice and it was pleasant.

15 Q. So do you remember Mr. Alexander showing up?

16 A. Yes.

17 Q. And what happens when he shows up?

18 A. He walked in with his smile and had a swagger  
19 and he just slapped a stack of \$100.00 bills on the  
20 counter and everyone laughed.

21 Q. What was that about?

22 A. It's money that he had earned at the previous  
23 convention. When you have a certain amount of production  
24 throughout the previous six months you earn -- sometimes  
25 they give you cash incentives. You collect the cash right



1 there at the convention. So it was something he brought  
2 to the party.

3 Q. He brought it to the party and then put it out  
4 on to the table?

5 A. Yeah. He just kind of slapped it down on the  
6 counter.

7 Q. So what kind of -- what are you doing once Mr.  
8 Alexander gets there. What's everyone doing?

9 A. We're all hanging out. He didn't say, hi, to me  
10 or talk to me at first. So that was a little bit awkward.

11 Q. Why was it awkward?

12 A. Because we had just been speaking for at least  
13 an hour or more at a time every night for the previous  
14 five or six nights. And then he shows up, but it's not  
15 even -- he didn't even say, hi. He didn't say, hello.  
16 How are you? Anything like that. So I'm there and kind  
17 of waiting for him to make the rounds saying hi to  
18 everybody and he doesn't say hi to me.

19 Q. Did he eventually talk to you?

20 A. Yes.

21 Q. And how does that occur?

22 A. About 20 minutes, I think, maybe it was after he  
23 had been there, he just kind of nodded at me, sideways  
24 glance said, hey, there.

25 Q. How did you feel about that?

1 A. I didn't think too much of it at that time.

2 Q. It didn't bother you too much?

3 A. Yeah. I didn't give it a lot of thought at that  
4 time. It was noticeable.

5 Q. Something -- okay. What is it that the rest of  
6 you all did for the rest of the night?

7 A. We sat down in the living room and put on a DVD  
8 that he had that -- someone had filmed of him of that  
9 summer previous at the event that I skipped for the  
10 wedding. He dresses up as an alterego called Eddie Smell.  
11 He puts on a mullet wig and cut off shorts and a shirt  
12 that says: Who wants to be a hundred-aire. It's really  
13 funny, kind of gives this speech.

14 Q. Did you watch that video?

15 A. Yeah.

16 Q. And what's really funny about it?

17 A. It's a little bit trashy but he's making jokes,  
18 some are offensive but at the same time they're funny  
19 almost like Saturday Night Live style.

20 Q. And is this the presentation that occurs during  
21 one of these conventions or retreats?

22 A. Yes. It was at the retreat.

23 Q. So is everybody involved watching Mr.  
24 Alexander's video?

25 A. Right. At that point it was just Travis and I

1 on a big chair. Chris and Sky on the sofa and Jeff was  
2 there also. He was staying the night also.

3 Q. He was what?

4 A. Staying the night as well as Travis, just the  
5 three of us there.

6 Q. Okay. And so after you watched the video, do  
7 you have any more contact at this point with Mr.  
8 Alexander?

9 A. Yes.

10 Q. Is he talking to you more?

11 A. Well, he just -- before the video he was saying  
12 maybe this is a deal breaker, meaning that I might write  
13 him off after I see the video, but it was funny.

14 Q. So was he being funny with you?

15 A. Yeah, kind of.

16 Q. And what happens then after the video.

17 A. After that we all disbursed and went to our  
18 bedrooms to go to sleep.

19 Q. Did you have your own bedroom?

20 A. I did.

21 Q. And what about Mr. Alexander? Do you now know  
22 if had his own bedroom?

23 A. He did. He had his own assigned room.

24 Q. When you disbursed to your own bedroom, did you  
25 get ready for bed and go to sleep?

1 A. He told me that he would be in there in a little  
2 while and we would just hang out and talk some more. So I  
3 just got ready for bed and threw on some sweats and hung  
4 out.

5 Q. But you said you got ready for bed and threw on  
6 some sweats?

7 A. Right. It was a shirt and sweatpants, yeah.

8 Q. That was your pajamas basically?

9 A. Right.

10 Q. And were you waiting then for Mr. Alexander?

11 A. Yeah, not long. It was maybe a couple of  
12 minutes.

13 Q. Okay. And what happened, was he -- what  
14 happens?

15 A. He came into the room and shut the door and we  
16 sat down on the bed. I figured we would start talking  
17 about --

18 Q. Is that what you expected?

19 A. Yes.

20 Q. And did you talk --

21 A. Yes.

22 Q. -- immediately?

23 A. Well, not really, not that I recall anything  
24 that stands out particularly.

25 Q. Okay. What is it that happened then?

1 A. We started kissing which I thought might happen  
2 too. But we began to kiss. It just went to more and more  
3 and more.

4 Q. All right. Did he eventually take your clothes  
5 off?

6 A. Right.

7 Q. And what happens when he took your clothes off?

8 A. We ended up having sex kind of, yeah.

9 Q. Did he give you oral sex?

10 A. He did.

11 Q. And did you give him oral sex?

12 A. Yes.

13 Q. How is it -- this is timeline wise, this is week  
14 after you met him?

15 A. A week and a half.

16 Q. Week and a half?

17 A. Right.

18 Q. How is it that you felt about this?

19 A. I mean, physically it wasn't unpleasant. But it  
20 was just internally I felt uncomfortable because it felt  
21 like it went real fast, real soon. I liked him. But just  
22 seemed like it was a lot all of a sudden, you know, a lot  
23 right up front.

24 Q. Did you tell him, no?

25 A. No.

1 Q. Why not?

2 A. I didn't want to disappoint him. I didn't want  
3 him to not like me, you know, just didn't say no.

4 Q. Okay. And at this point in time did you know  
5 anything about the Mormon religion?

6 A. I knew that South Park made fun of them a lot,  
7 the cartoon sitcom. And other than that, I felt they were  
8 just another Christian denomination.

9 Q. So did you have any idea what about the Mormon  
10 religion and the views of the Mormon religion of  
11 premarital sex?

12 A. No.

13 Q. Did Mr. Alexander at that point in time ever  
14 discuss that with you?

15 A. Up to that point, not the views on sex, no.

16 Q. Did he stay the night in your room?

17 A. We fell asleep, yeah, we did. I don't remember  
18 at what point he left. But we did fall asleep on my bed.

19 Q. And did you have an understanding at all about  
20 whether or not this is something that was okay if the  
21 Hughes found out or if anybody else found out?

22 A. I didn't give it much thought at that point. I  
23 mean, I'm not very open about those kinds of thing. I'm a  
24 little more private about it. But I didn't really give it  
25 in any thought as to what, you know. They were on the

1 other side of wall, you know.

2 Q. Okay. Did Mr. Alexander get up and leave your  
3 room in the morning?

4 A. I don't remember exactly when he left it but by  
5 the time the whole house woke up, he was no longer in my  
6 room.

7 Q. And so to your knowledge nobody else would have  
8 seen him coming out of your room?

9 A. To my knowledge.

10 Q. What happens the next morning?

11 A. We go to church.

12 Q. And was that the first time you ever went to a  
13 Mormon church?

14 A. Yes.

15 Q. And how was that for you?

16 A. Well, it wasn't bad. But I was really tired.

17 And I didn't -- wasn't able to really focus. I was very  
18 tired. I stayed up too late. Travis and I were up very  
19 late.

20 Q. Okay. And Mr. Alexander went to church with  
21 you?

22 A. Yes.

23 Q. Did you ever talk about what happened that night  
24 the next day or two?

25 A. There might have been some discussion about it.

1 It wasn't very in depth.

2 Q. Did you ever have a discussion then about your  
3 feelings as far as this coming on really fast?

4 A. No, we didn't.

5 Q. After Sunday, when did you go home?

6 A. I went home that same day actually.

7 Q. That same day on Sunday?

8 A. Yes.

9 Q. And do you have any plans to speak with Mr.  
10 Alexander or have any contact with him again after that?

11 A. Yeah. I figured we would speak and he walked me  
12 out to the car and gave me a kiss and I drove off.

13 Q. So was it -- he gave you a kiss goodbye you  
14 mean?

15 A. Right.

16 Q. Okay. And did you drive home from there?

17 A. I did.

18 Q. About how long of a distance is it?

19 A. I think it's like an hour. It's over an hour,  
20 but it's not quite two hours. I don't remember the exact  
21 distance.

22 Q. Okay. And at this point in time where was Mr.  
23 Alexander living?

24 A. He was living in Mesa.

25 Q. Mesa, Arizona?



1 A. Right.

2 Q. Do you know in he left that Sunday?

3 A. No. He didn't leave that Sunday actually.

4 Q. When you get back home, do you continue the  
5 contact with Mr. Alexander?

6 A. Yes.

7 Q. And is he continuing to call you?

8 A. Yes.

9 Q. Is he continuing to text you?

10 A. Right.

11 Q. Is there any plans be made for when you see him  
12 again?

13 A. Yes.

14 Q. And what are those plans?

15 A. He wants to meet me at Starbucks in Palm Desert.  
16 Well, I chose Starbucks. He wanted to meet me in Palm  
17 Desert. And the house wasn't an option because Daryl was  
18 home at that time and it didn't seem appropriate.

19 Q. You say Daryl was home at that time. So you and  
20 Mr. Brewer had broken up, right?

21 A. Yes.

22 Q. But what was the living situation after you  
23 broke up with him?

24 A. We both worked. We didn't see each other a lot  
25 at home. But Daryl worked at night. So in the afternoon

1 during the day he was home. And we still had our separate  
2 bedrooms.

3 Q. So were you still sharing the house?

4 A. Yes.

5 Q. And what was the relationship with him? How is  
6 it that you two were getting along after the breakup?

7 A. There was never really a time we didn't get  
8 along. So it was just -- it was fine. We weren't like  
9 doing things together and hanging out together. But we  
10 were getting along.

11 Q. You said that Mr. Alexander wanted to come visit  
12 you --

13 A. Yes.

14 Q. -- in Palm Desert?

15 A. Right.

16 Q. Where was he going?

17 A. He was heading back from -- well, you asked me  
18 if he left. He did leave the Hughes' and went to his  
19 grandmother's house. So he was heading back from  
20 Riverside to Mesa.

21 Q. And during that time -- is Palm Desert  
22 somewhere --

23 A. Yes.

24 Q. -- on the way?

25 A. Yeah. It's on the -- it's on Interstate 10.

1 And so you can drive from Riverside and pass through Palm  
2 Desert on the way to Arizona.

3 Q. Okay. And so did you end up seeing him on his  
4 way home?

5 A. Yes, I did.

6 Q. And where is it that you saw him?

7 A. We met at the Starbucks off the freeway.

8 Q. And you said the Starbucks was your choice?

9 A. Right. Because it was an easy place to find.

10 Q. And what was your expectations of this  
11 particular meeting with Mr. Alexander?

12 A. He wanted to give me a copy of the Book of  
13 Mormon.

14 Q. And did he give you a copy of the Book of  
15 Mormon?

16 A. Yes.

17 Q. How does this meeting go? Do you sit and talk  
18 in Starbucks or what happened?

19 A. Right. We went in, got drinks. He has his dog  
20 with him.

21 Q. What was the dog's name?

22 A. Napoleon.

23 Q. Okay.

24 A. So we sat down on this like little wrought iron  
25 table in the shade. It was warm. It was September. And

1 he gives it to me.

2 Q. I'm sorry.

3 A. Sorry.

4 Q. Did he give you the Book of Mormon then?

5 A. He did.

6 Q. And did you discuss it at all?

7 A. Yes, briefly.

8 Q. What did you briefly discuss?

9 A. He told me where to start, what to read. He  
10 said read the introduction first and, you know, he would  
11 talk to me about it.

12 Q. Did you have any discussions about the word of  
13 wisdom?

14 A. Oh, yes, we did.

15 Q. What is that?

16 A. The word of wisdom is -- it's more of a -- where  
17 it says you do not drink coffee, tea, alcohol and you  
18 don't consume tobacco or illegal drugs.

19 Q. Did you -- other than that, did you have any  
20 discussions about the Mormon religion?

21 A. Not that I recall, not too much. It was mostly  
22 centered around the word of wisdom and where to start in  
23 the Book of Mormon.

24 Q. Where to start?

25 A. In the Book of Mormon.

1 Q. Okay. So do you ever leave from Starbucks?

2 A. Yes.

3 Q. Why is that?

4 A. Well, at one point he told me that he was horny.  
5 So we drove around the corner where there was a park that  
6 was empty.

7 Q. Who drove?

8 A. He and I drove in our separate cars.

9 Q. Okay. So you both drive to a park around the  
10 corner?

11 A. Yeah. It's kind of around the corner from that  
12 street, down a block maybe.

13 Q. And what was the purpose of that?

14 A. The park was empty because it was a school day  
15 and no one was there. So the purpose of that, I guess, I  
16 wasn't sure what he wanted, but he got into the car and --

17 Q. He --

18 A. He got into --

19 Q. I'm going to ask you to slow down. Okay?

20 A. Okay.

21 Q. Because I have a hard time understanding you  
22 too.

23 A. Okay.

24 Q. All right. You get to -- you're going to a  
25 park. And is this after he told you that he's horny?

1 A. Yes.

2 Q. And when you're at the park, did you park your  
3 car?

4 A. Yes.

5 Q. Did he park his car?

6 A. Yes.

7 Q. And what happened after you both parked your  
8 cars?

9 A. He leaves his engine running with the air  
10 conditioning on and leaves Napoleon in his car. And then  
11 he gets into my car and he asks for a blow job.

12 Q. Okay. And did you give him one?

13 A. Yes.

14 Q. And during the time that you're giving him a  
15 blow job, did he do anything with the mirror?

16 A. Right, he does.

17 Q. What does he do?

18 A. Well, right at the beginning, he took the visor  
19 and flipped it down with the mirror so that he could see  
20 two different vantage points.

21 Q. And I know just a few days before you had --  
22 when you just talked about how you felt uncomfortable with  
23 how fast things were moving. In this particular area, why  
24 when he asks you for oral sex, why did you do that?

25 A. Well, he continued to talk to me. He clearly

1 liked me. It's something -- a bridge we already crossed.  
2 So it wasn't as -- I don't know. It didn't seem like it  
3 was as uncomfortable that type of thing. It was still --  
4 it wasn't as uncomfortable. It just became uncomfortable  
5 afterwards for me.

6 Q. Tell me why it became uncomfortable afterwards?

7 A. Well, he refused to kiss me afterwards. He  
8 acted grossed out. And then he just kind of got out of my  
9 car and he left. I mean, we said goodbye.

10 Q. Did you spend any time with him after you  
11 finished giving him oral sex?

12 A. No.

13 Q. Did you go back to Starbucks and have any  
14 discussions with him at all any more?

15 A. No, no more. Not that day.

16 Q. I'm sorry?

17 A. Not that day. We didn't have any more  
18 discussions.

19 Q. Okay. Did he just hop in his car?

20 A. Yes.

21 Q. When was the next time you heard from him?

22 A. I heard from him later that evening via e-mail.

23 I believe it was that day.

24 Q. Later that evening via e-mail?

25 A. Yes.

1 Q. Okay. And What was the context of the contact  
2 with you?

3 A. He just expressed that he was disappointed in  
4 himself the way he acted in the car. And said he wants to  
5 be a better example for me.

6 Q. How did you make you feel?

7 A. It made me feel a little bit better because it  
8 was a little awkward after the fact is all.

9 Q. So the fact that he felt badly about his  
10 behavior, how did that -- how did you feel about the whole  
11 situation that particular day?

12 A. Well, I was getting the sense that maybe there  
13 was -- I didn't understand what -- I didn't understand  
14 exactly what he meant. It seemed to me that he was just  
15 disappointed --

16 MR. MARTINEZ: Objection, non-responsive. How  
17 did you feel?

18 THE COURT: Sustained.

19 BY MS. WILLMOTT:

20 Q. What did you -- what was the sense that you got  
21 from his e-mail to you about how he was feeling?

22 A. That he was regretting what he did.

23 Q. Okay. And the fact that he was regretting what  
24 he did, how did that make you feel?

25 A. It made me feel a little bit better because it



1 just made me feel I think he thought, oh, maybe I  
2 shouldn't treat her like -- just for that. Like not used  
3 but like treated her so -- like an object kind of thing.

4 Q. And how did you feel when he left and got in the  
5 car and drove away?

6 A. I felt kind of disappointed, like ugg, you know,  
7 he didn't want to kiss me goodbye. He didn't have a  
8 problem kissing me all the other days. So it was a little  
9 bit, I don't know, kind of a red flag that I just ignored.

10 Q. You say you ignored?

11 A. Right.

12 Q. So after he sent you that e-mail, did he  
13 continue to contact you?

14 A. Yes.

15 Q. Did he continue to call you?

16 A. Yes.

17 Q. And did he continue to text you?

18 A. Yes.

19 Q. Were you continuing to have long conversations  
20 with him?

21 A. Yes.

22 Q. And during these long conformation you would  
23 have, what were they generally about?

24 A. They were spiritual in nature or flirting,  
25 sometimes sexual in nature, just getting to know each

1 other a little. He told me about himself, his upbringing,  
2 his life experiences and I told him about mine as well.

3 Q. And so were you getting to know each other?

4 A. Yes.

5 Q. At some point in time after he gives you the  
6 Book of Mormon, did you ever have a Mormon missionary come  
7 to your house?

8 A. Right. Almost immediately after I met him, he  
9 gave me the Book of Mormon. I didn't know how it works  
10 but he contacted the church and missionaries began to come  
11 to my house.

12 Q. Okay. And can you explain for us what does that  
13 mean when you say missionaries come to your house, what do  
14 they do?

15 A. Okay. They're usually -- they're adults,  
16 typically male females can, but these were guys. And they  
17 would just come in two's. They over to my house. And  
18 they would teach me -- they're called discussions. It's  
19 an official term where they give you instructions like  
20 from the church.

21 Q. Did they tell you more about how the church  
22 works?

23 A. Yes.

24 Q. And --

25 A. How it was founded, what they basically are.

1 Q. Okay. How often do -- in your situation, how  
2 often did the missionaries come to see you?

3 A. It was once a week or twice a week, somewhere  
4 around there.

5 Q. How did you feel about these discussions?

6 A. I liked them.

7 Q. Did you?

8 A. Yeah. They invited me to church.

9 Q. What did you like about them?

10 A. Well they were closely in alignment with what I  
11 believed. They were very -- the missionaries were very  
12 nice. I liked it. The second time I went to the church I  
13 enjoyed it much more than the first.

14 Q. And you said they invited you to church?

15 A. Yes.

16 Q. Was there a church close to where you lived in  
17 Palm Desert.

18 A. Yes. There was one down the street away, a few  
19 miles.

20 Q. Okay. Is that where you went?

21 A. Yes.

22 Q. And what did you think of that? Did you go with  
23 the missionaries or how do you do that?

24 A. I showed up on my own. They were there to meet  
25 me.

1 Q. When you show up on your own, what kind of  
2 reception do you get? Do you feel welcome?

3 A. Yeah. Very welcome. It's a warm reception.

4 Q. Okay. And what did you think -- what did you  
5 think of your experience at that particular church?

6 A. Well, that one I believe I looked into more of  
7 what was being said. In the Mormon church you don't have  
8 a pastor or a preacher every week. You have members of  
9 the congregation that give a talk on different subjects.  
10 So the person who is speaking that day said some things  
11 that impacted me that I never heard a Christian say. And  
12 it was, you know, in the lines of how I believed. So I  
13 had really liked what I heard.

14 Q. How do you know, if you know, how soon after Mr.  
15 Alexander gives you the Book of Mormon did you actually  
16 start going to church in Palm Desert?

17 A. I can't remember the exact day. I went  
18 relatively soon afterwards but I don't remember if I every  
19 single Sunday. I started going fairly regularly at that  
20 point, just attending every Sunday.

21 Q. And were meeting anybody?

22 A. Yeah. I was meeting other people my age who --  
23 unmarried. If you're not married, you go to a ward. A  
24 ward --

25 Q. Can you tell us, what's a ward?

1           A.    A ward is -- you can think of it as a  
2 congregation.  People who are in their 20s, usually 19 to  
3 30, maybe 18 to 30, typically they go to one block like a  
4 service at a certain time, usually three hours each.  And  
5 people who are married and have families or are past that  
6 age go to what's called the family ward.  The other one is  
7 called the single's ward.

8           Q.    So which ward are you in?

9           A.    I'm in the single's ward.  It's not called a  
10 ward.  It's called a branch because in Palm Desert, the  
11 LDS population is much smaller.  So when it's a smaller  
12 population it's called a branch rather than a ward.  It's  
13 the same concept, the same structure.

14          Q.    So are you going to church with a bunch of  
15 people that are similar in age to you?

16          A.    Yes.

17          Q.    And are you making any friends?

18          A.    Yes.

19          Q.    Are you enjoying going to church?

20          A.    Yes.

21          Q.    While going to church are the missionaries, are  
22 they still coming to your house?

23          A.    Yes.

24          Q.    And what types of things you learning from them?

25          A.    After I took all the formal sessions, they would

1 just come over and hang out. I would feed them, give them  
2 water, that kind of thing. They would come and hang out.  
3 We would talk about church related things.

4 Q. During the time in the beginning that you  
5 started to go to the LDS church, are you learning anything  
6 in particular about the LDS view of premarital sex?

7 A. Yes.

8 Q. What is it that you learning?

9 A. Well, the missionaries told me not in great  
10 detail but that premarital sex is forbidden. It's  
11 reserved for married people. And Travis also said the  
12 same but, you know, he had a specific definition of what,  
13 where the boundaries are drawn.

14 MR. MARTINEZ: Objection, non-responsive.

15 THE COURT: Sustained.

16 BY MS. WILLMOTT:

17 Q. What was Mr. Alexander's description of  
18 premarital, LDS of you want premarital sex.

19 A. His view is that vaginal sex is like -- that's  
20 the holy grail, you go there until you're married.

21 Q. And so was it okay the other things that you had  
22 been doing twice so far with him?

23 A. Yeah. I don't know that I would term it okay  
24 but it was like a gray area where it wasn't considered an  
25 actual full on violation of the Law of Chastity.

1 Q. And is that how Mr. Alexander described it to  
2 you?

3 A. Yes.

4 Q. Did you have any reason to question him?

5 A. No.

6 Q. And from your understanding has Mr. Alexander  
7 been with the LDS church some time?

8 A. Yes. He served a mission and all that.

9 Q. Do you know how long he had been with the LDS  
10 church.

11 A. By that point he had been in the church a long  
12 time and --

13 Q. So anything he told you, did you have any reason  
14 to question his knowledge of the LDS religion.

15 A. No. He knew a lot. They didn't have to -- he  
16 knew everything.

17 Q. When was the next time you saw Mr. Alexander?

18 A. The next time I saw him, I believe this was in  
19 October. I might have seen him again in September, but I  
20 believe it was October in Ehrenberg.

21 Q. What's Ehrenberg?

22 A. Ehrenberg is a little town in California off of  
23 I-10.

24 Q. When you say little town, what kind of town?  
25 Can you describe it for us?

1           A.    Yeah.  If you blink you'll miss it.  It's more  
2 like there's a Flying J Hotel there, there's a truck stop,  
3 there's a Wendy's.  It's close to Blythe.  I think it  
4 might be inside Arizona, not sure what state actually it's  
5 in.

6           Q.    Okay.  And up to time that you see Mr. Alexander  
7 again, are you continuing to have contact with him?

8           A.    Yes.

9           Q.    Is he continuing to call you?

10          A.    Yes.

11          Q.    Is he continuing to text you?

12          A.    Yes.

13          Q.    And during these calls and conversations that  
14 you have with him, does he invite you to Ehrenberg?

15          A.    Right.

16          Q.    Whose plan or whose idea was it to meet in  
17 Ehrenberg?

18          A.    I don't recall.  We just both had a desire to  
19 see each other and he wasn't coming to California for a  
20 while.  There was really no reason for me drive all the  
21 way to Arizona.  At that time it didn't occur to me to do  
22 that.

23          Q.    Okay.

24          A.    So he got a hotel room or motel room.

25          Q.    He got a --



1 A. Yeah.

2 Q. I'm sorry. Did Mr. Alexander get a motel room?

3 A. He did.

4 Q. And is that in Ehrenberg?

5 A. Yes.

6 Q. So the text conversations that you're having  
7 between the times that you see him, how would you  
8 characterize them?

9 A. At that time they were flirtation, more  
10 innuendos, but there was also spiritual talk, that sort of  
11 thing.

12 Q. Were they long conversations or short  
13 conversations?

14 A. They were very long.

15 Q. And so at the time that you were making these  
16 plans to meet with him in Ehrenberg, what is it that  
17 you're expecting?

18 A. I figured we would hang out, connect like we did  
19 on the phone, possibly make out, something like that, but  
20 just spend quality time together. It was my impression.  
21 That was what I was envisioning.

22 Q. Okay. And who gets the Ehrenberg first?

23 A. Travis.

24 Q. And what happens when you arrive?

25 A. When I arrived he had already had everything

1 checked in, set to go, and he let me in and pulled me over  
2 to sit over on the bed.

3 Q. He let you in where?

4 A. Into the room.

5 Q. Into the motel room?

6 A. Yes.

7 Q. And once he let you into the motel room, what  
8 happened?

9 A. We began to make out almost right away.

10 Q. And did you have any type of sexual contact with  
11 him that weekend?

12 A. Yes.

13 Q. What happened?

14 A. We just made out. I mean, we didn't have full  
15 on intercourse. But there was climax, that sort of thing.

16 Q. Okay. And this is all inside the motel room?

17 A. Yes.

18 Q. And does this type of contact happen when you  
19 first arrive in Ehrenberg?

20 A. Yes, immediately.

21 Q. Immediately? And what type of sexual contact  
22 did you have.

23 A. We -- it's what he called grinding.

24 Q. What did that mean to him?

25 A. What did it mean to him?

1 Q. Yeah. You said he called it grinding, so what  
2 does that mean?

3 A. What does that mean? It's when -- basically  
4 like, well, you do it, I guess, with your clothes or  
5 without your clothes. So we did it without our clothes.  
6 It's like similar to sex but no actual intercourse and  
7 it's just -- your bodies are together, just rubbing  
8 together.

9 Q. And is that something that happened between the  
10 two of you?

11 A. Yes.

12 Q. After this type of contact that you have with  
13 him how -- what did you guys do after that?

14 A. Well, I think we were watching -- we were there  
15 two nights. So I don't want to confuse -- I don't  
16 remember everything we did on each day. I remember what  
17 we did but not what day was what.

18 Q. Okay. So when you weren't having sexual  
19 contact, what of romantic things were doing?

20 A. Well, there was really nothing romantic.

21 Q. Okay. Nothing romantic?

22 A. I wouldn't term any of it romantic.

23 Q. Okay. So what kind of things did you do when  
24 you're not having that type of sexual contact?

25 A. We hung out. We checked out a little bit of

1 what was on TV. We watched Deal or No Deal. He burned a  
2 CD for me. He told me something about the Book of Mormon.  
3 We watched -- we watched a movie, went to breakfast at the  
4 truck stop.

5 Q. Okay. And you said you spent two days?

6 A. Yes.

7 Q. At the time in Ehrenberg, how were you feeling  
8 as far as your relationship was going with him, what was  
9 happening in Ehrenberg?

10 A. In Ehrenberg, well, he just kind of --

11 Q. How were you feeling?

12 A. I mean, I was happy to be there with him. I  
13 liked him. But it just seemed like we weren't connecting.

14 Q. And connecting do you mean in what way?

15 A. Emotionally, mentally, like we did on phone.

16 Q. Like you did on the phone?

17 A. Right.

18 Q. So for this time between the time that you see  
19 each other, do you feel that you have this emotional  
20 connection on the phone?

21 A. Yeah. It's on the phone, yes. I really felt  
22 that on the phone.

23 Q. Is that something you were expecting in  
24 Ehrenberg?

25 A. Certainly.

1 Q. And did you get that at all?

2 A. Not -- I don't recall one instance of when we  
3 just had that same sort of energy or feeling that we did  
4 on the phone. We would speak for hours.

5 Q. At some point do you leave Ehrenberg?

6 A. Yes.

7 Q. And how is it that you guys left?

8 A. Well, it was Saturday morning and we parted  
9 ways. He had to go to a Super Saturday in Phoenix, and I  
10 had to work that night in Palm Desert, so we parted ways  
11 and I drove back.

12 Q. Was there any kind of romantic hug goodbye or --

13 A. There was --

14 Q. How did you feel about your goodbye?

15 A. I mean, I don't recall. It was a brief hug,  
16 kiss bye.

17 Q. Okay. And you both drove to your respective  
18 places?

19 A. Yes.

20 Q. When you left Ehrenberg, did the contact  
21 continue. Did he continue to call you right away?

22 A. No, he didn't.

23 Q. What do you mean, what happened?

24 A. He typically called me at night. He didn't call  
25 me that night. So I might have called him and left him a

1 voice mail or sent him a text message. Sometimes --

2 Q. Was it unusual that he hadn't called you that  
3 night?

4 A. One night out of like here or there, that wasn't  
5 too unusual. But I did want to know that he made it home  
6 safe. So I told him that in the voice mail and he didn't  
7 call back. I was a little bit worried.

8 Q. Did you go for sometime without him calling you  
9 at all?

10 A. Yes.

11 Q. And did you go for sometime without him even  
12 texting you at all?

13 A. Yes.

14 Q. And during that time when he's not having any  
15 contact with you, how did you feel after Ehrenberg?

16 A. Well, the first time, I felt a little bit  
17 concerned about him and I got a little bit worried, like I  
18 mean, he's not interested any more. And by the third or  
19 fourth -- or third day I felt really dumb. Like I pretty  
20 much figured that's what happened. Because since the day  
21 we met or parted in Las Vegas, he had never gone that long  
22 without calling me. And now he wasn't calling me at all.  
23 So I figured somehow he just got -- not interested any  
24 more. I felt really stupid.

25 Q. You felt really stupid?

1 A. Yeah.

2 Q. At some point did he finally call you?

3 A. Yes.

4 Q. And how did that go?

5 A. He in a very joking way, he blamed me for not  
6 calling him and acted like his feelings were hurt.

7 Q. So he put it back on you?

8 A. Yes.

9 Q. And did you feel like he was jokingly --

10 A. Yeah.

11 Q. -- blaming you?

12 A. He was guiltting me but he did it in a very  
13 joking way.

14 Q. Did he explain to you why he didn't call you,  
15 give you a real explanation.

16 A. No. He just apologized. He said, let's not go  
17 that long again without talking.

18 Q. How did that make you feel after he goes for  
19 several days without talking to you and then calls you?  
20 During that call was he nice to you on the phone?

21 A. Yeah, he was very nice.

22 Q. How do you feel after he called you after the  
23 couple of days?

24 A. I felt a lot better.

25 Q. Did you feel better about your relationship

1 again?

2 A. Yes.

3 Q. Did you feel like maybe you weren't so stupid?

4 A. Yeah. I thought I was just reading into it.

5 Q. I'm sorry?

6 A. I thought I was just reading into it too much,  
7 overthinking it kind of thing.

8 Q. And so after he starts -- after he makes that  
9 contact with you again, do you go back to your -- where  
10 he's calling you?

11 A. Yes.

12 Q. And back to where he's texting you?

13 A. Yes.

14 Q. And back to having these conversations, these  
15 long conversations in the evening?

16 A. Yes.

17 Q. And you said this was in -- Ehrenberg, you met  
18 him in Ehrenberg in October?

19 A. Yes.

20 Q. And that was October of what year?

21 A. 2006.

22 Q. During this time are you continuing to learn  
23 about the LDS religion?

24 A. Yes.

25 Q. Are you continuing to go to your own church in



1 Palm Desert?

2 A. Right.

3 Q. At some point your conversations with him these  
4 text messages, text conversations are they getting  
5 flirtatious?

6 A. Yes.

7 Q. And does he ever send you a photograph of  
8 himself?

9 A. Yes.

10 Q. Did he send a photograph of his genitalia?

11 A. Yes.

12 Q. And this is when?

13 A. This was -- I was at a Super Saturday in my  
14 region in Anaheim and we were texting back and forth. It  
15 was just getting more flirty and more flirty and we kept  
16 trying to --

17 MR. MARTINEZ: Objection, non-responsive. When?

18 THE COURT: Restate your question.

19 BY MS. WILLMOTT:

20 Q. When is it that he sent -- approximately when is  
21 it that he sent you a picture of his genitalia?

22 A. It would have been November 11th, 2006.

23 Q. And is there something or conversation that led  
24 up to these -- this picture of his genitalia?

25 A. Yes.

1 Q. What led up to it?

2 A. Just flirting.

3 Q. Flirting conversation?

4 A. Right.

5 Q. And were these conversations mostly by text at  
6 this point?

7 A. That day it was because I was at the event so I  
8 wasn't on the phone during the event. But I was texting.

9 Q. You were texting him? Okay. And what is it  
10 that you were doing, what event were you at?

11 A. It was a Super Saturday or a regional event.  
12 It's called either one.

13 Q. And during that event is that when he sent you a  
14 picture of his genitalia?

15 A. Actually the conversation persisted beyond the  
16 regional and a friend and I and associates all went to a  
17 restaurant.

18 Q. Tell me what happened at the restaurant.

19 A. We were all sitting around the table. And I  
20 continued to text with him. And it just, you know,  
21 continued to build and then --

22 Q. What continued to build?

23 A. The flirtation.

24 Q. Okay.

25 A. And a text came through. And I flipped open my

1 phone to look at it because I couldn't see what he had  
2 texted. And I had never received pictures on my phone  
3 before. So I didn't know to look for that. But the icon  
4 informed that I had a text message. So I'm looking for it  
5 and don't see it. And then finally I find it and so I  
6 flipped my phone shut real quick because I didn't want  
7 people to see what it was.

8 Q. How did you feel when you saw a picture -- when  
9 you saw what he texted you?

10 A. I was surprised. I mean, I didn't feel offended  
11 or anything, but I was surprised.

12 Q. Okay. Showing you Exhibit 393. Is this one of  
13 the pictures that he sent to you?

14 A. Yeah.

15 Q. And he sent you two that day, is that right?

16 A. Right.

17 Q. One right after the other?

18 A. Yes.

19 Q. We can see the date on this, November 11th,  
20 2006?

21 A. Yes.

22 Q. And the time 15:27?

23 A. Yes.

24 Q. Is that military time?

25 A. Yes.

1 Q. To your understanding?

2 A. Yes.

3 Q. So what time is that?

4 A. 3:57 or 3:27.

5 Q. In the afternoon?

6 A. Yes.

7 THE COURT: All right. We're going to take the  
8 afternoon recess at this time. Ladies and gentlemen,  
9 please be back at 10 minutes after 3:00. Ten minutes  
10 after 3:00. Please remember the admonition.

11 (A recess was held).

12 (Sidebar discussion.)

13 THE COURT: Counsel, we're on the record, I have  
14 received a minute entry indicating that the Court of  
15 Appeals has granted the stay. And I'll tell you exactly  
16 what it says. It is ordered staying the enforcement of  
17 the Superior Court's ruling of October 30 which closed  
18 courtroom to the public.

19 It is further ordered that the Superior Court  
20 may impose a lesser restriction on the public access to  
21 the trial pursuant to the Arizona Constitution as the  
22 trial contemplated at the hearing on October 30th, if  
23 appropriate.

24 It was also granting the request of Scripps  
25 Media to participate as co-petitioners and the merits of

1 the Special Action will be heard in due course after  
2 receiving any response or reply filed herein.

3 So based upon that this ruling, I believe we  
4 have to decide how best to proceed at this point.

5 Ms. Arias, you may step down.

6 I printed copies of the Court's order for each  
7 of you so you can have a copy and you can read it. We're  
8 going to take a short recess and reconvene in about five,  
9 ten minutes. You can tell me how you would like to  
10 proceed.

11 MR. MARTINEZ: Sure.

12 (A recess was held).

13 THE COURT: Okay. If we're going to go on the  
14 record, then I have to open the courtroom.

15 MR. NURMI: Well, do what you must. I guess,  
16 we're not -- we're not planing on proceeding forward with  
17 witness testimony so --

18 THE COURT: Okay. You can open up the courtroom  
19 and we'll go forward.

20 MR. NURMI: May we approach, Your Honor?

21 THE COURT: Yes.

22 MR. NURMI: I want to make a record of my  
23 request because the issue isn't resolved then we just have  
24 a stay that the Court's ruling about the identity of the  
25 witness is still in affect and we're having this argument

1 that her identity not be revealed during the argument.

2 THE COURT: Yes. There was a second order from  
3 the Court of Appeals which I just opened. I was going to  
4 tell you what it says. The minute entry of the transcript  
5 having been sealed.

6 It is ordered directing the clerk of this Court  
7 to unseal the record in the above entitled cause for  
8 inventory purposes.

9 It is further order upon completion, the record  
10 is to be resealed by the Clerk of the Court of Appeals.  
11 That's some internal thing they're doing.

12 MR. NURMI: I was going to say, that's their  
13 record of what we did.

14 THE COURT: So everything is now sealed.

15 MR. NURMI: Gotcha.

16 THE COURT: Okay. So --

17 MR. MARTINEZ: My understanding is that if you  
18 read that, everything is unsealed, including the  
19 October 30th conversation.

20 That's how I read the order.

21 THE COURT: This order?

22 MR. MARTINEZ: Right. Because everything having  
23 to do with the witness issue is now unsealed. And I do  
24 think that we can mention the name.

25 THE COURT: Where do you see that?

1 MR. MARTINEZ: I didn't bring it.

2 THE COURT: Why don't you read it to me?

3 MR. MARTINEZ: It says, it's ordered staying the  
4 enforcement of the Superior Court's ruling of October 30th  
5 of 2014 which closed the courtroom to the public.

6 In other words, I don't see that the order is in  
7 affect. And in my view that means that it's open to the  
8 public to see.

9 THE COURT: I think if we proceed, clearly  
10 that's the case, but I think what happened so far, in  
11 light of the second order, it's still sealed. We can ask  
12 for a clarification from the Court of Appeals on that  
13 issue.

14 But as far as I can tell, after reading it, it  
15 says that -- this Court ordered the merits of the Special  
16 Action in which the sealed part occurred in due course  
17 after everything is filed.

18 So I don't think that's the case. I think  
19 that -- if that were the case, they would have granted  
20 relief for the Special Action, period, other than just  
21 that, that's my reading, but certainly we can ask for  
22 clarification.

23 MR. MARTINEZ: They were -- that wasn't before  
24 them. The issue is whether or not the order was stayed  
25 not whether or not the identity was to be resealed.

1 THE COURT: It says enforcement of the order  
2 which I think that means -- enforcement means closing the  
3 courtroom. That's all I think they've done. That's my  
4 reading. Like I said, that's my reading of it, I  
5 understand it's subject to interpretation.

6 MR. MARTINEZ: Before we leave this issue, I  
7 tried to get a copy of the transcript of the October 30th  
8 hearing. And Marla Arnold indicated that I would need an  
9 order from you releasing it.

10 I think that Mike Babicky, the current reporter  
11 is hearing it, and I spoke to him, and I think he's going  
12 to forward that message to Marla.

13 THE COURT: She's not here today.

14 MR. NURMI: For purposes of today, the identity  
15 of the witness still remains secret.

16 THE COURT: That's how I read the order.

17 MR. NURMI: That's how I read it. They didn't  
18 issue it on its merits.

19 THE COURT: So what are we going to do for the  
20 rest of the day? Are you going to call somebody out of  
21 order? What are going to do?

22 MR. NURMI: No. We don't have anybody but her  
23 to go.

24 I need to respond to this Special Action. And I  
25 think in terms of testimony of this witness, it gives



1 affect to mitigation down the road. Like the Court  
2 ordered on the 31st, it's not feasible to do what is  
3 proposed.

4 We have no other witnesses lined up any way. I  
5 need to respond to the Special Action with the Court of  
6 Appeals. Obviously the substance is the merits of it. So  
7 we were not prepared to proceed forward at all until the  
8 issue is resolved.

9 MR. MARTINEZ: I'm asking then they're  
10 indicating that they're taking her off the witness stand.  
11 I think is what I'm hearing.

12 I'm asking her testimony be stricken from the  
13 record, if she's not going to continue her testimony  
14 because I was denied my right to cross-examine her.

15 MR. NURMI: Well, we're not taking her off the  
16 stand. The proceedings are stayed by the Court of  
17 Appeals, not by us.

18 And until the issue is resolved, I plan on  
19 abiding by the stay and arguing the merits of that stay.  
20 Whatever result we come up with then we will go from  
21 there. We're not saying we're taking her off the stand.  
22 We didn't stay the proceedings, the Court of Appeals did.

23 THE COURT: Well, they stayed enforcement of my  
24 order which means that, as I see it, you can either put  
25 her back on the stand or you can call another witness and

1 I understand you don't have a witness today, may not have  
2 one for tomorrow.

3 But as I read the order, they're not staying the  
4 trial. They only stayed my order with respect to this one  
5 witness. So I think we have to move forward.

6 MR. NURMI: Well, we don't have any witnesses to  
7 put on at this point.

8 THE COURT: Until?

9 MR. NURMI: Until -- well, our position is,  
10 Judge, I'm going to maintain this is that we won't put any  
11 other witnesses on until Ms. Arias' testimony is done.  
12 It's not feasible, it's not going to happen, it does  
13 affect our mitigation.

14 MR. MARTINEZ: But there's nothing that prevents  
15 them from putting her on. She can take the witness stand.

16 MR. NURMI: Once this issue is resolved, then we  
17 can decide to go forward. Until the issue is resolved,  
18 we're not going forward.

19 MR. MARTINEZ: In my view it's resolve because  
20 implicit in this order as all of us know, the looked at  
21 the merits of success in the future and they indicated by  
22 this order that that's going to be the way it goes.

23 THE COURT: Well, I agree. I think that the  
24 indicating they're not inclined to.

25 MR. NURMI: That's an element of mind reading

1 again. They are granting the stay request. It's on the  
2 merits. We have just had the stay today. So I think  
3 that's taking the order too far. They didn't have the  
4 November 14th oral argument. There's other things that  
5 have not been raised. Like I say if -- you know, if we're  
6 not going to -- we're not going forward with another  
7 witness until the issue is resolved. That's it.

8 MR. MARTINEZ: I think --

9 MR. NURMI: I stand by that. I'm not going to  
10 change it.

11 MR. MARTINEZ: Well, I think that the Court can  
12 order them to proceed. I think what they're doing is  
13 they're just digging in their heels because of a ruling  
14 they didn't like. The ruling doesn't say you will stop  
15 the trial. The ruling says that the only thing that  
16 changes is where people are listening, whether or not  
17 people from the public are going to be able to listen.

18 They have didn't indicate that at this point  
19 we're going to stop the whole trial. My position is I  
20 have objected to any stay. By allowing them to not call  
21 any witnesses then we're granting a stay until the 24th.

22 I don't believe that's what the order envisioned  
23 and I think you can order them to put on witnesses.

24 MS. WILLMOTT: Judge, one of the things that  
25 this Court said on October 31st was the fact that the

1 reason you denied their request for a stay is the fact  
2 that calling our witnesses out of order just because the  
3 media has an issue and wants to take it up to the Court of  
4 Appeals wasn't feasible for the defense. And we have the  
5 right to call our witnesses in the order that makes the  
6 most sense for mitigation, and that's where we're at right  
7 now.

8 THE COURT: But you order that -- excuse me,  
9 argued that this morning. And --

10 MR. NURMI: No, we didn't.

11 THE COURT: You didn't make that argument?  
12 Wasn't that in your written motion?

13 MR. NURMI: No. This was just about the stay.  
14 It touched on effective presentation of this. This was a  
15 ten minute argument about the viability of the stay. That  
16 was it.

17 I mean, I don't remember exactly what I said,  
18 certainly that was touched on, but they didn't get into  
19 questions about the feasibility of calling other witnesses  
20 or anything like that -- anything of that nature.

21 MS. WILLMOTT: Actually there's was no argument  
22 about that.

23 MR. MARTINEZ: But they had the transcript from  
24 the October 30th in which that was discussed.

25 MR. NURMI: That wasn't discussed till the 31st.

1 MR. MARTINEZ: I believe that it was discussed.

2 THE COURT: It was discussed on Friday which is  
3 the 31st.

4 MR. MARTINEZ: Well, Friday was the day we had  
5 the hearing, correct? And on the 30th, one of the things  
6 that you did in attempting to fashion a remedy was you  
7 asked them about calling other witnesses. And they made  
8 whatever statements they made. So I do believe that this  
9 was before the Court of Appeals. That was part of the  
10 transcript.

11 MR. NURMI: That's as far as what happened on  
12 the 31st when we were arguing the merits of the motion.

13 THE COURT: I don't have a copy.

14 MR. MARTINEZ: There's the Superior Court  
15 original.

16 THE COURT: This is the one from the 31st. Do  
17 you have the one from the 30th?

18 MR. NURMI: This was discussed on the 31st, not  
19 the 30th.

20 MR. MARTINEZ: Well, the record will reflect  
21 whose right and whose wrong on that issue. I believe it  
22 was 30th. And if I'm wrong, I stand corrected. But I  
23 don't think so. I remember it. On the 30th we were  
24 sitting -- we talked about it out here. Then we went back  
25 in chambers. And we talked about that issue.

1 MS. WILLMOTT: What we talked about is the fact  
2 that there was no other witnesses.

3 THE COURT: All right. Well, here's what I'm  
4 going to do. I don't have a copy of that transcript. I  
5 don't know what was said. I think that you may have a  
6 chance to think about how you want to proceed at this  
7 point. I think that's fair.

8 So I'm going to dismiss the jury for tomorrow  
9 and bring them back at 10:00 a.m. on Wednesday. But I  
10 want everybody back here tomorrow, say 1:30 so we can talk  
11 about how we're going to proceed at that point.

12 MR. NURMI: Our position remains the same that  
13 the State has asked for her testimony to be stricken.  
14 They do not have a right to cross examination that would  
15 be precluding Ms. Arias' mitigation. She may refuse to  
16 take the stand. I don't know. But either way and I'll  
17 certain be here tomorrow on the 30th if the Court want's  
18 it, otherwise I prefer to have the time for the appellate  
19 brief. Our position will not change.

20 The State is totally incorrect in their  
21 assertions and our position will not change.

22 MR. MARTINEZ: In terms of what I heard right  
23 now, it appears that he has not spoken to the defendant  
24 whether or not she will continue on the witness stand in  
25 light of the new ruling. That's what I just heard. So it

1 may be that we just ask her, we'll know, and we can  
2 continue today.

3 MR. NURMI: My understanding is --

4 THE COURT: Okay. Well, I'm going to give you  
5 at least until tomorrow at 1:30. You can do what you need  
6 to do and go forward at that time.

7 (Open court.)

8 THE COURT: All right. We're on the record.  
9 The record will show the presence of the defendant and all  
10 Counsel. The Court has been discussing the decision of  
11 the Court of Appeals staying this Court's order regarding  
12 closing the courtroom for the testimony of a witness.  
13 There seems to be a difference of opinion about the  
14 meaning of the order from the Court of Appeals. I'm going  
15 to give the attorneys an opportunity to review the order  
16 from The Court of Appeals. The defense has no witnesses  
17 to present this afternoon. Is that correct, Mr. Nurmi?

18 MR. NURMI: That's correct, Your Honor.

19 THE COURT: All right. Is there anything else  
20 that you want to put on the record at this point?

21 MR. NURMI: Not at this point, Your Honor, other  
22 than, I mean, I already made a record of it at the bench.  
23 So further record is just repetitive.

24 THE COURT: All right. And Mr. Martinez  
25 anything you want to put on the record at this point?

1 MR. MARTINEZ: Everything I needed to say was  
2 said at the bench.

3 THE COURT: All right. Consistent with the  
4 discussion we had at the bench, I'm going to excuse the  
5 jury. And ask them to come back at 10:00 a.m. on  
6 Wednesday. We'll see Counsel back here tomorrow at 1:30  
7 after you have had an opportunity to review the opinion  
8 and decide how you wish to proceed.

9 (The jury entered the courtroom.)

10 THE COURT: Please be sealed. The record will  
11 show the presence of the jury, the defendant and all  
12 counsel. Ladies and gentlemen, a matter has arisen that I  
13 need to resolve with the attorneys. What that means to  
14 you is that we will not need you to come back to Court  
15 until Wednesday at 10:00 a.m. Wednesday at 10:00 a.m  
16 between now and then, please continue to follow the  
17 admonition. Avoid any media coverage of this case. Are  
18 there any questions? All right. See you Wednesday 10:00  
19 a.m. Have a nice evening.

20 (Jury retired.)

21 THE COURT: All right. Counsel, anything else?

22 MR. MARTINEZ: No. Thank you.

23 THE COURT: See you tomorrow at 1:30.

24 (A recess was held).

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I, Michael A. Babicky, do hereby certify that  
the foregoing pages constitute a true and accurate  
transcript of my stenographic notes, taken at said time  
place, all done to the best of my skill and ability.

DATED this 12th day of January, 2015.

MICHAEL A. BABICKY /S/  
CERTIFIED REPORTER

Cert. No. 50361