

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

2 IN AND FOR THE COUNTY OF MARICOPA

3 STATE OF ARIZONA,)

4 Plaintiff,)

5 vs.)

CR 2008-031021-001

6 JODI ANN ARIAS,)

7 Defendant.)

8)
9 _____)
10 Phoenix, Arizona
11 October 30, 2014
12 1:36 p.m.

13 BEFORE THE HONORABLE SHERRY K. STEPHENS

14
15 REPORTER'S EXCERPT TRANSCRIPT OF PROCEEDINGS

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18 ORIGINAL

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23 **REPORTED BY:**

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A P P E A R A N C E S

FOR THE STATE:

BY: Mr. Juan Martinez
Deputy County Attorney

FOR THE DEFENDANT:

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

I N D E X

WITNESSPAGE

JODI ANN ARIAS

Direct Examination by Ms. Willmott

5

Phoenix, Arizona
October 30, 2014

P R O C E E D I N G S

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

(Whereupon, Jury entered the courtroom.)

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

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

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

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

(Whereupon, the witness was duly sworn.)

THE COURT: You may proceed.

MS. WILLMOTT: Thank you.

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

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

4 BY MS. WILLMOTT:

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

6 A. Jodi Ann Arias.

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

9 A. Yes.

10 Q. And did you kill Travis Alexander?

11 A. Yes.

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

14 A. In 2010.

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

16 A. Yes.

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

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

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

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

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

3 A. Yes.

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

6 A. Yes.

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

8 A. Yes.

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

11 MR. MARTINEZ: Objection. Relevance.

12 MS. WILLMOTT: It is mitigation.

13 THE COURT: Overruled.

14 BY THE WITNESS:

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

20 BY MS. WILLMOTT:

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

24 A. Yes.

25 Q. In those interviews, were you being truthful

1 about your participation of what you did to Travis?

2 A. No.

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

4 MR. MARTINEZ: Objection. Lack of foundation.

5 Which time?

6 THE COURT: Sustained.

7 BY MS. WILLMOTT:

8 Q. During all the interviews with Detective Flores.

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

11 Q. Why?

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

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

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

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

1 Alexander's voicemail, right?

2 A. Yes.

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

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

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

10 A. No.

11 Q. Why did you do that?

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

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

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

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

3 A. Yes.

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

6 A. He was.

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

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

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

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

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

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

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

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

12 A. I did.

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

15 A. Yes.

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

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

1 thought oh, oh maybe I should do that.

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

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

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

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

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

12 A. I did.

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

15 A. No, no, definitely not.

16 Q. Why?

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

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

1 Alexander's memorial?

2 A. Yes.

3 Q. Why would you do that?

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

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

14 A. Yes.

15 Q. And did you see the pictures?

16 A. Yes.

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

19 A. Yes.

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

22 A. Yes.

23 Q. Why do you recognize that photo?

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

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

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

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

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

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

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

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

22 Q. When you look at --

23 A. I think --

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

1 done?

2 A. No.

3 Q. Why not?

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

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

16 A. I was born in Salinas, California.

17 Q. And when were you born?

18 A. July 9, 1980.

19 Q. So does that make you 34 now?

20 A. Yes.

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

23 A. Yes.

24 Q. Who are your parents?

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

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

2 A. They are.

3 Q. Where do they live?

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

6 Q. Is that in California?

7 A. Yes.

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

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

12 Q. And where do they live?

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

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

17 A. Yes.

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

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

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

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

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

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

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

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

5 A. Yes.

6 Q. 11 to 13 years?

7 A. Yes.

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

10 A. Yes, we played a lot.

11 MS. WILLMOTT: Judge, may I approach?

12 THE COURT: Yes.

13 BY MS. WILLMOTT:

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

16 A. Yeah, I do.

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

18 A. Yes.

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

21 THE COURT: Any objection?

22 MR. MARTINEZ: No.

23 THE COURT: 668 is admitted.

24 BY MS. WILLMOTT:

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

1 playing?

2 A. Yes.

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

5 A. Yes.

6 Q. How long?

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

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

11 A. Yes.

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

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

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

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

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

1 A. Yes.

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

3 A. Yes.

4 MS. WILLMOTT: Judge, may I approach?

5 THE COURT: You may.

6 BY MS. WILLMOTT:

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

9 A. Yes.

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

12 A. Yes.

13 MS. WILLMOTT: Move for admission of 689.

14 THE COURT: Any objection?

15 MR. MARTINEZ: No.

16 THE COURT: 689 is admitted.

17 BY MS. WILLMOTT:

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

20 A. Yes.

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

23 A. I do.

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

1 A. Yes.

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

4 A. There is, yes.

5 Q. When is that?

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

8 Q. Tell me what changed.

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

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

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

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

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

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

24 A. She did.

25 Q. Did she hit both you and Carl?

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

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

4 A. Yeah, I do. Several.

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

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

9 Q. Why did it make you angry?

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

18 Q. Did that hurt physically?

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

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

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

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

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

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

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

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

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

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

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

1 for his discipline?

2 A. Yes.

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

4 A. Yes.

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

6 A. Yes.

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

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

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

13 A. I do.

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

16 A. Right.

17 Q. Where did you go after Salinas?

18 A. We moved to Santa Maria California.

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

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

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

25 A. Yes, we did.

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

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

7 Q. Were you able to make friends?

8 A. Yes, I did.

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

11 A. I did, yes.

12 Q. And is that until 8th grade?

13 A. Yes.

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

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

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

22 A. I did.

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

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

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

3 A. He did.

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

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

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

16 A. Nothing stands out in my mind.

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

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

21 Q. How did that go?

22 A. He didn't listen to her.

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

24 A. Yes.

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

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

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

4 A. Yes.

5 Q. What was that?

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

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

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

20 Q. Is that something you more recently learned?

21 A. Yes.

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

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

1 THE COURT: Sustained.

2 BY MS. WILLMOTT:

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

5 A. No.

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

8 A. Yes.

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

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

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

20 A. Yeah.

21 Q. Tell us what that was.

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

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

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

3 A. They were.

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

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

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

10 A. Yeah.

11 Q. What was the --

12 A. There were a few problems.

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

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

21 Q. Jodi, who were you baby sitting?

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

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

3 A. Could I tell the difference?

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

5 A. Yes, I could see a difference.

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

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

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

13 A. Yes.

14 Q. Was your mom still hitting you?

15 A. She was.

16 Q. And what about your dad?

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

20 Q. Continued screaming and yelling at you?

21 A. Yes.

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

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

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

5 A. I think so, yes.

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

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

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

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

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

17 A. Yes, right.

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

19 A. I did.

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

22 A. No.

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

25 A. No.

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

2 A. Yes.

3 Q. Where did you guys move?

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

6 Q. This is Yreka, California?

7 A. Yes.

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

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

16 Q. Yreka, you mean.

17 A. Yreka.

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

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

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

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

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

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

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

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

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

9 A. Yes.

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

11 A. Yes.

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

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

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

24 A. Right, a few people.

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

1 A. Yes.

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

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

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

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

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

15 A. Yeah, I did.

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

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

21 Q. How did that make you feel?

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

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

2 A. Yes.

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

5 A. I am 15.

6 Q. And are you working at this time?

7 A. Yes.

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

10 A. I did.

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

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

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

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

18 Q. Okay.

19 A. I think.

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

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

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

1 you have a job in Yreka?

2 A. I did.

3 Q. What did you do?

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

5 Q. And what did you do there?

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

8 Q. Which restaurant was that?

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

10 Q. Is that Claim Jumper like a chain?

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

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

14 A. Yes.

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

17 A. Yes.

18 Q. What did you do with that money?

19 A. I saved it.

20 Q. For what?

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

22 Q. For what?

23 A. For a car.

24 Q. You were saving for a car?

25 A. Yes.

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

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

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

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

13 Q. How did he do that?

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

16 Q. Was he supportive of you?

17 A. Yes.

18 Q. Did he encourage you?

19 A. Yes, he did.

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

22 A. No, not that kind at all.

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

25 A. Not at this point, no.

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

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

6 Q. And you said you enjoyed school?

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

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

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

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

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

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

3 A. Yes.

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

5 A. Yes.

6 Q. What did she do?

7 A. Almost like a non-reaction, just kind of quiet.
8 Didn't say anything, not much.

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

10 A. No, she didn't.

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

14 A. Yes, he was.

15 Q. In what way?

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

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

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

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

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

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

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

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

14 A. Yes.

15 Q. Did you take Spanish in high school?

16 A. I did.

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

18 A. Yes.

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

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

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

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

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

10 Q. Did you say there was not?

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

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

14 A. Yes.

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

17 A. Right.

18 Q. Is that one of the things?

19 A. Yes.

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

21 A. I did.

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

23 A. Yes.

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

25 A. Yes.

1 Q. And how did you do that?

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

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

10 A. Yes.

11 Q. Where?

12 A. We went to Costa Rica.

13 Q. How was it that that happened?

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

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

20 A. Yes.

21 Q. How is it that you did it?

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

25 Q. Did they help you at all?

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

2 Q. And did you save money for that?

3 A. Yes.

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

5 A. I did.

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

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

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

10 A. Yes.

11 Q. And when was this?

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

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

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

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

17 A. Yes.

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

20 A. No, it is getting worse.

21 Q. How is it getting worse?

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

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

1 severity.

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

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

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

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

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

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

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

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

1 A. Yes.

2 Q. And you said you lost consciousness?

3 A. Yes.

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

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

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

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

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

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

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

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

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

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

1 Q. How did that make you feel?

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

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

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

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

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

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

22 A. Yes.

23 Q. What was the difference?

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

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

4 Q. You are talking about your brother Carl?

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

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

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

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

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

13 Q. You kept working?

14 A. Yes.

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

17 A. Yes.

18 Q. Who was it that you were dating?

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

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

24 A. Yes.

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

1 A. Okay.

2 Q. Had you met somebody named Bobbie Juarez?

3 A. Yes.

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

5 A. 15.

6 Q. Did you date him a little bit?

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

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

13 A. I was still 15.

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

15 A. He was 18.

16 Q. So was he in school with you?

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

18 Q. How long did that last?

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

21 Q. What happened?

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

1 broke up with him.

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

3 A. Yes.

4 MS. WILLMOTT: May I approach, Judge?

5 THE COURT: You may.

6 BY MS. WILLMOTT:

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

9 A. I do.

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

12 A. Yes.

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

15 MR. MARTINEZ: Lack of foundation, dates.

16 THE COURT: Sustained.

17 BY MS. WILLMOTT:

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

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

22 Q. Do you want to see it again?

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

24 (Whereupon, a brief pause was had.)

25 BY THE WITNESS:

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

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

5 BY THE WITNESS:

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

8 BY MS. WILLMOTT:

9 Q. Are you a teenager in this picture?

10 A. Yes.

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

12 THE COURT: Any objection?

13 MR. MARTINEZ: No.

14 THE COURT: 690 is admitted.

15 BY MS. WILLMOTT:

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

17 A. Yes.

18 Q. When you are a teenager?

19 A. Yes.

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

21 A. Yes.

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

23 A. Yes.

24 Q. And your mom to the right?

25 A. Right.

1 Q. And then Joey and --

2 A. Angela.

3 Q. Angela?

4 A. Yes.

5 Q. And obviously your dad?

6 A. Yes.

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

9 A. Yes.

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

12 A. Initially, yes.

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

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

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

18 A. Yes.

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

21 A. Yes.

22 Q. Who did you meet?

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

1 Q. What was Victor's last name?

2 A. His last name was Arias.

3 Q. But there was no relation?

4 A. No, a different Arias family.

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

7 A. Yeah, you could say that.

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

10 A. Right.

11 Q. How did that work?

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

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

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

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

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

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

25 A. Yes.

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

3 A. Yes.

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

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

7 Q. What happened to it?

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

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

14 A. Yes.

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

17 A. Right.

18 Q. Who did the breaking up?

19 A. I broke up with him.

20 Q. How did you --

21 A. Yeah, I called him.

22 Q. -- do that?

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

24 Q. Obviously that was over the phone then?

25 A. Yeah, it was over the phone.

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

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

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

12 A. Yes.

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

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

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

20 A. Yes.

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

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

24 Q. Is it fairly close to Yreka?

25 A. It is about six miles away.

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

3 A. Yeah, several months later it did.

4 Q. Several months from when?

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

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

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

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

13 A. Yeah, that would be 1988.

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

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

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

21 A. Right.

22 Q. About when was that taken?

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

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

3 A. Yes.

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

6 THE COURT: Any objection?

7 MR. MARTINEZ: No.

8 THE COURT: 691 is admitted.

9 BY MS. WILLMOTT:

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

11 A. Yes.

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

16 A. At home, yes.

17 Q. Yes, at home.

18 A. Yes.

19 Q. What happened?

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

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

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

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

6 A. Yes.

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

8 A. Yes.

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

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

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

19 A. Yes.

20 Q. Are you still working?

21 A. I am, yes.

22 Q. Where are you working?

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

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

4 Q. All around that same time?

5 A. Right.

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

7 A. Yes.

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

10 A. Yes.

11 Q. What happens?

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

14 Q. Tell me what point this is.

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

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

17 A. 1998.

18 Q. Sorry.

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

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

1 the door, were your parents there?

2 A. My mom was in the kitchen.

3 Q. Did anybody say anything?

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

8 Q. You went over to Bobbie's?

9 A. Yes.

10 Q. Did you call your mom later?

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

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

15 A. Yes.

16 Q. Did they do anything to stop you?

17 A. No.

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

20 A. No.

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

22 A. No, to come back, no.

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

25 A. I did that day, yeah.

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

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

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

10 A. Yes.

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

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

13 Q. And so where was your money going?

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

16 Q. Were you helping to support him?

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

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

19 A. We did.

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

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

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

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

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

5 Q. Yet did you stay there?

6 A. I did.

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

9 A. It was all right. I thought.

10 Q. You thought?

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

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

16 A. Yes.

17 Q. About when did that happen?

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

19 Q. May of 1998?

20 A. Yes.

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

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

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

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

1 someone else so I broke up with him.

2 Q. How did you find that out?

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

8 Q. Are these things he would tell you?

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

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

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

17 Q. You had e-mail?

18 A. Yes.

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

21 A. Right.

22 Q. Did you both go and do that?

23 A. Right.

24 Q. What happened?

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

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

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

8 A. From this woman.

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

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

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

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

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

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

23 Q. How did that make you feel?

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

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

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

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

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

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

12 A. At his friend's house.

13 Q. What happens?

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

19 Q. What did you do?

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

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

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

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

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

7 A. No.

8 Q. You just handed him the letters?

9 A. Right.

10 Q. Okay. And what was his reaction?

11 A. He seemed very shocked.

12 Q. Okay.

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

14 Q. He thought that she told on him?

15 A. Yes.

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

18 THE COURT: Sustained.

19 BY MS. WILLMOTT:

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

21 MR. MARTINEZ: Objection. Leading.

22 THE COURT: Overruled.

23 BY THE WITNESS:

24 A. Yeah, that was his first question.

25 BY MS. WILLMOTT:

1 Q. What happened between the two of you?

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

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

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

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

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

15 Q. And you were living with him?

16 A. Yes.

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

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

22 Q. How did that go?

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

1 Q. Did you still move out?

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

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

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

12 Q. Did you accept his apology then?

13 A. Yes.

14 Q. Did you believe his apologies?

15 A. I did.

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

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

21 Q. Turmoil between the two of you?

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

25 Q. Was your relationship rocky after that?

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

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

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

6 Q. Right.

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

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

13 A. Uh-huh.

14 Q. Is that a "yes"?

15 A. Yes.

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

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

18 Q. Okay. And were you serving there?

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

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

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

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

25 A. Yes.

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

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

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

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

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

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

17 Q. You moved out?

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

19 Q. Okay.

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

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

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

7 A. Yeah, I did.

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

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

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

20 A. Yes, I did.

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

23 A. Right.

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

1 A. Yes.

2 Q. And approximately when is this?

3 A. This was late 1999.

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

5 A. Yes.

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

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

10 Q. You are not sure?

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

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

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

16 Q. Denny's where?

17 A. Yreka.

18 Q. What were you doing?

19 A. Waiting tables.

20 Q. So now you were 18?

21 A. Right.

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

24 A. Yes.

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

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

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

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

7 Q. Do you still have your own car?

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

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

12 A. Yes.

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

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

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

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

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

24 A. Yes.

25 Q. What happens?

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

8 Q. Let me ask --

9 A. Sorry.

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

13 A. Yes.

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

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

17 Q. Were you going to visit him?

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

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

21 A. Yes.

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

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

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

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

7 A. Yes.

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

10 A. Yes, we were broken up.

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

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

13 Q. What happened?

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

21 Q. Was he just waiting for you?

22 A. Yeah.

23 Q. Did you end up speaking with him?

24 A. Yeah.

25 Q. And how did that conversation go?

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

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

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

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

14 A. Yes, one time.

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

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

25 Q. What happened in the argument?

1 A. The argument, he --

2 Q. Was he yelling?

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

7 Q. He had his arm around your throat?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Q. So then what happens?

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

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

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

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

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

5 Q. What did you do?

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

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

10 A. A portable home phone.

11 Q. Okay.

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

13 Q. Okay. Did they ever call back?

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

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

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

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

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

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

1 leave him?

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

5 Q. But did you stay at the house?

6 A. No, not that time.

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

9 A. Right.

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

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

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

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

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

18 A. No, I don't.

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

21 A. Yes, I did.

22 Q. Who did you tell?

23 A. I told my parents.

24 Q. And okay and anybody else?

25 A. Um --

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

3 A. Yes.

4 Q. Who?

5 A. I guess they told my brother Carl.

6 Q. Why do you guess that?

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

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

11 A. Yes.

12 Q. Did you know Kellan?

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

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

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

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

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

24 Q. What did they do?

25 MR. MARTINEZ: Objection. Lack of foundation to

1 my understanding. How does she know?

2 THE COURT: Sustained.

3 BY MS. WILLMOTT:

4 Q. What did they do?

5 A. They went to --

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

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

10 THE COURT: Overruled. You may answer.

11 BY THE WITNESS:

12 A. They went to Bobbie's house.

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

15 THE COURT: Sustained.

16 MS. WILLMOTT: Judge, may we approach?

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

21 (Whereupon, the Jury exited the courtroom.)

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

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

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

1 The objection was foundation?

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

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

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

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

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

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

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

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

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

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

6 THE COURT: Yes, you may step down.

7 (Whereupon, a brief pause was had.)

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

15 (Whereupon, a short break was had.)

16 (Whereupon the Jury entered the courtroom.)

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

20 MS. WILLMOTT: Judge, may we approach?

21 THE COURT: Yes.

22

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

25

1 DIRECT EXAMINATION (cont'd)

2 BY MS. WILLMOTT:

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

6 A. Right.

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

9 A. Yes.

10 Q. How were you aware of that?

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

13 Q. Bobbie told you later?

14 A. Right.

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

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

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

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

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

24 A. Yes, right.

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

1 you what he did?

2 A. Yes.

3 Q. What did Bobbie do?

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

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

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

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

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

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

20 A. Yes, back to Santa Maria.

21 Q. About how far apart is that?

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

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

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

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

4 A. I got a job and began working.

5 Q. Where did you get a job at?

6 A. Applebee's.

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

8 A. Yeah, he continued to contact me.

9 Q. Was that by phone?

10 A. Right, by phone.

11 Q. Did he ever come to visit you?

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

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

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

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

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

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

1 A. How long, only like two months.

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

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

6 Q. 50 miles north of Yreka?

7 A. Yes.

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

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

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

13 A. He finally managed to get a job.

14 Q. So was he working in Medford then?

15 A. Yes, he was.

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

18 A. Right.

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

20 A. Yes.

21 Q. Why is that?

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

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

1 A. Right.

2 Q. Why not move in with your parents?

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

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

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

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

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

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

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

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

21 A. Well, not long.

22 Q. Okay.

23 A. I don't remember exactly.

24 Q. You don't remember exactly?

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

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

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

5 A. Yes, we are still hanging out.

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

8 A. Yes.

9 Q. Did you get to meet his roommate?

10 A. I did.

11 Q. Did you become friends with this roommate?

12 A. Yes.

13 Q. What was his roommate's name?

14 A. His name is Matt McCartney.

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

17 A. He did.

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

20 A. Yes.

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

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

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

1 family?

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

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

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

8 Q. And why did you do that?

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

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

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

16 Q. Phoenix, Oregon?

17 A. Right.

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

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

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

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

1 there were jobs available.

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

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

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

7 A. Yes.

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

10 A. Yeah, he did.

11 Q. At what point did this happen?

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

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

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

24 Q. It was pretty much over?

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

1 Q. Did Bobbie eventually move away from Matt?

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

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

6 A. Yes.

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

8 A. Right.

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

11 A. Yes.

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

13 A. Yes.

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

16 A. Yes, later on we did.

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

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

20 Q. A few months later?

21 A. Right.

22 Q. And a few month later than what?

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

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

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

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

4 Q. And then you start this dating relationship?

5 A. Yes.

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

8 A. Yes.

9 Q. Did you and Matt move in together?

10 A. We did.

11 Q. Where did that happen?

12 A. In Medford.

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

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

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

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

25 Q. Did you do Martial Arts together?

1 A. We did.

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

4 A. Yes.

5 Q. With Matt?

6 A. Yes.

7 Q. And who was that?

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

9 Q. And where was that?

10 A. That was in Ashland.

11 Q. Ashland, Oregon?

12 A. Oregon, right.

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

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

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

20 A. Yes.

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

23 A. We did.

24 Q. How did that come about?

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

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

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

10 A. Yes.

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

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

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

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

22 Q. Was he respectful?

23 A. He was respectful.

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

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

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

5 A. Yes.

6 Q. Where did you go?

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

8 Q. And where is Crater Lake, Oregon?

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

12 Q. What kind of place is it?

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

17 Q. Why -- sorry. Go ahead.

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

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

21 A. Right, seasonal work.

22 Q. Sorry?

23 A. Seasonal work.

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

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

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

6 A. Yes.

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

8 A. Right.

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

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

16 Q. You said staff housing?

17 A. Yes.

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

21 A. Yes.

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

23 A. Yes.

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

25 A. We both waited tables there.

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

3 A. I did, yes.

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

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

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

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

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

16 A. We moved back to Medford.

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

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

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

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

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

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

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

9 Q. Why did you move to Ashland?

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

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

16 A. Yes.

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

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

20 Q. And you stayed in Ashland?

21 A. I did.

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

24 A. Yes.

25 Q. What happened?

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

3 Q. How did you find that out?

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

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

10 THE COURT: Sustained.

11 BY MS. WILLMOTT:

12 Q. Did people come and talk to you?

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

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

15 A. Yes.

16 Q. How do you know that?

17 A. They said "Hi Jodi."

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

20 A. Right.

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

22 A. Yes.

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

25 A. Right.

1 Q. And what happened?

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

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

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

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

11 MR. MARTINEZ: Objection. Leading.

12 THE COURT: Overruled.

13 BY THE WITNESS:

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

16 Q. They told you?

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

19 Q. I'm sorry?

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

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

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

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

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

2 MR. MARTINEZ: Objection. Leading.

3 THE COURT: Overruled.

4 BY THE WITNESS:

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

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

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

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

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

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

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

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

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

1 that's when I put the two together.

2 Q. The B and Bianca?

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

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

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

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

9 A. Right.

10 Q. How long of a drive is that?

11 A. It is 70 miles.

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

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

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

17 A. Yes, I did.

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

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

20 Q. What is that?

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

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

1 purpose when you are driving up there?

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

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

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

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

13 A. Yeah, right.

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

15 A. I did.

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

17 A. She was in her dorm.

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

19 A. Yes.

20 MR. MARTINEZ: Objection. Leading.

21 THE COURT: Overruled.

22 BY THE WITNESS:

23 A. I did.

24 BY MS. WILLMOTT:

25 Q. You did knock on her door?

1 A. Right.

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

4 A. No.

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

6 A. No.

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

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

10 Q. Did she come to the door?

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

12 Q. So tell us what happened.

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

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

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

18 Q. You asked her what?

19 A. Well, I said I heard that -- I don't remember my
20 exact words but I asked her about her and Matt and she
21 pretty much confirmed for me --

22 Q. What did you do --

23 MR. NURMI: I'm having a very difficult time
24 hearing her.

25 THE COURT: Can you push that back?

1 BY MS. WILLMOTT:

2 Q. Okay. So she confirms for you that Matt is
3 actually seeing her? Is that what you just said?

4 A. Yes.

5 Q. Okay. How did you feel?

6 A. Well, at the time -- I'm in her home. I'm not
7 going to freak out or anything.

8 Q. Inside. We are talking about inside. How did
9 you feel?

10 A. I didn't feel good. I mean, I felt very deceived
11 obviously. He is still sleeping with me. He is still
12 coming to my house on the weekends. You know, we are
13 going places. I mean, physically going places -- not in
14 our relationship obviously. So it hurt. I was very hurt.

15 Q. How did you handle that situation with Bianca
16 after she confirms it?

17 A. I just -- I asked her like how long it had been
18 going on, and she told me that. She said they had not
19 slept together, but they were romantic; and they saw each
20 other often and hung out; spent the night with each other,
21 that sort of thing.

22 Q. Did you do anything to her?

23 A. No. No.

24 Q. Did you start yelling at her then?

25 A. I never yelled at her.

1 Q. Did you have any kind of angry words with her at
2 all?

3 A. No, not at all. She didn't even know we were
4 still together. She was under the impression we were
5 broken up. I didn't blame her for anything, you know?

6 Q. So what did you do after -- what did you do after
7 that with Matt with your relationship?

8 A. At that point I waited for Matt to get back to
9 Borago Springs. I think he was coming back the next day.
10 So I went over to where he was staying at his dad's at
11 that point and confronted him.

12 MS. WILLMOTT: Judge, may I approach?

13 THE COURT: Yes.

14 BY MS. WILLMOTT:

15 Q. Jodi, I'm showing you what has been marked at
16 692. Do you recognize that?

17 A. Yes.

18 Q. Do you have any idea when that photo was from?

19 A. That would have been taken in 2001 or 2002 after
20 we broke up. I think it was 2002 early.

21 MS. WILLMOTT: Defense moves for admission of
22 692.

23 MR. MARTINEZ: I have no objection. I'm really
24 having a hard time hearing her. I don't know what date it
25 was, if she can tell us again.

1 THE WITNESS: It was around late 2001 or early
2 2002. Sometime in one of those years. It was after our
3 break-up.

4 THE COURT: Exhibit 692 is admitted.

5 BY MS. WILLMOTT:

6 Q. Is that a picture -- who is that a picture of?

7 A. That is Matt and I.

8 Q. You said -- you said this could have been taken
9 after you broke up?

10 A. I know it was taken after we broke up because
11 that is at the Monterey Bay Aquarium, and he moved to
12 Montana after I did.

13 Q. That begs the question: Were you friends with
14 him after you broke up?

15 A. Yes.

16 Q. So tell us how is it that this relationship
17 ended.

18 A. There were tears and he cried. I cried. It was
19 difficult.

20 Q. Did you break up with him?

21 A. Well, it just seemed -- I don't know that one
22 person really broke up with the other. It is just that
23 the relationship was over. He was seeing somebody else,
24 you know. Obviously he was -- he had moved on in some way
25 because he was seeing somebody else, but we just were no

1 longer together at that point.

2 Q. Okay. Now, at this point in time, you are
3 staying in Ashland?

4 A. Yes, I was living in Ashland at that point.

5 Q. In Ashland, is that where Kit Crum, the Martial
6 Arts instructor, taught from?

7 A. Yes, he and his girlfriend lived there too.

8 Q. He and his girlfriend?

9 A. Right.

10 Q. Did you become friends with him?

11 A. Yeah, I did.

12 Q. And through them did you meet anybody else?

13 A. Through them?

14 Q. Yes.

15 A. I met his girlfriend's brother.

16 Q. His girlfriend's brother?

17 A. Right.

18 Q. And his girlfriend's brother is -- what is his
19 name?

20 A. His name is Richard Molay (phonetic).

21 Q. And Richard Molay, of what importance is he to
22 you?

23 A. He was eventually a reference for me to get a job
24 down in Monterey County again so I could leave Southern
25 Oregon. It was kind of a sentimental place for Matt and

1 I. I just wanted to get out of that area in a way now
2 that we were broken up.

3 Q. Richard Molay, how is it that he got you a
4 reference? Where was he working?

5 A. He was working at a resort called Ventana Inn and
6 Spa in Big Sur, California.

7 Q. Can you describe for us what Big Sur, California
8 is like?

9 A. Right. It's more -- it has its own zip code. It
10 is more of a region than a city. There is not a lot of
11 development there. It is a protected area. It is roughly
12 28 or 30 miles south of Monterey, and it is directly on
13 the coast.

14 Q. Is it the place that we see in pictures that has
15 big cliffs?

16 A. Right, like plummeting into the Pacific. That is
17 that area.

18 Q. As far as living in Big Sur, is that an expensive
19 place to live?

20 A. It is, yeah.

21 Q. And so through Richard, how does that come about
22 that you -- that he helps you get a reference to Ventana?

23 A. I talked to Kit. I told Kit and his girlfriend,
24 I believe, that we broke up -- Matt and I broke up. She
25 -- it was one of them -- suggested maybe you should go

1 work at Ventana. I said where is that. So we waited
2 until her brother -- he takes a year vacation -- he takes
3 a vacation every year.

4 Q. Who takes a vacation every year?

5 A. Richard Molay, and he goes to specific places
6 every year on his vacation; and one of those places to
7 visit his sister. So when they were coming up, we decided
8 to all meet. We were actually building something -- a TV
9 in the forest at their property. So we spent the day
10 together doing that, and so he could get to know who I am
11 to see if I was somebody who would be a good reference.

12 Q. You spent a day basically with Richard Molay?

13 A. Right.

14 Q. And then Kit and his girlfriend?

15 A. Yes.

16 Q. After that, did he then help you get a job at
17 Ventana Inn?

18 A. He did.

19 Q. What happened? Did you go down for an interview
20 or how did that work?

21 A. Yes, I went down for an interview and I was
22 hired.

23 Q. Describe for us what type of a place Ventana Inn
24 is.

25 A. Well, you drive forever on a windy road on the

1 coast, Highway 1 and Ventana is in the mountains. There
2 is a view of the ocean. Roughly 1100 feet up. It is a
3 four-star resort. It is a beautiful place. It has -- not
4 really like bungalows, but there are like rooms there. It
5 is an Inn. It is pricey. The restaurant is nice.

6 Q. As far as when we talk about you progressing, in
7 going -- working from the Purple Plum to Denny's to
8 Applebee's, those type of places, how does Ventana Inn fit
9 into that?

10 A. I would say it is the nicest place I ever worked.

11 Q. And as far as money was concerned, was it good
12 financially for you?

13 A. Yes.

14 Q. You got hired to do what?

15 A. I was waiting tables there as well.

16 Q. Now, this required -- in order to work at Ventana
17 Inn, did you have to move then from Ashland?

18 A. Yes.

19 Q. Where did you move to?

20 A. Well, they have employee housing there. I got on
21 a waiting list for that, and there was a place opening up
22 in about two weeks.

23 Q. Let me stop you there. So when you say employee
24 housing, is that like Crater Lake employee housing?

25 A. Similar. It is not like a dorm. It is like

1 little small condos.

2 Q. And that is for the employees that work at
3 Ventana to live?

4 A. Yes.

5 Q. So you get the job. You said you applied --

6 A. Right.

7 Q. -- for the housing?

8 A. Yes.

9 Q. Was anything open right away?

10 A. No.

11 Q. So what did you do?

12 A. I stayed in the campground.

13 Q. In the campground?

14 A. Yes.

15 Q. What do you mean in a campground?

16 A. Well, they have -- I'm sorry. They have a
17 campground on the property as well. There is a canyon and
18 so in the canyon -- like a redwood canyon, they have
19 campground spots. So I stayed there. Matt did not get
20 hired at Borago Springs. He also came and we set up a big
21 thing there and stayed in the campground there for two
22 weeks, and I got housing and he remained in the
23 campgrounds.

24 Q. When you talk about campgrounds, did other
25 employees do that?

1 A. There were some other employees that stayed
2 there.

3 Q. Is that something that people did before the
4 housing was available?

5 A. Right. It was -- in the off-season. So October
6 it is the off-season. Summer is the height of their
7 season. So sometimes the campground will fill up in the
8 summer. So it is not available; but when it is open, you
9 can stay there.

10 Q. Okay. You said you were there for how long in
11 the campground?

12 A. Two weeks roughly.

13 Q. And you also told us that Matt came down to
14 Ventana also?

15 A. Yes.

16 Q. How was that?

17 A. Well --

18 Q. How did that happen?

19 A. He needed a job. He had experience now with
20 Crater Lake. So he was able to get -- I think my boss was
21 worried that -- I remember he expressed concerns that I
22 wouldn't stay there if Matt didn't get hired because I
23 told him that Matt was a friend of mine. We remained
24 friends and that he wanted to --

25 MR. MARTINEZ: Objection. Lack of foundation.

1 Who is the boss?

2 THE WITNESS: I'm sorry.

3 THE COURT: Sustained.

4 THE WITNESS: The boss --

5 BY MS. WILLMOTT:

6 Q. It is okay.

7 A. Okay.

8 Q. Did Matt come down after you?

9 MR. MARTINEZ: Still lack -- objection. Lack of
10 foundation. Who is the boss she is talking about?

11 MS. WILLMOTT: I will get to that when I get to
12 that.

13 THE COURT: Overruled.

14 BY MS. WILLMOTT:

15 Q. So did Matt come down after you did?

16 A. He did.

17 Q. So he followed you to -- when I say "followed,"
18 he came after you --

19 A. Yeah, I was hired --

20 Q. -- to Ventana?

21 A. I was hired on his birthday, which is
22 October 20th, and I believe he was hired in early
23 November.

24 Q. What year are we talking about?

25 A. 2001.

1 Q. 2001. All right. So you after a couple of weeks
2 in the campgrounds, are you able to get housing then?

3 A. Yes, I got housing. He got housing eventually
4 but it was later.

5 Q. It was later?

6 A. Yes.

7 Q. Did you and Matt house together?

8 A. No.

9 Q. You had your own?

10 A. Yes, I had roommates but not Matt.

11 Q. At that point in time are you and Matt seeing
12 each other at all?

13 A. Not really. I mean, there is still some
14 sentimentality there. We know we are not together. We
15 are not being romantic much. There was some intimacy
16 after our break-up, but it was brief and not ongoing.

17 Q. At the time you were working at Ventana once you
18 are in your housing and everything, what type of
19 relationship did you have with Matt?

20 A. We sort of became more friends and by that
21 following spring he moved away.

22 Q. So we are talking at the end of 2001 is when you
23 -- towards the end of 2001 is when you are starting at
24 Ventana, right?

25 A. Well, yeah, I believe -- I think I believe I

1 started right in November. I got hired in October, and I
2 went back to tie up ends in Yreka and Southern Oregon and
3 all that and I moved down.

4 Q. And then Matt only stayed until the following
5 spring?

6 A. Yes -- well, he came back eventually but he did
7 leave that spring.

8 Q. How long in all did you stay working for Ventana?

9 A. Three-and-a-half years, maybe four years. I
10 think it was more like three-and-a-half.

11 Q. When you first began working there, are you
12 dating anybody?

13 A. No.

14 Q. Did you meet friends?

15 A. I did.

16 Q. And --

17 MS. WILLMOTT: Judge, may I approach?

18 THE COURT: You may.

19 BY MS. WILLMOTT:

20 Q. Let me show you what has been marked as
21 Exhibit 693.

22 A. Yes.

23 Q. Is this a picture taken at Ventana?

24 A. That is actually in Palm Desert.

25 Q. Oh, that is later?

1 A. Yeah, that is later.

2 Q. We will wait. So you said you met some friends
3 at Ventana, the people you worked with?

4 A. Right, yes.

5 Q. And was Richard Molay there?

6 A. He was.

7 Q. And during this time that you were working at
8 Ventana, you said -- were you working as a server?

9 A. Yes.

10 Q. Did you ever get hired to do any type of hiking?

11 A. Yes.

12 Q. Tell us about that.

13 A. Another server there who had been there for quite
14 sometime as well started a company that was guiding hikes
15 in the area, and --

16 Q. Tell us what his name was.

17 A. Steve Copeland.

18 Q. Steve Copeland, he started a company you said?

19 A. Yes. He may have already had the company, but it
20 was new to me. It was something that came up after I had
21 been there for a while.

22 Q. All right. And did Mr. Copeland ever ask you to
23 help him?

24 A. He did.

25 Q. What is it that you did for him?

1 A. We would guide hikes to different destinations
2 that were kind of like not really known except for the
3 locals. It was kind of special because you couldn't find
4 it any other way. They were just secret trails and things
5 that led to water falls or little coves where there were
6 private beaches and things like that.

7 Q. Did you lead these hikes? Did people -- who were
8 the people who were going on these hikes?

9 A. They were mostly guests of Ventana.

10 Q. Did you lead these hikes for these guests from
11 Ventana?

12 A. Yes.

13 Q. Did you take them all over these secret trails?

14 A. Yeah, I took them a few different places.

15 Q. Okay. And was that additional income for you?

16 A. Yes.

17 Q. How long did you do that for Mr. Copeland?

18 A. Not very long because I did it when I was
19 available. The hikes usually were on a Saturday morning.
20 So sometimes I would work at the restaurant so I wasn't
21 able. Whenever I was available, I would do a hike. I
22 don't recall how long that lasted.

23 Q. Okay. During the time that you were working at
24 Ventana, did you eventually meet anybody that you started
25 to date?

1 A. Yes.

2 Q. And who was that?

3 A. His name is Daryl Brewer.

4 Q. And did Daryl Brewer work at Ventana?

5 A. He did.

6 Q. What did he do?

7 A. He was the food and beverage director at the time
8 and he hired me.

9 Q. He was the person who hired you?

10 A. Right.

11 Q. So being the food and beverage director, did you
12 work with him directly when you first started?

13 A. Yes.

14 Q. You did?

15 A. Right.

16 Q. Was there any type of romantic feelings in the
17 beginning?

18 A. No.

19 Q. Were you friends at all? Did you hang out after
20 work?

21 A. No, we didn't fraternize at all.

22 Q. I'm sorry. You didn't what?

23 A. We didn't fraternize at all.

24 Q. You didn't fraternize at all?

25 A. Right.

1 Q. At what point did that change?

2 A. Well, at one point he decided to step down from
3 that position so he could spend more time with his son;
4 and we were interested in each other at that point. We
5 had a conversation that we discovered that. So we sort of
6 began to date.

7 Q. Tell us a little bit more about Mr. Brewer. He
8 was the food and beverage director. How old was he at the
9 time that you --

10 A. At the time he was 42.

11 Q. So was he older than you?

12 A. Yes.

13 Q. Quite a bit?

14 A. Quite a bit.

15 Q. Was he married?

16 A. He was divorced.

17 Q. Did you ever come to understand the type of
18 divorce? In other words, was it something friendly? Was
19 it something he was dealing with -- how did he feel about
20 it?

21 A. It was civil but I think he was bitter about it.

22 Q. Is that based on your discussions with him?

23 A. Yes.

24 Q. How long did you work together before you started
25 to become involved?

1 A. A little over a year I think -- well, about a
2 year because we -- I remember just dates. So, yeah, it
3 was about a year.

4 Q. And was he your boss when you started dating him?

5 A. No, he was no longer my boss.

6 Q. How did that change?

7 A. When he stepped down from that position, he had
8 -- he became more of a supervisory role. He stepped down
9 from that and became a lead server kind of thing. He
10 still had some authority when there were no other managers
11 around. He was nobody's boss. He made decisions if there
12 was nobody else to make them, and eventually he became a
13 regular server like all of us. So that he wasn't tied up
14 in his work schedule. He had more time to be with his
15 son.

16 Q. Did that provide him more flexibility?

17 A. Flexibility in his schedule?

18 Q. Yes.

19 A. Right, yes. He worked less hours.

20 Q. How is it that you two became involved?

21 A. We were just sitting together one evening --
22 where were we? We were downstairs in an office, and we
23 were just talking. Yeah, he was sitting at a table. I
24 was at the table. We were just sitting there.

25 Q. Did you ever go out on a date or anything?

1 A. Eventually we did, yes.

2 Q. How is it that you -- did you have anything in
3 common with him?

4 A. Yeah.

5 Q. About how much older was he than you?

6 A. He is close to 20 years older than me, about
7 19 years, 8 months or 19 years, 9 months something, like
8 that.

9 Q. So 20 --

10 A. Yeah, pretty much 20 years older than me.

11 Q. What is it that you had in common with him?

12 A. Football.

13 Q. Football?

14 A. Yeah, that was one of our first dates was going
15 to the 49ers game. What else? I was into camping. That
16 was something my family and I did my entire life. He
17 liked to camp also. We did that. I sort of became close
18 to his son. So that was --

19 Q. Did he -- when you first started dating, did he
20 introduce you to his son right away?

21 A. No. I had seen him once or twice at the
22 restaurant. He was there with his dad when his dad was
23 kind of like on the clock. I mean, he was a salaried
24 employee. He was a manager. So I had seen him, but I
25 wasn't close with him.

1 Q. At that point in time Mr. Brewer, had he
2 intentionally introduced -- you weren't dating Mr. Brewer
3 at that time?

4 A. No.

5 Q. So when you first started dating Mr. Brewer, did
6 he bring his son around you right away?

7 A. I don't recall. His son came on the weekends. I
8 was not a big presence in his life at first.

9 Q. You were not a big presence in his life?

10 A. No.

11 Q. At first?

12 A. At first.

13 Q. Where was Mr. Brewer living at that point?

14 A. He always lived in the staff housing.

15 Q. So when he had his son, he was living in staff
16 housing?

17 A. Yes.

18 Q. You said they were like condos?

19 A. Yes.

20 Q. So when you start dating, about -- do you have an
21 idea about when that was?

22 A. It was in the fall 2002. I think it was November
23 of 2002.

24 Q. In November of 2002 where was Matt? Was he --
25 where was he?

1 A. The previous May 2002 he worked in Vail, Colorado
2 to work there and he was still working there at that time.

3 Q. Had you remained in contact with him?

4 A. Yeah, roughly. We sort of fell off -- we still
5 called each other on occasion and just less and less and
6 less as time went on.

7 Q. Did you consider him a friend?

8 A. I did.

9 Q. When you first started dating Mr. Brewer, what
10 was your understanding about the type of relationship that
11 you were going to have with regard to marriage?

12 A. There would be no marriage in the relationship.
13 That was my --

14 Q. Why did you have that understanding?

15 A. Well, when we first began dating, he was very
16 mature about it. He just told me "Look. I don't ever
17 want to get married again. I didn't see myself having a
18 girlfriend, but I like you if you are okay with that. We
19 can be together." And I was okay with it at that time.

20 Q. How old were you at this time?

21 A. 22.

22 Q. Eventually does he start bringing his son around
23 when you were there too?

24 A. Yes.

25 Q. Do you become involved with his son?

1 A. Yes.

2 Q. In what way?

3 A. We begin going out on the weekends and doing
4 things together. Sometimes his son came with us camping.
5 We would go to the beach. We would go to the aquarium,
6 the park, just different things.

7 MS. WILLMOTT: Judge, may I approach?

8 THE COURT: Yes.

9 BY MS. WILLMOTT:

10 Q. I'm showing you Exhibit 696, 695 and 694. Do you
11 recognize these?

12 A. Yes, I do.

13 Q. Are these pictures of you and Mr. Brewer and his
14 son?

15 A. Yes.

16 MS. WILLMOTT: Judge, move for admission to 696,
17 695 and 694.

18 THE COURT: Any objection?

19 MR. MARTINEZ: Foundation. The dates they were
20 taken?

21 THE COURT: Sustained.

22 MS. WILLMOTT: May we approach, Judge?

23 THE COURT: Yes.

24

25

1 (Whereupon, a bench conference is held on
2 the record:)

3 MR. NURMI: Judge, with regard to the dates --
4 the specific dates that these photos were taken is not
5 important. The foundation is really who is in the picture
6 and does she know them. That's the foundation that is
7 needed. As far as when they were taken, it doesn't matter
8 as far as admitting them into evidence. It is not a
9 proper objection.

10 MR. MARTINEZ: Well, I respectfully disagree. We
11 have a right to know when these photographs were taken and
12 if we don't know, then the foundation hasn't been laid.
13 It can be ten years after the killing. We don't know just
14 by looking at the photographs.

15 THE COURT: Just a general range of what year
16 they were taken. It doesn't have to be specific but
17 generally speaking, if it was the time she was in the
18 relationship with him. Lay some foundation so the Jury
19 understands when they were taken, and they can put it in
20 context.

21 (Whereupon, bench conference concludes.)

22 BY MS. WILLMOTT:

23 Q. Jodi, one of the things that I don't think we
24 really talked about yet is photography.

25 A. Right.

1 Q. Did you like to take photos?

2 A. I did.

3 Q. Tell us a little bit about your -- your --

4 A. Interest?

5 Q. Yeah, your love, your interest in photography.

6 A. Yes. I came interested in photography when I was
7 very young. I got my first camera -- it was either
8 Christmas or birthday. It was a birthday present when I
9 was 10 and that sparked my interest. I just progressed
10 with that and continued to be interested in that.

11 Q. You continued what?

12 A. To be interested in that.

13 Q. And as you got older, did you continue with your
14 -- did you get more serious as a photographer?

15 A. I did.

16 Q. In what way?

17 A. I decided to make it a profession, and so I
18 invested in a nicer camera. I began to -- I bought nicer
19 software for photo editing, and I began to photograph
20 weddings, portraits, things like that.

21 Q. At the time you were dating Mr. Brewer, was that
22 something that you were -- were you interested in
23 photography at the time that you were dating Mr. Brewer?

24 A. Yes, right.

25 Q. When you were dating Mr. Brewer, did you ever go

1 to -- on trips with Mr. Brewer and his son?

2 A. Yes.

3 Q. Did you ever go to Mount San Jacinto?

4 A. Yes.

5 Q. Do you remember approximately when that was?

6 A. That was after we moved to Palm Desert because
7 that is right next to Palm Springs. You take the tram
8 straight up into the mountain.

9 Q. When approximately? When did you move to Palm
10 Desert?

11 A. We moved there in 2005.

12 Q. After 2005?

13 A. It was either in 2005 or the year after. I
14 believe it was that winter.

15 MS. WILLMOTT: Judge, I move for admission of
16 695.

17 MR. MARTINEZ: I need to look at it and see which
18 one.

19 (Whereupon, a brief pause was had.)

20 MR. MARTINEZ: No objection.

21 THE COURT: 695 is admitted.

22 BY MS. WILLMOTT:

23 Q. All right, Jodi, is this a picture of you and Mr.
24 Brewer and his son?

25 MR. MARTINEZ: Objection. Leading.

1 THE WITNESS: Overruled.

2 BY THE WITNESS:

3 A. Yes.

4 BY MS. WILLMOTT:

5 Q. Where was this picture taken?

6 A. That was at the top of the mountain.

7 Q. Is this on one of the trips you would take with
8 him?

9 A. Right, this was a day trip.

10 Q. This was obviously you said some time after 2005?

11 A. Either during or right after.

12 Q. So had you been dating Mr. Brewer for a while at
13 this point?

14 A. Yes, by that point we are coming up on three
15 years I think.

16 Q. Did you ever attend any birthday parties, any of
17 his son's birthday parties?

18 A. Yes.

19 Q. Is that something you did every year or --

20 A. Well, that year I remember we went to Chuck E.
21 Cheese's. That was in Palm Desert, the one you are
22 referring to. That was in 2005 or 2006. I think it was
23 2005 because his ex-wife was still there. She was still
24 at the party.

25 Q. So sometime around 2005 or 2006?

1 A. Right.

2 MS. WILLMOTT: Move for admission of 696.

3 THE COURT: Any objection?

4 MR. MARTINEZ: Objection. Where?

5 THE COURT: Repeat where it was taken.

6 THE WITNESS: It was at Chuck E. Cheese's.

7 BY MS. WILLMOTT:

8 Q. Are you sure of that?

9 A. I'm pretty sure.

10 MR. MARTINEZ: No objection.

11 THE COURT: 694 is admitted.

12 BY MS. WILLMOTT:

13 Q. What is this picture showing?

14 A. That is the three of us celebrating his birthday.
15 He had friends there. His mom was there.

16 Q. His son was celebrating his birthday?

17 A. Yes.

18 Q. At this point -- I know we are skipping ahead in
19 time. At this point in time were you involved in Mr.
20 Brewer's son's life quite often?

21 A. Yes, much more. We all lived together. He
22 stayed with us part-time but, yes.

23 MS. WILLMOTT: May I approach?

24 THE COURT: Yes.

25 BY MS. WILLMOTT:

1 Q. I'm showing you Exhibit 694. Do you remember
2 approximately when this was taken?

3 A. It would have been roughly in 2004.

4 MS. WILLMOTT: I'm moving 694 in.

5 THE COURT: Any objection?

6 MR. MARTINEZ: Objection. Foundation. Where it
7 is taken?

8 MS. WILLMOTT: It is not needed, Judge.

9 THE COURT: Overruled. 694 is admitted.

10

11 BY MS. WILLMOTT:

12 Q. What is this picture showing us, Jodi?

13 A. That is Darryl, Jack and I together on the
14 terrace at Ventana.

15 Q. And somewhere --

16 MR. MARTINEZ: I'm still having trouble hearing.
17 Are you saying when?

18 THE WITNESS: On the terrace at Ventana.

19 MR. MARTINEZ: On the terrace. I'm sorry.

20 THE WITNESS: Sorry.

21 BY MS. WILLMOTT:

22 Q. You said this was sometime in 2004 you think?

23 A. Yes. It was before we moved to Palm Desert.
24 That date is correct.

25 Q. It is dated, right. So August 2nd of 2004?

1 A. Yes.

2 Q. If that's correct?

3 A. Right.

4 Q. Let's go back in time a little bit. We were
5 talking about when you first started dating Mr. Brewer.
6 Is there -- how long were you dating when you were living
7 in staff housing?

8 A. I think that shortly after we began dating, he
9 moved to Monterey. The whole point was to be closer to
10 his son, and his mother lived in Carmel; and he moved to
11 Monterey.

12 Q. What is the difference between Monterey and Big
13 Sur?

14 A. Monterey is a city. Big Sur is more just a
15 region.

16 Q. I mean distance. Sorry.

17 A. It takes roughly an hour to get there because you
18 have to drive kind of slow on the winding road. It is
19 about 30 miles south.

20 Q. And so soon after you started dating, you said he
21 moved to Monterey?

22 A. Yes.

23 Q. Did that interrupt your dating at all?

24 A. No. I'd stay with him on the weekends.

25 Q. I'm sorry?

1 A. We had the same days off. I would stay with him
2 on the weekends.

3 Q. Did you go up to Monterey to stay with him?

4 A. Right.

5 Q. And at this point in time when you were staying
6 with him on the weekends is -- how old were you at this
7 point?

8 A. 23, 24.

9 Q. So are we in 19 -- 2003?

10 A. Yes.

11 Q. About?

12 A. About, yeah.

13 Q. And just so we have parameters, about how long
14 were you dating Mr. Brewer altogether?

15 A. Roughly, close to four years. We were just shy
16 of four years.

17 Q. Is there a point in time when you left staff
18 housing at Ventana?

19 A. Yes.

20 Q. When did that happen?

21 A. I'm trying to remember the exact year. It was
22 close to 2005. Maybe in late '04, but I moved -- I moved
23 to Monterey because --

24 Q. Why did you move to Monterey?

25 A. My boss changed my schedule, and I wasn't making

1 as much money anymore.

2 Q. How is it that you aren't making as much money
3 because your boss changed your schedule?

4 A. Well, I got into construction on the hours in the
5 morning, and at night I worked in the restaurant. So at
6 night is where the money is at the restaurant. It is
7 dinner. The gratuities and tips are more, and the
8 construction job was good money as well.

9 Q. Jodi, what did you do for construction?

10 A. Well, I was the labor foreperson.

11 Q. What does that mean?

12 A. I helped keep the labor ready crew on task to
13 make sure they were doing what they wanted to do.

14 Q. So was that additional income for you?

15 A. Yes.

16 Q. What happened then with your change in schedule?

17 A. He changed my schedule to the daytime, so I could
18 no longer work the construction, and I wasn't making the
19 money at night. I was just working lunch. So the
20 employment -- my housing was contingent on my employment.
21 I needed to make more money. So I moved to town to find
22 different work.

23 Q. Did you quit Ventana at that point?

24 A. Shortly thereafter I gave my notice once I found
25 an apartment.

1 Q. You gave your notice and you moved to Monterey.
2 Were you living with Mr. Brewer?

3 A. No.

4 Q. You lived by yourself?

5 A. Yes.

6 Q. What did you do in Monterey?

7 A. I began -- Darryl gave me a reference at a
8 restaurant where he used to work. It was in Carmel. I
9 started tending bar there, and I also began tending bar at
10 another restaurant that I helped open in Monterey.

11 Q. Were you working two jobs at the same time you
12 mean?

13 A. Yes.

14 Q. You were still dating Mr. Brewer?

15 A. Yes, I was.

16 Q. How long were you in Monterey?

17 A. Oh, I don't know, about a year maybe, roughly.
18 I'm trying to remember. I moved from Ventana to Monterey,
19 and eventually Darryl and I decided to move to Southern
20 California.

21 Q. And while you were in Monterey, did you keep
22 working those two jobs?

23 A. Well, not for long. The schedules were
24 conflicting so I let one job go and kept one job.

25 Q. And after the time in Monterey, does there come a

1 time when you move --

2 A. Yes.

3 Q. -- you said and why is it that you move?

4 A. Darryl's ex-wife remarried and moved to La Quinta
5 which is in the Palm Springs area, Southern California.
6 So Darryl and I decided we would like to buy a house and
7 invest. So we were unable to afford property in this area
8 because it is very expensive. So we decided to move up to
9 the Sacramento area, and we made an offer on a home. It
10 got accepted and --

11 Q. Did you end up moving into Sacramento?

12 A. We didn't.

13 Q. It didn't work out?

14 A. No. Darryl decided that he would -- he didn't
15 want to keep his son far apart from his mom because we
16 were going to keep his son with us full-time.

17 Q. And -- but did that end up happening? Did his
18 son end up staying with you full-time?

19 A. No. We decided to come down to the area where
20 she was which was Palm Desert. He continued -- they
21 continued on the same schedule where she had him about
22 roughly four days a week, and he had him three days a week
23 or you know. Sorry.

24 Q. Okay. So at the time that you guys move, are you
25 starting to become interested in real estate?

1 A. Yes, well I was.

2 Q. You were?

3 A. Right.

4 Q. What year is this about?

5 A. Well, I had been interested in real estate for
6 years but --

7 Q. You had been what?

8 A. Interested in real estate for years, but I didn't
9 have any money to invest. So --

10 Q. What did you do with your interest in real
11 estate?

12 A. I took classes at the Monterey Peninsula College;
13 read up on it sort of thing; followed real estate trends
14 and prices.

15 Q. I'm sorry. What year was this about?

16 A. The year that I took the classes would have been
17 2003 or 2004.

18 Q. The year that you moved to Palm Desert?

19 A. 2005.

20 Q. In 2005 what was going on in real estate
21 generally speaking at that point in time?

22 A. It was booming at that point in time.

23 Q. And what is it that you and Darryl or Mr. Brewer
24 were trying to do by buying a house?

25 A. We were going to invest in a house; hang on to it

1 for two years and flip it -- not flip it in that sense.
2 We wanted to hold on to it for two years with the hope it
3 would increase in value and sell it and buy another house
4 or more property.

5 Q. Were you able to buy a house in Palm Desert?

6 A. Yes.

7 Q. And distance-wise, did that keep Mr. Brewer close
8 to his son?

9 A. Yes.

10 Q. You know, besides real estate classes, did you
11 take any other classes?

12 A. Yes.

13 Q. What other classes did you take?

14 A. I continued my Spanish education. I took college
15 classes there as well, same place.

16 Q. All right. So you get a house in Palm Desert.
17 Tell us about that. Palm Desert you said is close to --

18 A. It is near Palm Springs. It is all the same
19 area.

20 Q. What kind of house did you get?

21 A. It was kind of an older house. I think it was
22 built in the '70s sometime. It was refurbished,
23 remodeled.

24 Q. What was the financial situation between you and
25 Mr. Brewer? How did you both -- did you both buy it?

1 A. Yes.

2 Q. How did that work?

3 A. Well, Darryl had really good credit. I had
4 excellent credit, not quite as high as his. So we bought
5 it on good credit. It was one of those no money down
6 interest only kinds of loans, kind of risky but we had
7 saved up a lot of money.

8 Q. Did you save up money?

9 A. I did.

10 Q. How much money? Do you remember how much money
11 you had saved up to buy this house?

12 A. Roughly \$12,000. I didn't use it towards the
13 house. The bank wanted to see money in the bank before
14 they lent it.

15 Q. I was going to ask you: What -- is that
16 something you were able to do through working at Ventana
17 and working in Monterey?

18 A. Right.

19 Q. You were able to save money and put it aside?

20 A. Yeah, socking it away.

21 Q. And did that help you then when you came to buy
22 the house?

23 A. Yes.

24 Q. So you both -- you said you both had good credit.
25 Who owned the house? How did you work that out?

1 A. We were joint tenants in common. So we both had
2 50% ownership of the house.

3 Q. Okay. When is it that you bought the house?

4 A. We closed in June 2005 at the height of the
5 market.

6 Q. And you moved -- did you move there?

7 A. Yes.

8 Q. So when you moved to Palm Desert, did you start
9 working?

10 A. Yes.

11 Q. I assume -- did you leave your job in Monterey?

12 A. I did.

13 Q. Where did you -- where were you working then?

14 A. I stayed with the same company and transferred to
15 a different restaurant; put in an application.

16 Q. You just transferred?

17 A. Right.

18 Q. What restaurant was that?

19 A. That was California Pizza Kitchen.

20 Q. And there was one in Palm Desert?

21 A. Right.

22 Q. Did you have any other jobs there?

23 A. Eventually I did get a few other jobs there.

24 Q. At the same time or were you working --

25 A. No. I typically kept two jobs so I could have

1 extra income.

2 Q. So tell us about when you moved into the house.
3 What was life like at that point?

4 A. It was kind -- it was exciting because it was my
5 first house. There was a pool. We went shopping and got
6 furniture. We didn't go all out. We just had fun getting
7 a brand new refrigerator, things like that.

8 Q. Was Mr. Brewer also working?

9 A. He was, yes.

10 Q. Let's talk about your mom and dad for a second.
11 At this point in time did you have contact with them?

12 A. Sporadically. We didn't call each other a lot.

13 Q. Did you talk to your mom very often about your
14 relationship with Mr. Brewer?

15 A. Not really.

16 Q. For that matter, did you talk to her very often
17 about your relationship with Matt McCartney?

18 A. No, not really.

19 Q. So you said sporadic contact?

20 A. Yeah, by the time I was in Palm Desert, we talked
21 on the phone. I don't remember how often, but it wasn't
22 really often.

23 Q. Was your mom at that point anyone you thought you
24 could confide in?

25 A. No.

1 Q. You didn't have that type of relationship?

2 A. We didn't have that type of relationship.

3 Q. All right. And when you were in Palm Desert,
4 what happened after your first year as far as the house is
5 concerned?

6 A. The house decreased in value. We weren't -- it
7 wasn't appreciating. The whole housing market was start
8 to go crash at that point.

9 Q. So generally speaking, the housing market
10 everywhere or what did you see going on?

11 A. The housing market mostly everywhere. I'm sure
12 there were some pockets in the country that were
13 increasing still, but the whole housing market was coming
14 down.

15 Q. What did that do then to your investment with Mr.
16 Brewer?

17 A. It made it more or less worthless.

18 Q. Worthless?

19 A. Yeah.

20 Q. During that first year, did you two live
21 together?

22 A. Yes.

23 Q. Were you living this in that house?

24 A. Yes.

25 Q. How often did his son come?

1 A. He came -- well, that first summer he was with us
2 the whole time; and then he stayed with us on the
3 weekends.

4 Q. All right. And his mother allowed him to stay
5 with you both for the whole summer?

6 A. Right. I don't remember what she was doing at
7 that time, but we had him the whole summer.

8 Q. And then he would come on the weekends?

9 A. Yeah, he started school. We made sure to get a
10 house in the good school district because the one she was
11 living in was not good. We wanted him to go to a good
12 school. So he --

13 Q. How would you characterize your relationship with
14 Mr. Brewer's son?

15 A. Well, he already had a mom so it wasn't like
16 that. It was more -- it was more like I was a big sister
17 to him. He had grown -- I had grown-up with young
18 children in the house. He was like a little brother to me
19 in a way. There was a little bit of mothering going on.
20 It wasn't like that. He was more like a little brother to
21 me.

22 Q. Were you trying to take over for his mother?

23 A. No.

24 MS. WILLMOTT: This might be a good time to stop.

25 THE COURT: All right. Ladies and gentlemen,

1 Monday, 9:30. Monday, 9:30. Please remember the
2 admonition. Are there any questions?

3 JURY PANEL: (No oral response.)

4 THE COURT: You are excused.

5 (Whereupon, the Jury exited the courtroom.)

6 THE COURT: The record will show that the jury
7 has left the courtroom. Miss Arias, you may step down.

8 (Whereupon, proceedings were had which were
9 not transcribed at this time.)

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C E R T I F I C A T E

I, **MARLA F. ARNOLD**, Official Certified
Reporter herein, hereby certify that the foregoing is a
true and accurate transcript of the proceedings herein all
done to the best of my skill and ability.

Dated at Phoenix, Arizona, this 11th day of
January, 2015.

/s/ 

MARLA F. ARNOLD, CR, RPR

Certified Reporter No. 50870