

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.)

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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:

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MICHAEL A. BABICKY, RPR
Certified Court Reporter
Certificate No. 50361

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PREPARED FOR:

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MR. DAVID BODNEY, ESQ.
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EXHIBITS

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None marked.

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WITNESSES

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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.

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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

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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