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SAN LUIS OBISPO, CA; FRIDAY, JULY 26, 2019

MORNING SESSION

DEPARTMENT 11 HON. ERIN M. CHILDS, COMMISSIONER

--o0o--

THE COURT: Are we ready?

Do we have witnesses in the courtroom that
need to be excluded?

MR. VOGEL: Yes, Your Honor.

THE COURT: On the Court's own motion, if you
are here to be a witness, I'm going to ask you to wait
in the hallway, and, if it's your turn to testify, we'll
come and get you. So if you're here to testify, have a
seat in the hallway.

Okay. So let's have the attorneys state their
appearance for the record, please.

MR. VOGEL: Good morning, Your Honor.

David Vogel representing Ashley Harris,
Petitioner.

MR. ANGELUCCI: Good morning, Your Honor.
Marc Angelucci for Jerry Cox, Respondent.

THE COURT: All right. Both parties are
present.

This is Ms. Harris's request for a domestic
violence restraining order.

Is it still your position today to request one
up to five years?

MR. VOGEL: Yes, Your Honor.

THE COURT: Okay. Would you like to make an

1 opening statement?

2 MR. VOGEL: Yes, Your Honor.

3 THE COURT: Okay.

4 MR. VOGEL: Your Honor, in this case, back in
5 2015, out in Mariposa County, there was an incident in
6 which my client was at Mr. Cox's ranch for three days.
7 She was not able to leave the ranch. She was physically
8 assaulted and sexually brutalized. She reported this to
9 the Mariposa County police the same day that she was
10 able to leave the ranch, which was Friday, the 13th, and
11 contacted deputies at the Mariposa Sheriff's Office.
12 She was bruised and battered. She underwent a SART
13 medical exam to determine her injuries and also to check
14 for traces of sperm and other matters. Based on that, a
15 charge was filed against Mr. Cox. The matter was
16 prosecuted for a while. Ultimately, it was dismissed
17 based on the DA's determination that he couldn't go
18 forward with the case. Subsequent to its dismissal,
19 while Ms. Harris was living here in San Luis Obispo
20 County -- she was under a criminal protective order
21 during the pendency of this matter, but then Mr. Cox or
22 his friends started to post on social media extremely
23 inflammatory and hurtful and false statements about
24 Ms. Harris in order to cause her emotional harm and
25 also, supposedly, to vindicate his name. Now, if he
26 were trying to just vindicate his name, all he has to do
27 is say that these were false allegations, but, instead,
28 the social media posts were extremely inflammatory. One

1 is entitled "Grifter Expert Con Artist." Then Mr. Cox
2 went forward and filed a lawsuit against Ms. Harris for
3 defamation. He's entitled to do that. It has been
4 dismissed, but what he also did is -- when this matter
5 was served on Ms. Harris, there was no public reason or
6 no public knowledge of where she was located. She was
7 frightened of Mr. Cox and had moved to a location which
8 she thought was safe and secure; nonetheless, Mr. Cox,
9 who had hired a private investigator, was able to find
10 out where she lived and served Ms. Harris with this
11 lawsuit. But he didn't just serve her for the lawsuit,
12 which would have been within his rights. He took a
13 video of the service of process at her house where
14 she -- and showed her being served in a location she
15 thought was private, and then it was posted on YouTube
16 with the title "Grifter Cries Wolf Served."

17 Now, we know that Mr. Cox was responsible for
18 this because, in YouTube itself, he published a comment
19 where he talked about Ms. Harris perpetrating false rape
20 allegations. And so, again, it's one thing to try to
21 vindicate your rights. It's another thing to go on a --
22 how would you say -- a crusade of vengeance, which is
23 what he has been doing in a very hurtful way that not
24 only has frightened my client but has hurt her
25 reputation and is intended to do so.

26 There was a subsequent posting in April of
27 2019 on Facebook that says, "I'm horny." It's a
28 photograph of -- a very suggestive photograph of

1 Ms. Harris that she had actually sent to Mr. Cox when
2 they were in the process of getting to know each other,
3 but then it has a photoshopped "I'm horny," on the
4 photograph that was imposed by someone other than my
5 client. And this was posted on Facebook under the name
6 "Undefeated." And so this was actually subsequent to
7 this Court imposing a no contact or restraining order on
8 Mr. Cox.

9 There were other -- there's another post,
10 "Undefeated," which shows pictures of Mr. Cox when he
11 was a little kid and now, saying, [READING] As long as
12 women who accuse men of sexual attacks are believed
13 without evidence or due process, no one is safe.

14 And then as late as -- I believe it was in
15 July, there was another posting in Facebook which
16 photoshopped a long nose -- a Pinocchio nose on
17 Ms. Harris. This was again posted on this website,
18 "Undefeated," and accusing her of false accusation of
19 rape.

20 So it's one thing to try to vindicate yourself
21 through the legal process and through normal ways of
22 proving your innocence. It's another thing to
23 continually attack someone who's already been brutalized
24 and feels like a victim.

25 So this has been continuing up until recently,
26 Your Honor, and we're just asking that there be no
27 contact between Mr. Cox and Ms. Harris of any nature and
28 that these social media postings stop because, even if

1 they are not done by Mr. Cox, they are done by people
2 who are aligned with him and who he likely has control
3 over. And so all we are asking the Court is to get this
4 harassment to stop. We're not here to try a rape case,
5 Your Honor. That happened in Mariposa County in 2015,
6 but --

7 THE COURT: Can I ask you a question,
8 Mr. Vogel?

9 MR. VOGEL: Yes, Your Honor.

10 THE COURT: Are you asking for a restraining
11 order on the allegations that Mr. Cox raped your client?

12 MR. VOGEL: That is one of the allegations --

13 THE COURT: So the alleged attack at his ranch
14 and then the subsequent social media harassment?

15 MR. VOGEL: Correct.

16 THE COURT: Okay.

17 MR. VOGEL: Okay. And so that is -- that is
18 what we're asking for, and we would ask that it be for
19 five years. And one of the reasons is Mr. Cox has shown
20 that he has resources to get documents that should not
21 be provided to him, and, you know, he has a private
22 investigator who's found her address. And so she's very
23 scared of this man.

24 THE COURT: Okay. Mr. Angelucci, opening
25 statement?

26 MR. ANGELUCCI: Yes, Your Honor.

27 Thank you.

28 This entire allegation of rape was absolutely

1 false from the start. She did stay on his ranch for a
2 few days, and they were, in fact, in a consensual sexual
3 relationship. This was back in 2015. She stayed there
4 for about three days during the period that she says he
5 locked her up and raped her, she couldn't get out, she
6 couldn't use the phone, she couldn't call anybody, she
7 says. There was a landline on the phone in the room
8 where she says to the police she didn't use it. She
9 says that she couldn't make calls out from the ranch.
10 Well, eventually, there -- we will have witnesses who
11 were there who will testify about what happened, but,
12 eventually, when the police did a download of the
13 phones, they found she had made several calls and over
14 100 -- about 166 texts during that time during that
15 three-day period. One of her phone calls was a
16 20-minute phone call to a friend named Marlon who told
17 the police in the interview that she never told him
18 anything that she was being held against her will or
19 raped or anything like that.

20 When the police started finding all of these
21 things that were completely inconsistent, eventually --
22 it took his defense attorney a long time to get ahold of
23 this evidence because, at first, the police didn't take
24 the phones and do forensic downloads. It took them
25 months to do that; so this case dragged on for a long
26 time. And, in fact, he was kicked off his ranch when
27 they did a raid, and they came up with some violations.
28 He was ejected, but he's now back on the ranch.

1 Eventually, the district attorney not only saw
2 those downloads of the phone but also saw that she took
3 a deposition in her Workers' Compensation case in which
4 she denied -- she was making a claim that she was
5 injured from work. And when they asked her about being
6 raped or sexually assaulted, she said she didn't
7 remember any such thing. And so, of course, she
8 wouldn't have expected that the defense attorney would
9 have gotten ahold of the deposition, but they did. And
10 when the district attorney saw all of that, the district
11 attorney not only dismissed the case, but among other
12 things that I haven't mentioned that will come out in
13 the testimony --

14 MR. VOGEL: Your Honor, if --

15 MR. ANGELUCCI: -- the district attorney
16 stated on record, in public, that the reason they
17 dismissed it was because she had lied. And we have that
18 video. He took it himself. This whole thing has
19 snowballed for Mr. Cox, kicked off his ranch. He's now
20 dealing with the county -- a receiver was on his ranch
21 for a year and a half. He was homeless for a year and a
22 half. Now he's on food stamps. It has destroyed him
23 and destroyed his business.

24 There are many other things to go into here
25 about this. Some of these things that he's referring to
26 that were posted on the Internet were not done by Jerry
27 Cox; however, yes, he does post things because he's been
28 not only falsely accused but destroyed by this. And

1 people who are falsely accused are in a mental prison.
2 They have to do something, and that's what he does.
3 He's not trying at all to harass her. He has had no
4 contact with her since 2015, other than when he had her
5 served. And the reason he videotaped that service was
6 because he knows, if she's a habitual liar, she will
7 claim she wasn't served. So he had to videotape that.
8 As far as I know, the video doesn't show her address or
9 anything like that, but he had to video it.

10 So things are going to come out during the
11 testimony in this case, but it's just very important to
12 understand why he posts these things. He is trying not
13 to just vindicate himself but to warn others about what
14 is going on here.

15 Thank you, Your Honor.

16 THE COURT: First witness, Mr. Vogel?

17 MR. VOGEL: Yes, Your Honor. Jerry Cox, I'd
18 like to call.

19 THE COURT: Mr. Cox, this is our witness
20 stand. If you would please approach it.

21 THE WITNESS: Sure.

22 THE COURT: Once you get there, remain
23 standing and raise your right hand to be sworn in.

24 THE COURTROOM CLERK: Do you solemnly state
25 under penalty of perjury that the evidence you shall
26 give in this matter shall be the truth, the whole truth,
27 and nothing but the truth?

28 If you understand and agree, say, "I do."

1 THE WITNESS: I do.

2 THE COURT: Okay. You can have a seat.

3 We have a court reporter here today; so if you
4 would please remember to direct all of your answers out
5 toward counsel table, to speak slowly and clearly, and
6 wait for the entire question before you answer.

7 Please state your name and spell it for the
8 record.

9 THE WITNESS: Jerry Cox, J-e-r-r-y C-o-x.

10 THE COURT: Okay. Thank you.

11 JERRY COX (for the Petitioner)

12 called as a witness, being first duly sworn,
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MR. VOGEL:

16 Q. Mr. Cox, on November 13th, 2015, were you
17 contacted at the jail by a Deputy Atkinson?

18 A. Yes.

19 Q. And he interviewed you?

20 A. Yes.

21 Q. And did he ask you if you had had any sexual
22 encounters with Ashley on that Wednesday night?

23 A. Thursday night.

24 Q. Well, according to his report, he says he
25 asked if you had had any sexual encounters on Wednesday
26 night.

27 Did he ask you that question?

28 MR. ANGELUCCI: Objection. Not in evidence.

1 He has not admitted anything showing that that's when it
2 was asked. If he wants to ask a question of the
3 witness, he needs to state --

4 THE COURT: So the objection is sustained.

5 And I don't need any speaking objections. You
6 can just make your objection, and I'll rule on it.

7 MR. VOGEL: Okay.

8 Oh. I'll --

9 MR. ANGELUCCI: I'm sorry?

10 THE COURT: No speaking objections. You can
11 just make your objection, and I'll rule on it.

12 MR. ANGELUCCI: Just state, "Objection"?

13 THE COURT: Yes. And then state your
14 objection, but you don't need to elaborate on it.

15 BY MR. VOGEL:

16 Q. Okay. Did he ask you if you had had any
17 sexual encounters with Ashley that Wednesday night?

18 A. I thought he said, "Thursday."

19 Q. Say he said, "Thursday," and did you answer
20 that you did not nor had you ever had any sexual
21 encounters of any sort with her?

22 A. On Thursday.

23 Q. No. Ever.

24 A. I was referring to him on Thursday.

25 Q. Is this what you said: You did not, on
26 Thursday, nor had you ever, e-v-e-r -- ever, meaning
27 forever and ever -- had any sexual encounters of any
28 sort with her?

1 A. We had a consensual relationship, but I
2 thought he was talking about Thursday.

3 Q. But did you use the word "ever"?

4 A. On Thursday, I never had sex with her ever.

5 Q. Do you recall him asking if, aside from that
6 night, had you ever had sexual encounters with Ashley?
7 And did you say to him you did not, and you had never
8 even kissed her?

9 A. On Thursday. That's how I interpret it.

10 Q. You mean when you said the word "ever"?

11 Okay. Did you -- say he asked you on --
12 whether you had sexual encounters on Thursday, and then
13 he said to you, "Aside from Thursday," and in his --
14 okay -- "had you ever had sexual encounters with
15 Ashley," and did you reply you did not, and you had
16 never even kissed her?

17 A. I thought he was talking about Thursday.

18 Q. When you used the word "ever"?

19 A. I heard him say, "Thursday."

20 So I said, "No, never."

21 Q. Never.

22 And did you [sic] ask if you had ever
23 performed any of the sex acts on Ashley that she had
24 alleged, and did you deny all allegations to all sex
25 acts that she alleged had happened?

26 A. We had a consensual relationship, but I did
27 not have sex with her on Thursday.

28 Q. Did he ask if, perhaps, you had been too

1 intoxicated on Wednesday night where something may have
2 occurred that you didn't remember?

3 A. No.

4 Q. Okay. Was there any reason that Ms. Harris
5 should have bruises on her?

6 A. That was makeup.

7 Q. Makeup?

8 A. Uh-huh.

9 Q. And how do you know it was makeup?

10 A. Our witness -- the female witness will tell
11 you later.

12 Q. Okay. Now, are you familiar with the website
13 The Dirty, gossip.thedirty.com?

14 A. I saw it about a year and a half ago. Someone
15 sent me a message, a fellow by the name of, I believe,
16 Andrew from Cal Poly.

17 Q. Did you have any items that you, yourself, had
18 been responsible for posting?

19 A. Not on The Dirty.

20 Q. Which social media websites have you posted
21 items about Ashley Harris?

22 A. Only on my YouTube channel.

23 Q. And what have you posted on your YouTube
24 channel?

25 A. When I served her, we had a female that
26 volunteered because we did not trust that we could serve
27 Ashley with just me being there; so we videotaped it.

28 Q. And did you post that on YouTube?

1 A. Yes, I did.

2 Q. And did you post it under the title "Grifter
3 Cries Wolf Served"?

4 A. Yes, I did.

5 Q. And did you make a comment on your YouTube
6 channel about her perpetrating false rape allegations?

7 A. I don't remember making any comments.

8 MR. VOGEL: If I could have that marked.

9 Now, I had originally had my numbering -- I
10 believe that would be Exhibit 2.

11 THE COURTROOM CLERK: Is Exhibit 1 a video?

12 MR. VOGEL: Exhibit 1 is this over here.

13 I'll have that marked Exhibit 1.

14 I believe the video is three.

15 THE COURTROOM CLERK: I'm not sure. I can
16 look.

17 MR. VOGEL: Okay.

18 Okay.

19 THE COURTROOM CLERK: Do you want these back?

20 MR. VOGEL: Yeah.

21 Thank you.

22 BY MR. VOGEL:

23 Q. Showing you what's been marked as Exhibit 2
24 [sic].

25 (Whereupon, Petitioner's Exhibit P-004 was
26 identified for the record.)

27 BY MR. VOGEL:

28 Q. Can you identify that.

1 A. Yes.

2 Q. Are those your comments?

3 A. That's actually part of the dialogue of the
4 video. It's not a comment. It just goes with the
5 video.

6 Q. Where you have, underneath the video, written
7 comments under your name, are those yours?

8 A. It's just commentary that's cut and pasted
9 from The Dirty site, but it's part of the dialogue that
10 went with the video. It's not me commenting on it.
11 It's just part of the dialogue.

12 Q. So you cut and pasted from The Dirty site onto
13 your YouTube channel posting under your name; correct?

14 A. Some of the comments that the people were
15 making on that page kind of stood out; so -- the
16 "grifter" part and a few things here or there. But it's
17 all truth.

18 Q. Okay. So this is your comments then, these --
19 these comments here?

20 A. Well, it's a dialogue. I didn't comment on
21 the video. It's just a dialogue that goes along with
22 the video.

23 MR. VOGEL: Okay. I would offer Exhibit 2
24 [sic].

25 THE COURT: Okay. Any objection?

26 MR. ANGELUCCI: No objection, Your Honor.

27 THE COURT: It will be admitted.

28 //

1 (Whereupon, Petitioner's Exhibit P-004 was
2 received in evidence.)

3 BY MR. VOGEL:

4 Q. Now, the Facebook site Undefeated -- who
5 started that Facebook site?

6 A. Four or five women in Mariposa County that is
7 all too familiar with Ashley Harris when she was in town
8 when -- a month and a half at that time.

9 Q. And what is your involvement with that
10 website?

11 A. Nothing, really. I mean, I hear they were
12 posting stuff right now, this morning, a couple things.
13 I'm not sure what. The Pinocchio thing that you talk
14 about, I saw that too. I didn't have any involvement.

15 Q. Do you have any influence over these people?

16 A. Not really. They know Ashley. They went to
17 Halloween parties with her, went to the bar with her
18 while she was in town, came out to the ranch.

19 Q. Okay. If she were to -- excuse me. If you
20 were to tell them that you were not allowed to have them
21 post anything, would they respect your wishes?

22 A. They're on their own. There's like 1,200
23 people on that page. There's four women -- middle-aged
24 women, I guess.

25 Q. Did you provide them with any information?

26 A. The video when I served her.

27 MR. VOGEL: Okay. I'd like to have this
28 marked as Exhibit 3 -- excuse me, Exhibit 4 [sic].

1 (Whereupon, Petitioner's Exhibit P-005 was
2 identified for the record.)

3 BY MR. VOGEL:

4 Q. Showing you what's been marked as -- showing
5 you what's been marked as Exhibit 4 [sic].

6 Can you identify that.

7 A. Yes.

8 Q. And what is it?

9 A. It's a text message that Ashley sent me about
10 two weeks after we were dating. I have it on my phone.

11 Q. About what date was that that she sent it to
12 you?

13 A. It was when she was in Avila Beach with a
14 friend because there was another picture that came
15 before that.

16 Q. Was that around Halloween time?

17 A. Probably.

18 Q. Okay. Did it have the capture "I'm horny" on
19 it when it was sent?

20 A. Yes, it did.

21 Q. That's your testimony?

22 A. Yes, sir.

23 Q. And that was a text message to you; correct?

24 A. Yes.

25 Q. And you provided it to these women who run
26 this Undefeated site; correct?

27 A. Actually, some other people had that picture
28 already.

1 Q. How did they get that picture?

2 A. One of the ladies -- her name is T. Thayer
3 [phonetic] -- her son is my best friend, and I had sent
4 the picture to her son. His name is Robert Thayer
5 [phonetic].

6 MR. VOGEL: Okay. I would offer Exhibit 4
7 [sic].

8 THE COURT: Any objection?

9 MR. ANGELUCCI: No objection, Your Honor.

10 THE COURT: Admitted.

11 (Whereupon, Petitioner's Exhibit P-005 was
12 received in evidence.)

13 THE COURT: Mr. Vogel, so Madam Clerk tells me
14 that the exhibits you're admitting into evidence don't
15 match the numbering.

16 MR. VOGEL: Oh. Oh, okay. If we could
17 correct it so that they match the order that --

18 THE COURT: Okay. So the one he has in his
19 hand is P-5?

20 THE COURTROOM ASSISTANT: So the "I'm horny"
21 picture is P-5.

22 MR. VOGEL: Oh, P-5?

23 Okay.

24 All right.

25 MR. ANGELUCCI: Would that be Exhibit 5?

26 I'm sorry.

27 THE COURT: P-5.

28 MR. ANGELUCCI: P-5.

1 THE COURT: Yes.

2 MR. VOGEL: And which one was four -- P-4?

3 THE COURTROOM ASSISTANT: Number 4 is the
4 screen shot of -- the screen shot of Jerry Cox's comment
5 on YouTube.

6 MR. VOGEL: So if we could also change them to
7 correspond to those numbers.

8 So the previous one would be P-4?

9 THE COURTROOM CLERK: Okay.

10 MR. VOGEL: Thank you.

11 I'll just get my -- I'd like to have this
12 marked to correspond to --

13 THE COURTROOM ASSISTANT: P-6, the
14 side-by-side picture.

15 (Whereupon, Petitioner's Exhibit P-006 was
16 identified for the record.)

17 BY MR. VOGEL:

18 Q. Okay. Showing you what's been marked as P-6.
19 Can you identify that?

20 A. Yes, sir.

21 Q. What is it?

22 A. That's a picture of me, I believe, in the
23 first grade and a picture of me probably about a month
24 ago.

25 Q. Okay. And who had -- how did the people in
26 the Undefeated site get a picture of you from first
27 grade?

28 A. The lady, T. Thayer, is close friends with my

1 Uncle George.

2 Q. And you provided it to them?

3 A. My Uncle George -- yeah, he has those
4 pictures.

5 Q. Did you tell him to provide it to him -- to
6 them?

7 A. Did I tell who?

8 Q. Your Uncle George to provide this picture to
9 them?

10 A. They asked me for a baby picture, and so I
11 sent them one, like, in the first grade. And then I
12 sent them a recent picture, and then they put the post
13 together.

14 Q. Wait a minute. I thought it was your uncle
15 that provided it to them.

16 A. My uncle.

17 Q. Your uncle?

18 A. George.

19 Q. George.

20 But you said you provided it to them right
21 now.

22 A. My Uncle George and -- and T. Thayer are good
23 friends. They talk every night. T. Thayer also talks
24 to my mother. We've known each other for, like, 12
25 years. She's one of the admins on the page. Yes.

26 Q. Okay. So you provided this picture to T.
27 Thayer; correct?

28 A. The baby -- the first grade picture, yes.

1 MR. VOGEL: Okay. Offer Exhibit P-6.

2 THE COURT: Any objection?

3 MR. ANGELUCCI: No objection.

4 THE COURT: It will be admitted.

5 (Whereupon, People's Exhibit P-006 was
6 received in evidence.)

7 MR. VOGEL: And I would ask to have that
8 marked P-7.

9 (Whereupon, Petitioner's Exhibit P-007 was
10 identified for the record.)

11 BY MR. VOGEL:

12 Q. Show you P-7.

13 Can you identify this.

14 A. Yes. I saw that the other day, maybe a week
15 ago.

16 Q. And when did you find out about it?

17 A. I didn't realize it was a picture of Ashley.
18 I don't even know if it still is, but if it is, then it
19 is.

20 Q. Okay. And was this photoshopped to look like
21 Pinocchio?

22 A. I guess.

23 MR. VOGEL: I would offer P-7.

24 BY MR. VOGEL:

25 Q. And that's on the Undefeated site in Facebook?

26 A. Yes. I saw it there about a week ago.

27 Q. Did you talk to T. Thayer about it?

28 A. No. That one, I'm not familiar -- there's

1 other admins, a lady named Shayla, another lady named
2 Emma. I don't know who put that one up.

3 THE COURT: I'm sorry to interrupt.

4 Did you ask that this be admitted?

5 MR. VOGEL: Yes. I would offer that.

6 THE COURT: Any objection?

7 MR. ANGELUCCI: No objection.

8 THE COURT: All right. It will be admitted.

9 (Whereupon, People's Exhibit P-007 was
10 received in evidence.)

11 BY MR. VOGEL:

12 Q. So did Ashley Harris come out to your ranch
13 between November 11th and November 13th?

14 A. She was there a month and a half prior, off
15 and on, continuously.

16 Q. My question was was she on your ranch between
17 November 11th and November 13th?

18 A. Yes, sir.

19 Q. Okay. And during that time, did you have what
20 might be termed "rough sex"?

21 A. I just -- when we did have sex, the last time
22 was on Sunday after the wedding. My buddy Tex had a
23 wedding. We came back with some dates, and then, the
24 morning after, we had sex. But it wasn't rough sex, no.

25 Q. So it wouldn't cause any injuries?

26 A. No.

27 Q. Okay. Did you hire a private investigator in
28 this case -- in the criminal charge -- in the criminal

1 case against you?

2 A. Tony Serra from the Bay Area had two
3 investigators, yes.

4 Q. Okay. Who were working for you?

5 A. For Tony Serra, the lawyer.

6 Q. And was Tony Serra working for you?

7 A. Yes.

8 Q. And did Mr. Serra obtain a SART report -- a
9 sexual assault medical examination report during the
10 course of your criminal trial -- or your criminal
11 investigation?

12 A. Yes.

13 MR. ANGELUCCI: Objection. It's a little
14 unclear. I don't know how much this is within his
15 knowledge. He's not an expert. I'm not sure whether
16 there's even a good enough foundation on this, asking
17 him whether she obtained a report.

18 THE COURT: So the objection is lack of
19 foundation?

20 MR. ANGELUCCI: Yes. I'm sorry about the
21 speaking, but --

22 BY MR. VOGEL:

23 Q. Okay. Did you review evidence with Tony Serra
24 during the pendency of your criminal investigation?

25 A. Yes.

26 Q. And was one of those a forensic medical
27 report, sexual assault examination?

28 A. Yes.

1 MR. VOGEL: If I could have that marked?
2 I believe that's Exhibit 1.

3 THE COURTROOM CLERK: It is.

4 (Whereupon, People's Exhibit P-001 was
5 identified for the record.)

6 BY MR. VOGEL:

7 Q. Showing you what's been marked as P-1.
8 Are you familiar with this?

9 A. I have really bad eyesight, but I'll look at
10 it.

11 Q. Okay.

12 A. I've never seen this before, but I know we did
13 a report -- or there was one done. But I've never seen
14 this, as far as I can remember. I might have, but I
15 don't remember.

16 MR. VOGEL: Okay. Nothing further, Your
17 Honor.

18 THE COURT: Any testimony you would like to
19 elicit from your client, Counsel?

20 MR. ANGELUCCI: Yes, Your Honor.

21 THE COURT: Okay.

22 CROSS-EXAMINATION

23 BY MR. ANGELUCCI:

24 Q. Mr. Cox, did you ever force Ashley to do
25 anything?

26 A. Absolutely not.

27 Q. Did you ever rape her?

28 A. Absolutely not.

1 Q. Did you ever sexually assault her?

2 A. No, sir.

3 Q. Did you ever assault her at all?

4 A. Not her or anybody.

5 Q. When did you first meet Ashley?

6 A. First date was in Fresno about a month and a
7 half prior.

8 Q. Around when would that be?

9 A. I would want to say -- let's see here.
10 November -- like end of September.

11 Q. And did you start -- and you met on a --
12 where -- how did you meet?

13 A. Farmersonly.com. Someone recommended I get on
14 there.

15 Q. And did you start dating?

16 A. Yeah. The first date, we had consensual sex
17 that day -- that night.

18 Q. I'm sorry. Did you -- around what date was
19 that consensual sex?

20 A. It was, like, the end of September. We had a
21 hotel room in Fresno after dinner.

22 Q. In 2015?

23 A. Yes.

24 Q. And did you have sex after that?

25 A. We had sex about three times. Another time
26 was right after the wedding and then some other time in
27 between.

28 Q. Now, over time, when you were dating her, did

1 you start -- did you notice anything strange?

2 A. At the wedding, my buddy's date says, "Your
3 friend's really off. We went to the bathroom, and
4 within 15 minutes, she started talking to me about how
5 she was raped before," and it freaked her out. So we
6 left the wedding early.

7 And the reason why I took her out on Thursday
8 was I was going to talk to her and try to tell her I'm
9 not interested in her. I wasn't at the ranch for the
10 last three days on purpose because it was starting to
11 bother me that she was telling people that she had been
12 raped before by people.

13 Q. Did other people say this to you?

14 A. Yes. Yes.

15 Q. So eventually, what was it, November 11 that
16 you returned to the ranch?

17 A. I was gone, and she was there. I was gone --
18 she was there with my friends. I was gone on Sunday
19 during the day, Monday all day, Tuesday all day, and
20 then, on Wednesday, I got a text from her that said,
21 "Are you coming to the ranch? I'm coming back from
22 seeing my shrink with wine and cheese," blah, blah,
23 blah. So I showed up on Wednesday.

24 Q. Now --

25 A. I mean, I tried to stay away for three days,
26 but I came back.

27 Q. And that was Wednesday, November 11th?

28 A. Yes.

1 Q. And what friend was she with when you got
2 there?

3 A. Aaron and Darlene, who had just left the room.
4 She was with them constantly going to Oakhurst and
5 Merced and here and there.

6 Q. Aaron, A-a-r-o-n?

7 A. Yes.

8 Q. Aaron -- last name, please.

9 A. Rivera, R-i-v-e-r-a.

10 Q. And Darlene --

11 A. Windham, W-i-n-d -- something -- h-a-m.

12 Q. Who were they to you?

13 A. They're just friends.

14 Q. So when you got there on Wednesday, around
15 what time did you get there?

16 A. I got there after dark, right about dark, and
17 everybody was in the kitchen drinking wine and making
18 tacos or something.

19 Q. And what happened next?

20 A. I went to bed around 10:00. I usually go to
21 bed around 10:00. Everybody else stays up late.

22 Q. Did you have sex that night?

23 A. No.

24 Q. Okay. And did anyone else sleep in the room
25 with you that night?

26 A. Ashley was out talking to Armando, which is my
27 other friend that was there too, and then I heard --
28 from what everybody says, she went to bed around 12:30

1 in my room.

2 Q. But you don't recall her --

3 A. I know she was there, but I didn't have sex
4 with her.

5 Q. And what happened the next morning?

6 A. Everybody got up. They were trying to teach
7 her how to cook breakfast for me, like, you know, "If
8 you want to be a good woman, you have to learn how to
9 cook," they were saying to her. And we had some coffee,
10 and then I went with Armando to work on a RZR, which is
11 a machine that I used on the ranch. It's like a
12 side-by-side, and we went and worked on that all day, me
13 and Armando.

14 Q. And that would have been Thursday?

15 A. Yeah. We came back at about 5:30.

16 Q. That would have been November 12th; right?

17 A. Yes.

18 Q. And what happened when you returned?

19 A. Ashley, Aaron, and Darlene were all there, and
20 Armando and I showed up. And then I took Ashley to
21 dinner.

22 Q. Where did you go?

23 A. Castillo's restaurant.

24 Q. In....

25 A. In Mariposa.

26 Q. Just the two of you?

27 A. Just the two of us, but there was a friend of
28 mine that was there that owns a business in town that

1 saw us out. And we talked to him, and he testified that
2 we were out on Thursday, same with the waiter. Ashley
3 ordered two margaritas. I ordered the usual. I get a
4 combination platter, and then we left.

5 Q. When you came back, what happened?

6 A. Came back to the ranch. Aaron was there. We
7 were going to give him some of the burrito or something,
8 some food from the restaurant. Darlene was there. And
9 then they left, and I went to seep.

10 Q. This was Thursday night?

11 A. Thursday night, yes.

12 Q. Did Ashley eventually come into the bedroom
13 with you?

14 A. She was with me, yes.

15 Q. And you slept in the room that night?

16 A. Yes. I was beside myself. I was trying to
17 figure out a plan to kind of exit the relationship.

18 Q. That night?

19 A. The whole week.

20 Q. Did you have sex that night, Thursday night?

21 A. No. No, sir.

22 Q. And the next morning, what happened? This
23 would have been Friday, November 13th.

24 A. She got up. She was smoking a cigarette on
25 the front porch. Darlene shows up in the morning with
26 Aaron. They're hanging out on the rocking chairs on the
27 front porch smoking cigarettes. I'm cleaning the house,
28 and then -- we had agritourism guests coming to the

1 ranch, and they were at the gate early. So I look at
2 the house, and Ashley says, "The house is clean." So I
3 opened the microwave just to test to see if it's clean,
4 and the microwave looked like a cheeseburger went off.
5 So I looked at the floor. It was all dirty. Then I
6 went back out on the porch, and they both said, "We
7 cleaned the cabin."

8 And I said, "Well, it's not clean. You've got
9 to get out," because they're dirty. They're dirty
10 people.

11 And they go, "What?"

12 And I go, "Yeah, you've got --" and I said
13 profanity. I said, "You've got to get the fuck out,"
14 and I looked at Ashley and said that.

15 And Darlene and Ashley were just sitting there
16 kind of like for a second like this. And then they just
17 got up from the chair, and they left.

18 And then Aaron was walking with them, and I
19 said, "Amigo --" I call him amigo because he's a little
20 Mexican friend of mine. We're just friends that way. I
21 says, "Come back," and he came back. I go, "I didn't
22 mean to kick you out." I just said, "We need to clean
23 the cabin. It's filthy. We've got people at the gate
24 waiting," and so we cleaned the cabin. And that was it.

25 Q. And then did Ashley leave at that time?

26 A. Yes, she did. She walked with Darlene over to
27 the shop, and then I saw her drive to the office, grab a
28 bottle of wine or something, and then I saw her leave.

1 And then I think Darlene left a little bit after, like
2 maybe 20 minutes after, ten minutes after, something
3 like that. And there was customers at the gate that saw
4 both of them, and they waved or whatever and said,
5 "Good-bye," or whatever they say when you see people at
6 the gate. I don't know. Then they just locked the gate
7 behind them and went down to the airport and had three
8 or four beers for two or three hours that -- right
9 afterwards, the two of them.

10 Q. And is there -- that room that you slept in
11 with Ashley, is there a phone in that room, a landline?

12 A. Yes, there is.

13 Q. And where is it located?

14 A. Right on the wall next to the door.

15 Q. Does it work?

16 A. Yes, it does.

17 Q. Was it working at that time?

18 A. Yes, it was.

19 Q. Does it call long distance?

20 A. No, it doesn't.

21 Q. But it does call local?

22 A. Yes.

23 Q. Did you know whether Ashley was aware of that
24 phone?

25 A. Yes, because Darlene called her roommate, and
26 I was standing there. It was probably, like, Thursday
27 when we came back from work, and she was on the phone
28 with her roommate. And Ashley witnessed the whole

1 thing.

2 Q. Okay.

3 A. Yeah.

4 Q. Did you ever tell anything to Ashley about the
5 landline that you recall?

6 A. No, I never said anything about it.

7 Q. And the landline is visible?

8 A. Yeah. It's just a phone on the wall about
9 shoulder height.

10 Q. Do you know a Marlon McLaughlin?

11 A. No.

12 Q. When you went to Castillo's, did you drink any
13 alcohol?

14 A. No.

15 Q. Did Ashley?

16 A. Yes.

17 Q. Do you remember how much?

18 A. She just had two glasses of margaritas I paid
19 for.

20 Q. And do you remember the name of the waiter?

21 A. Aldo, A-l-d-o.

22 Q. How do you remember his name?

23 A. He's got an usual name.

24 Q. Do you go there regularly?

25 A. I used to. I haven't been back since.

26 Q. When you were at Castillo's, did Ashley offer
27 you to have any alcohol?

28 A. She did, yeah.

1 Q. What did you say?

2 A. "No." I don't really drink that much.

3 Q. Now, during the time she was there, did you
4 exchange text messages while you were away during those
5 three days?

6 A. Oh, what was that?

7 Q. I'm sorry. During those three days that she
8 alleges she was locked up on the ranch and unable to
9 leave and being raped, did you exchange text messages
10 with her while you were away?

11 A. Yeah, I think we did because she asked, like,
12 "Where were you," about 2:00 on Thursday. She was at
13 the cabin.

14 MR. ANGELUCCI: I've submitted my Exhibit A,
15 and I guess that would be R-A?

16 THE COURT: R-1.

17 (Whereupon, Respondent's Exhibit R-001 was
18 identified for the record.)

19 MR. ANGELUCCI: Oh, it's going to be R-1.

20 MR. VOGEL: Can you show me that.

21 MR. ANGELUCCI: Yeah.

22 THE COURT: Mr. Angelucci, can I ask you are
23 you using this as your direct of your client for your
24 case-in-chief, or will you be putting your client back
25 on the stand?

26 MR. ANGELUCCI: Oh, I see.

27 THE COURT: Whatever you attorneys want to do.

28 MR. ANGELUCCI: Yeah. Well, I'll just ask

1 these questions, and then I'll probably -- just a couple
2 more, and then I'll stop. This would be my -- this
3 would be my direct.

4 Although, I would be able to recall him if I
5 needed to; correct?

6 MR. VOGEL: We would object to the admission
7 of a police report as evidence.

8 THE COURT: Let me -- let's back up.

9 MR. VOGEL: Oh, okay.

10 THE COURT: So I'm just asking Mr. Angelucci
11 if he's using his -- well, it's basically
12 cross-examination, but it's your witness as your direct
13 for your case-in-chief; correct?

14 MR. ANGELUCCI: For now, yes. Yes, I am.

15 THE COURT: With the right to recall?

16 MR. ANGELUCCI: Right to recall, correct.

17 THE COURT: Is that all right with you,
18 Mr. Vogel?

19 MR. VOGEL: Yes, Your Honor.

20 THE COURT: Okay.

21 Okay.

22 MR. ANGELUCCI: So that's a copy of it.

23 And do you need me to bring you a copy, Your
24 Honor?

25 THE COURT: I have one.

26 MR. ANGELUCCI: You have one.

27 BY MR. ANGELUCCI:

28 Q. Okay. I'm going to hand you -- this has

1 Exhibit A, B, and C.

2 If you could just open Exhibit A.

3 And if you'll notice, on the lower right-hand
4 side, there are numbers.

5 Do you see these numbers?

6 A. Right.

7 Q. I'm going to be referring to those numbers
8 when I ask you to turn to a certain page.

9 If you could turn to page 50 -- or, actually,
10 49.

11 MR. VOGEL: And, Your Honor, I'll object to
12 this line of questioning. This Exhibit 1 is
13 inadmissible.

14 THE COURT: It is hearsay.

15 Is there an exception, Mr. Angelucci?

16 MR. ANGELUCCI: Well, right now, I'm just
17 asking him to confirm some things, but, yes -- yes, Your
18 Honor, under Taylor versus Centennial Bowl, police
19 reports are admissible if it's by the officer who
20 actually did the report as opposed to secondhand, and
21 that's because they're official records.

22 THE COURT: Are you having the officer here to
23 testify today?

24 MR. ANGELUCCI: No. The officer's not here.

25 THE COURT: I'd have to look up that case.

26 MR. ANGELUCCI: I have the citation, if you'd
27 like.

28 THE COURT: What is that citation, please?

1 MR. ANGELUCCI: It is 65 C2d 114, and the
2 citation number is 126.

3 THE COURT: Okay.

4 MR. ANGELUCCI: The page cite.

5 And it's Taylor versus Centennial Bowl, Inc.
6 The year is 1966.

7 THE COURT: And you're not asking to admit
8 this into evidence yet. You're just asking to try to
9 refresh your client's recollection?

10 MR. ANGELUCCI: Correct.

11 THE COURT: Okay.

12 MR. VOGEL: Your Honor, again, we would object
13 to this line of questioning refreshing his recollection
14 because this is a police report. This is not his police
15 report.

16 THE COURT: I would have to read that case.

17 My understanding of police reports is that
18 they're hearsay, unless you have the officer here to
19 substantiate them, lay the foundation, and authenticate
20 them; so I would have to read the Taylor case to see if
21 this is a new thing I'm not aware of.

22 MR. VOGEL: Your Honor, I don't even think
23 that would be necessary, if that's what he's
24 representing it to say. This doesn't qualify under his
25 own representation.

26 MR. ANGELUCCI: I'm sorry. I didn't
27 understand that part.

28 MR. VOGEL: If he is representing the Taylor

1 versus Centennial Bowl stands for the proposition that a
2 police report may be admissible under the limited
3 circumstances where the reporting person -- the police
4 officer is present to testify and authenticate it, we
5 don't have that. And so even if Centennial Bowl were
6 the dispositive case, it doesn't apply here.

7 THE COURT: Is that what you're saying,
8 Mr. Angelucci?

9 MR. ANGELUCCI: My understanding from reading
10 the case is that if it's by the police officer as
11 opposed to it being secondhand -- if it's by the police
12 officer in charge of the investigation as opposed to it
13 being someone who gathers some evidence, for instance,
14 in the back room and then writes a report about that --
15 if someone goes out to the site, interviews the witness
16 directly, my understanding is that it's an official
17 record. It's an official report, but, for now, I'm only
18 asking for refreshment of his memory.

19 THE COURT: Okay. Well, then I'll reserve the
20 ruling.

21 He has to follow the procedure for refreshing
22 recollection. If he can't remember, then you can
23 refresh his recollection.

24 MR. ANGELUCCI: Correct.

25 THE COURT: Okay.

26 MR. ANGELUCCI: I understand.

27 THE COURT: Why don't you close that exhibit
28 because we're not there yet.

1 You can ask your questions, Mr. Angelucci,
2 and, if he can't remember, then you can refresh his
3 recollection, I suppose.

4 MR. ANGELUCCI: Okay. I'll hold off on this
5 for now. I'll hold off on this for now --

6 THE COURT: Okay.

7 MR. ANGELUCCI: -- and bring it up later.
8 That's fine.

9 THE COURT: Okay.

10 MR. ANGELUCCI: Just a moment.

11 BY MR. ANGELUCCI:

12 Q. Now, eventually, was this case dismissed?

13 A. Yes.

14 Q. And were you informed as to why it was
15 dismissed?

16 MR. VOGEL: Objection. Hearsay.

17 THE COURT: The question is were you informed,
18 so, technically, no.

19 I'm going to overrule the objection on hearsay
20 at this time.

21 THE WITNESS: Yes.

22 BY MR. ANGELUCCI:

23 Q. Okay. And what -- what -- who informed you?

24 A. The district attorney.

25 Q. Which one?

26 A. Thomas Cook.

27 Q. And Thomas Cook was the district attorney for
28 what county?

1 A. Mariposa County.

2 Q. Mariposa.

3 And did he talk to you directly over the phone
4 or in person when he said this?

5 A. I went to a republican meeting, and afterwards
6 he told me.

7 Q. At the meeting?

8 A. Yes.

9 Q. What did he say?

10 MR. VOGEL: Objection.

11 THE COURT: Sustained.

12 THE WITNESS: He said --

13 THE COURT: No. You can't answer that.

14 THE WITNESS: Oh. I'm sorry.

15 THE COURT: It has to be a new question.

16 BY MR. ANGELUCCI:

17 Q. Was there -- was this after the police got
18 ahold of a deposition of Ashley in which she stated she
19 was not reaped?

20 MR. VOGEL: Objection. He's saying in which
21 she stated. The -- he's basically quoting from a
22 deposition that has not been entered into evidence yet.

23 THE COURT: Sustained.

24 BY MR. ANGELUCCI:

25 Q. Was this -- as far as you know, was this
26 before or after the police received the deposition of
27 Ashley?

28 A. Afterward.

1 Q. And was this before or after they did a
2 forensic download of your phone and her phone?

3 A. Afterward.

4 Q. Now, at some point in time, did you attend a
5 meeting -- a public meeting in which Thomas Cook was
6 speaking?

7 A. Yes.

8 Q. And was Thomas -- did you videotape that
9 meeting?

10 A. Yes.

11 Q. Part of it, at least?

12 A. Yes.

13 Q. And at that meeting, did somebody ask Thomas
14 Cook a question about your case?

15 A. Yes, a gentleman that actually met Ashley.

16 Q. And do you remember what the question was in a
17 short --

18 MR. VOGEL: Objection.

19 THE COURT: What's the objection?

20 MR. VOGEL: Hearsay.

21 THE COURT: Sustained.

22 MR. ANGELUCCI: Which question -- which of my
23 questions was sustained as hearsay? Because I was --

24 MR. VOGEL: Did someone ask a question and --
25 I believe you were going to get into what the question
26 was, and so I objected to that.

27 MR. ANGELUCCI: Well, okay. Now, that's not
28 being offered to introduce the truth of the matter

1 asserted. That simply asks whether he heard the
2 question being asked at the meeting; so --

3 THE COURT: State of mind?

4 MR. ANGELUCCI: Well, yeah, or what he saw --
5 something he saw occurred. He witnessed somebody ask a
6 question, and he's testifying that he saw that question
7 being asked. Then he's not introducing the question to
8 prove any proof of the matter asserted.

9 THE COURT: Okay. Then I'll change my ruling.
10 Overruled.

11 BY MR. ANGELUCCI:

12 Q. What did the district attorney -- what did
13 this person ask? Do you recall?

14 A. It wasn't directed directly at Ashley, but he
15 did say along the lines that they ruined my life by
16 dragging this fake rape case out for like 20 months.

17 MR. VOGEL: Objection, Your Honor.

18 BY MR. ANGELUCCI:

19 Q. What -- I'm sorry. What I'm asking is --

20 THE COURT: Well, let me --

21 BY MR. ANGELUCCI:

22 Q. -- what was the question --

23 THE COURT: Hold on, Mr. Angelucci.

24 What was the objection?

25 MR. ANGELUCCI: Sorry.

26 MR. VOGEL: Hearsay.

27 THE COURT: Overruled.

28 //

1 BY MR. ANGELUCCI:

2 Q. Basically, what was the question that the
3 person asked of Thomas Cook, if you recall?

4 A. It's on the video. Mr. Gary Edwards, who has
5 met Ashley, said to the DA -- I can't remember exactly;
6 so I don't really want to say it. But I know he was
7 mad, and I know he said something about 20 months and it
8 ruining my life and --

9 Q. If you don't know, I don't want you to guess.

10 A. Okay. Yeah.

11 MR. VOGEL: And, Your Honor, basis for my
12 objection is I've seen the video, and what is being
13 called a "question" was a statement by this person about
14 what had happened. It didn't even really call for a
15 response. It was a statement of what this person had
16 believed, and so that would be hearsay because it's
17 being offered for the truth.

18 THE COURT: I've overruled the objection.
19 Let's just move on.

20 MR. VOGEL: Oh, okay.

21 Okay.

22 MR. ANGELUCCI: And since there's a dispute
23 about what was said, I'd like to show -- introduce
24 the -- I've submitted the disk and -- because a question
25 was -- as I recall, the question was asked of the
26 district attorney --

27 THE COURT: Do we have a CD ROM drive?

28 (The Court and the judicial courtroom

1 assistant confer at the bench.)

2 MR. ANGELUCCI: I also have it on a thumb
3 drive, and it's on the Internet as well.

4 THE COURT: We can play video on the screen
5 from my computer.

6 MR. VOGEL: Okay. Your Honor, I have several
7 objections. The other is that this is a recording of a
8 statement, and we have no evidence that Mr. Cook
9 consented to his statement being videotaped.

10 THE COURT: Okay.

11 MR. VOGEL: A private -- well, it's a private
12 conversation among the people who are present.

13 MR. ANGELUCCI: I'll establish that.

14 THE COURT: Okay.

15 BY MR. ANGELUCCI:

16 Q. Mr. Cox, when you were videotaping, how far
17 were you sitting from Mr. Cook?

18 A. Probably about from me to you.

19 Q. And was it clear that you were videotaping?

20 A. Yes. He knew who I was.

21 Q. Were you holding a phone or --

22 A. Yes.

23 Q. And he could see it?

24 A. Yes, and he talked to me afterwards.

25 Q. He did?

26 A. Yes.

27 Q. So he knew you were videotaping?

28 A. He concurred.

1 Q. What kind of meeting was this?

2 A. It was a republican party. I got invited.

3 Q. Was he a speaker there?

4 A. Yes, he was.

5 MR. ANGELUCCI: That's all the questions I
6 want to ask about that foundation.

7 THE COURT: Do you want us to cue up your
8 video?

9 MR. ANGELUCCI: If you would, please, yes.

10 MR. VOGEL: And, Your Honor, without regard to
11 the ruling on the question, I would object to any
12 playing of a statement by Mr. Cook because that would be
13 hearsay because that is being offered for the truth of
14 what's being asserted.

15 THE COURT: Counsel?

16 MR. ANGELUCCI: Well, he's being asked, and
17 he's answering. And you could see in this room it's
18 kind of an excited utterance as well because the way
19 he's asking it. As Mr. Cox said, he was mad. It was an
20 emotional moment; so there is -- it's an -- asked and
21 answered, and it's also an excited utterance. He's a
22 public official speaking as well.

23 MR. VOGEL: Your Honor, that doesn't qualify
24 as an excited utterance. If someone forcefully says
25 something for the truth of what's being asserted at a
26 meeting, it's still hearsay.

27 THE COURT: Let's refocus. What we need to
28 know today -- what I need to know is whether or not

1 domestic abuse occurred, whether or not the rape
2 occurred, essentially. What this gentleman may think or
3 feel has no relevance to whether or not it actually
4 happened. I think the more relevant testimony and more
5 important testimony would come from your client and
6 Ms. Harris as to what allegedly occurred at the ranch;
7 so --

8 MR. ANGELUCCI: Well, I would just make an
9 offer of proof that the district attorney says on there,
10 "We dismiss it because she lied." If Your Honor feels
11 that that's not important enough, then I'll submit on
12 that, but it says --

13 THE COURT: Well, it can't --

14 MR. ANGELUCCI: It goes to her veracity as
15 well. It's directly related to her veracity.

16 THE COURT: Well, that's the district
17 attorney's opinion. Also the burden of proof is much
18 higher than it is in this courtroom. It's beyond a
19 reasonable doubt, and here it's preponderance of the
20 evidence. So I really don't think it's relevant, and
21 we're spinning our wheels and wasting a lot of time and
22 not addressing what we really need to know, which is
23 whether or not this rape occurred at the ranch. So I
24 think we should just move on. I'm going to make my own
25 objection that it's not relevant.

26 MR. ANGELUCCI: The exhibit? That is
27 marked -- at least I have it as Exhibit C; so I guess
28 that would be R-3.

1 THE COURT: R-3.

2 (Whereupon, Respondent's Exhibit R-003 was
3 identified for the record.)

4 THE COURT: Okay. And are you trying to admit
5 that into evidence?

6 MR. ANGELUCCI: Yes, Your Honor.

7 THE COURT: Mr. Vogel, your objection?

8 MR. VOGEL: Not relevant, Your Honor.

9 THE COURT: Sustained. It won't be admitted.

10 BY MR. ANGELUCCI:

11 Q. Okay. Now, since 2015, have you -- other than
12 the time that you served -- you had Ashley served, have
13 you made any contact with Ashley at all?

14 A. Absolutely not.

15 Q. You still reside in Mariposa?

16 A. Yes, I do.

17 Q. She resides here?

18 A. Yes.

19 Q. Do you ever come here for any reason other
20 than these hearings?

21 A. I mean, I went to Cal Poly. I was president
22 of the Farm Management club here. I have friends, but I
23 haven't been back.

24 Q. Do you have any intention of contacting her?

25 A. Absolutely not. I don't want to be around
26 her.

27 Q. Do you have any intention of harassing her in
28 any way?

1 A. I've never harassed anybody.

2 MR. ANGELUCCI: Okay. That's all, Your Honor,
3 for me.

4 THE COURT: I have some of my own questions.

5 MR. ANGELUCCI: Sure.

6 THE COURT: I'm going to jump in here, and
7 then, Mr. Vogel, if you wanted to, redirect after I ask
8 mine?

9 MR. VOGEL: Sure.

10 THE COURT: Okay. I want to understand the
11 ranch.

12 Do you live on the ranch?

13 THE WITNESS: Yes, Your Honor.

14 THE COURT: So that's your home.

15 Is it your primary residence?

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: And so when you were testifying
18 earlier, you said that Ms. Harris had been at your
19 ranch, but you were away.

20 THE WITNESS: Yes, Your Honor.

21 THE COURT: What were you doing?

22 THE WITNESS: I went to my buddy Little Joe's
23 house, and I was laying some tile. And then I went and
24 got my teeth cleaned from a friend of mine who's a
25 professional hygienist.

26 THE COURT: So were you away for days at a
27 time or just during the day?

28 THE WITNESS: Days at a time.

1 THE COURT: Why were you staying away days and
2 not going back to your ranch to sleep?

3 THE WITNESS: Because Ashley was there.

4 THE COURT: Why was she there?

5 THE WITNESS: She was hanging out with her
6 friends, which are my friends, but they're her new
7 friends, Aaron and Darlene, that are outside.

8 THE COURT: Had you invited her to stay at
9 your ranch for a long period of time?

10 THE WITNESS: No, ma'am.

11 THE COURT: Did she invite herself to stay at
12 your ranch?

13 THE WITNESS: I felt claustrophobic. Yes.

14 THE COURT: Okay. And were you boyfriend and
15 girlfriend at that time?

16 THE WITNESS: It was developing until I
17 started hearing things about her talking about being
18 raped to people she barely knew. It wasn't me. It was,
19 like, past rapes or something like that.

20 THE COURT: So I'm trying to set up a timeline
21 in my head.

22 So you guys had your first date in Fresno in
23 late September of 2015.

24 THE WITNESS: Uh-huh.

25 THE COURT: And on that night, you guys had
26 sex?

27 THE WITNESS: Yes, Your Honor.

28 THE COURT: Consensual sex?

1 THE WITNESS: Yes, Your Honor.

2 THE COURT: Okay. And then after that, did
3 you go back home to Mariposa?

4 THE WITNESS: Yes, Your Honor.

5 THE COURT: And when was the next time you had
6 gone on a date with her?

7 THE WITNESS: She came back out to the ranch
8 two or three more times. You can't know anybody -- or
9 you can't know somebody right away. It takes time, but,
10 over time, after knowing her more and more, I started to
11 back out.

12 THE COURT: Okay. And so between November
13 11th and November 13th, she -- let's just say -- you're
14 saying she had kind of invited herself to your ranch;
15 right?

16 THE WITNESS: Yes. She left a message about,
17 "The rough sex we had the other night kind of triggered
18 something. [REDACTED] I'm coming back to the
19 ranch, though, with wine and cheese. Are you going to
20 be there?"

21 THE COURT: Okay. So was that on November
22 11th?

23 THE WITNESS: Yes.

24 THE COURT: And so had she been at your ranch
25 before November 11th?

26 THE WITNESS: Yes, many times, like four or
27 five times.

28 THE COURT: Okay. And so you were gone at

1 your friend's house from November 11th until when?

2 THE WITNESS: I was gone Monday, Tuesday,
3 Wednesday -- wait. Sunday, Monday, Tuesday, came back
4 Wednesday, and then Wednesday is the 11th.

5 THE COURT: Okay.

6 THE WITNESS: And everybody was in the kitchen
7 having tacos when I showed up.

8 THE COURT: So you -- so had she been, like,
9 living here on the coast?

10 THE WITNESS: Right.

11 THE COURT: And then she came to your house in
12 early November, and you had made yourself busy otherwise
13 at your friend's house laying tiles and getting your
14 teeth cleaned?

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: And so she said, "I'm coming back
17 with cheese and wine. Are you coming back to the
18 ranch?"

19 THE WITNESS: Yes, Your Honor.

20 THE COURT: And that was November 11th.

21 THE WITNESS: Yes.

22 THE COURT: And that's when you went back?

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: Okay. And on November 11th, you
25 did not have sex?

26 THE WITNESS: No, Your Honor.

27 THE COURT: And then November 12th, you did
28 not have sex?

1 THE WITNESS: That is correct, Your Honor.

2 THE COURT: And then on November 13th, did you
3 have sex?

4 THE WITNESS: No, Your Honor.

5 THE COURT: November 14th?

6 THE WITNESS: I was in custody then.

7 THE COURT: So you had not had sex at all from
8 November 11th until November 13th?

9 THE WITNESS: The last time we had sex was
10 Sunday morning, after the wedding, which would be three
11 days before the 11th, like maybe the 9th or something.

12 THE COURT: Okay.

13 THE WITNESS: Yeah.

14 THE COURT: And you mentioned that you had
15 agribusiness tourism?

16 THE WITNESS: Agritourism.

17 THE COURT: Okay. Agritourism.

18 And so I'm -- what does that mean? Tell me
19 what that is.

20 THE WITNESS: Families would show up at the
21 ranch, kids and parents and whatnot, and I had to show
22 them what it's like to be on a ranch. I built my log
23 cabins by hand, and I studied the environment. I used
24 to be state champion of vegetable crops, and so I take
25 people out on tours and show them what's edible and
26 what's not edible and stuff like that.

27 THE COURT: How big is your ranch?

28 THE WITNESS: It's 437 acres.

1 THE COURT: Okay. And does anyone live out on
2 the ranch with you?

3 THE WITNESS: Just me and my girlfriend at the
4 time. She's got a son, a three-year-old. We live out
5 there now.

6 THE COURT: Okay.

7 THE WITNESS: Yeah.

8 THE COURT: I have no further questions.

9 Mr. Vogel, would you like to redirect?

10 MR. VOGEL: Yes, Your Honor.

11 Thank you.

12 REDIRECT EXAMINATION

13 BY MR. VOGEL:

14 Q. Did you have anal sex with Ashley?

15 A. No, sir.

16 Q. Are you aware that the SART report indicated
17 that they obtained your DNA in Ms. Harris's anus?

18 MR. ANGELUCCI: Objection. No foundation.

19 THE COURT: Sustained.

20 You don't have to answer that.

21 BY MR. VOGEL:

22 Q. Did you discuss the results of the SART report
23 with your attorney?

24 MR. ANGELUCCI: Objection. Attorney-client
25 privilege.

26 THE COURT: Sustained.

27 MR. VOGEL: Okay. True that.

28 //

1 BY MR. VOGEL:

2 Q. Do you know the word -- what the word
3 "grifter" means?

4 A. I actually never heard of that word until two
5 years ago. I swear. I mean, I don't remember
6 understanding or hearing that word until a couple years
7 ago when I saw that site.

8 Q. But you've used that word; correct?

9 A. I figured out what it meant, and then I read
10 that site. And then I did use that word, yes.

11 Q. Okay. What does that word mean?

12 A. From what I gathered -- I never really looked
13 it up, but I think it's kind of like someone that has
14 gone around and maybe collects money, con artist,
15 insurance claims, stuff like that.

16 Q. That's exactly what it means.

17 A. Yeah.

18 Q. Okay. So how many times has Ms. Harris hit
19 you up for money after this arrest?

20 A. This whole ordeal has costed me over a half a
21 million dollars.

22 Q. How many times have you paid her money since
23 this arrest?

24 A. I haven't paid her any money, no.

25 Q. Has she asked you for money since this arrest?

26 A. I have not talked to her since that day, no.

27 Q. Did she file a lawsuit against you as a result
28 of this case?

1 A. I'm the victim, but no.

2 Q. Have you filed a lawsuit against her?

3 A. I tried, yes, sir.

4 Q. But it was dismissed; correct?

5 A. Yes, yes.

6 Q. So "con artist" implies -- or "grifter" -- the
7 word "grifter" that you used on the YouTube when you
8 served her implies that she's doing this for the purpose
9 of getting money; correct?

10 A. Well, maybe not this, but other things.

11 Q. Well, the implication, though, by using the
12 word "grifter" is that she's a con artist making this
13 allegation in order to obtain money; correct?

14 A. She's done things like this -- or she's
15 collected money -- insurance claims --

16 Q. My question is you use the term "grifter"
17 knowing what the word "grifter" means; correct?

18 A. I -- yeah. Yes.

19 Q. And the word "grifter" means someone who is
20 conning for the purpose of obtaining money; correct?

21 MR. ANGELUCCI: Asked and answered.

22 THE COURT: Sustained.

23 BY MR. VOGEL:

24 Q. And she has not asked you for any money from
25 you since this incident, has she?

26 MR. ANGELUCCI: Asked and answered.

27 THE COURT: Sustained.

28 MR. VOGEL: Okay. So -- no. No further

1 questions.

2 THE COURT: Mr. Angelucci?

3 MR. ANGELUCCI: Just quickly, yes, Your Honor.

4 RECROSS-EXAMINATION

5 BY MR. ANGELUCCI:

6 Q. What did you mean when you said, "grifter," in
7 reference to --

8 MR. VOGEL: Asked -- well, it's already been
9 answered by my questions.

10 THE COURT: Sustained.

11 MR. ANGELUCCI: Well, okay.

12 BY MR. ANGELUCCI:

13 Q. Are you aware of her having made false
14 accusations of others?

15 A. Yes.

16 Q. And how were you aware of that?

17 A. I've had people contact me.

18 Q. And what do they -- people have contacted you
19 about her making false accusations?

20 A. Well, she made money off the rape case by a
21 foundation called Mountain Crisis. They gave her
22 \$3,000.

23 Q. So you mean through the victim compensation --

24 A. Yes.

25 MR. VOGEL: I'll object to that. That is also
26 hearsay.

27 THE COURT: Overruled.

28 //

1 BY MR. ANGELUCCI:

2 Q. Did you also find anything on the Internet
3 about her?

4 A. Yes. I -- like I said, I was president of the
5 Farm Management club here at Cal Poly, and a guy named
6 Andrew contacted me.

7 Q. And what was Andrew --

8 MR. VOGEL: Objection.

9 THE COURT: Well, this sounds like it's going
10 to be hearsay.

11 Is there an exception to what you're about to
12 elicit?

13 MR. ANGELUCCI: I'll strike that.

14 THE COURT: Okay.

15 MR. ANGELUCCI: That's fine.

16 BY MR. ANGELUCCI:

17 Q. But this is what you mean when you say
18 "grifter"; am I correct? -- these kind of things about
19 Ashley?

20 A. Yes. And like I said, I've never used that
21 word before, and I don't remember even that word coming
22 into my vocabulary until two years ago.

23 Q. Okay. Now, you testified that you didn't have
24 sex the last -- you didn't have sex November 11.

25 Did you have sex November 10?

26 A. It was on Sunday, right after the wedding. We
27 had a double date -- my buddy Brandon and his date.

28 Q. Right. The reason I ask --

1 A. Yeah.

2 Q. And I'd like to refresh your memory on one
3 thing.

4 A. Sure.

5 Q. And the Court has -- you have the document I
6 gave you; right?

7 A. Sure.

8 Q. If the Court would look at my exhibit -- I
9 guess it would be R-1.

10 THE COURT: All right.

11 BY MR. ANGELUCCI:

12 Q. On page 50 -- and I'll wait.

13 THE COURT: R-1 is the declaration of Judy
14 Hankinson.

15 MR. ANGELUCCI: Yes. This was actually filed,
16 and that's why I'm asking -- we'll get there.

17 THE COURT: Bates stamped page 50?

18 MR. ANGELUCCI: Yes.

19 THE COURT: Okay.

20 BY MR. ANGELUCCI:

21 Q. If you go down to November 11, at 2:22:52
22 p.m. --

23 MR. VOGEL: And could you -- I'm not sure
24 which -- I do not have the same pagination you have.

25 MR. ANGELUCCI: Oh, you should.

26 MR. VOGEL: Wait a second.

27 Oh, yeah, here it is.

28 Wait a sec.

1 MR. ANGELUCCI: Yeah. That would have the
2 pagination.

3 MR. VOGEL: Thank you.
4 You know, it's cut off.

5 MR. ANGELUCCI: I'm sorry.

6 MR. VOGEL: I think the pagination was
7 intended on the far right, but I don't think it's there.
8 Okay. Got it.

9 MR. ANGELUCCI: When you're there, just let me
10 know.

11 Is everybody there?

12 MR. VOGEL: Yup. We're there.

13 BY MR. ANGELUCCI:

14 Q. When it says 11/15 -- the date of 11/11/15, it
15 says, "Ashley --"

16 MR. VOGEL: I'll object to this. This is
17 hearsay.

18 MR. ANGELUCCI: It says here -- well --

19 THE COURT: Overruled.

20 MR. VOGEL: It's a police report, Your Honor,
21 and it's not being used to refresh recollection.

22 MR. ANGELUCCI: That is what I'm refreshing --

23 MR. VOGEL: Truth of the matter asserted.

24 MR. ANGELUCCI: Okay. Let me ask a question
25 first.

26 THE COURT: Okay.

27 MR. ANGELUCCI: He's right.

28 //

1 BY MR. ANGELUCCI:

2 Q. Mr. Cox, do you remember you stated -- when
3 the Judge was asking you questions, you stated that she
4 texted you saying something about rough sex?

5 A. Yes, sir.

6 Q. Do you recall it saying that, "The last night
7 we had rough sex"?

8 A. No.

9 Q. Do you remember it said that?

10 A. It --

11 Q. Well, without looking at it right now.

12 A. Well, on the 11th, she text, "Last night --"
13 she's referring to Sunday because I wasn't home on
14 Monday, Tuesday, or during the day on Sunday.

15 Q. Okay. But is it your memory -- if you could
16 just -- without having looked at this exhibit, do you
17 recall her having said, "Last night's rough sex," or do
18 you remember -- or do you not remember?

19 A. I kind of interpreted it as the other day kind
20 of thing.

21 Q. Okay.

22 A. Yeah.

23 Q. If you could please look at that just to
24 refresh your memory. It says, [READING] It's kind of a
25 trigger, and last night's rough sex, K?

26 Do you recall that text coming in?

27 A. Yes.

28 Q. Okay. And -- and you're saying you didn't

1 have sex last -- the night before; right?

2 A. On the 10th, no, I was gone.

3 Q. Okay.

4 A. Yes.

5 Q. And so what -- did she also say things like
6 that that you just -- were a little wrong or off, and
7 you just --

8 A. The more time I spent apart from her, the
9 weirder things got, yeah.

10 Q. And then it's -- the next text says, [READING]
11 Not by your looks.

12 Do you recall that?

13 A. Yes.

14 Q. Okay. Um -- okay. I just wanted to see if
15 you recall so you could clarify.

16 Even though it says that, you did not have sex
17 even the night before that.

18 That's all.

19 A. Yes, yes. She's referring to Sunday
20 morning --

21 Q. Okay.

22 A. -- after the wedding.

23 MR. ANGELUCCI: That's all, Your Honor.

24 Thank you.

25 THE COURT: Okay. Mr. Vogel, anything else?

26 MR. VOGEL: No, Your Honor.

27 THE COURT: May this witness be excused?

28 MR. VOGEL: Yes.

1 THE COURT: Pending your right to recall.

2 MR. ANGELUCCI: Yes.

3 THE COURT: All right. You can have a seat
4 next to your attorney.

5 THE WITNESS: Thank you.

6 THE COURT: Madam Reporter, would you like to
7 take a break?

8 THE COURT REPORTER: Sure, Your Honor.

9 THE COURT: Okay. We're going to take a
10 15-minute break.

11 Mitch, do you need to close the courtroom?

12 THE BAILIFF: Yes.

13 THE COURT: Okay. We'll close the courtroom.
14 We'll be back at 10:45.

15 MR. ANGELUCCI: Are we able to leave things
16 here?

17 THE COURT: Yes.

18 THE BAILIFF: It will all be locked up.
19 (Whereupon, a recess was taken.)

20 THE COURT: Let's move on.

21 MR. VOGEL: Thank you, Your Honor.

22 THE COURT: Next witness, please.

23 MR. VOGEL: I'd call Ashley Harris.

24 THE COURT: Okay. Ms. Harris, if you'll walk
25 behind the table and over to the witness stand.

26 Remain standing, raise your right hand to be
27 sworn in.

28 THE COURTROOM CLERK: Do you solemnly state

1 under penalty of perjury the evidence you shall give in
2 this matter shall be the truth, the whole truth, and
3 nothing but the truth?

4 If you understand and agree, say, "I do."

5 THE WITNESS: I do.

6 THE COURT: Okay. You can have a seat.

7 Please remember to wait for the entire
8 question before you answer. If you hear "objection,"
9 wait, and then I'll rule on it. Please direct all of
10 your answers out toward the counsel table, and state
11 your name and spell it for the record.

12 THE WITNESS: Ashley Harris, A-s-h-l-e-y,
13 Harris, H-a-r-r-i-s.

14 THE COURT: Okay.

15 ASHLEY HARRIS (for the Petitioner)
16 called as a witness, being first duly sworn,
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MR. VOGEL:

20 Q. Ms. Harris, are you familiar with the
21 respondent in this case, Mr. Cox -- Jerry Cox?

22 A. Yes.

23 Q. And when did you meet Mr. Cox?

24 A. We met in Farmers Only, I believe, two
25 thousand -- okay. Well, 2015. Um, I'm not sure about
26 the month, but I do recall -- we did go on our dinner
27 date in Fresno first, and the first trip to the ranch
28 was around Halloween.

1 Q. Your first trip to the ranch was around
2 Halloween?

3 A. I believe so. I mean, we were -- I'm not
4 really sure because it was so long ago.

5 Q. Okay.

6 A. So I want to make sure that I don't say
7 something unless I'm 100 percent sure.

8 Q. Okay. Now, do you have problems with your
9 memory?

10 A. Yes.

11 Q. And why is that?

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16 Q. Okay. And so you went to the ranch around
17 Halloween?

18 A. I was there for Halloween.

19 Q. Mr. Cox said you were there off and on for
20 about two months.

21 Is that what he testified to?

22 A. Two months?

23 Q. Well, I -- you heard his testimony.

24 A. Yeah. I mean, I was last there in November;
25 so I would say over a month.

26 Q. Okay. Halloween would be October 30th.

27 A. September, October, November, so a month, I
28 think; right?

1 I'm sorry. I'm not good with dates/times.

2 Q. Okay. Because the allegations allegedly
3 occurred between November 13th and November --
4 November -- excuse me, November 11th and November 13th.

5 A. Oh, yeah, if we were talking about that trip,
6 yes, but I had been out there previously for Halloween.

7 Q. For Halloween?

8 A. Yeah.

9 Q. And had you gone there before Halloween?

10 A. I don't know if I had or not, but I -- we did
11 meet at the Elbow Room before --

12 Q. Okay.

13 A. -- for dinner. That part I agree with.

14 Q. Okay.

15 A. I'm not 100 percent sure what actual date I
16 first went out, but I know that I did spend Halloween
17 there.

18 Q. Okay. And do you recall going to Castillo's
19 restaurant in Mariposa?

20 A. Around -- on the 12th?

21 Q. Yes.

22 A. Yes.

23 Q. That was the 12th of November?

24 A. Yes.

25 Q. And the 12th was a Thursday; correct?

26 A. Yes.

27 Q. So this time -- when did you arrive at the
28 ranch for that trip?

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A. The 11th, [REDACTED]
[REDACTED]
[REDACTED]

A. I think I might have been at the ranch and gone home to Bakersfield for a few days and then -- I'm not sure. I might have come from the ranch. I know I came right back after my appointment on the 11th.

Q. Okay. And then you saw him on the 11th?

A. Yes. I got -- my appointment put me there after dark on the 11th, and when I showed up, he did answer the door drunk with, like, an almost empty handle of Jim Beam or Maker's Mark.

At this point I had thought his name was Bronson. That's what he only revealed to me the whole time that we were getting to know each other.

Q. Okay. So you had seen him several times. You had had sex with him prior to this time.

A. Yes.

Q. Do you recall having relations on November 9th, Sunday?

A. I do not remember that, no.

Q. Okay. And you said he -- you knew him by the name Bronson?

A. Yes.

Q. When did he tell you his name was Bronson?

A. From the very beginning. On Farmers Only,

1 that was his name, and, actually, the first few -- the
2 first trip to the ranch, at the restaurant --
3 restaurant/ranch he told me that his name is Bronson,
4 and he would not give me his last name and said that he
5 was experiencing identity theft. And so I wasn't able
6 to -- he wasn't going to provide me with his last name,
7 which -- okay. That was weird, and so I did keep asking
8 the further along that we kept speaking to one another.

9 Q. Okay.

10 A. And when I found out some of the truth about
11 his real name being Jerry Duane Cox, Jr., I wanted to
12 discuss it with him in person; so that's why I came back
13 to the ranch on the 11th because, obviously, I had
14 developed feelings for him. And we were, you know,
15 getting to know each other, and, both ends, we did like
16 each other. And so when I asked him about it, he
17 grabbed me by my throat, on November 11th, and said --

18 Q. How did you find out his name was Jerry Cox?

19 A. There was a hidden -- in the bathroom in the
20 first cabin, I was looking for a feminine product, and I
21 pulled a wallet off the top shelf. And there was an ID
22 with his picture on it that said, "Jerry Duane Cox, Jr."

23 Q. Okay.

24 A. And I was, like, "What? Who is this?" And
25 that's when I confronted him about it.

26 Q. What did you say?

27 A. I said, "Is your name Jerry Duane Cox, Jr.?"

28 Q. And what happened?

1 A. He grabbed me by my throat and said, "Don't
2 you ever call me by that name."

3 Q. And then what happened?

4 A. That's when he proceeded to throw me into the
5 first room and assault me.

6 Q. Okay. And that was after you had gone to this
7 restaurant?

8 A. No. This was before, I do believe the 12th --

9 Q. This is the day before, the 12th -- or, excuse
10 me, the 11th?

11 A. The 11th. I believe Castillo's was on the
12 12th.

13 Q. Okay. And so on the 11th, he threw you on the
14 bed, and what happened?

15 A. He -- he smothered me with a pillow after
16 ripping my clothes off, proceeded to have sex with me,
17 and I tried to fight him off. And he had told me, "No
18 one is going to believe you. You can scream as loud as
19 you want. No one is going to hear you. My friends will
20 never believe you," and he said, "Your body is easily
21 disposed of, and I will chop you up into pieces and
22 scatter you throughout the ranch. And the animals will
23 get to you before anybody will ever know you are
24 missing."

25 Q. So this was Wednesday night, the 11th?

26 A. Yes, after --

27 Q. After you confronted him by asking him if his
28 real name was Jerry Cox?

1 A. Jerry Duane Cox --

2 Q. Jerry Duane Cox.

3 A. -- Jr., I believe.

4 Q. Now, when he raped you, was it just vaginal
5 sex, or was it also anal sex?

6 A. Well, he attempted anal sex after the vaginal
7 sex and oral copulation as well so far too that when I
8 was examined by the SART nurse and -- had to have a full
9 SART exam, as well as a follow-up with a Mariposa
10 hospital, that my throat was really red and swollen all
11 the way down. There were bruising -- there was
12 bruising, and this happened to the point where I was so
13 scared of him that I tried to fight him off the first
14 day, the 11th. That didn't work. He's way bigger than
15 I am; so he overpowered me. The second day, I tried to
16 do everything that he told me to do to play -- to try
17 the nice tactic. Maybe this will stop. That didn't
18 end. He threw me around the cabin, assaulted me
19 multiple times, areas, on the table in the kitchen.
20 Yeah. I mean, I have to say that I was scared to do
21 anything to upset him because the first two -- the nice
22 fighting didn't work. So when we did go to Castillo's,
23 he said, "We're taking your car. I'm driving your car."
24 Then he told me, "You wait in the car while I go and see
25 who is working, and then I'll -- if it's okay, and if
26 people -- I'm not --" whatever, "don't have problems
27 with, then we'll go in there." And so he was, like,
28 "But don't raise suspicion. Don't make eye contact with

1 anybody."

2 And so I did and -- I did what he said. He
3 had me with my back faced to the rest of the people that
4 were eating inside and then went back to the ranch.

5 Q. What happened back at the ranch?

6 A. More of an assault, but he also did say, "This
7 house better be clean by the time I get back," because
8 he was in and out for -- I don't know. Yeah. Sometimes
9 he was -- for a majority of the day, but I didn't really
10 know where he was going or whatever, but he did say,
11 like -- he kicked me in my ribs when he got home, which
12 is also documented.

13 Q. And what day was that?

14 A. I do believe on the 13th.

15 Q. The 13th would have been Friday?

16 A. Yes.

17 Q. Is when he kicked you in the ribs?

18 A. Yes, because he told me that I didn't do a
19 good enough job cleaning, and he had also said, "If you
20 do what you're supposed to do, maybe I will give you
21 some food."

22 Q. Okay. Now, where were you staying at this
23 time?

24 A. I was, the whole time, in the first cabin on
25 ranch.

26 Q. Okay. Now, you had your cell phone with you;
27 correct?

28 A. Yes.

1 Q. And you were able to use your cell phone?

2 A. It's really spotty in and out of there. A lot
3 of the times, you had to -- he showed me this trick --
4 put it on something metal, walk away from it, in order
5 to sometimes get shoddy reception.

6 I would like to offer this information as
7 well, as he instructed me and told me not to use his
8 landline, period; so I was too scared to even use the
9 landline.

10 Q. Okay. And how did you know when he was coming
11 and going?

12 A. I didn't. I mean --

13 Q. So he could have surprised you?

14 A. Yeah.

15 Q. Okay. Now, did you have sex the second night,
16 the 12th?

17 A. Yes.

18 Q. That would have been Thursday night?

19 A. Yes.

20 Q. And what -- how did that occur?

21 A. Um, I couldn't --

22 Q. You went to the restaurant, you came back from
23 the restaurant, and then what happened?

24 A. Well, he made more verbal threats to me,
25 saying that no one was going to believe me. I mean, he
26 beat me down physically and emotionally mentally to
27 where I did not want to challenge anything that he was
28 telling me not to do; so he did try -- he did force oral

1 copulation on me as well that night.

2 Q. When you say that, was he doing oral
3 copulation on you, or were you to do it on him?

4 A. No. He was penetrating my face so hard that
5 it was documented that my whole internal throat was just
6 super red and inflamed, and -- when I was examined by
7 the SART nurse, as well as the following day, after I
8 stayed in the safe house in Mariposa by the hospital
9 there.

10 Q. Okay. So on Friday, you went to the hospital?

11 A. Friday, the 13th, is when Darlene escorted --
12 I do have to make a correction there. When she saw
13 me -- she noticed she had not seen me, which was weird
14 from the previous trips out to the ranch, and she was
15 able to get the front door open. And she saw my face.
16 It was really -- and so did Aaron. It was really
17 swollen and blue. She said, "Okay --" and I denied it.
18 And she was, like, "-- I know he hit you. I know he hit
19 you."

20 And then I was, like, "No."

21 And she was, like, "We need to get you out of
22 here." So she was the one that -- we had stopped by
23 Aaron, and he was, like, "Wow. Your face is swollen."

24 And Darlene is, like, "I'm getting her out of
25 here."

26 And so I didn't know how to unlock the front
27 gate, by the way, and so he has all these things like
28 screwdrivers and things that he said, originally, he

1 didn't -- does it to keep people off his property. So
2 when he had originally told me, on the 11th, that he was
3 going to chop me up into pieces, that if I wanted -- if
4 I want to leave, I'd have to fight my way out, I
5 wouldn't have been able to get out. So, yeah -- I mean,
6 so Darlene did -- she was pretty much staying in one of
7 the remote cabins that's only accessible through ATV
8 with Aaron, and so she did know how to open the gate.
9 And so she drove out with her car first, and I was right
10 behind her. He did have the people coming, guests or
11 whatever, and they passed -- or they were waiting
12 outside as Darlene opened the gate. And she was, like,
13 "Bye. Have a good one," and we just went straight to
14 Katie Goodman's, who was also on their witness list,
15 where we left my vehicle. She gave me an ice pack --
16 Katie Goodman -- for my face.

17 Both Darlene and Katie -- because I was 50/50.
18 I wasn't sure if I was going to even report this
19 because, obviously, look at what I've had to deal with
20 since, but Katie and Darlene said, "No. You need to do
21 this because he's going to do this to someone else."
22 And so Darlene -- we left my car at Katie's. Darlene
23 took me straight to the sheriff's department, gave a
24 statement, was reported, made a phone call in front of
25 all the deputies telling Aaron that there's been an
26 assault, even though he had already known and seen my
27 face.

28 And I stayed -- after the SART exam, I had the

1 witness advocate join me in the other sheriff's office.
2 She took me directly to my SART exam in Fresno, and then
3 I was escorted back to stay a night in the safe house on
4 the 13th in Mariposa. And then also I was escorted --
5 or I was put into the K-9 unit patrol car and driven to
6 Katie Goodman's house on the 14th, where I was then --
7 no. Wait. I'm sorry. Oh, the 13th would have been too
8 late. I'm sorry. I'm getting maybe the 13th mixed up
9 with the 14th; however, it might have been Deputy
10 Atkinson covered -- they covered my car with a tarp and
11 backed it in close to the safe house so it would not be
12 detected when I stayed overnight there.

13 Q. At the safe house?

14 A. Yes, so that was on the 13th.

15 Q. Okay. And so you went to get a SART exam for
16 purposes of your injuries as well?

17 A. Yes, photographs were taken as soon as I got
18 to the sheriff's department, and they asked me if I was
19 feeling like a SART exam is something that I would be up
20 to doing or if it's something that they felt like I was
21 strong enough to go into, and I said, "Yes," because I
22 knew that I needed to -- I know that I needed my
23 evidence and for myself in case the DNA -- you know, I
24 needed everything, obviously. It was a grueling, really
25 traumatizing experience, yes, but I felt like it was
26 necessary for me to complete.

27 Q. Okay. Now, you had submitted a request for a
28 restraining order when you were self-represented, and

1 one of the exhibits -- you attached Exhibit 7 to that
2 initial document.

3 Was that a photograph that you took of
4 yourself?

5 A. Which one is it?

6 Oh, yeah, that was when I was -- those were --
7 that's the shirt that -- I had to turn in, obviously,
8 all of my clothes to the SART forensic nurses; so that
9 was a sweatshirt they gave me. That was taken at a
10 pharmacy as I was filling the pain medication that I was
11 prescribed for my throat and other bruises.

12 Q. What pain medication were you prescribed?

13 A. I believe it was Norco.

14 Q. Norco?

15 A. Norco, Vicodin. I don't know the difference.

16 Q. And so this was an accurate picture of you on
17 November 14th?

18 A. Yes.

19 Q. At 7:15 p.m., the following day?

20 A. Yes, yes.

21 MR. VOGEL: Okay. And we would offer that as
22 an exhibit.

23 It's already been submitted, and she was
24 just --

25 THE COURT: Any objection.

26 MR. VOGEL: -- as to its authenticity.

27 MR. ANGELUCCI: Object to the document itself
28 as hearsay. And lack of foundation. Unauthenticated.

1 As far as the picture, no, but -- the picture
2 itself, but I don't know that I've seen the picture.

3 THE COURT: Are you asking to admit the --
4 just the picture, Mr. Vogel?

5 MR. VOGEL: Just the picture, Your Honor.

6 MR. ANGELUCCI: Sure, if I can see it, but I
7 don't see it --

8 MR. VOGEL: It was in the initial filing.

9 THE COURT: Do you have a copy of the picture,
10 Mr. Vogel?

11 MR. VOGEL: I have a copy -- a black-and-white
12 copy.

13 MR. ANGELUCCI: Was this in your exhibit --

14 MR. VOGEL: No. It wasn't in the original
15 exhibits. This was -- it's not the exhibits that I
16 filed, which were subsequent to the initial filing.
17 This was in the initial filing.

18 MR. ANGELUCCI: On that basis, I am objecting
19 because that was not in the exhibit list you gave me.
20 You're supposed to give me an exhibit list -- actually,
21 I didn't get one, but I got the lodgement of exhibits.
22 And if that was not in there, then I am going to object
23 to that. I wasn't allowed to --

24 MR. VOGEL: And what rule are you citing for
25 me to require -- requiring me to provide exhibits?

26 MR. ANGELUCCI: Well, we are required, by law,
27 before any trial to provide exhibits to each other.

28 MR. VOGEL: This is not a trial.

1 THE COURT: Okay. Everyone, let's stop here
2 for a second.

3 Let me see if I ordered exhibit lists to be
4 exchanged at the last court appearance.

5 MR. ANGELUCCI: I was going by the standing
6 family law order that's on the website, but I believe
7 you did order it.

8 THE COURT: The Court did not order an exhibit
9 list be exchanged, and the Court recognizes that --
10 domestic violence restraining order hearings are treated
11 differently than regular trials.

12 So the objection is overruled.

13 The picture will be admitted.

14 (Whereupon, Petitioner's Exhibit P-008 was
15 received in evidence.)

16 THE COURT: Would you like to give
17 Mr. Angelucci a picture, though -- or a copy so that he
18 can at least look at it?

19 MR. VOGEL: Certainly, Your Honor.

20 MR. ANGELUCCI: What exhibit would that be?

21 MR. VOGEL: It would be Exhibit 7 to the
22 original admitted -- the original request for a
23 restraining order, which would be filed on the
24 Court's -- in the docket -- the court docket, and it's
25 DV 100.

26 MR. ANGELUCCI: I'm sorry, but I mean what
27 exhibit will it be in this hearing?

28 MR. VOGEL: Oh, I guess that would be

1 Exhibit -- well, I will ask to get it marked.

2 THE COURT: It's P-8.

3 MR. ANGELUCCI: Okay. Thank you, Your Honor.

4 MR. VOGEL: The Court doesn't need another
5 copy, does it? It's already in the Court file?

6 THE COURT: Yes, we do need a copy.

7 MR. VOGEL: Okay. Thank you.

8 BY MR. VOGEL:

9 Q. So was your face bruised at that time?

10 A. Yes.

11 Q. Okay. Did you have other bruises on your
12 body?

13 A. Yes.

14 Q. Where were they?

15 A. Pretty -- head-to-toe. I had them on my legs,
16 my arms, my stomach, my back, my rear end, my neck, my
17 face.

18 Q. Okay. And the SART exam -- did you
19 subsequently receive a copy of the results from the SART
20 exam?

21 A. Yes, I did.

22 Q. Showing you what's been marked as P-1.
23 Can you identify that.

24 A. Yes. I have received this.

25 MR. VOGEL: Okay. I would offer P-1.

26 MR. ANGELUCCI: I'm objecting. Lack of
27 foundation. Hearsay.

28 THE COURT: Sustained.

1 BY MR. VOGEL:

2 Q. Now, when you reviewed this, did it indicate
3 that there was DNA found inside you?

4 A. Yes.

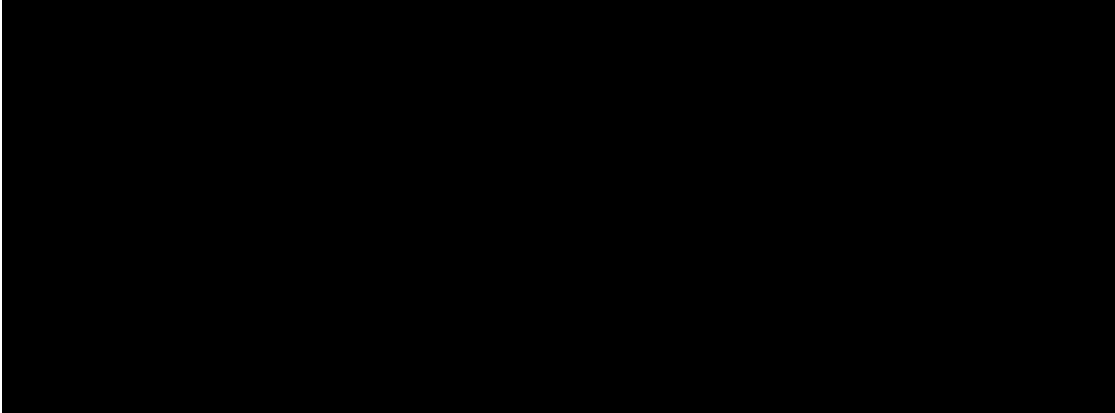
5 MR. ANGELUCCI: Since this objection was --
6 the questions really should just be for refreshing of
7 her memory at this time.

8 THE COURT: Agreed.

9 Sustained.

10 BY MR. VOGEL:

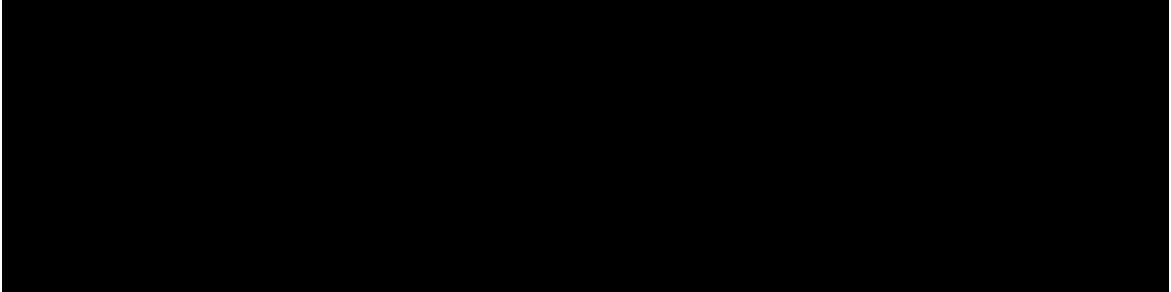
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18 MR. ANGELUCCI: Objection. Again, that's
19 expert -- that calls for expert testimony.

20 THE COURT: Overruled.

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26 Q. Okay. What about your mouth and throat?

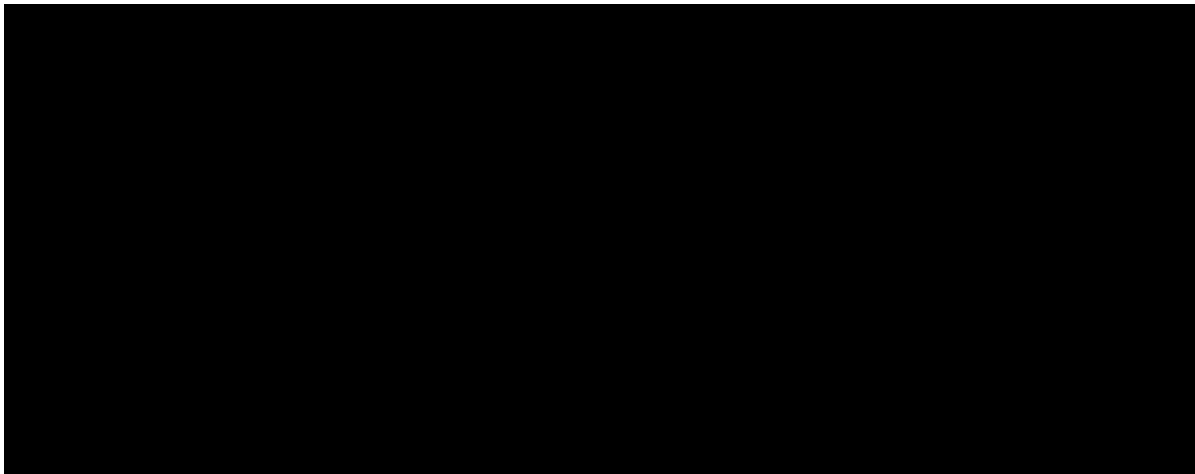
27 A. Yes. I could barely swallow.

28 Q. And did you also report these during your SART

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exam?

A. Yes.



MR. ANGELUCCI: Objection. I didn't hear --
that's hearsay right there.

THE COURT: And lack of foundation.
Sustained.

MR. VOGEL: I was going to her state of mind,
Your Honor.

MR. ANGELUCCI: But he's stating things that
are not in evidence.

THE COURT: Sustained.

BY MR. VOGEL:

Q. Okay. Did -- okay. You received this report
from the SART?

A. Yes.

Q. And you went over the report carefully?

A. Yes.

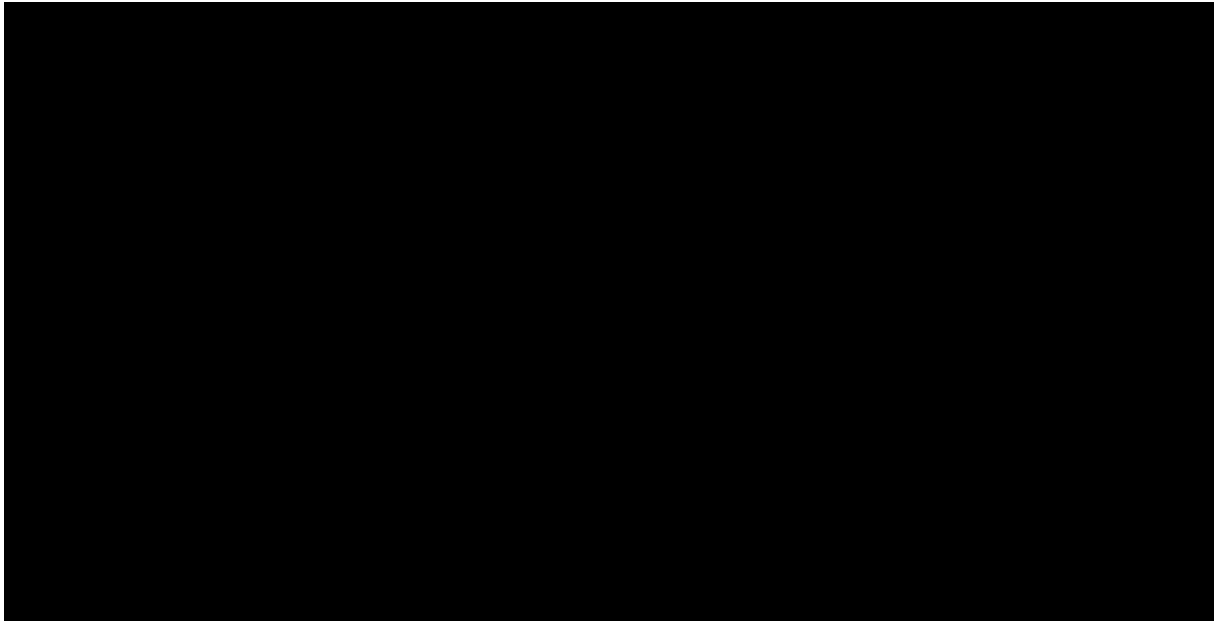
Q. And is this --

MR. ANGELUCCI: Object. Again, the report
needs to be -- the question needs to be to refresh

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memory.

THE COURT: Sustained.

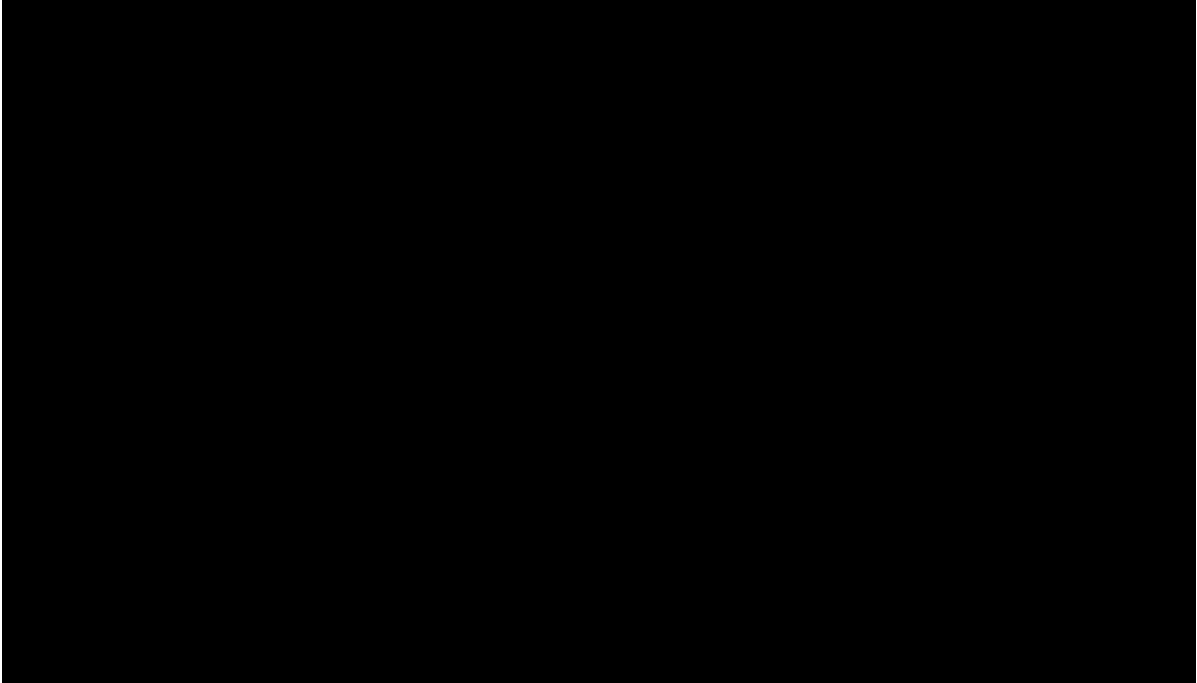


MR. ANGELUCCI: Objection.

THE WITNESS: Yes.

MR. ANGELUCCI: Objection. Hearsay. Lack of foundation.

THE COURT: Sustained.



1 Q. Did you report bruising in various parts of
2 your body?

3 A. Yes. Those were, I recall, pictures being
4 taken by the SART nurse as well as where I would hold
5 the rulers up to measure it.

6 MR. VOGEL: Your Honor, we would offer this as
7 a diagnosis for purposes of medical treatment. She did
8 receive treatment after the fact for the injuries to her
9 anus, to her vagina, and to her mouth.

10 MR. ANGELUCCI: Same objection.

11 THE COURT: Which is what?

12 MR. ANGELUCCI: Lack of foundation. Hearsay.

13 THE COURT: Sustained.

14 MR. VOGEL: Your Honor, the hearsay objection
15 would be dealt with by the fact that this is a medical
16 treatment document. It's statements made for the
17 purpose of medical treatment, and in terms of
18 authenticity, she's indicated that she received this
19 during and can identify it.

20 THE COURT: The objection's sustained.

21 BY MR. VOGEL:

22 Q. Okay. So subsequent to being escorted to the
23 police department and going to the safe house, did you
24 go home?

25 A. In between? No.

26 Q. Subsequent to that. Afterwards.

27 A. Oh, yes, I did.

28 Q. And where were you living at the time?

1 A. I was living in Paso Robles --

2 Q. Okay.

3 A. -- at my grandmother's house.

4 Q. And after this incident, did you move?

5 A. Yes, I did.

6 Q. And after you moved -- well, the following
7 year, in July, did you find anything on a website called
8 The Dirty that described your experience?

9 A. Yes.

10 Q. That talked about you?

11 A. Yes.

12 Q. How did you find it?

13 A. I -- I typed in my name and his name, and that
14 popped up. And this was also at the time that I was
15 living in a safe house in this area. And that is
16 somehow -- yeah. It's -- it's in this article.

17 Q. That would be --

18 MR. ANGELUCCI: Is that --

19 MR. VOGEL: You can have this.

20 THE WITNESS: Oh, here we go.

21 BY MR. VOGEL:

22 Q. So that would be Plaintiff's Exhibit 2 [sic],
23 I believe.

24 (Whereupon, Petitioner's Exhibit P-002 was
25 identified for the record.)

26 THE WITNESS: So it says, [READING] She even
27 has fake bruises that she creates with makeup. Every
28 time she cries, "Rape," she gets free housing and food

1 in a, quote, "safe house," end quote, provided by
2 taxpayers of the city.

3 BY MR. VOGEL:

4 Q. Okay. So this document indicated that you
5 were staying in a safe house.

6 A. Yeah, which I don't -- which it's supposed to
7 be completely safe; so I don't know how that information
8 would have been --

9 Q. How did this affect you emotionally?

10 A. Well, it scared me. I felt in fear for my
11 life, and I had moved into this safe house and -- with a
12 security gate. And somehow they found me there.

13 Q. Okay. Now, did you see a -- were you
14 subsequently served with a lawsuit?

15 A. Yes.

16 Q. Where were you living at that time --
17 approximately where?

18 A. For the civil case?

19 Q. When you were served with the civil lawsuit.

20 A. I was living in San Luis Obispo. This was
21 after the safe house.

22 Q. And who had your address?

23 A. Absolutely no one. I was actually relocated
24 for safety purposes from the safe house; so everything
25 is sent to my PO box. There is no -- I don't even have
26 friends that know that I live there; so --

27 Q. All right. And, yet, you were served?

28 A. Yes.

1 Q. And was this service of process video
2 recorded?

3 A. Yes, it was video recorded, and the woman --

4 Q. Yes.

5 A. -- Deborah, I believe, was on -- I don't know
6 how to say her last name --

7 Q. Okay.

8 A. -- who was on, like -- you know, she was the
9 one that served me -- accompanying Mr. Cox to our first
10 hearing and was intimidating and staring at me
11 throughout the whole process.

12 Q. The first process here?

13 A. Yes, for the restraining order.

14 MR. VOGEL: I would ask the Court to show the
15 video that I have as Exhibit 3 in this matter.

16 (Whereupon, Petitioner's Exhibit P-003 was
17 identified for the record.)

18 THE COURT: Have you seen the video, Counsel?

19 MR. ANGELUCCI: I have seen the video. He --
20 well, I believe so.

21 MR. VOGEL: The service of process.

22 MR. ANGELUCCI: Yeah.

23 THE COURT: Any objection?

24 MR. ANGELUCCI: I don't object to that, no.

25 THE COURT: Okay. I will have my clerk --
26 Madam Clerk e-mail it to me.

27 We might be having some technical difficulties
28 here, and what we might need to do is have the IT

1 department come in over the lunch hour and fix this for
2 us.

3 Is it the Grifter Cries Wolf Served Now --

4 MR. VOGEL: Yes, yes.

5 THE COURT: I can't open it.

6 MR. VOGEL: Maybe you have to use a certain --

7 THE COURT: Yes, but they've got these
8 computers so locked down secured-wise.

9 MR. VOGEL: Oh.

10 THE COURT: I can look at it on Madam Clerk's.

11 MR. VOGEL: Okay. Yes. That would --

12 THE COURT: That wouldn't help anyone else in
13 the courtroom.

14 Let's go off the record.

15 (The Court and counsel confer off the record.)

16 THE COURT: Let's go back on the record.

17 So there's a video that can only be played on
18 Madam Clerk's computer, and, with the consent of the
19 attorneys, the Court is going to watch the video on
20 Madam Clerk's monitor.

21 (Whereupon, the video was played.)

22 THE COURT: Okay.

23 BY MR. VOGEL:

24 Q. Okay. Now, did you see this video on YouTube?

25 A. Yes.

26 Q. And were comments posted on the YouTube site?

27 A. Yes.

28 MR. VOGEL: If I may have -- I guess it would

1 be P-4.

2 BY MR. VOGEL:

3 Q. Showing you what's been marked as P-4.

4 Can you identify that.

5 A. Yes.

6 Q. And what is that?

7 A. This is the YouTube video of me walking back
8 to my residence.

9 Q. Is that a screen shot?

10 A. Yes -- well --

11 Q. Did you take that screen shot?

12 A. Yes.

13 Q. And it shows comments by Jerry Cox?

14 A. Yes. I also --

15 MR. ANGELUCCI: Objection. No foundation as
16 far as the comment by Jerry Cox.

17 BY MR. VOGEL:

18 Q. Is there a comment there that is written by a
19 person purporting to be Jerry Cox?

20 A. Yes.

21 MR. VOGEL: I would offer Exhibit P-4.

22 THE COURT: Any objection, Counsel?

23 MR. ANGELUCCI: Foundation. Hearsay.

24 THE COURT: Oh, four has already been
25 admitted.

26 MR. VOGEL: Oh, sorry.

27 BY MR. VOGEL:

28 Q. And then showing you what's been marked as

1 Plaintiff's Exhibit 5. This is a photograph of you --
2 it looks like it's on the beach?

3 A. Yes.

4 Q. And it also has a mark -- it has lettering on
5 it that says, "I'm horny," at the top of that photo.

6 Did you ever put that on anything?

7 A. No. I don't even know how to do that, to be
8 honest.

9 Q. Okay. Now, had you sent that photograph to
10 Jerry Cox?

11 A. Yes, I have.

12 Q. But you had not put the dialogue in there?

13 A. No, I had not.

14 Q. And how did you find this?

15 A. Also googling my name and his as well.
16 They've put so many things all over the Internet of me.
17 You just Google my name, and that pops up.

18 Q. So you found this on Facebook?

19 A. I Google searched it. I actually deleted all
20 of my social media because of this case.

21 MR. VOGEL: And I would offer Exhibit P-5.

22 THE COURT: Admitted already.

23 MR. VOGEL: Oh, okay.

24 BY MR. VOGEL:

25 Q. How did you feel when you saw that?

26 A. Absolutely scared and, I mean, unsafe, and I
27 know that it is coming from him because I did send that
28 photo directly to him. No one else had that photo

1 asides from Mr. Cox.

2 Q. Okay. And what has been marked as P-6, can
3 you identify this?

4 A. Yes.

5 MR. ANGELUCCI: What is that?

6 MR. VOGEL: That's the --

7 MR. ANGELUCCI: Okay.

8 MR. VOGEL: Okay.

9 THE WITNESS: Yes.

10 BY MR. VOGEL:

11 Q. Okay. And you found that on Facebook?

12 A. Yes.

13 Q. And that was on a site called Undefeated?

14 A. Yes.

15 Q. Or posted by someone who calls himself
16 "Undefeated"?

17 A. Yes.

18 Q. Does this indicate that you had used a fake
19 rape criminal case for profit?

20 A. Yes.

21 MR. VOGEL: And then I would offer
22 Exhibit P-6, if it hasn't been admitted yet.

23 THE COURT: It's been admitted.

24 BY MR. VOGEL:

25 Q. Okay. And then P-6, have you seen this?

26 A. Yes.

27 Q. And what is that -- excuse me. That's P-7.

28 A. It is also posted by Undefeated. It's saying

1 that I made up the rape case.

2 Q. When was that posted?

3 A. That was -- I -- I saw it last week as well,
4 same as Mr. Cox.

5 Q. All right. And that shows -- is that a
6 picture of you?

7 A. The -- no, it's not a picture of me, but it's
8 a picture that's close enough to look like me and
9 intended to look like me.

10 Q. Okay. And it has a Pinocchio nose?

11 A. Yes, like I've been, obviously, lying.

12 MR. VOGEL: All right. And if that has not
13 been offered, I would offer it at this time.

14 THE COURT: It's been admitted.

15 BY MR. VOGEL:

16 Q. Okay. Now, you were involved in a -- a
17 Workers' Compensation case?

18 A. Yes.

19 Q. And what was the reason of that?

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25 Q. Now, were you deposed in that case -- the
26 Workers' Compensation case?

27 A. Yes, I was.

28 Q. And during the deposition, were you asked

1 certain questions?

2 A. Yes.

3 Q. Did you and Mr. Cox ever achieve what you
4 would call boyfriend/girlfriend?

5 A. No. It was more -- no, not those terms. He
6 asked me if I would be his girl, and so I'm, like,
7 "Okay. Yeah."

8 Q. When he asked you to be his, quote, girl, what
9 did he mean by that?

10 A. I have no idea. I thought that maybe he
11 was --

12 Q. Did you go to -- oh, excuse me.

13 A. Like, solidified something that it was more
14 than dating, that I was maybe his priority of the first
15 girl. I don't know.

16 Q. Okay. Now, was that when you went to attend a
17 wedding together?

18 A. Yes.

19 Q. So was he asking you to be his girl for
20 purposes of this wedding?

21 A. He said that -- that I was his guest.

22 Q. Okay.

23 All right. And so when you were asked had you
24 ever been raped, I believe, by -- or assaulted by a
25 boyfriend, was Mister --

26 MR. ANGELUCCI: Objection. No evidence at all
27 that that's what it says, and I have the deposition
28 here.

1 MR. VOGEL: Okay.

2 All right.

3 THE COURT: So objection is lack of
4 foundation?

5 MR. ANGELUCCI: Yes.

6 THE COURT: Sustained.

7 MR. VOGEL: Okay. Excuse me.

8 BY MR. VOGEL:

9 Q. During the course of the deposition that you
10 were taken, were there times where pause was taken and
11 matters were discussed off the record?

12 A. Yes.

13 Q. And during this deposition, were you at any
14 time confused about what was being asked of you?

15 A. Yes. Several times, actually.

16 Q. And what was it that was confusing?

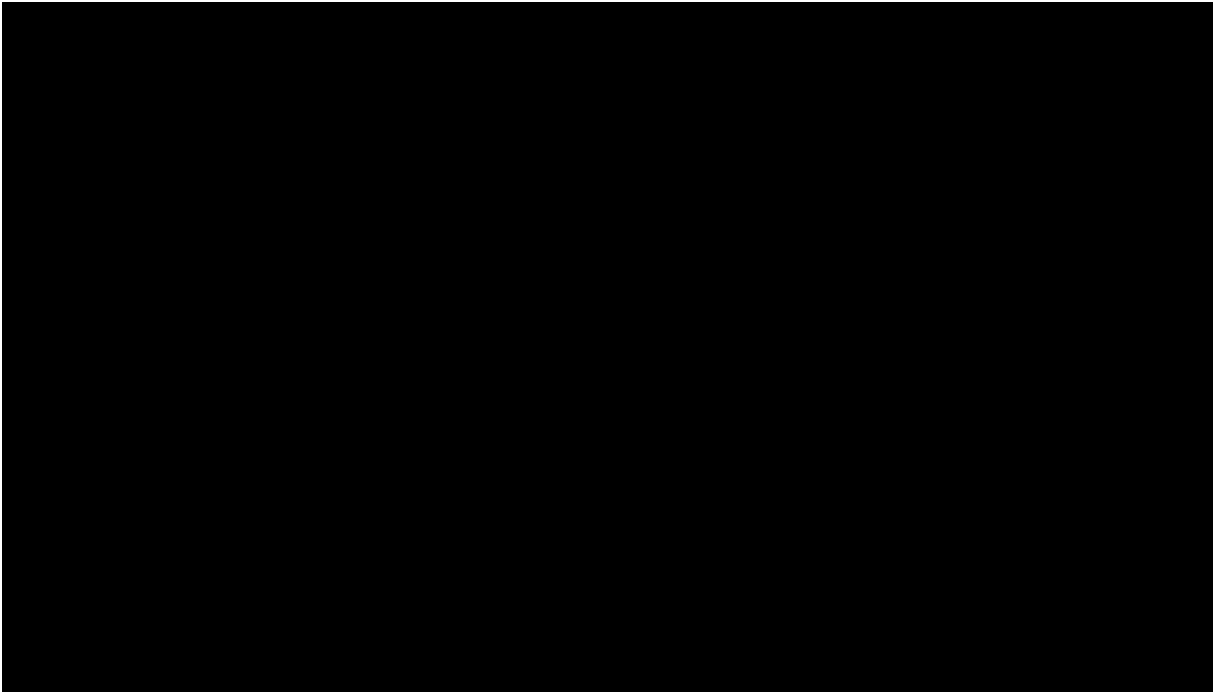
17 A. I was confused about the -- the dates that --
18 I think there was something from 2010 that was
19 documented and asked if I had been assaulted or abused
20 by a boyfriend in, like, 2010 and before, which I have
21 not --

22 Q. Okay?

23 A. -- so I answered no to that question, I
24 believe.

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Q. Were you asked during this deposition if you had been violently assaulted after Rohnert Park?

A. I don't believe that it was after Rohnert Park.

Q. Oh, what did you think at the time?

A. I thought it was after the 2010 because one -- one of the "off the records" there, I was trying to ask for clarification because they mentioned have I ever been sexually assaulted or abused by a boyfriend, and I'm, like, 2010 and -- I was in college -- I was in college.

Q. Right.

A. So I was like, "No."

Q. Yeah.

A. So, I mean, I hadn't been, but 2010, I was --

Q. So when you were being asked that question, you were putting it in the context of 2010 and

1 thereabouts?

2 A. Yes.

3 Q. Okay. And you didn't know what they were
4 referring to?

5 A. No, I did not.

6 Q. Okay. So is that still an ongoing lawsuit?

7 A. My Workman's Comp [sic]?

8 Q. Your Workers' Comp., yes.

9 A. Yes, it is.

10 Q. Okay. Now, who had access to the transcripts
11 of the deposition?

12 A. Only my attorneys and Travelers Insurance.

13 Q. Was that provided to anyone else?

14 A. Not legally, it was not. It was
15 Atkinson-Baker, the court reporter --

16 Q. Yes.

17 A. They handed it over to Tony Serra without
18 either party's consent; so that was obtained illegally.

19 Q. When was that done?

20 A. During the criminal case.

21 Q. During the criminal case?

22 A. Yes.

23 Q. So during the criminal case, Mr. Serra, his
24 criminal defense attorney [sic], got ahold of a
25 deposition --

26 A. Yes.

27 Q. -- from a Workers' Comp. case --

28 A. Yes.

1 Q. -- without permission?

2 A. Yes.

3 MR. ANGELUCCI: Objection. She's stating a
4 legal conclusion.

5 THE COURT: Sustained.

6 BY MR. VOGEL:

7 Q. Do you know if Mr. Serra had permission to
8 obtain that Workers' Comp. deposition?

9 A. Not from my attorney and -- no, and that is
10 from what my attorney has stated me -- stated to me in
11 my Workman's Compensation case. In order for any
12 transcript to be released --

13 MR. ANGELUCCI: Objection. Hearsay. And same
14 prior --

15 THE COURT: Sustained.

16 BY MR. VOGEL:

17 Q. Okay.

18 Okay. So at this point you have still been
19 getting these messages in social media that are calling
20 you a grifter, a liar, et cetera, et cetera?

21 A. Yes.

22 Q. I take it you want that to stop?

23 A. Yes.

24 MR. VOGEL: Nothing further.

25 THE COURT: Cross?

26 MR. ANGELUCCI: Yes.

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CROSS-EXAMINATION

BY MR. ANGELUCCI:

Q. I'm going to hand you Exhibits A, B, and C.

If you could please open to Exhibit B, which is the deposition you were just discussing.

A. Uh-huh.

Q. Now, you just testified that -- about what they asked you.

A. Uh-huh.

MR. ANGELUCCI: If the Court would look at page --

MR. VOGEL: And again, Your Honor --

MR. ANGELUCCI: -- 87 --

MR. VOGEL: At this point, Your Honor, I would object to the introduction of the deposition.

THE COURT: What's the legal objection?

MR. VOGEL: It's hearsay.

MR. ANGELUCCI: No. This Court granted -- I filed a motion to allow it. This is a certified copy. It's a prior inconsistent statement.

MR. VOGEL: Your Honor, the motion was to have her sign it. The motion was not for admission of the document.

THE COURT: Right. But if it's a hearsay objection, and it's a prior inconsistent statement, that's an exception to the hearsay rule.

MR. VOGEL: Okay.


THE COURT: So overruled.

1 MR. ANGELUCCI: If you could -- I just want to
2 point out, on the first page, page -- it's 87 because
3 it's a Volume 2.

4 Just so the Court and everyone can see, this
5 is the deposition of Ashley Harris taken on June 2.

6 And then if you could turn to page 117, and
7 I'm going to read, starting on line 9.

8 [READING] Question, okay. There was something
9 I just need to clear up.

10 You mentioned in the deposition that you were
11  and then there was an
12 off-the-record discussion that I can only speculate
13 about.

14 THE COURT: Slow down, Counsel, for Madam
15 Reporter.

16 MR. ANGELUCCI: I apologize.

17 [READING] Do you recall that -- your
18 testimony? -- question.

19 [READING] Answer, yes.

20 [READING] Then the deposition also mentioned
21 

22
23
24 [READING] Question, other than these
25 incidents, have there been any other incidents where
26 you've been the victim of -- I'll start with violent
27 crime.

28 [READING] Answer, not that I recall.

1 Did you say that?

2 A. Yes.

3 Q. And then, [READING] Question, no sexual or
4 physical abuse since the [REDACTED]?

5 [READING] Answer, not that I recall.

6 Did you say that?

7 A. Yes.

8 Q. And, yet, you're telling the Court right now
9 that you believe that you -- that they were talking
10 about before?

11 A. Yes.

12 Q. Didn't you also file something in -- when you
13 filed this restraining order, in one of the pleadings
14 when I filed my motion, didn't you state that the reason
15 you said that was that you had forgotten about this
16 rape?

17 [REDACTED] so,
18 yes, I forget and -- certain aspects of the whole entire
19 ordeal.

20 MR. ANGELUCCI: Move to strike as
21 nonresponsive, Your Honor.

22 THE COURT: Sustained.

23 BY MR. ANGELUCCI:

24 Q. My question was your pleadings, in response to
25 when I filed a motion in this case to release this
26 deposition, didn't you state under oath that you had --
27 the reason you answered that way was that you had forgot
28 about this rape?

1 MR. VOGEL: Objection. I don't believe that's
2 ever been stated.

3 Where -- what are you referring to?

4 MR. ANGELUCCI: One of your pleadings in this
5 case --

6 MR. VOGEL: Which pleading and where is it
7 stated?

8 THE COURT: Okay. Remember we have a court
9 reporter; so --

10 MR. VOGEL: Yes.

11 THE COURT: -- you can't talk over each other.

12 MR. VOGEL: Sorry.

13 THE COURT: And maybe we should go off the
14 record if you're going to have a dialogue.

15 MR. VOGEL: Yes.

16 THE COURT: Let's go off the record.

17 (The Court and counsel confer off the record.)

18 THE COURT: Okay. So let's go back on the
19 record.

20 So you're going to withdraw that question,
21 Counsel?

22 MR. ANGELUCCI: Sure, Your Honor, that's fine.

23 BY MR. ANGELUCCI:

24 Q. Didn't you tell the police that you did not
25 have memory problems as a result of your accident?

26 A. I don't remember saying that.

27 Q. Okay. If you can just turn to Exhibit 1,
28 which is the declaration -- this -- something you filed

1 with the court.

2 A. Okay. For the civil case?

3 Q. Yes.

4 A. Okay.

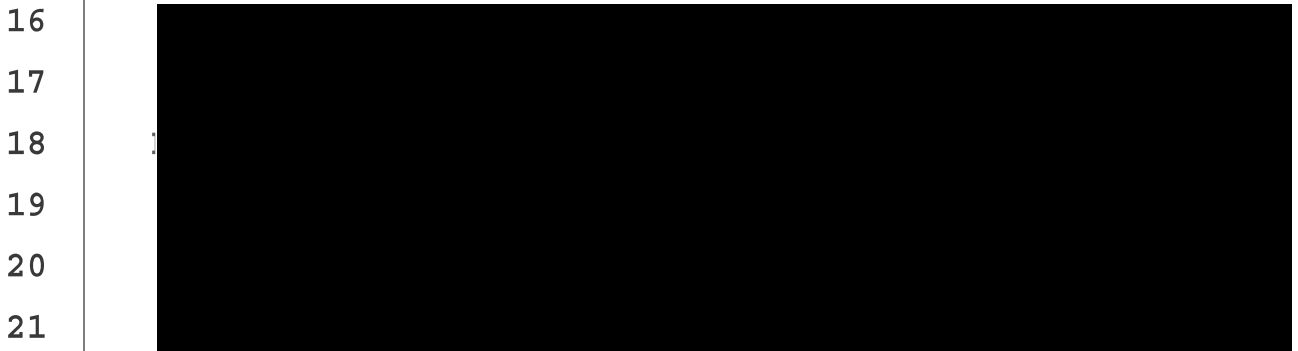
5 Q. And if you return to page 28.

6 And, again, this is the -- this is the -- one
7 of the police reports, and I have it highlighted there
8 in the second paragraph.

9 A. Okay. Got it.

10 Q. Middle, second paragraph.

11 If you count four lines -- five lines up from
12 the bottom of that paragraph, it begins, [READING]
13 Ashley has not passed out or had any other side effects
14 from the injuries, and she does not suffer from any
15 memory loss as a result of her injuries.



22 THE COURT: Okay. Guys, remember there's a
23 court reporter. You can't talk over each other. It's
24 impossible for her to record what's going on.

25 So -- and if you're reading it, just slow down
26 a little bit.

27 MR. ANGELUCCI: Okay.

28 THE COURT: All right. So let's sort this

1 out.

2 MR. VOGEL: Yes, Your Honor.

3 THE COURT: What's the objection?

4 MR. VOGEL: The objection is he's reading from
5 a police report, which is hearsay.

6 THE COURT: Okay. Is there an exception to
7 that, Counsel?

8 MR. ANGELUCCI: Well, I've stated what I
9 believe the exception is. It's an official report, but,
10 right now, I'm asking just her to refresh her memory.
11 That's what I'm asking -- that's all I'm doing right
12 now --

13 MR. VOGEL: Your Honor --

14 MR. ANGELUCCI: -- because she -- go ahead.

15 MR. VOGEL: Sorry. That would be similar to
16 me admitting the police report where he said that he had
17 had no sex on Thursday, whereas the police report
18 referred to it as Wednesday.

19 THE COURT: Okay. So let's sort this out.

20 The sentence, [READING] Ashley has not passed
21 out or had any other side effects, that's admissible.
22 That's a declaration against interest. That can be
23 admitted, but you can't read off of a hearsay document.
24 You have to properly refresh her memory.

25 MR. ANGELUCCI: Okay.

26 THE COURT: So why don't you proceed to
27 properly refresh her memory.

28 //

1 BY MR. ANGELUCCI:

2 Q. Okay. Do you recall saying to the police that
3 you do not suffer from any memory loss as a result of
4 your injuries?

5 A. My injuries?

6 What -- what injuries? I'm not seeing this.

7 Q. Okay. I'm going to start from the beginning
8 paragraph.

9

10

11 A. Uh-huh.

12 Q. -- that's your Workers' Compensation case;
13 right?

14 A. Yes, yes.

15 Q. So do you recall telling police you don't
16 suffer from memory loss as a result of your injuries?

17 A. I do not recall saying that.

18 Q. So you might have told them that?

19 A. I couldn't say if I don't recall.

20 Q. So do you recall telling the police that the
21 landline was -- strike that.

22 Earlier you testified that you -- you -- the
23 reason you didn't use the landline when you were locked
24 in this room for three days to call police was that
25 Jerry had told you not to use it --

26 A. Yes.

27 Q. -- correct?

28 A. Yes.

1 Q. Do you recall telling police that the reason
2 you didn't use the landline is because you didn't know
3 where it was?

4 A. No. I mean, I think he had it in the first
5 bedroom.

6 Q. Okay. If you would turn to page 56. I'd just
7 like to read from this and see --

8 MR. VOGEL: And again, Your Honor, I believe
9 it's an improper refreshing of recollection.

10 THE COURT: Well, let's let him move
11 forward --

12 MR. VOGEL: Okay.

13 THE COURT: -- a little bit and see if he's
14 doing it.

15 MR. VOGEL: Okay.

16 BY MR. ANGELUCCI:

17 Q. [READING] Ashley was asked to recall -- bottom
18 paragraph, [READING] Ashley was asked to recall previous
19 conversations regarding the landline telephone in the
20 guest cabin and if she attempted to use it. Ashley
21 stated she did not attempt to dial 9-1-1, and when asked
22 about a reason for not dialing 9-1-1, she said she was
23 in shock and did not know what to do at the time.
24 Ashley stated that she had never used the landline
25 before and could not recall where exactly the land phone
26 was located.

27 Do you remember saying that to police?

28 A. No, I do not.

1 Q. But you may have?

2 A. Yeah, I may have. I just can't give you a yes
3 or no 100 percent lawfully.

4 Q. Okay. Now, did you also tell police that you
5 had no cell service during the time that you were locked
6 up for three days?

7 A. What page is that on?

8 Q. Well, I'm just asking if you recall saying
9 that.

10 A. Can you repeat the question.

11 Q. Do you recall telling police that you had no
12 cell service during the time that you were locked up for
13 three days in that room?

14 A. I wouldn't say 100 percent no cell phone
15 reception, but I -- it was really hard for me to make
16 calls without going outside.

17 Q. Do you remember telling the police you did
18 not -- that you could not make calls from the guest
19 cabin during those times?

20 A. Like, it was difficult, like very difficult.

21 Q. Were you able to talk to anybody on the phone?

22 A. Not inside the cabin, no.

23 Q. Okay. Now, you've testified that on November
24 12th, Thursday, you were locked in the cabin; is that
25 correct? You couldn't get out?

26 A. Not the whole entire day.

27 Q. What period -- oh, other than when Jerry was
28 there; correct?

1 A. Or when Darlene was there.

2 Q. But when he was gone, were you locked -- you
3 testified that you were locked in the cabin, and you
4 couldn't get out.

5 A. I tried to get out, and, yes, I could not.

6 Q. You could not.

7 On page 57 of the report --

8 A. Is that under, like, a B or a C?

9 Q. Yeah. This is Exhibit A still.

10 A. Oh, okay.

11 Q. The first paragraph, the last line, [READING]
12 Ashley reiterated that she could not make calls out from
13 the guest cabin on her cell phone when she was locked
14 inside the cabin.

15 Do you recall saying that?

16 MR. VOGEL: Objection. She just said that
17 right -- in court right now. That's not a refreshing of
18 recollection, Your Honor. She said that she had
19 difficulty making calls when she was locked in the
20 cabin.

21 MR. ANGELUCCI: But this says, "could not."

22 BY MR. ANGELUCCI:

23 Q. So the question is did you tell them that you
24 could not? Not that it was difficult, but you could
25 not?

26 A. I -- I, first and foremost, would need to find
27 the highlighted portion.

28 THE COURT: Okay.

1 BY MR. ANGELUCCI:

2 Q. Were you able to make any phone calls while
3 you were locked inside that cabin?

4 A. I made attempts, yes.

5 Q. Did you make any successfully?

6 A. On what day?

7 Q. On Thursday, November 12th.

8 A. Not inside the cabin, no. Outside.

9 Q. And who did you reach and call?

10 A. Who I successfully believe that I got through
11 to was my friend Marlon.

12 Q. And how long did you talk with him?

13 A. I don't know.

14 Q. If you look on page 65, maybe this would
15 refresh your recollection.

16 A. Okay.

17 Q. Page 65. This is a call log.

18 MR. VOGEL: Objection, Your Honor. Refreshing
19 recollection -- she did not create this document.

20 MR. ANGELUCCI: But this may refresh her
21 recollection. She testified that she spoke with police.

22 MR. VOGEL: It should be a document that she
23 created, shouldn't it?

24 THE COURT: No.

25 MR. ANGELUCCI: No.

26 THE COURT: Okay. So what's your legal
27 objection, Mr. Vogel?

28 MR. VOGEL: Well, I'll withdraw the objection.

1 THE COURT: Okay.

2 BY MR. ANGELUCCI:

3 Q. If you see the call log, there are two that
4 the police apparently have bolded.

5 Do you see those?

6 A. I am not seeing a page number.

7 Is it --

8 Q. Sixty-five. Exhibit A, 65, the lower right
9 hand shows --

10 THE COURT: It's a number that's got four
11 zeros and then six, five at the end.

12 THE WITNESS: Oh, okay.

13 MR. ANGELUCCI: Sorry.

14 THE WITNESS: Okay. I was, like, I am not
15 seeing that.

16 Oh, okay.

17 BY MR. ANGELUCCI:

18 Q. Do you see those two bolded numbers?

19 A. Yes.

20 Q. And one of them says that -- the outgoing call
21 to Marlon for 3.59 minutes, and another one to Marlon --
22 both on November 12th -- this one for 19 and 35 -- 19
23 minutes, 35 seconds.

24 A. Uh-huh.

25 Q. Does that refresh your recollection about how
26 long you spoke with Marlon?

27 A. It does not refresh my memory, no.

28 Q. No.

1 Okay. When you spoke with Marlon, did you
2 tell him anything about what was going on on the ranch,
3 being stuck, locked up, raped?

4 A. No, I didn't. I told him after I had left the
5 ranch.

6 Q. You didn't tell him while you were on the
7 phone with him?

8 A. No. I was in a state of shock, to be honest,
9 and I was in a remote area. I didn't know how to get
10 off or how to direct people to get there, and he doesn't
11 even live anywhere close.

12 Q. And he couldn't have called the police for
13 you?

14 A. I don't know. I mean, maybe he could have.

15 Q. Okay. Now, isn't it true that you didn't tell
16 the police anything about you calling Marlon until after
17 they obtained your call log and then questioned you
18 about it?

19 A. There was probably a lot of things that I did
20 leave out. I mean, this was a very traumatic
21 experience, and I'm still remembering certain things
22 that occurred during my assault.

23 Q. That also happened with Castillo's restaurant;
24 right? When you were interviewed -- the first three
25 times you were interviewed, you didn't tell the police
26 that he took you out to a restaurant on Thursday;
27 correct? -- until they asked you?

28 A. Right, that's correct.

1 Q. All right. Now -- now, did you tell the
2 police that when you sent Jerry a text stating that last
3 night's -- last night's rough sex was kind of a trigger,
4 that you really meant that it was rape?

5 A. I'm sorry. Can I see where that is you're
6 reading.

7 Q. Sure. Page 57.

8 I'll read -- bottom paragraph, [READING]
9 Ashley was advised of the presence of Cox's cell phone
10 record and the presence of over 800 text messages that
11 were reviewed. Ashley was advised of the context of the
12 text messages, specifically --

13 THE COURT REPORTER: I'm sorry. Can you
14 please slow down.

15 MR. ANGELUCCI: Oh, I'm sorry.

16 BY MR. ANGELUCCI:

17 Q. -- [READING] specifically that occurred on
18 Thursday of the incident. Ashley was advised that at
19 1:14:02 hours, she sent a text to Cox stating, "It's
20 kind of a trigger," and "last night's rough sex" needed
21 to be clarified, as the remainder of the text was cut
22 off by the program used to download the text messages
23 between Cox and Ashley.

24 [READING] Ashley stated that she recalled the
25 text message and that prior to the text, Cox informed
26 her he was going to have his teeth cleaned by a friend,
27 and he was gone for hours. Ashley stated that she
28 needed to voice that she was not okay with what happened

1 to her, even though she was really scared. Ashley
2 stated that she was calling what happened to her "rough
3 sex" and that maybe she should have called it "rape."

4 Do you recall saying that?

5 A. This was all in my initial statement given on
6 the 13th? Or the 11th? No. The 13th.

7 When was this initially formulated?

8 Q. I would have to look at the date.

9 But my question is do you recall saying that
10 to the police?

11 This was on September 1 when you were asked
12 questions.

13 MR. VOGEL: September 1st?

14 MR. ANGELUCCI: Yes, 2016.

15 BY MR. ANGELUCCI:

16 Q. This was the police questioning you on
17 September 1, 2016.

18 That's on page 55.

19 MR. VOGEL: I believe it's September 14th.

20 MR. ANGELUCCI: Oh, I apologize. There's
21 another one. Yes.

22 BY MR. ANGELUCCI:

23 Q. September 14th.

24 A. September 14th.

25 And what officer was it?

26 Q. This was Officer Smith.

27 A. And, I'm sorry, what was your question?

28 Q. Do you remember saying that to the officer

1 that by "rough sex," you -- you probably should have
2 called it "rape"?

3 A. You know, I mean, honestly, I've been
4 interviewed by so many different people. I can't say
5 that I do remember specifically making that comment.

6 Q. But is that your position today that when you
7 wrote that text, you were referring to rape?

8 A. I can't really say, to be honest, and I can't
9 give you a yes or a no.

10 Q. Okay. Now, if you look at page 50 of the same
11 document, these are a set of those -- those texts, and
12 the one about the trigger -- "last night's rough sex" --
13 maybe this will refresh your recollection. Just above
14 it -- two of them, you text to Jerry -- three -- three
15 above, it says, at 1:21:56, [READING] Let me know if you
16 want to hang out later.

17 And then you write, [READING] Of course. I
18 will see you later and hang out, love bug.

19 Do you recall that exchange?

20 A. Wait. Hold on. I'm just seeing who sent
21 what.

22 Q. This was on the 11th, around the same time
23 that you wrote "last night's rough sex."

24 MR. VOGEL: Your Honor, again, I have to
25 object to this line of questioning. It's not refreshing
26 recollection. It's just being used to introduce the
27 information in these police reports.

28 THE COURT: Sustained.

1 BY MR. ANGELUCCI:

2 Q. Do you recall writing that text that said,
3 "It's kind of a trigger, last night's rough sex"?

4 A. Do I recall saying that?

5 Q. Texting him that.

6 A. Yeah, I do.

7 Q. So do you also recall now -- when you did
8 that, do you recall whether you were referring to rape?

9 A. I don't know. I think that -- I don't think
10 it was. I think that it was rough and -- no, it had not
11 escalated to rape at that point.

12 Q. Okay. So we'll move on to the next page.

13 Do you remember the next day, November 12th,
14 exchanging text messages with Jerry?

15 A. I mean, I'll have to read these.

16 Q. Okay. Without looking at that. I'm sorry.

17 THE COURT: You can close that. You can close
18 the exhibit --

19 MR. ANGELUCCI: I'm sorry.

20 THE COURT: -- because he's trying to elicit
21 testimony from you.

22 THE WITNESS: Okay.

23 BY MR. ANGELUCCI:

24 Q. My bad. My fault.

25 Do you recall --

26 A. No.

27 Q. You don't recall text messages on Thursday
28 with Jerry?

1 A. No.

2 Q. But that would have been after the alleged
3 rape occurred because you're alleging it started on
4 Wednesday; correct?

5 A. On the 11th? Um, yeah, on the 11th, when I
6 asked him about his name.

7 Q. Now, if you could look at page 51 --

8 THE BAILIFF: Bless you.

9 MR. ANGELUCCI: Bless you.

10 THE WITNESS: I'm sorry, Your Honor. I'm
11 supposed to reopen this?

12 THE COURT: Yes.

13 BY MR. ANGELUCCI:

14 Q. Yes.

15 I'll wait.

16 And where it starts with November 12th --

17 A. Okay.

18 Q. -- it says that you texted him, [READING]
19 What's your ETA?

20 Do you remember that?

21 A. I mean, obviously, it's saying that I sent it;
22 so --

23 Q. Okay. And then he said, [READING] Thirty
24 minutes.

25 And you say, [READING] Okay. Sweet.

26 Do you remember that?

27 A. I mean, no. I'm just reading these as --

28 MR. VOGEL: And I'll object to these too.

1 THE COURT: Sustained.

2 BY MR. ANGELUCCI:

3 Q. Okay. Do you remember saying, [READING] No
4 wonder you didn't want to come in?

5 A. No, I do not.

6 Q. If you did say that, do you know what you
7 would have been referring to by that?

8 A. No, I do not.

9 Q. Do you remember saying, [READING] I'm sick and
10 did the best I could. I'm not getting paid for this.

11 A. Might have been in -- regarding to him making
12 me clean.

13 Q. And then do you remember saying, [READING]
14 Cleaning -- oh, I'm sorry. Do you remember him then
15 texting you saying, [READING] Cleaning up your mess and
16 you didn't get paid to clean up?

17 And you answered, [READING] You are -- and you
18 said, [READING] I'm not going to be verbally abused by
19 you.

20 Do you recall texting him that?

21 A. Yes. I do recall standing up for myself for
22 the next -- pretty much the remainder of this page.

23 Q. So you stood up for yourself with regard to
24 verbal abuse, but you were too afraid to text him to
25 say, "You've been raping me. I'm not going to be raped
26 by you. I'm not going to be beaten by you"; is that
27 correct?

28 A. I do believe, since we're on the subject, I

1 did say that after I left; so I guess that would be
2 going forward.

3 Q. Did you see on -- on -- did you read the
4 police report with regard to the -- what the waiter at
5 the restaurant said at Castillo's?

6 MR. VOGEL: Objection, Your Honor. We're
7 getting into hearsay again.

8 THE COURT: Sustained.

9 And it's 11:59. Let's break here.

10 We'll be back at 1:30.

11 You'll be competing with another case.

12 Mr. Angelucci, how much more -- how many more
13 witnesses do you have today?

14 MR. ANGELUCCI: I have three, but they won't
15 be long.

16 THE COURT: Who do you have? Darlene?

17 MR. ANGELUCCI: Darlene, Aaron, and Crystal.
18 They will not be long.

19 THE COURT: Okay. And, Mr. Vogel, any other
20 witnesses for you?

21 MR. VOGEL: Just one, and it would be very
22 short.

23 THE COURT: Okay.

24 Okay. So we'll see you back here at 1:30.

25 THE WITNESS: And should I just leave this up
26 here?

27 THE COURT: Yes.

28 (Whereupon, the lunch recess was taken.)

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SAN LUIS OBISPO, CA; FRIDAY, JULY 26, 2019

AFTERNOON SESSION

DEPARTMENT 11 HON. ERIN M. CHILDS, COMMISSIONER

--o0o--

THE COURT: Good afternoon, everybody.

MR. VOGEL: Good afternoon, Your Honor.

MR. ANGELUCCI: Good afternoon.

THE COURT: Okay. Let's pick up where we left off.

Actually, before we do that, I did some research over the lunch hour in particular regarding refreshing recollection refreshing my recollection on how to do it and the police report, and I did read that case that you cited, the Taylor versus Centennial Bowl.

MR. ANGELUCCI: Yes.

THE COURT: And I looked at Simons on hearsay and police reports, and I know that there are certain circumstances where police reports are admissible. They're not hearsay. They're not considered hearsay, depending on how they're drafted, but one of the things the Court should take into consideration is the trustworthiness of the document. So we don't have the police officer here to authenticate it or lay the foundation or to fortify or reassure the Court of its trustworthiness; so I'm going to rule that the police report is not admissible hearsay. Although, you can use it for other purposes, but to admit it into evidence as an exhibit, I'm going to deny that request, okay?

1 MR. ANGELUCCI: Yes.

2 THE COURT: So we had --

3 MR. ANGELUCCI: We are on record; right?

4 We're on record?

5 I'm sorry.

6 THE COURT: Yes, we are.

7 MR. ANGELUCCI: I did not know that.

8 THE COURT: So Ms. Harris was on the witness
9 stand.

10 If you would please retake the stand.

11 Okay. You are still under oath.

12 THE WITNESS: Okay.

13 BY MR. ANGELUCCI:

14 Q. So, Ms. Harris, did -- when you were at
15 Castillo's with Jerry, did you have any alcohol?

16 A. Yes.

17 Q. Okay. And did you offer Jerry to have some
18 alcohol?

19 A. I don't remember if I asked him or not.

20 Q. Do you remember how much alcohol you had?

21 A. I had two drinks, and I believe it was two
22 glasses of wine not margaritas.

23 Q. Did you have alcohol when you were on the
24 ranch during those three days?

25 A. Yes.

26 Q. I want to look at your deposition a moment.
27 Again, this is R-2, our Exhibit 2.

28 THE COURT: Okay.

1 BY MR. ANGELUCCI:

2 Q. On page 31 -- and I believe you have it -- I'm
3 sorry. Is it 31 -- no. I'm sorry. 116, and that would
4 be for you -- actually, that would be Exhibit B.

5 A. Okay.

6 Q. And I'm looking -- I'm starting with line 15,
7 the question -- [READING] Back on the record. So
8 according to your last testimony, you last had alcohol
9 in October of 2014.

10 [READING] Answer, yeah, yes.

11 A. I'm sorry. Wait. What page is this on?

12 Q. On page 116.

13 A. Okay. You highlighted it.

14 MR. VOGEL: And, Your Honor, this line of
15 questioning I would object to because it's -- again,
16 it's hearsay -- inadmissible hearsay. It's irrelevant
17 in that it's not being used to rebut any evidence that's
18 been stated by Ms. Harris.

19 THE COURT: Is it impeachment evidence or
20 something?

21 MR. VOGEL: It's impeachment evidence. That's
22 what it's being used for.

23 MR. ANGELUCCI: Well, she said she wasn't
24 sure -- well, yes, because she just said that she drank
25 alcohol on the ranch, and here she's saying that she
26 hadn't -- she told the -- in the deposition, under oath,
27 [READING] I haven't had alcohol since October 2014. So
28 that's --

1 THE COURT: The objection is overruled.
2 You can go forward.

3 It's impeachment evidence, Mr. Vogel.

4 MR. VOGEL: Okay.

5 BY MR. ANGELUCCI:

6 Q. Do you remember stating that in your
7 deposition?

8 A. Again, I would have to -- on page 116?

9 Q. Yeah, starting with line 16.

10 A. Line 16.

11 I don't know when my last testimony was.
12 Prior to this transcript, when -- my previous
13 deposition?

14 Q. Well -- no, but it says that -- here you
15 stated you last had alcohol in October, 2014, and you
16 said, "That's correct, yes."

17 Was that true at the time that you took this
18 deposition in June 2017, or did you have alcohol at the
19 ranch?

20 MR. VOGEL: Your Honor, I believe this
21 requires some discussion. I think this is completely
22 out of context that she -- her last testimony had
23 previously been a deposition. It was taken some years
24 earlier. So some years earlier -- so according to your
25 last testimony -- which had been taken years earlier,
26 not just days or weeks earlier -- you last had alcohol
27 in October of 2014. That is according to her last
28 testimony, which would be part one of a two-part

1 deposition.

2 MR. ANGELUCCI: Well, I --

3 THE COURT: Okay.

4 MR. ANGELUCCI: Now he's testifying.

5 She can explain that.

6 THE COURT: Go ahead with your question.

7 We're getting into the -- we need to stay
8 focused on whether the domestic abuse occurred.

9 MR. ANGELUCCI: Yeah. I'll ask --

10 THE COURT: So I'll let you ask --

11 MR. ANGELUCCI: I'll withdraw that.

12 THE COURT: Okay.

13 MR. ANGELUCCI: Thank you, Your Honor.

14 Your Honor, I would like to -- I don't think I
15 asked to introduce Exhibit R-2. I've used it. She's
16 answered questions regarding her deposition.

17 THE COURT: Any objection?

18 MR. VOGEL: R-2?

19 Yeah. The objection -- and this is the
20 deposition transcript?

21 MR. ANGELUCCI: Yes.

22 MR. VOGEL: Yeah, again, it's hearsay. There
23 is an Evidence Code Section 1292, which I had pointed
24 out in my response to the motion to continue, governing
25 former testimony from another case. Evidence of former
26 testimony is not made inadmissible by the hearsay rule
27 if the declarant is unavailable, but the declarant is
28 available here, and, you know, et cetera, et cetera. So

1 it's inadmissible hearsay, Your Honor.

2 MR. ANGELUCCI: That's correct, Your Honor,
3 but Evidence Code 1202 allows it as an exception as a
4 prior inconsistent statement.

5 THE COURT: The Court will admit the
6 deposition.

7 The objection's overruled.

8 MR. VOGEL: Your Honor, you would be admitting
9 the entire deposition?

10 THE COURT: The portions that were cited, so
11 every page that you use in testimony can be admitted.

12 This is a -- let's stay focused, you guys.
13 We're going to be here --

14 MR. VOGEL: Oh, okay.

15 THE COURT: -- for the next five days if it
16 keeps going at this pace.

17 So here's what we should do with that
18 deposition transcript.

19 The pages that you site to to impeach her will
20 be admitted into evidence, and we need to give them
21 their own exhibit number.

22 MR. ANGELUCCI: Okay. And those are pages 116
23 through 118.

24 THE COURT: Okay. They will be admitted.

25 MR. ANGELUCCI: Thank you.

26 THE COURT: Let's keep going, and let's focus
27 on the --

28 MR. ANGELUCCI: Okay.

1 THE COURT: -- domestic abuse, please.

2 BY MR. ANGELUCCI:

3 Q. Are you a licensed artificial insemination
4 handler, or were you one?

5 A. Certified for dairy science at Cal Poly.

6 Q. And does that -- in that training, did you
7 actually work in that field?

8 A. I'm sorry?

9 Q. Did you actually do any work in that field,
10 other than your education in that field?

11 A. Oh, no. It was just a quarter class, like a
12 quarter long.

13 Q. And did that make you one who's experienced in
14 handling sperm, so to speak?

15 A. I'm sorry. I -- no.

16 Q. No?

17 A. I went pre-veterinary animal science not --

18 Q. Now, isn't it --

19 A. -- artificial insemination.

20 Q. Now, isn't it true -- do you recall when you
21 were served with documents?

22 Bless you.

23 THE BAILIFF: Bless you.

24 THE COURT: Thank you.

25 BY MR. ANGELUCCI:

26 Q. That video that you were showed, do you recall
27 when that was?

28 A. It was in October.

1 Q. October of what year? Do you recall?

2 A. Um, well --

3 Q. 2018?

4 A. Okay. Sure.

5 Q. And am I correct that you filed for this
6 restraining order on November 16 of 2018, right
7 afterwards?

8 A. Yes, and I would like to elaborate on that
9 briefly. I was never informed by anybody that once the
10 criminal case was dismissed that my criminal restraining
11 order would be lifted. If that was the case, I would
12 have gone through this whole process as soon as I found
13 that out.

14 So -- but to answer your question, in -- my
15 criminal restraining order, to my knowledge, was to
16 be -- needed to be extended in November of 2018, and so
17 that's why I filed it and started the paperwork on
18 November 11th. So --

19 Q. So you were not aware of when that restraining
20 order would have expired?

21 A. No. I was told it was going to expire
22 November of 2018, and when the case was dismissed, I was
23 not informed that the criminal restraining order that I
24 had against Mr. Cox was no longer in effect.

25 Q. Just a couple other quick questions.

26 Going back to Exhibit 1, which would be --
27 what you have would be Exhibit A, and what the Court has
28 would be Exhibit R-1.

1 Do you remember telling the police that you
2 never had consensual sex with Jerry?

3 A. I'm sorry. Which page was this on?

4 Q. I hadn't gone to a page yet. I'm sorry.

5 A. Did I say --

6 Q. Did you remember telling the police that you
7 never had consensual sex with Jerry?

8 A. No, I don't recall saying that.

9 Q. Okay. I'm going to go to page 3, and if you'd
10 look at the last paragraph, it begins, [READING] I asked
11 Ashley if any of the sexual acts were consensual at any
12 time, in which she stated they were not.

13 Do you remember saying that?

14 A. During my -- the 11th through the 13th, yes.

15 Q. Is that what -- you're telling us that that's
16 what you meant by that?

17 A. Oh, yes, I mean, obvious -- I mean, it's clear
18 that we both admitted --

19 Q. Okay.

20 A. -- that we had. Yeah.

21 Q. Just wanted to know about that.

22 A. Yes.

23 Q. Okay. And I think the last thing I wanted to
24 mention was did you say -- you testified earlier that
25 Jerry was -- you did not consider yourself Jerry's
26 girlfriend; correct?

27 A. No. I mean, we never really put -- he just
28 asked if I would be his girl, and I -- he took me to a

1 wedding, but, I mean, we weren't -- I mean, I don't know
2 how you would say that we were boyfriend and girlfriend.

3 Q. Is it your position that one of the reasons
4 you answered in your deposition that you were not raped
5 or sexually assaulted is because they had said, "By a
6 boyfriend"?

7 A. If -- I mean, I would -- I would love to go
8 back to the transcript so that I don't make any mistake.

9 Is that Exhibit B?

10 Q. Yeah, it's Exhibit B, on page 117.

11 But just from memory, I mean, earlier today,
12 your attorney started to say -- ask you a question about
13 that being the reason why you said, "No."

14 A. Well --

15 Q. And I objected, and it was sustained.

16 A. I was also -- when they said, "2010," I was
17 going through all of my boyfriend -- the serious
18 boyfriends of years, and, yeah, I was going through the
19 list of them and saying, "No, I've never been sexually
20 abused by my boyfriends."

21 Q. Okay. So in other words, when they asked --
22 question, on line 20 -- [READING] Other than these
23 incidents, have there been any other incidents where
24 you've been the victim? I'll start with violent crime.

25 And you answered, [READING] Not that I recall.

26 And they say, [READING] No sexual or physical
27 abuse since [REDACTED]

28 [REDACTED]

1 Q. And the answer, [READING] Not that I recall.

2 Your testimony today is that you thought they
3 were only asking you about a boyfriend?

4 A. Well, yeah, and that was -- I mean, if they
5 would have said have I ever been sexually assaulted or
6 raped by Jerry Cox, I would have said, "Yes."

7 Q. Okay. If you could please turn to page 56 of
8 the -- of Exhibit 1, which would be R-1. For you, it
9 would be A.

10 A. Oh, okay.

11 Q. And the second to the last paragraph and see
12 if you remember saying this.

13 A. I'm sorry. Exhibit 1 --

14 Q. Yeah, page 56. On page 000056.

15 A. Okay. Hold on one second.

16 Okay.

17 Q. The second to the last paragraph from the
18 bottom --

19 A. Uh-huh.

20 Q. -- the last sentence of it starts, [READING]
21 Ashley stated the relationship was solidified at the
22 wedding when Cox introduced Ashley at the wedding as his
23 girlfriend.

24 Do you remember stating that?

25 A. No, I did not say girlfriend and boyfriend
26 because we were not.

27 Q. Is it your position that you didn't tell the
28 police this?

1 A. I do not recall saying, "Girlfriend."

2 Q. But you might have?

3 A. I might have.

4 MR. ANGELUCCI: Okay. That's all I have, Your
5 Honor.

6 THE COURT: Mr. Vogel?

7 REDIRECT EXAMINATION

8 BY MR. VOGEL:

9 Q. When you were served and that video was taken,
10 did the video show your car's license plate?

11 A. Yes, it is -- it's visible in the video, and
12 what -- my car.

13 Q. And your car?

14 A. You could see the year -- or the -- that it's
15 a Toyota black Forerunner. You could see my license
16 plate.

17 Q. Okay. And that was a concern to you?

18 A. Majorly a huge concern.

19 Q. About what? Your home? Was that identifiable
20 in the video?

21 A. Yes.

22 Q. Okay.

23 A. And that is -- just to reiterate, I had been
24 relocated through the witness protection services of
25 California to ensure that I was not found, you know --

26 Q. Okay.

27 A. -- to be protected, and that was now violated
28 and put on social media for thousands of viewers to see.

1 Q. Okay.

2 A. So, yeah, I am very concerned about that.

3 MR. VOGEL: Okay. I have nothing further.

4 THE COURT: Any other testimony?

5 MR. ANGELUCCI: No, Your Honor.

6 THE COURT: Okay. You can have a seat next to
7 your attorney.

8 Next witness.

9 MR. VOGEL: Yes. I'd like to call your mom.

10 MS. HARRIS: Okay.

11 MR. ANGELUCCI: Your Honor, I have -- I have
12 one witness who's got kids -- a 14-year-old watching a
13 three-year-old.

14 (Mr. Angelucci and his client confer sotto
15 voce.)

16 MR. ANGELUCCI: Oh, well, then I withdraw
17 that. I'm sorry.

18 THE COURT: Okay. Good afternoon.

19 This is our witness stand.

20 If you would please remain standing and raise
21 your right hand to be sworn in.

22 THE COURTROOM CLERK: Do you solemnly state
23 under penalty of perjury the evidence you shall give in
24 this matter shall be the truth, the whole truth, and
25 nothing but the truth?

26 If you understand and agree, say, "I do."

27 THE WITNESS: Yes, I do.

28 THE COURT: Okay. You can have a seat.

1 We have a court reporter here today. So
2 please remember to speak slowly and clearly. Wait for
3 the entire question before you answer. If you hear,
4 "Objection," wait, and I'll rule on the objection. And
5 then you can either finish the question or your answer
6 or a new question will be made.

7 Please state your name and spell it for the
8 record.

9 THE WITNESS: I'm Krystal McElree
10 K-r-y-s-t-a-l M-c-E-l-r-e-e.

11 THE COURT: Okay. Mr. Vogel.

12 KRYSTAL McELREE (for the Petitioner)
13 called as a witness, being first duly sworn,
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MR. VOGEL:

17 Q. Ms. McElree, did you contact your daughter
18 Ashley shortly after she reported this incident in
19 November of 2015?

20 A. I did. Well, actually, I knew she had gone to
21 the ranch, and the cell phone was sketchy. So I
22 couldn't get ahold of her, and I think -- I believe she
23 called me when she had been released from the hospital,
24 the SART, on her way. She was living with myself and
25 her grandma during that time period after her brain
26 trauma; so she called me briefly wanting to know if I
27 was home and maybe to come to my house. And I had
28 little grandchildren there --

1 Q. Okay.

2 A. -- and she said, "I don't want them to see
3 me." And so that's kind of -- she was very, very upset,
4 and she said, "I'm going to grandma's." And at that
5 point -- I think it was the next day when I didn't have
6 my grandchildren, I saw Ashley.

7 Q. Do you recall what date that was -- what day
8 of the week? Was it a -- I think she reported it on a
9 Friday. She -- the 13th, and so was it that weekend?

10 A. Yeah, because I work during the week; so I
11 would imagine. Honestly, I can't recall exactly what
12 day it was, but she was -- whatever day it was that she
13 was on her way back from that area after this happened.

14 Q. Okay. And what happened when you saw her?

15 A. That is kind of something that a mom doesn't
16 want to see.

17 Q. Did you see any injuries on your daughter?

18 A. It was ugly. Her face was completely purple
19 and kind of -- I think they're documented. Bruised
20 from, kind of, head-to-toe: Ankles, neck, stomach,
21 back. I think there are pictures.

22 Q. Did you see those injuries?

23 A. I did.

24 Q. And do you know anything about bruising, how
25 long it takes to develop?

26 A. Well, I think they -- well, my bruises,
27 anyway, kind of develop in a year -- a day or two later.

28 MR. ANGELUCCI: Objection. Speculation.

1 THE COURT: Sustained.

2 BY MR. VOGEL:

3 Q. Now, what color were her bruises?

4 A. Purple, blue, purple, dark, dark.

5 Q. And did she have bruising that was on her
6 face?

7 A. She had -- like, half of her face.

8 Q. Did you see any swelling?

9 A. She was -- it wasn't pretty. She was a mess
10 all over.

11 Q. When you say, "all over," did she take her
12 clothes off for you to look at her?

13 A. I wanted -- I didn't want to see, but I wanted
14 to see. You know, it was -- it was not good.

15 Q. So how did you get her clothes off to see?

16 A. I didn't. She -- she showed me.

17 Q. She took her clothes off?

18 A. Yeah, yeah, because she's, like, "Mom --" I
19 mean, it was very upsetting.

20 Q. Okay. You indicated that it was difficult to
21 have communication with her when she was on the ranch.

22 Did you try to call her?

23 A. Yeah, I did. She had been up to the ranch
24 once before, and I had received phone calls from her at
25 one point or -- and she said -- and tried to call her,
26 and it just went straight to voicemail. She said a lot
27 of the time there was no reception at the ranch, only in
28 certain spots. I mean, it's -- I've never been there,

1 but I think reception was sketchy. There was only
2 certain areas where it worked. I do remember that.

3 MR. VOGEL: Okay. I have nothing further.

4 THE COURT: Okay. Mr. Angelucci.

5 CROSS-EXAMINATION

6 BY MR. ANGELUCCI:

7 Q. So it's your position that from November 11th
8 through -- I'll strike that.

9 Do you have the exhibits in front of you?

10 If you could look at Exhibit A.

11 A. Okay.

12 MR. ANGELUCCI: Which for the Court would be
13 Exhibit R-1.

14 BY MR. ANGELUCCI:

15 Q. And go to page 65.

16 Let me know when you're there.

17 The lower right hand is where the numbers are,
18 and it starts 00005.

19 A. Almost there.

20 Okay.

21 Q. Now, you see at the top, it says this is a
22 supplement. It says, [READING] I began the process of
23 reviewing Ashley Harris's cell phone.

24 If you look down to the call log, where it
25 says, [READING] Incoming call, 11/11/15, at 1822 hours,
26 from mom to Mac, M-a-c.

27 Is that you?

28 A. Yes. I think that's how she has me in her

1 phone.

2 Q. And is that your phone number there?

3 A. That was my old phone number, yes.

4 Q. And it says that it lasted -- the phone call
5 lasted four minutes and 49 seconds.

6 A. Whatever phone call that was on 11/13 --

7 Q. This says 11/11.

8 A. 11/11?

9 Oh, 11/11.

10 Let's see. Yeah, she obviously called me or
11 left a message.

12 Q. And you don't recall that?

13 A. I don't.

14 Q. That's a no.

15 A. Nope.

16 Q. You don't recall getting a voice message?

17 A. Well, I do from -- I have four daughters. I
18 could -- I could not say what this was.

19 Q. Okay.

20 A. It happens all the time.

21 MR. ANGELUCCI: All right. And that's all I
22 have.

23 REDIRECT EXAMINATION

24 BY MR. VOGEL:

25 Q. And excuse me. What time was that call at?

26 Well, in the record, it indicates 1822 hours,
27 that phone call. I guess that would be 6:22 p.m.

28 Do you recall that?

1 A. On the 11th?

2 Q. On the 11th. That would be on Wednesday, the
3 11th.

4 A. I don't. Like I say, I honestly couldn't say.
5 I get calls from my girls all the time or messages.

6 MR. VOGEL: Okay.

7 All right. Nothing further.

8 THE COURT: May this witness be excused?

9 MR. VOGEL: Yes, Your Honor.

10 THE COURT: Thank you, ma'am.

11 THE WITNESS: You're welcome.

12 THE COURT: Next witness?

13 I think those are all of your witnesses.

14 MR. VOGEL: That's all we have, Your Honor.

15 THE COURT: Mr. Angelucci.

16 MR. ANGELUCCI: I would like to call Darlene
17 Windham, W-i-n-d-h-a-m, but I'll let her spell it in
18 case I am wrong.

19 THE COURT: Good afternoon.

20 This is our witness stand.

21 Are you Darlene?

22 THE WITNESS: Yes.

23 THE COURT: Okay. As you approach the witness
24 stand, if you would remain standing and raise your right
25 hand to be sworn in.

26 THE COURTROOM CLERK: Do you solemnly state
27 under penalty of perjury the evidence you shall give in
28 this matter shall be the truth, the whole truth, and

1 nothing but the truth?

2 If you understand and agree, say, "I do."

3 THE WITNESS: I do.

4 THE COURT: Okay. You can have a seat.

5 We have a court reporter here today; so please
6 speak slowly and clearly. Direct all of your answers
7 out towards the attorneys, and if you hear, "Objection,"
8 stop. And I'll rule on the objection, and then you can
9 either proceed or another question will be asked of you.

10 THE WITNESS: Okay.

11 THE COURT: Would you please state your name
12 and spell it for the record.

13 THE WITNESS: My name is Darlene Windham,
14 W-i-n-d-h-a-m.

15 THE COURT: How do you spell Darlene?

16 THE WITNESS: D-a-r-l-e-n-e.

17 THE COURT: Okay. Mr. Angelucci.

18 MR. ANGELUCCI: Yeah.

19 DARLENE WINDHAM (for the Respondent)
20 called as a witness, being first duly sworn,
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MR. ANGELUCCI:

24 Q. Ms. Windham; is that correct?

25 A. Yeah.

26 Q. Where do you live currently?

27 A. Wichita, Kansas.

28 Q. And what is your relationship with Jerry Cox?

1 A. He is my ex-boyfriend's best friend. He's my
2 friend.

3 Q. And how long was he your boyfriend for?

4 A. Aaron was my boyfriend for two and a half
5 years.

6 Q. Oh, I'm sorry. Right now I'm asking about
7 Jerry Cox.

8 A. Oh, how long has he been my friend?

9 Q. Yeah.

10 A. Since '15 -- November of 2015.

11 Q. Was he ever your boyfriend?

12 A. No.

13 Q. Okay.

14 All right. I just -- if I'm not talking loud
15 enough or anything like that, just tell me.

16 A. Okay. I have -- I'm hard of hearing.

17 Q. Understood.

18 The entire time you've known him, has he --
19 have you ever witnessed him being violent?

20 A. No.

21 Q. Does he ever seem to you to have any of those
22 kinds of tendencies to be violent or commit rape or
23 anything like that?

24 A. No.

25 MR. VOGEL: Your Honor, objection. This is
26 going to his character traits, which is inadmissible,
27 unless we were allowed in the first place to attack his
28 character.

1 THE COURT: Sustained.

2 BY MR. ANGELUCCI:

3 Q. Were you -- did you hang out on the ranch
4 sometimes?

5 A. Yes, all the time.

6 Q. And how did you meet Jerry?

7 A. Through Aaron.

8 Q. Aaron....

9 A. Rivera.

10 Q. And were you present there on November 11,
11 2015?

12 A. Yes.

13 Q. And was Ashley Harris present too? Was
14 Ashley -- was Ashley Harris present?

15 A. Yes.

16 Q. What do you remember that occurred that day
17 with Ashley and Jerry on the ranch?

18 A. Ashley and I was hanging out, smoking a
19 cigarette. Jerry comes out.

20 Q. This is Wednesday, November 11th?

21 A. Uh-huh, Wednesday.

22 Everything was fine. Everything was cool.
23 Everybody was getting along. We was talking, joking
24 around, hanging out at the ranch.

25 Q. And that night, where did you sleep? Where
26 did you sleep that night?

27 A. On Wednesday, we stayed at the main house.

28 Q. Is that also known as the guest cabin?

1 A. Yes, the guest.

2 Q. And did anyone sleep in the bedroom with you?

3 A. Yes. Aaron slept in the room with me, and the
4 room next to us was Ashley and Jerry Cox.

5 Q. Do you remember who went to bed first that
6 night?

7 A. Oh, Jerry did.

8 Q. Around what time?

9 A. About 10:00.

10 Q. Was that regular for him?

11 A. Oh, God, yes.

12 Q. And then Ashley -- did Ashley stay up with all
13 of you?

14 A. Yeah. Ashley stayed up, and her and Armando
15 was checking out websites.

16 Q. And do you remember who went to bed next?

17 A. Aaron did.

18 Q. Aaron.

19 And then around what time?

20 A. Around 11:30.

21 Q. And then who was next? Do you know?

22 A. Me.

23 Q. Okay. And so that night, did you hear any
24 kind of noises that might have indicated someone from
25 the room next to you -- that there may have been a rape
26 or violence occurring?

27 A. No. All I could hear was Jerry snoring.

28 Q. Okay. Does he normally snore?

1 A. Yeah, loudly.

2 Q. So you could hear things from the other room
3 then?

4 A. Oh, yeah.

5 Q. But you didn't hear any indication of violence
6 or anything?

7 A. No.

8 Q. What about the next morning? What happened in
9 the morning? That would be Thursday, November 12th.

10 A. We were smoking -- well, we got up, had
11 coffee. I made coffee.

12 Q. Who's "we"?

13 A. I got up first. I always get up before
14 everybody else. I make coffee and pick up around the
15 place and everything, and then probably Jerry got up and
16 then Aaron got up. Aaron and Jerry went down to the
17 barn. I went and got Ashley up and said, "Come on.
18 Let's go have some coffee and smoke a cigarette and
19 stuff." And we sat on the porch and had a couple of
20 cigarettes, and I believe that's when we were told that
21 the cabin needed to be cleaned because someone -- people
22 was coming in.

23 Q. Now, this is -- just to be clear, this is
24 Thursday, November 12th; is that -- okay. So who told
25 you that the cabin should be cleaned?

26 A. Jerry said that the cabin needed to be cleaned
27 up and everything. Since we stayed there, everybody
28 needs to pick up and, you know, help out.

1 Q. And then what happened?

2 A. He took off and everything.

3 Ashley and I was working in the house. She
4 was doing the kitchen. I can't reach the microwave.
5 It's too high and stuff, and he came in and -- no.
6 Ashley and I went back out to have a cigarette. Jerry
7 comes over, "The house is not cleaned." And he says --

8 Q. I just want to ask are you sure that this is
9 Thursday? I understand there's three days, and I know
10 it's been a long time. But are you sure you aren't
11 thinking of Friday right now?

12 A. Oh, no. That was Friday.

13 Q. I just want to be clear here. That's all.

14 A. No.

15 Q. Because I'm -- right now, I'm only talking
16 about Thursday.

17 A. Thursday, Aaron and I, we went -- had to go to
18 Rite Aid and everything to pick up my scripts.

19 Q. You and Aaron?

20 A. Yeah.

21 Q. Okay. But in the morning -- what happened
22 Thursday morning?

23 A. Oh, we got up and had -- everything was fine.
24 We had coffee --

25 Q. Who's "we"?

26 A. -- and stuff like that.

27 Q. Who got up?

28 A. I got up, made coffee, and, like always,

1 Jerry, Armando, and Aaron went and done chores. Then
2 Ashley and I had coffee and cigarettes on the porch, and
3 I got ahold of Aaron, told him I needed to go down to
4 the pharmacy, okay?

5 Ashley and I took off for a few minutes and
6 everything.

7 Q. Where?

8 A. We went down in town.

9 Q. Did you hang out occasionally with Ashley?

10 A. Oh, constantly. She was my -- we had a good
11 time. We'd get on the -- ride the four wheel. We
12 explored Witch's Tit Mountain. We'd go out to the lake,
13 everything.

14 THE COURT REPORTER: I'm sorry. What was the
15 name of that mountain?

16 THE WITNESS: Witch Tit Mountain.

17 BY MR. ANGELUCCI:

18 Q. Is that the slang name for?

19 A. Yeah. That's what we called it.

20 Q. Okay. And so that morning, did you -- what
21 happened? Did the two of you -- you and Ashley
22 returned?

23 A. Yes.

24 Q. Okay. And during those times that you were
25 hanging out Thursday morning, did she tell you anything
26 was going on with Jerry assaulting her or anything?

27 A. No.

28 Q. How did she seem to you?

1 A. She seemed fine. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED] But she seemed like she was doing fine.

5 She did not complain to me.

6 Q. And what happened when you returned on
7 Thursday?

8 A. We got back and everything, and that's when
9 Aaron and I took off to get my prescriptions. And then
10 we came back.

11 Q. By that time, was it early evening?

12 A. It was early evening. Ashley was dressed up.
13 She looked really good. I told her she looked good, and
14 her and Jerry went out to Castillo's to eat.

15 Q. Is that a nearby --

16 A. It's a little Mexican restaurant at the --
17 almost to the end of Main Street in Mariposa. It's off
18 to the side.

19 Q. And how did Ashley seem to you when they were
20 going out?

21 A. She asked if we wanted to go. She seemed --
22 she was happy. She was bubbly.

23 Q. And then when they returned -- did they return
24 that night?

25 A. Yeah.

26 Q. How were they when they returned?

27 A. They was fine.

28 Q. What happened next that night?

1 A. We had a few drinks.
2 Q. Everybody?
3 A. Yeah.
4 Q. Okay. And who went to bed first?
5 A. Once again --
6 Q. Same -- same thing?
7 A. Uh-huh.
8 Q. Jerry -- okay. And where did you sleep that
9 night?
10 A. In the room next.
11 Q. I'm sorry?
12 A. In the room next to the room.
13 Okay. There's two bedrooms.
14 Q. Yeah.
15 Okay. Now, that night, did you hear anything?
16 A. Huh-uh.
17 Q. Okay.
18 A. I got too drunk to go to -- to Hunters'.
19 Q. What's --
20 A. I had a few too many drinks and didn't want to
21 go to Hunters'.
22 Q. What's Hunters'?.
23 A. It's another cabin.
24 Q. On the same property?
25 A. Yes.
26 Q. Did anyone else go to Hunters'?.
27 A. No.
28 Q. All right. And then what happened Friday

1 morning?

2 A. Friday morning, once again, I got up. We went
3 and -- I made coffee, same routine every -- Jerry got
4 up, and then Aaron got up, then Armando got up. Then
5 they went down, had to feed the animals and stuff like
6 that, and I got Ashley up.

7 Q. And then what happened?

8 A. We sat there and talked and seemed like
9 everything was okay.

10 Q. Okay. And --

11 A. But she -- we had a conversation after we left
12 the property.

13 Q. But before then, did anything happen in
14 relation to Jerry? Did he -- you know, did he get upset
15 at anybody or did he --

16 A. Oh, he got a little upset at Ashley and I.

17 Q. For what?

18 A. Oh, for the cabin. It didn't look clean, and
19 he had people coming in. And he told her to get off
20 the -- that property right there. He meant get out of
21 the cabin and stuff because it had to be cleaned
22 properly.

23 Q. And did you -- what happened next? Did you
24 get off that -- out of the cabin?

25 A. Oh, yeah.

26 Q. Who left the cabin?

27 A. Ashley and I did. Ashley got into her
28 vehicle. She went down the hill -- well, no. That's

1 wrong. Ashley walked over to where my car was and
2 crossed the bridge and everything and -- because my car
3 is parked across the bridge, and it needed to be backed
4 up. And I'm not one of the best drivers and stuff; so
5 Aaron backed it up for me. And Ashley took off, and she
6 took off real fast. She got down to the end. She let
7 herself off the property, I guess. She opened up the
8 gate. I'm not sure there, but I met her at the bottom
9 of the hill. And she told me that Jerry hit her, and I
10 said, "What?" And then she had a mark -- mark on her --
11 on her face. She turned her head, and I saw it.

12 Q. Which side?

13 A. Her right side.

14 And then we went to the bar. We had four
15 beers each, and then -- and then we parked her car at
16 Katie's house. And I took her to the highway patrol.
17 We get in there, and they said -- then she changed it to
18 rape, and then we went in the back. Highway patrolmen
19 took her phone and asked -- well, first they asked her,
20 "Were [sic] you been drinking?"

21 And I said -- and she said, no, she didn't
22 drink.

23 So I said, "Oh, bullshit. We've been
24 drinking."

25 And then I got very aggravated, and the police
26 officer -- and the highway patrolman took her phone and
27 was looking at it and found a picture of her with a
28 thong on, butt up in the air, and it said, "Come get

1 it," plus there was numerous responses. And the officer
2 said, "It seems like you guys is awful cozy. It doesn't
3 look that way," and then the sheriff's department came
4 in.

5 Q. So that was a highway patrolman?

6 A. Yes. I was told to take her to J.C. Fremont
7 emergency room for a rape kit by the highway patrol. I
8 get there with Ashley. The sheriff comes and says, "No.
9 They're not equipped to do a rape exam here. We will
10 have to take her to Fresno," and everything, and we were
11 waiting for -- until we got the kit from Fresno. We
12 went over to the police department, and they put us in a
13 room. We sat a conference table, Ashley on one side of
14 the conference table; I was over here. Ashley started
15 talking. I told her to, "Shut up. They record things
16 in these rooms, and there's cameras. Don't say
17 anything."

18 Q. Now, is it true that in her testimony, from my
19 memory, she stated that that morning you saw the marks
20 on her and asked what happened, and she didn't want to
21 tell you --

22 A. No. She didn't want to tell me -- when I --
23 when she -- she just went like that and showed me, and I
24 go, "What is it?" And then we went into the bar.

25 Q. Let me finish.

26 In her testimony, she said that she showed you
27 while at the cabin, and then you said, "What is it," and
28 she didn't want to tell you.

1 And then you said --

2 A. There was no marks on the cabin [sic].

3 Q. I'm sorry?

4 A. I do not remember a mark on her face or
5 anywhere on her body at the cabin.

6 Q. And did you ever say, "Let's get the F out of
7 here. Let's get out of here. Let me take you out of
8 here," while you were at the cabin with her?

9 A. No.

10 Q. And, in fact, are you telling us that it was
11 when you got to the bottom of the hill when she first
12 said something to you and when you first saw the mark --

13 A. Yes. And I told her to -- if -- to report it
14 or shut up about it.

15 Q. Were there other marks on her besides that?

16 A. I just remembered the one on the face that she
17 showed me.

18 Q. I'm sorry?

19 A. I just remember the one on the face.

20 Q. And did something happen over time with --
21 with that that led you to believe it wasn't a real mark?

22 A. Yeah, because on the picture, it looked like
23 it was on the opposite side.

24 Q. On the left?

25 A. Uh-huh.

26 Q. Okay. And after that -- after the police
27 station, how did you finally depart with Ashley?

28 A. The rape kit came, and I was told I was

1 dismissed.

2 Q. All right. And just one last question.

3 Over time, when you knew Ashley, did you
4 notice anything strange during the time that you knew
5 her leading up to that?

6 A. There was a few things that kind of bothers
7 me. One --

8 MR. VOGEL: Objection. This is just a
9 narrative here. It's not responsive to a question.

10 THE COURT: Overruled.

11 MR. VOGEL: Okay.

12 THE COURT: Go ahead.

13

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19 And we had a conversation about that, and she was
20 telling me -- she goes, "Yeah. Jerry and I get
21 together, you know, I have plans what I can do here. I
22 can help throw wedding parties, do this and that, and
23 help -- you know, this will be part mine too."

24 Q. Just based on everything you saw that night,
25 do you believe that Jerry raped or sexually assaulted
26 Ashley?

27 A. No.

28 MR. ANGELUCCI: That's all I have.

1 Thank you.

2 THE COURT: Mr. Vogel?

3 MR. VOGEL: Yes.

4 CROSS-EXAMINATION

5 BY MR. VOGEL:

6 Q. Darlene, you indicated that Wednesday you hung
7 out all day with Ashley?

8 A. Uh-huh.

9 Q. What time did you start hanging out?

10 A. Oh, gosh. Well, let's see. I can't tell you
11 exactly what time it was.

12 Q. Okay.

13 A. It was in the afternoon.

14 Q. And what did you do that afternoon?

15 A. Be truthful?

16 Q. Uh-huh.

17 A. We rode around, and we got drunk. We drink.
18 Ashley likes wine and cheese, and she had good taste in
19 wine.

20 Q. And so this was all afternoon?

21 A. We did wine and everything. It's -- we did a
22 lot of drinking out there, you know, and we didn't have
23 much to do. We would go around, riding around in carts.
24 We'd -- Ashley got sick. I tried to take care of her.
25 I made taco -- we cooked. We cleaned. We joked around.
26 We went to Rite Aid one day. There's a lot of things
27 Ashley and I did together.

28 Q. That was that day, Wednesday.

1 And so you were with her all day until you
2 guys went to sleep?

3 A. I took off a couple of times or did a couple
4 of things on my own, but Jerry -- Jerry was working with
5 Armando and Aaron. They had things they had to do.
6 They didn't hang out. The guys worked.

7 Q. Well, here's my problem is that you say all
8 you did was drink and hang around with Ashley, and yet
9 she was coming from a doctor's appointment, I believe,
10 in Fresno.

11 A. Yes, she had a doctor's appointment.

12 Q. Oh, okay. After she got totally stinko drunk
13 with you?

14 MR. ANGELUCCI: Objection.

15 THE WITNESS: No.

16 MR. ANGELUCCI: Argumentative.

17 THE WITNESS: I said we dranked in the
18 afternoon.

19 THE COURT: Darlene, hang on a second.
20 Sustained.

21 And you know what? Like I told you in the
22 last trial, this is not Perry Mason, and I --

23 MR. VOGEL: Okay.

24 THE COURT: -- expect the attorneys to behave
25 like officers of the court. I'm not going to put up
26 with it.

27 BY MR. VOGEL:

28 Q. Okay. So you were with her -- when did she go

1 to the doctor's appointment?

2 A. Let's see. We got up. We had -- I went over
3 there, and we had coffee and everything. She went to an
4 appointment. She came back. We drank. She brung back
5 cheese --

6 Q. What time did she get back?

7 A. It was in the afternoon.

8 Q. Not in the evening?

9 A. Late afternoon, I would say.

10 Q. Couldn't have been after -- in the late
11 afternoon?

12 A. One, there's not a clock there; two, I wasn't
13 looking at it. I was making dinner and stuff like that
14 that evening, which I did every other evening that I was
15 out there, and I didn't make dinner around 5:00.

16 Q. And when did she get back?

17 A. It was right after we got done eating. It was
18 the late afternoon.

19 Q. That she got back from the doctor?

20 A. Uh-huh, and she brung cheese and wine and
21 crackers.

22 Q. Oh, okay.

23 Now, you also said in your testimony that on
24 Thursday, you and Aaron were too drunk to go over to --

25 A. No. I never said Aaron dranked [sic].

26 Q. Oh, okay. Sorry. You --

27 A. I dranked, and I was not in condition --

28 Q. To go over to the -- what's the name of that

1 house?

2 A. Hunters' Cabin.

3 Q. Hunters'; correct?

4 A. Hunters' Cabin.

5 Q. Now, the -- Hunters' Cabin is not located
6 right next to the guest cabin, is it?

7 A. No. You have to take -- go on a buggy to get
8 there. You go around the curb and everything.

9 Q. And so normally you and Aaron stay over at the
10 Hunters' Cabin?

11 A. Oh, we stayed at Hunters'. We've stayed at
12 Moser's [phonetic]. We've stayed at the guest house.
13 We've stayed at all of them.

14 Q. Okay. But on Thursday, you said you were too
15 drunk to go over to Hunters' Cabin; correct?

16 A. Yes. I took a nap.

17 Q. Okay. But why is it then that when you were
18 interviewed by Deputy Atkinson on November 14th, which
19 was Saturday after this incident, you told him the
20 following day, Thursday, she and Aaron stayed in the
21 Hunters' Cabin which would have prevented them from
22 witnessing anything on that day or any time after?

23 MR. ANGELUCCI: Objection. Foundation.

24 THE COURT: Sustained.

25 MR. ANGELUCCI: Hearsay.

26 BY MR. VOGEL:

27 Q. Do you recall talking to a Deputy Atkinson at
28 the sheriff's office?

1 A. No.

2 Q. Okay. Showing you what has been marked as
3 Exhibit 1 -- Respondent's Exhibit 1, at page 11.

4 Do you see what's been marked as Supplement 4?

5 Do you see Supplement 4?

6 A. Uh-huh.

7 Q. And reading through that, does that say that
8 [READING] On November 14th, at approximately 600 hours,
9 I spoke with Darlene prior to beginning my interview
10 with Ashley?

11 MR. ANGELUCCI: Objection. He's asking
12 whether it says that. He's not asking whether it
13 refreshes her memory.

14 THE WITNESS: Number one, on the 14th --

15 THE COURT: Darlene, hold on. We had an
16 objection.

17 So what's the objection, Counsel?

18 MR. ANGELUCCI: That he's not asking whether
19 this refreshes her memory. He's asking whether it says
20 that. I don't know what -- I mean, he's objected to
21 this document. Now he's asking --

22 THE COURT: So refresh her recollection
23 correctly.

24 BY MR. VOGEL:

25 Q. Okay. Showing you a document here marked as
26 Supplement 4. It indicates a supplement prepared by a
27 W. Atkinson, deputy, on November 14th of '15.

28 A. Uh-huh. Okay.

1 Q. Do you recall talking to --

2 A. On the 14th -- may I ask you a question?

3 Q. Yes.

4 A. What time did this supposedly happen, me
5 speaking with the deputy?

6 Q. It indicates that it was at 4:00 in the
7 afternoon on Saturday, the 14th.

8 So you're -- you're -- this is incorrect?

9 A. This is very incorrect. One, on Saturday, I
10 had to go get my ex-roommate some medication and stuff.
11 She had -- she was dying of cancer at the time, and I
12 had to go down there to get some Pedialyte and
13 everything because there was none in Mariposa. I had to
14 go to Walmart.

15 Q. So you don't recall staying at the Hunters'
16 Cabin on Thursday?

17 A. I stayed there on Tuesday night, and I stayed
18 there on Wednesday -- no. Tuesday night.

19 Q. And on Wednesday night; right?

20 A. Wednesday, we was over there. I got dressed.
21 We came over from there. I did not spend the night
22 there. We came over around 7:00. After we ate, I had
23 to go get dressed.

24 Q. Okay. And then did you go back on Thursday
25 night with Aaron?

26 A. No.

27 Q. Would it --

28 A. Thursday night?

1 Q. -- refresh your recollection to show you a
2 statement that you made to Deputy Atkinson here on
3 page 11 of this document where it says, [READING]
4 Darlene further explained that the following day,
5 Thursday, she and Aaron stayed in the Hunters' Cabin,
6 which would have prevented them from witnessing anything
7 on that day or anytime after.

8 Do you recall making that statement?

9 A. No.

10 Q. Are you sure?

11 A. Oh, I'm positive.

12 Q. Okay.

13 THE COURT: So let's take a break here. I
14 think it's probably a good time to take a breather.
15 Everyone can stretch their legs.

16 I have an attorney in here from another case
17 that I'm going to handle quickly, and then we'll resume
18 your testimony, okay?

19 THE WITNESS: Okay.

20 MR. ANGELUCCI: Should we just sit in the
21 audience?

22 THE COURT: Yeah, you can sit in the audience,
23 and you can leave your stuff there.

24 MR. ANGELUCCI: Thank you.

25 (Whereupon, the matter trailed.)

26 BY MR. VOGEL:

27 Q. So you don't recall telling any deputy that
28 you had stayed in Hunters' Cabin on Thursday?

1 A. No, I did not speak to Atkins [sic]. I talked
2 to a female.

3 Atkins [sic] is the one that was calling me at
4 home at night, which at the time we had a friend staying
5 with us which was a paralegal, and she told him, "Do not
6 call this late at night."

7 So I did talk to a female officer. I don't
8 remember her name, but, like I said, I got drunk that
9 night. And that night is very blurry. Most of the time
10 I did not get drunk like that.

11 Q. Now, do you recall telling Deputy Atkinson
12 that the doors of the cabin can be very hard to open due
13 to swelling of the doors; so it can take a good amount
14 of strength to open them?

15 A. No. That is the front gate. I could not open
16 it. I had to have Aaron -- or help doing it. The doors
17 in the cabins, they -- they were not hard to open.

18 Q. Would it refresh your recollection if I point
19 to the bottom four lines of the Supplement 4 from Deputy
20 W. Atkinson.

21 Can you review that and see if it refreshes
22 your recollection.

23 A. No. One, the cabin is never locked. Two, the
24 doors open from inside. Three, two of the -- two of the
25 doors is glass, and they open easy. The gate is hard to
26 open, and one of the doors at the Hunters' Cabin.
27 Nothing at that cabin.

28 Q. So this deputy was just making that up?

1 MR. ANGELUCCI: Objection. Again, based on --
2 BY MR. VOGEL:

3 Q. In your opinion.

4 MR. ANGELUCCI: -- hearsay.

5 THE COURT: Let me rule.

6 The objection's sustained.

7 BY MR. VOGEL:

8 Q. Okay. So then looking at that document,
9 Supplement 4 of Deputy Atkinson, would you say that that
10 is inaccurate?

11 MR. ANGELUCCI: Again, same objection. He's
12 not -- this is supposed to be only about refreshing her
13 memory.

14 THE COURT: I'll let it go.

15 The objection's overruled.

16 THE WITNESS: Okay. There's no doors that
17 were stuck or hard to open at that cabin. It is the
18 Hunters' Cabin that had a door that is hard to open.

19 BY MR. VOGEL:

20 Q. Okay. And you didn't tell anyone that you had
21 been staying at Hunters' Cabin Thursday night?

22 A. Like I said, I am pretty positive I did not do
23 it. I spent the night there, but I was drunk -- like I
24 said, I was drunk. And I don't usually drink like that.
25 I mixed hard liquor and wine, and you know that's a
26 no-no.

27 Q. So you may have actually stayed at Hunters'
28 Cabin?

1 A. I'm saying not to my recall, no, I did not.
2 It was Tuesday night I stayed there.

3 Q. At Hunters' Cabin?

4 A. Yes.

5 Q. Not Thursday?

6 THE COURT: Asked and answered --

7 MR. ANGELUCCI: Asked and answered.

8 THE COURT: -- a number of times.

9 BY MR. VOGEL:

10 Q. Okay. And what time -- if I can -- if you
11 recall, what time was it that Ashley got back from her
12 doctor's appointment?

13 A. I am not positive what time it was.

14 MR. ANGELUCCI: This is asked and answered
15 also.

16 THE COURT: Sustained.

17 BY MR. VOGEL:

18 Q. Okay. Did you understand that Jerry was
19 getting charged with a crime here?

20 MR. ANGELUCCI: Objection. Relevance.

21 THE WITNESS: Huh?

22 THE COURT: Overruled.

23 MR. ANGELUCCI: Go ahead.

24 THE WITNESS: Go ahead.

25 I thought he was on assault.

26 BY MR. VOGEL:

27 Q. Excuse me?

28 A. I thought he was in trouble for assault when I

1 took her in. She said that he smacked her, and I said,
2 "Do something about it or shut up."

3 Q. Okay. And you took her from the gate.

4 And how did you take her?

5 A. I didn't take her from the gate.

6 Q. Okay. Where did you take her from?

7 A. I took her to the highway patrol from the bar.

8 Q. From the barn?

9 A. We dropped her car off at Katie's at the
10 bottom of the hill.

11 Yeah, we went to a bar, and we had four beers.

12 Q. What bar was that?

13 A. Airport Inn.

14 Q. Who paid?

15 A. I paid for mine; she paid for hers.

16 Q. Four beers?

17 A. Uh-huh. And the deputy asked if we had been
18 drinking, and I said, "Yes.

19 And she said, "No."

20 And I said, "That's a damn lie."

21 Q. You said that to the deputy?

22 A. Yes.

23 Q. And that was which deputy?

24 A. The highway patrol that got fired.

25 Q. That got fired?

26 A. Yeah, he got fired right after this incident,
27 and then he went over to Oakhurst. And he got fired
28 there. I have not seen him since. He's the one that

1 looked at her phone and everything else.

2 Q. That was a CHP?

3 A. That was a CHP, yes, sir.

4 Q. Looked at her phone?

5 A. Yes, because she said -- she -- after we got
6 there said, "Rape," and that's when we went in the back.
7 And they looked at her phone and made a couple of
8 comments.

9 I've already told you what they said. Would
10 you like me to repeat it?

11 THE COURT: No.

12 MR. ANGELUCCI: No.

13 BY MR. VOGEL:

14 Q. No, I wouldn't.

15 But that was not the sheriff's office.

16 That was the highway patrol that --

17 A. That was the highway patrol. That was where
18 we went.

19 MR. VOGEL: Thank you.

20 Nothing further.

21 MR. ANGELUCCI: Just a couple really quick
22 questions.

23 THE COURT: Okay. And then I have a couple
24 questions of my own, but I'll let you go. And then I'll
25 ask.

26 CROSS-EXAMINATION

27 BY MR. ANGELUCCI:

28 Q. Do you recall a landline in that guest room

1 where Jerry and Ashley slept?
2 A. Yes. I've used it.
3 Q. You've used it?
4 A. Yes.
5 Q. Does it work?
6 A. Yes.
7 Q. Did you use it to dial long distance or local?
8 A. Local.
9 Q. Is it very visible from the room? You can see
10 it there?
11 A. Yes.
12 Q. Did -- during those times on the ranch that
13 we're discussing right now, did Ashley refer to Jerry as
14 her boyfriend?
15 A. Yes.
16 Q. Okay. And as you said, you were very drunk
17 that night, Thursday night.
18 Is it -- even though your memory is one thing,
19 is it possible that you simply forgot that you did in
20 fact sleep at the Hunters' Lodge --
21 A. It's possible.
22 Q. Okay.
23 A. But I do not recall it, but it is possible.
24 Q. Okay.
25 A. I -- that night was not a good night.
26 Q. Okay.
27 A. I was sick the next morning.
28 Q. Okay.

1 A. I woke up at 2:00 throwing up.

2 MR. ANGELUCCI: And that's all.

3 Thank you.

4 THE COURT: So you had said something during
5 your testimony that you had -- at one point you had
6 gotten very aggravated when you and Ashley were either
7 waiting and talking to the CHP or you were at the bar.

8 Do you remember testifying to that?

9 THE WITNESS: Yes, it was at that -- CHP.

10 THE COURT: So why were you aggravated? What
11 happened?

12 THE WITNESS: [REDACTED]

13 [REDACTED] and if you're not raped,
14 don't scream, "Rape." It aggravates the hell out of me.
15 She didn't mention being raped before. Her story
16 changed, and it aggravated me to death. It made me sick
17 at my stomach. I have a friend that committed suicide
18 over rape.

19 THE COURT: Can you tell me -- can you
20 summarize how her story started and it ended.

21 THE WITNESS: It started at --

22 THE COURT: And we can get you a box of
23 tissues.

24 THE WITNESS: Started as Jerry slapped her,
25 okay?

26 THE COURT: Did she tell you when he slapped
27 her?

28 THE WITNESS: She said that Jerry had slapped

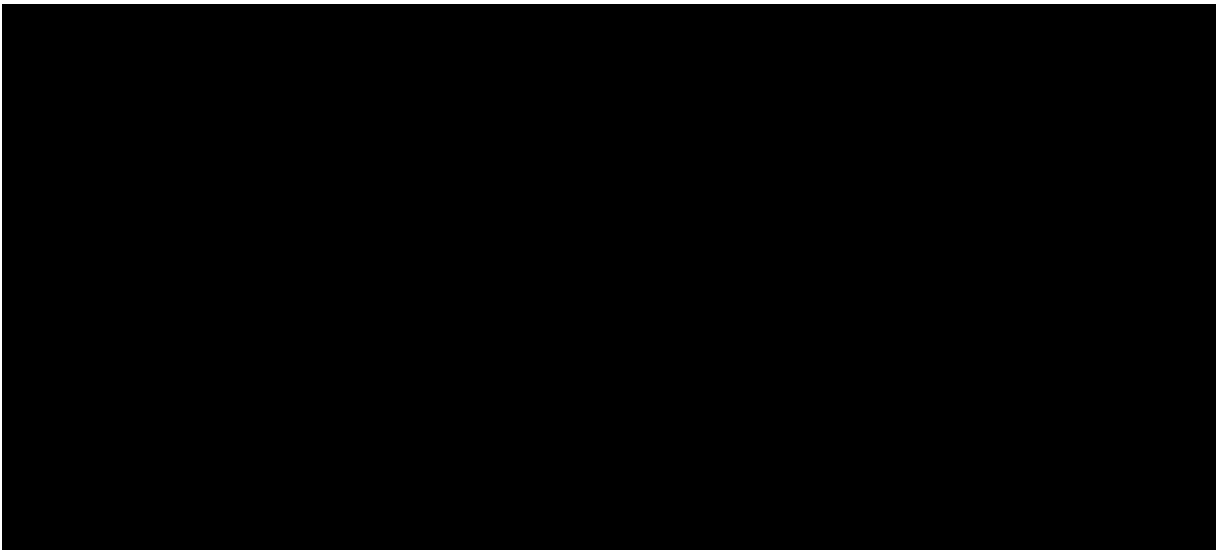
1 her that morning -- early morning, okay? And that I --
2 we talked. We had a few beers, and I told her, you
3 know, "Stop bitching about it. Do something or --" you
4 know, "Stop bitching," and that's when we decided to go
5 to the highway patrol.

6 THE COURT: Okay.

7 THE WITNESS: I said, "We'll go to the
8 police," and the highway patrol was the closest one,
9 okay? And I didn't feel like driving through town after
10 having four beers, but I didn't pop no pills. So I was
11 the safest one to drive.

12 THE COURT: Did Ashley take some pills?

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22 THE COURT: Okay.

23 THE WITNESS: So it's just what she told me.
24 I didn't see it, but this is what she said.

25 THE COURT: Okay. And so once you got to the
26 CHP office, what happened?

27 THE WITNESS: We went up to the window, and
28 I'm the one that said to the woman officer there, "She'd

1 like to report an assault." And then from assault, it
2 went to a rape, and that's when I got very aggravated.

3 They took us in the back. A male officer
4 came. He was talking to us. I don't remember his name.
5 He was a young guy, blond hair. He took the phone, was
6 looking at it, and there was a picture of her in a
7 bikini, a thong, whatever. Her butt was up in the air,
8 and it says, "Here I am." And the other one -- and then
9 he said he -- well, it didn't look like -- it looks like
10 she was awful friendly. And then he read some of the
11 text messages between them, and he says, "It sounds very
12 cozy."

13 THE COURT: Okay.

14 THE WITNESS: Okay. And then I was -- and
15 then he said that I needed to take her to J.C. Fremont
16 emergency room. That's when the sheriff department
17 showed up and told me, no, they were not equipped to do
18 a rape kit there, which to me is very fishy. I worked
19 in the medical field for 25 years; so that -- it didn't
20 sound right he had to send her to Fresno.

21 THE COURT: Okay.

22 THE WITNESS: And that's when we had -- and
23 then they told me I needed to sit with her at the police
24 department in, like, a conference room and everything.
25 And she had sat at one end; I sat at the other.

26 THE COURT: So when you went to the -- was it
27 the Fresno Police Department you --

28 THE WITNESS: No, it was still Mariposa.

1 THE COURT: Okay. And who drove you down to
2 Fresno?

3 THE WITNESS: I never drove to Fresno.

4 THE COURT: Okay.

5 THE WITNESS: Rape kit came. I was dismissed,
6 and they took her from there.

7 THE COURT: Okay.

8 THE WITNESS: Thank you.

9 THE COURT: And on November 11th, was Jerry
10 drinking with everybody?

11 THE WITNESS: I'm trying to think back.

12 THE COURT: That would be -- that would be
13 Sunday, Monday, Tuesday -- it would be Wednesday.

14 THE WITNESS: Oh, we all had a couple. He had
15 a couple of drinks, but he was in bed by 10:00, like
16 always.

17 THE COURT: Okay. Thank you.

18 THE WITNESS: Thank you.

19 THE COURT: I have no other questions.
20 Anybody else?

21 MR. VOGEL: Yeah, one question.

22 RE CROSS-EXAMINATION

23 BY MR. VOGEL:

24 Q. You said that you checked his phone and saw a
25 picture -- you saw Jerry's phone, and you saw a
26 picture -- whose phone was it?

27 A. I didn't say I saw it. I said the officer saw
28 it and said it looked very cozy, and he read it out

1 loud.

2 Q. And it said what?

3 A. "Come get it."

4 Q. And do you know what the picture was of?

5 A. Yeah, it was her butt in a thong with it up in
6 the air.

7 Q. And you're sure it said, "Come get it"?

8 A. That's what the officer said.

9 Q. "Come get it"?

10 MR. ANGELUCCI: Objection. Asked --

11 THE WITNESS: That's what the --

12 THE COURT: Sustained.

13 THE WITNESS: -- officer said, to my
14 recollection.

15 Do you have it?

16 BY MR. VOGEL:

17 Q. Okay.

18 THE COURT: Mr. Vogel, if you can stop asking
19 the same question over and over.

20 MR. VOGEL: Okay. Nothing further.

21 THE COURT: Okay.

22 All right. Thank you very much.

23 You can have a seat in the hallway or the
24 audience, if you wish.

25 We do need to give the staff a five-minute
26 break. We're not going to close the courtroom. You can
27 use the restroom, stretch your legs, do whatever you
28 need to do.

1 MR. ANGELUCCI: We can stay?
2 THE COURT: Uh-huh.
3 (Whereupon, a recess was taken.)
4 THE COURT: Okay. Next witness.
5 MR. ANGELUCCI: I'd like to call Crystal
6 Aldo -- well, I do -- the witness I have now, Crystal --
7 how do you say her last name? I don't want to waste
8 anyone's time -- is his current girlfriend who he's had
9 for a while who is really a character witness, and I
10 wouldn't want to start, if she's not allowed to testify.
11 THE COURT: Would she be able to provide any
12 testimony -- percipient testimony of the alleged
13 domestic abuse?
14 MR. ANGELUCCI: No.
15 THE COURT: Okay.
16 MR. ANGELUCCI: It's only been -- how long
17 have you been together?
18 MR. COX: Six months.
19 MR. ANGELUCCI: About six months.
20 Thank you, Your Honor.
21 I'll call Aaron --
22 THE COURT: Rivera?
23 MR. ANGELUCCI: -- Rivera, yes.
24 THE COURT: Okay. Would you grab him for us?
25 MR. ANGELUCCI: Yes.
26 THE COURT: Thank you.
27 MR. ANGELUCCI: And this is my last witness.
28 THE COURT: Okay. Good afternoon, sir.

1 THE WITNESS: Hello, ma'am.

2 THE COURT: If you'll please approach the
3 witness stand. Once you get there, if you'll remain
4 standing and raise your right hand to be sworn in.

5 THE COURTROOM CLERK: Do you solemnly state
6 under penalty of perjury the evidence you shall give in
7 this matter shall be the truth, the whole truth, and
8 nothing but the truth?

9 If you understand and agree, say, "I do."

10 THE WITNESS: I do.

11 THE COURT: Okay. You can have a seat.

12 THE WITNESS: Thank you.

13 THE COURT: We have a court reporter here
14 today; so if you would please speak slowly and clearly.
15 Wait for the entire question before you answer.

16 If you hear, "Objection," stop with your
17 answer, and I'll rule on the objection. And then,
18 depending on how I rule, you'll either finish your
19 answer or there will be another question for you.

20 Please state and spell your last name.

21 THE WITNESS: Yes. My name is Aaron Rivera,
22 Double A-r-o-n, Rivera, R-i-v-e-r-a.

23 THE COURT: Okay. Thank you.

24 AARON RIVERA (for the Respondent)
25 called as a witness, being first duly sworn,
26 testified as follows:

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DIRECT EXAMINATION

BY MR. ANGELUCCI:

Q. Hi, Aaron.

Aaron, where do you live?

A. I live in Coachella.

Q. Coachella, California?

A. Yes, sir.

Q. And what's your relationship to Jerry Cox?

A. We've been friends for a long, long time,
since about the fifth, sixth grade.

Q. And did you ever hang out on his ranch in
Mariposa?

A. Yes.

Q. And did you know Ashley during the time that
she was coming to the ranch?

A. I met her at the ranch, yes.

Q. And over time, did you get to know Ashley a
little bit as she went there?

A. Yes.

Q. And over time, did she refer to Jerry as her
boyfriend or -- to you -- as you recall, did she refer
to him as her boyfriend?

A. Not so much as a boyfriend yet at the time,
but --

Q. Over time?

A. Over time, she was --

Q. Okay.

MR. VOGEL: Objection.

1 Could he allow the witness to answer the
2 question? I believe he was in the process of answering
3 when he was cut off.

4 MR. ANGELUCCI: I apologize.

5 THE COURT: Did you have more that you wanted
6 to say, sir?

7 THE WITNESS: Just that over time, it was
8 leading to that point that -- to be the boyfriend.

9 THE COURT: Okay.

10 BY MR. ANGELUCCI:

11 Q. And did -- eventually did she refer to him as
12 her boyfriend?

13 A. Yes.

14 Q. Did you -- did you, over time, notice anything
15 about Ashley that was unusual or strange as you got to
16 know her?

17 A. Well, unusual and strange? Can you elaborate.

18 Q. Anything that looked like a red flag to you or
19 something that was odd?

20 A. No, not that --

21 Q. For example, talking a lot about obsessions
22 about --

23 MR. VOGEL: Objection. Leading.

24 THE COURT: Sustained.

25 BY MR. ANGELUCCI:

26 Q. Were you there on November 11, a Wednesday --
27 November 11, 2015?

28 A. Yes.

1 Q. Okay. And what do you recall -- was Ashley
2 there?

3 A. Yes.

4 Q. And what do you recall -- or what happened on
5 Wednesday?

6 First of all, what were you there for? Were
7 you working or just as a friend or --

8 A. Well, I did a little bit of work there helping
9 out at the ranch and everything, visiting, staying there
10 with him.

11 Q. And was Darlene also there?

12 A. Yes.

13 Q. And when do you recall -- did Ashley arrive
14 that day, or was she already there --

15 A. No. She had already been at the ranch several
16 times.

17 Q. She had been there before in the past?

18 A. Way before, yeah.

19 Q. Do you recall when she arrived on the 11th?

20 A. Like, what time?

21 Q. Like, around.

22 A. It was in the evening time.

23 Q. The evening.

24 And do you recall what happened that night
25 with everybody?

26 A. That night, Darlene -- she started making
27 dinner and everything, and then Ashley showed up, you
28 know, that evening with some wine and some cheese and

1 crackers.

2 Q. And then what happened next?

3 A. They just started drinking. It was just a
4 little get together, and they just started drinking.
5 And from what I could remember is Ashley did get
6 intoxicated. We were on the front porch. She was
7 found -- she was on the ground, crying, [REDACTED]

8 [REDACTED] for a long time. I
9 believe also her father she mentioned, but she was
10 intoxicated.

11 Q. This was Wednesday night?

12 A. Yes.

13 Q. And where was Jerry at that time?

14 A. At that time he was already asleep. He always
15 ended up going to bed maybe about 9:00, 10:00. He was
16 out.

17 Q. Did he regularly go to bed around that time?

18 A. Yes. He always goes to bed early.

19 Q. And when you saw this happening, what -- was
20 anybody helping her, talking to her?

21 A. Darlene. Darlene was on the floor with her,
22 comforting her, holding her.

23 Q. Do you remember what happened next, period, in
24 terms of --

25 A. Pretty much after -- later on, in the evening
26 time, we were up -- she was with our other friend named
27 Armando going through his phone, going also through some
28 sorts of websites, looking for females and stuff, a

1 female companion for him, looking for things, but other
2 than that, nothing else.

3 Q. Do you remember who went to bed first after --
4 was Jerry the first to go to bed?

5 A. Yes.

6 Q. And who next?

7 A. Darlene and I -- we went to our room, but we
8 didn't -- we were still awake.

9 Q. And that was in -- the cabin where everyone
10 was hanging out?

11 A. Correct.

12 Q. What's that cabin referred to as?

13 A. The guest cabin.

14 Q. Okay. And so when you and Darlene went to
15 bed, it was in the guest cabin?

16 A. Yes.

17 Q. That night, Wednesday night?

18 A. Uh-huh.

19 Q. And so after that, you wouldn't know who went
20 to bed next.

21 Would you know -- you didn't know because you
22 were in bed. You stayed in a room --

23 A. We stayed in the room. We stayed up.

24 Q. That night, did you drink?

25 A. No, I don't drink.

26 Q. Oh, okay.

27 Were you the only one who, among those people,
28 didn't drink -- don't drink?

1 A. Correct.

2 Q. Were you a Marine?

3 A. Yes, sir.

4 Q. Okay. And did you hear anything -- you're --
5 the bedroom that you slept in with -- with Darlene, was
6 it near the bedroom where Jerry --

7 A. Right next. We're adjacent.

8 Q. I'm sorry?

9 A. We were right next to each other. The rooms
10 share the same wall.

11 Q. And to your knowledge, did -- did Ashley sleep
12 in the same room with Jerry that night or --

13 A. Yes.

14 Q. And can you hear things from that room if
15 there's noise in there?

16 A. We can hear everything from every single room.
17 It's not a big cabin.

18 Q. I'm sorry. I mean from the bedroom where you
19 slept, can you hear --

20 A. You can hear everything.

21 Q. Okay.

22 A. That's what I'm saying. You can hear
23 everything from that bedroom, upstairs, from the loft,
24 or from the kitchen because it's such a small cabin.
25 You can hear anything from everywhere, no matter how
26 small that sound is.

27 Q. And did you hear anything that night at all as
28 you -- you know, throughout the night, any kind of

1 noises coming from the other room that would indicate
2 any kind of violence or anything?

3 A. No.

4 Q. Did you hear anything at all -- at all?

5 A. Nothing at all. Just sleeping, that's all.

6 Q. Okay.

7 A. There was no noise.

8 Q. And then the next morning, what happened in
9 the morning?

10 A. In the morning --

11 Q. Now, this would be Thursday.

12 A. This would be Thursday and stuff; so -- well,
13 pretty much the same routine, guys go to work and
14 everything else.

15 Q. When you got up at any time did you see
16 Ashley?

17 A. I can't really recall if I did see her or not.

18 Q. Okay. So when you got up, she might have
19 still been in bed.

20 You don't recall?

21 A. I don't recall.

22 Q. And then you left --

23 A. But she wasn't a person that gets up early
24 either.

25 Q. Do you remember seeing Jerry when you got up?

26 A. Yes. If I'm correct, yes, him and Armando,
27 they were taking off to the other side of the ranch to
28 do some work.

1 Q. Did you leave to do any work or anything that
2 day -- that morning?

3 A. I'm trying to remember if I did or not, but
4 occasionally I helped out doing different stuff.

5 Q. The room that Ashley and Jerry slept in, do
6 you -- have you been in that room?

7 A. Yes.

8 Q. And do you recall there being any kind of
9 phone in that room?

10 A. The room where they stayed in does not have
11 that phone. It's the other room; so when you're looking
12 at the cabin -- at the bedrooms, there's one on the left
13 side. That's the one that has the phone in it.

14 Q. There's a landline?

15 A. It's a landline.

16 Q. And it's -- where is it located?

17 A. Just right next to the door when you open it
18 up on the right-hand side.

19 Q. Have you used that phone?

20 A. Yes, I have.

21 Q. All right. And throughout the day on
22 Thursday, what -- what do you recall happening that day?

23 A. Well, like I said, it's pretty much we'd go do
24 our normal routine, go around looking for bison, the
25 animals, fixing any little knickknacks that need to be
26 fixed up or cleaned up.

27 Q. You and who?

28 A. The guys. It could be Jerry, could be

1 Armando, or else I take off on my own doing stuff.

2 Q. About what time did you return to the cabin,
3 or did you?

4 A. Yeah. No, no, no, we returned. It would be
5 later on in the afternoon and stuff.

6 And then I know, later on that afternoon, they
7 have -- they were going out.

8 Q. Who's they?

9 A. Jerry and Ashley.

10 Q. Do you know where?

11 A. To a Mexican restaurant in town. I believe
12 it's called Castillo's.

13 We were invited. Darlene and I were invited
14 to go.

15 Q. By who?

16 A. By both of them, by Jerry and Ashley, but we
17 already had our plans at a different cabin for,
18 basically, our alone time for me and her. And that's
19 where we stayed, and we even got a text message later on
20 that evening if we wanted anything from Castillo's.

21 Q. From who?

22 A. I believe it was Jerry who had sent me the
23 message.

24 Q. And you said they were dressed up? Is that
25 what you said? -- to go out?

26 Maybe I misunderstood you. I'm sorry.

27 A. No. I believe that was --

28 Q. Oh. Did you see how they seemed to act before

1 they went out?

2 A. Just normal.

3 Q. Did Ashley seem normal?

4 A. Yeah.

5 Q. Was there any indication at that time that
6 maybe Jerry had been assaulting or raping Ashley?

7 A. Oh, no, no, no, definitely not.

8 Q. Do you remember if they came back that night
9 from the restaurant?

10 A. Like I said, I was in the other cabin.

11 Q. Oh, wait. Thursday night you stayed in a
12 different cabin?

13 A. We were in a different cabin.

14 Q. Who was "we"?

15 A. Darlene and I.

16 Q. What's that other cabin called?

17 A. Hunters' Lodge.

18 Q. And were -- you didn't drink that night?

19 A. I don't drink.

20 Q. Did Darlene drink?

21 A. She drinks.

22 Q. Did she drink a lot that night?

23 A. I believe she did.

24 Q. But the first night, Wednesday night, you
25 slept in the cabin with Jerry and Ashley?

26 A. Correct, we all did.

27 Q. All right. And, now, the next morning,
28 after -- which would be Friday morning, do you remember

1 what happened?

2 A. On Friday morning, when we got up and
3 everything -- we always get up early -- we went to
4 the -- back to the main cabin, and we were hoping they
5 were up.

6 Q. And that's the guest cabin?

7 A. And that's the guest cabin. That's correct,
8 back to the guest cabin. And when we're pulling up,
9 Ashley was outside smoking her cigarette. I saw Jerry
10 was at the office, and I told Darlene, "I'm going to go
11 talk to Jerry. You go talk to Ashley." So we
12 separated, and I went to the other cabin. It's called
13 the cowboy cabin, which is the office, which is not that
14 far away from the guest cabin. And that's when we were
15 told that we had guests coming in that we needed the
16 cabin cleaned up.

17 Q. Who told you?

18 A. Jerry. That we needed the cabin cleaned up
19 because we all used the cabin; so we all take
20 responsibility to make sure the cabin is clean for the
21 guests to come in.

22 So I went back with the girls -- with the
23 ladies, and I told them, you know, "I need you guys to
24 take care of the inside. We've got to get everything
25 cleaned up. We've got guests coming. I'll take care of
26 the outside. Make sure everything's nice and clean,"
27 and so we started doing that.

28 After we -- we believed that it was clean,

1 that's when I went to go call Jerry and say, "Hey, I
2 believe we're done. Come check it out." He came over.
3 Didn't do too well of a job, and, of course, you know,
4 it was little upsetting because we had guests waiting;
5 so he told us to get out. Not to get out of
6 the property but just out of the cabin because he was
7 going to finish cleaning up.

8 So I walked -- Darlene, Ashley came out too as
9 well. We left the cabin. We said, "Good-bye." We gave
10 her a hug. Ashley left, and I walked Darlene to the
11 car. And then I escorted Darlene out to the gate
12 because Darlene could not open that gate -- the big gate
13 because Darlene is disabled.

14 After that, I came back to the cabin to make
15 sure to help him out to finish up cleaning up, and that
16 was about it. I didn't see her after that -- after.

17 Q. When you saw Ashley that morning, did --
18 did -- did she have any -- anything on her like marks or
19 bruises or anything?

20 A. No. There was no -- nothing.

21 Q. Did you see --

22 A. I would have noticed it. Like I said, I
23 hugged her before I left -- before she left.

24 Q. And was there any indication to you that
25 morning that she may have been assaulted or raped?

26 A. No. There was nothing.

27 Q. Now, when the police questioned you -- did the
28 police question you?

1 A. Yes, a detective did.

2 Q. Do you recall telling them about the
3 restaurant that Jerry and Ashley went out to Thursday
4 night?

5 A. I believe I did.

6 Q. Do you happen to recall whether they had known
7 about that before you mentioned it?

8 A. No, no, because they were asking me the
9 questions. I just answered with an answer.

10 Q. So they appeared to not know about Castillo's
11 until you told them; correct?

12 A. Right.

13 MR. ANGELUCCI: Okay. Just one moment.

14 I have no other questions at this time, Your
15 Honor.

16 THE COURT: Mr. Vogel?

17 MR. VOGEL: Okay. Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. VOGEL:

20 Q. Were you and Darlene invited to go to the
21 restaurant or to get takeout from there?

22 A. No. We were invited to go.

23 Q. Oh, okay. And do you recall an argument that
24 Jerry and Ashley had before she left on Friday in the
25 morning?

26 A. That's when -- I wouldn't have recalled an
27 argument, but are you talking about when he told them to
28 leave?

1 Q. Did you recall saying something like, "If you
2 don't F'ing like it, get the F out of here. You don't
3 deserve me"?

4 A. We thought we heard something -- something to
5 that effect, but we were away. So that was sometimes
6 kind of hard to hear, but we thought we might have heard
7 something to that effect that, "If you don't like it,
8 get the fuck out of here. You don't deserve me." But
9 we really weren't too sure because we weren't -- it was
10 quite a bit of distance away.

11 Q. Now, when you were talking to Deputy Smith, I
12 guess now Sergeant Smith, you --

13 MR. ANGELUCCI: Objection.

14 THE WITNESS: Is he a detective or --

15 MR. ANGELUCCI: Objection. No foundation.
16 Hearsay.

17 THE COURT: Sustained.

18 MR. VOGEL: I don't believe --

19 THE COURT: Sustained on foundation.

20 BY MR. VOGEL:

21 Q. Okay. Do you recall talking to a Detective
22 Smith?

23 A. I remember talking to a detective. I don't
24 recall his name.

25 Q. Okay. That was on Saturday?

26 A. That evening, and then on Saturday morning, he
27 came back, the same detective.

28 Q. Oh, okay.

1 Okay. And when he came back, he was talking
2 to you.

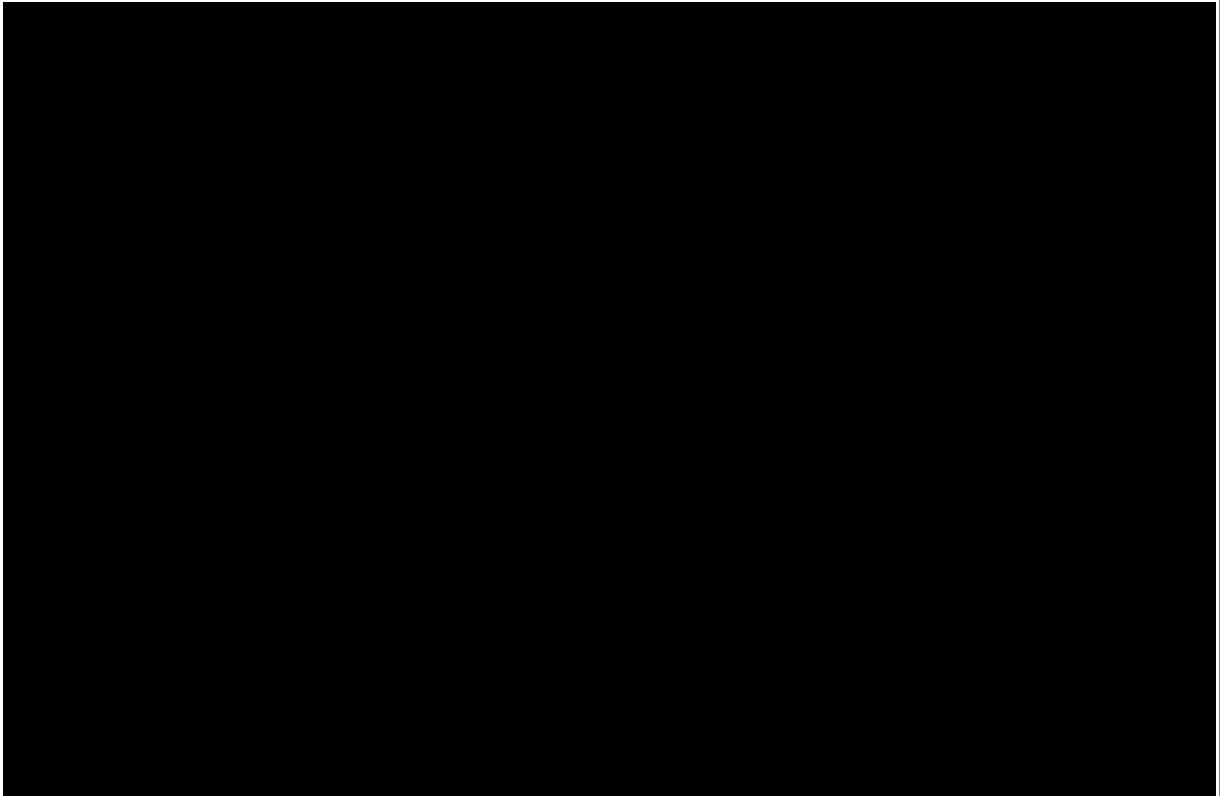
3 And do you recall telling him that Darlene may
4 have taken Ashley to the sheriff's office?

5 A. I might have -- might have said something like
6 that but wasn't too sure.

7 Q. Why did you think that Darlene may have taken
8 Ashley to the sheriff's office?

9 A. Because I talked to Darlene.

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23 MR. VOGEL: All right. Thank you.

24 Nothing further.

25 THE COURT: Any redirect?

26 MR. ANGELUCCI: One moment.

27 THE COURT: Sure.

28 MR. ANGELUCCI: Okay. No, thank you.

1 THE COURT: Thank you, sir.

2 I believe now closing arguments; is that
3 correct, counsel?

4 MR. VOGEL: Your Honor, I just had a couple of
5 questions for Ashley Harris.

6 THE COURT: Ashley, you can retake the witness
7 stand. You're still under oath.

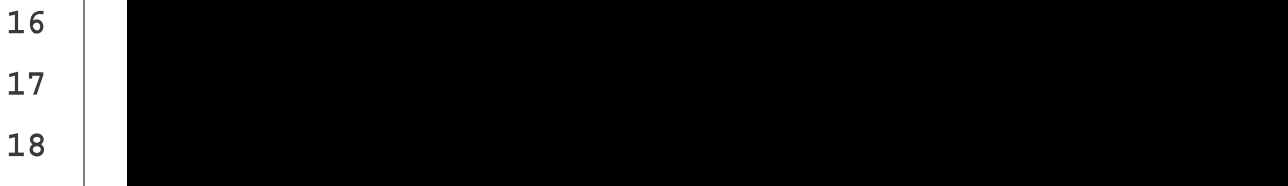
8 ASHLEY HARRIS (for the Petitioner)
9 having been previously duly sworn,
10 testified further as follows:

11 DIRECT EXAMINATION

12 BY MR. VOGEL:

13 Q. Ashley, on Wednesday, you went to a doctor's
14 appointment?

15 A. Yes.



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19 A. Yeah, Fresno.

20 Q. And so what time did you return from that
21 doctor's appointment to the ranch?

22 A. It was after dark, and everybody had already
23 had their dinner without me. So --

24 Q. Did you bring wine and cheese?

25 A. I did.

26 Q. And that was about 8:00 or so or --

27 A. Yeah, maybe a little after.

28 MR. VOGEL: Okay. Nothing further.

1 THE WITNESS: Okay.

2 MR. ANGELUCCI: One moment, please.

3 THE COURT: Sure.

4 MR. ANGELUCCI: No other questions.

5 THE COURT: Okay. You can have a seat next to
6 your attorney.

7 Mr. Vogel, you are the moving party.

8 Would you like to make closing arguments?

9 MR. VOGEL: Yes, Your Honor.

10 THE COURT: Okay.

11 MR. VOGEL: Your Honor, there is definitely
12 conflict of testimony in this case, but I think you
13 should look at the credibility of the primary
14 conflicting witness for the Respondent, who is Darlene,
15 who stated fairly unequivocally that she was staying at
16 the Hunters' Cabin Thursday night -- excuse me, that she
17 did not stay at the Hunters' Cabin Thursday night, which
18 was contradicted by her then partner Aaron who seemed
19 quite credible. I think Darlene's testimony -- she will
20 say whatever she feels like, whether it's the truth or
21 not. For example, she talked about this photograph that
22 was on Ashley's phone that said, "Come and get it."
23 That's the document that's been introduced as an exhibit
24 that actually says on it, "I'm horny." So it's -- you
25 know, I think, basically, her testimony is conjured.
26 In this case, Ashley has indicated that she
27 had been beaten up and that she had been raped. She had
28 injuries. Those injuries were verified by her mother,

1 and, unfortunately, we cannot get in the results of the
2 SART exam without the SART examiner present. But
3 there's a reason that this case was filed as a rape case
4 and it was in the DA's office for so long, despite this
5 conflicting testimony, and although the DA may have felt
6 that he could not win the case beyond a reasonable
7 doubt, I think that Ms. Harris's testimony establishes
8 by a preponderance that there was an assault and a rape
9 and that she was frightened of Jerry Cox after this
10 incident.

11 Jerry Cox did not just leave it at that when
12 the case was dismissed, but he and his friends have
13 pursued Ashley Harris in an attempt to make her feel
14 exposed and vulnerable and have tried to humiliate her
15 in public forum such as Facebook and YouTube. We ask
16 that the Court issue an order against Mr. Cox for the
17 next five years to prevent such behavior.

18 THE COURT: Okay. Mr. Angelucci.

19 MR. ANGELUCCI: Your Honor, this is a perfect
20 example of how somebody who's been falsely accused and,
21 even without a conviction, can have their life
22 destroyed, how a false accusation can snowball into much
23 more things like leaving your property and losing your
24 business and everything else. We haven't gotten into
25 all of the things that have happened to him, but this is
26 one of these cases.

27 I'd just like to go over the key pieces of
28 evidence. First of all, the deposition. She took a

1 deposition on her Workers' Compensation case, and, as
2 she testified, she didn't believe anybody else would
3 have access to that transcript. In that deposition,
4 when she testified about [REDACTED]
5 [REDACTED] that she remembered
6 perfectly well, when asked whether there were any
7 subsequent sexual violent crimes, rapes, anything, she
8 said, "Not that I recall." And when asked again, she
9 said the same thing again.

10 When asked about that on the stand, she claims
11 that it was because she thought that they were talking
12 about a certain period of time, but that's not what it
13 says at all, and then, when questioned further, she
14 claims it was because she thought they were referring to
15 boyfriends who raped her, which is not what was asked.
16 And, in fact, there have been several witnesses who have
17 testified that she refers to Jerry Cox as her boyfriend,
18 and even when I asked her and showed her the police
19 report where she said that it was solidified at the
20 wedding that he is her boyfriend, and I asked did you
21 say that, she says that she might have. She doesn't
22 recall, but she might have. The evidence is
23 overwhelming that she did refer to him as her boyfriend;
24 so that would not be a reason to say, "No," in that
25 deposition. They tried to get that excluded for obvious
26 reasons.

27 The same deposition in there, she says she had
28 not drank. I'll leave that to the Court because there's

1 ways to interpret that, but it seems in that place she
2 was not being honest either.

3 She testified about a landline in a room where
4 she said she was locked up for three days and couldn't
5 get out. She testified that, yes, there's a landline on
6 the wall, and that she knew about it. And as far as she
7 knows, it worked, but she didn't use it to dial 9-1-1.
8 When asked why, she said, "Well, because Jerry told me
9 not to." That's kind of odd, especially given some of
10 the text that she would text him confronting him about
11 verbal abuse and even trying to escape. And then saying
12 with her cell phone she had trouble reaching -- making
13 calls, but she could have easily called 9-1-1 from that
14 phone.

15 When shown a police report where she told the
16 police the reason she didn't use it was that she said
17 she didn't know where it was, I asked, "Did you say
18 that?" She really didn't have much of an answer. She
19 didn't remember saying it.

20 When I asked, "Is it possible," she said yes.
21 She couldn't explain that that was her reason when the
22 police asked her why, but there was a phone there that
23 whole time that she could have easily used.

24 She also claimed, at least in her police
25 report, she had no -- couldn't make any calls, couldn't
26 reach anybody on her cell phone. It turns out she
27 admits she spoke with her friend Marlon. The police
28 report says it was about 20 minutes long. She didn't

1 remember how long, but when asked, "Did you say anything
2 to Marlon about this," she said no. She had been
3 speaking to her friend while she was locked in a room,
4 unable to escape, trying to escape, and being raped, and
5 she's speaking with a friend of hers who could call the
6 police, and she doesn't tell him anything. And that was
7 a 20-minute phone call, if you look at the report.

8 So there's another area -- repeatedly, does
9 not add up. None of this adds up. She had access to
10 two phones that entire time.

11 Her mother testified that she called after she
12 went and spoke with the police, but when asked about the
13 police report showing a five-minute phone call while she
14 was there at the ranch, her mother didn't remember and
15 said, "It might have happened."

16 She testified and admitted to sending the text
17 to Jerry, which, as the police report showed,
18 November 11, Wednesday, saying, [READING] Last night's
19 rough sex was kind of a trigger. When I showed her the
20 police report where it says -- where she tells them she
21 was referring to rape, when I asked her about it, she
22 didn't remember saying that but that she might have said
23 that.

24 And, yet, after that text, she's saying sweet
25 things to him. Saying, "Sweet. When are you coming
26 back," things like that. The next day, more text
27 messages that she admits to, in which she asks him,
28 "What's your ETA," things like that, no accusations of

1 abuse in the texts, nothing like that, but a mention of
2 verbal abuse because, apparently, she's saying that he's
3 upset about something.

4 Castillo's. She admits that she didn't tell
5 the police in the first few interviews about Castillo's.
6 It wasn't until the police interviewed Aaron, and he
7 told them about Castillo's. If you read the reports,
8 she just talked about being locked up for three days and
9 unable to escape.

10 Then when the police asked her about
11 Castillo's, she admits, "Yes, we went there. We went
12 out to dinner." Both witnesses testified that she was
13 happy and dressed up to go out and even invited them to
14 go.

15 She claims there she was, sitting in a
16 restaurant, unable to leave, captive in some way or
17 another, which doesn't make sense. She admitted she may
18 have offered alcohol to Jerry, but she had just
19 testified that when he drinks and gets drunk, he's
20 abusive to her. So why is she offering him alcohol?

21 Even the police report, when they questioned
22 Aldo, he said she looked completely normal and that she
23 did offer to him to drink alcohol. None of this adds
24 up. Over and over and over again, inconsistencies,
25 saying she didn't consider him her boyfriend, but
26 repeatedly the evidence shows that she did, trying to
27 get out of her sworn testimony in a deposition where she
28 said she was not raped or anything like that, and then

1 says, "Well, if they had asked me if Jerry did it, I
2 would have said, 'Yes.'" Does that sound like someone
3 who's being honest? Really? This is an outrageous
4 example of false accusations. Whether she really
5 believes them or not or whether it's something else, I'm
6 not going to try to speculate, but it's false. The
7 testimony of the witnesses made that very clear. The
8 only inconsistencies of the witnesses was that she got a
9 little bit confused, Darlene, because the one night she
10 was drunk she thought she had slept in the cabin. It
11 turns out she had slept, according to Aaron, in the
12 other cabin, but everything else was consistent.

13 Even she -- she recalls clearly that there was
14 no -- no -- nothing showing any kind of evidence of
15 abuse or anything like that. It wasn't until they got
16 to the bottom of the hill where suddenly she has this
17 mark and claims that Jerry slapped her, and then, when
18 they -- after they went and drink four beers, and she
19 takes some pills, and they got to the police station,
20 then it became a rape. And she told them she wasn't
21 drinking at all, another lie. Lie after lie after lie
22 after lie in this case, and to suggest that her
23 testimony is a preponderance of the evidence over ours,
24 the witnesses, and the evidence, is simply not true.
25 Jerry has suffered from this case horribly, and false
26 accusations are a serious problem. They need to be
27 addressed, and, again, we are asking that this not be
28 granted.

1 He has already testified he had no interest at
2 all in harming her or anything. He's testified that he
3 doesn't have control over all these posts. In fact,
4 this whole situation has been publicized a lot in
5 Mariposa, the newspaper and all. There's a lot of
6 people. He has testified he's had only certain things
7 he's done on YouTube.

8 Even she admitted he has not contacted her
9 since 2015, except when he served her, and he videotaped
10 that for a reason, not to harass but to protect himself
11 if she said she was not served because she was hard to
12 find. He had to -- he had to get a private investigator
13 to find her, and he had no idea that that was a safe
14 house. He learned from the investigator that's where
15 she's staying, and so he had her served there.

16 I don't know what else to say about this. I
17 could go on and on, but it's a horrible, horrible case.
18 And I've taken it pro bono for a reason. I've seen this
19 kind of thing happening too much, and it needs to be
20 stopped. That's all.

21 Thank you, Your Honor.

22 MR. VOGEL: Your Honor, if I may briefly
23 respond?

24 The reason he's had no contact with Ashley --
25 he hasn't been able to find her, except through this
26 private investigator.

27 The testimony that Darlene gave was quite
28 incredible, and you have to ask yourself, "What motive

1 is there for Ashley to be making all this up?" All
2 she's brought is a lot of heartache on herself.
3 Grifter? Where's the financial motive? If there was
4 financial motive, she would have filed a lawsuit long,
5 long ago, but there is no motive for her to be making
6 this up. She was beaten and raped, and we just want
7 this man to be prevented from having any further contact
8 or having any further impact on her.

9 THE COURT: Okay. Thank you.

10 The Court has heard testimony and is prepared
11 to rule.

12 The purpose of the Domestic Violence
13 Prevention Act is to prevent domestic violence and
14 provide for a period of sufficient time to enable the
15 parties to seek a resolution of the causes of the
16 violence. That's pursuant to Family Code Section 6220.
17 The Court need not believe there's a possibility of
18 future abuse to grant a restraining order. The burden
19 is on the Petitioner to prove by a preponderance of the
20 evidence that certain acts have taken place that are
21 prohibited by law; specifically, in this case, it would
22 be intentionally or recklessly causing or attempting to
23 cause bodily injury or sexual assaults.

24 The Court has heard testimony from Jerry Cox;
25 Ashley Harris; Krystal McElree, who is Ashley's mother;
26 Darlene Windham and Aaron Rivera, two friends of
27 Mr. Cox's for -- of many years -- at least Mr. Rivera
28 has been a friend since childhood. And, like many of

1 the domestic violence cases, every case is important.
2 I've heard comments from counsel that these cases have
3 to stop, and these false allegations are happening. The
4 Court takes domestic abuse very seriously because there
5 are people who need protection from people who commit
6 domestic abuse and who need to be protected from people
7 who will harm them, but also a domestic violence
8 restraining order takes away and deprives a person of
9 their constitutional rights, their 1st Amendment
10 privileges, their 2nd Amendment privileges, their
11 financial well-being, their reputation. They're very,
12 very serious; so the Court does not hand out restraining
13 orders without very serious consideration. Every case
14 should be taken seriously, and every person should have
15 their day in court.

16 The Court finds that the Petitioner has failed
17 to carry her burden of proof by a preponderance of the
18 evidence of a need for a domestic violence restraining
19 order for the following reasons. This really boiled
20 down to the credibility of all of the witnesses. The
21 Court found Mr. Cox to be a credible witness. His
22 testimony started off a bit shaky and was concerning
23 about the conversation he initially had with the police,
24 but as he testified and went on, he was clear about his
25 recollection of the facts. He was sincere. His body
26 language showed a desire to exchange truthful
27 information voluntarily. He was not evasive. He
28 answered the questions directly.

1 Aaron was a very credible witness, Mr. Rivera.
2 He did not seem to have a dog in this fight. He was
3 here to provide honest testimony, and much of what he
4 said coincided and supported what Mr. Cox had said and
5 what Ms. Windham had said.

6 Ms. Windham was a very good witness as well,
7 and, yes, there was an issue with whether or not she had
8 spent the night at the Hunters' Lodge on Thursday night,
9 but she admitted she couldn't remember because she was
10 so intoxicated. Her testimony was profound, and her
11 testimony with respect to the way things went down and
12 at the CHP's office were very telling.

13 Ms. Harris lacked credibility. Her testimony
14 just could not hold water. Any reasonable person could
15 not conclude that her story was straight. There were
16 many contradictions in her spoken testimony here in
17 court today and documented testimony under penalty of
18 perjury when she was being deposed. She was an evasive
19 witness. She would not answer questions directly. It
20 was arduous and, at times, very difficult for her to
21 answer questions because she claimed to not have
22 understood it, or she did not understand the original
23 question. She did not appear to be a witness who was
24 willing to exchange truthful information. Her story
25 does not match up.

26 Darlene and Aaron provided a lot of background
27 and testimony because, of course, Mr. Cox is going to
28 testify in his own benefit. I mean, he does not want a

1 restraining order. Ms. Harris is going to testify in
2 her benefit, but Aaron and Darlene really shed a lot of
3 light on this situation; in particular, their
4 relationship with Ashley and the amount of time that
5 Darlene had spent with Ashley. They spent days with
6 each other, and Darlene seemed to be very fond of
7 Ashley. And it seemed like they had a very nice
8 relationship while things were going well, but they
9 provided a barometer of Ashley's behavior. And they
10 both testified that they didn't see Ashley behaving in a
11 way that seemed that she was being beaten, raped,
12 abused, and held captive, that she was sociable, happy,
13 loving, invited them to dinner. She certainly was not
14 the person that she depicted herself to be in her
15 request for the domestic violence restraining order
16 where she claimed to have been held captive and could
17 not escape Mr. Cox's home.

18 Darlene and Aaron spent time with them, and
19 she could have reached out for help in confidence with
20 them.

21 She had a 24-minute phone call with Marlon,
22 and she did not mention anything to Marlon about being
23 held captive or being raped and needing help. She
24 didn't call 9-1-1 on the landline. I'm sure if she had
25 said, "I'm at Jerry Cox's large ranch," they may know
26 who Jerry Cox is, or they could have located her some
27 way with some description. Whatever they would have
28 done really isn't an issue, but she didn't make a phone

1 call. She didn't call on a landline to get help and to
2 get out of there.

3 Aaron especially, being a nondrinker, had a
4 clear head and a clear recollection of what happened.
5 He was there. He watched what happened. It was a small
6 cabin. They didn't hear what was going on. Ashley had
7 testified that she was being brutally raped on the 11th
8 and on the 12th, and they didn't hear that happening.
9 And it was a small cabin.

10 She didn't ask her mother for help when she
11 talked to her mother. Her allegations just don't match
12 up. There's no logic in her behavior. She's
13 contradicted herself. She denied being raped under
14 oath. She even changed her story at the CHP's office
15 and started from being assaulted to being raped, and
16 when a CHP asked her if she had been drinking, she said,
17 "No." And Darlene was the one who had disclosed to the
18 CHP that they in deed had been drinking four beers just
19 before that.

20 So for those reasons -- and the Court does not
21 want to minimize victims of rape and abuse. There are
22 many, many victims of rape and abuse out there, but this
23 was not the case, at least as it was proven today. That
24 picture has not been proven by a preponderance of the
25 evidence that the acts have happened.

26 The temporary restraining order is dismissed.

27 All orders under the temporary restraining
28 order are vacated, and the case is dismissed.

1 Do you stipulate to have your exhibits
2 returned to you and to hold them for the appellate
3 period of time?

4 MR. ANGELUCCI: I would stipulate, if the
5 other side does.

6 THE COURT: Right.

7 MR. VOGEL: We'll stipulate to having the
8 exhibits released.

9 THE COURT: We'll return the exhibits to you,
10 and please hold them for the appellate period of time,
11 in the event that someone does appeal these orders.

12 Thank you, everyone.

13 MR. ANGELUCCI: Thank you, Your Honor.

14 MR. VOGEL: Thank you.

15 (Whereupon, no further proceedings were heard
16 in this matter on this date.)

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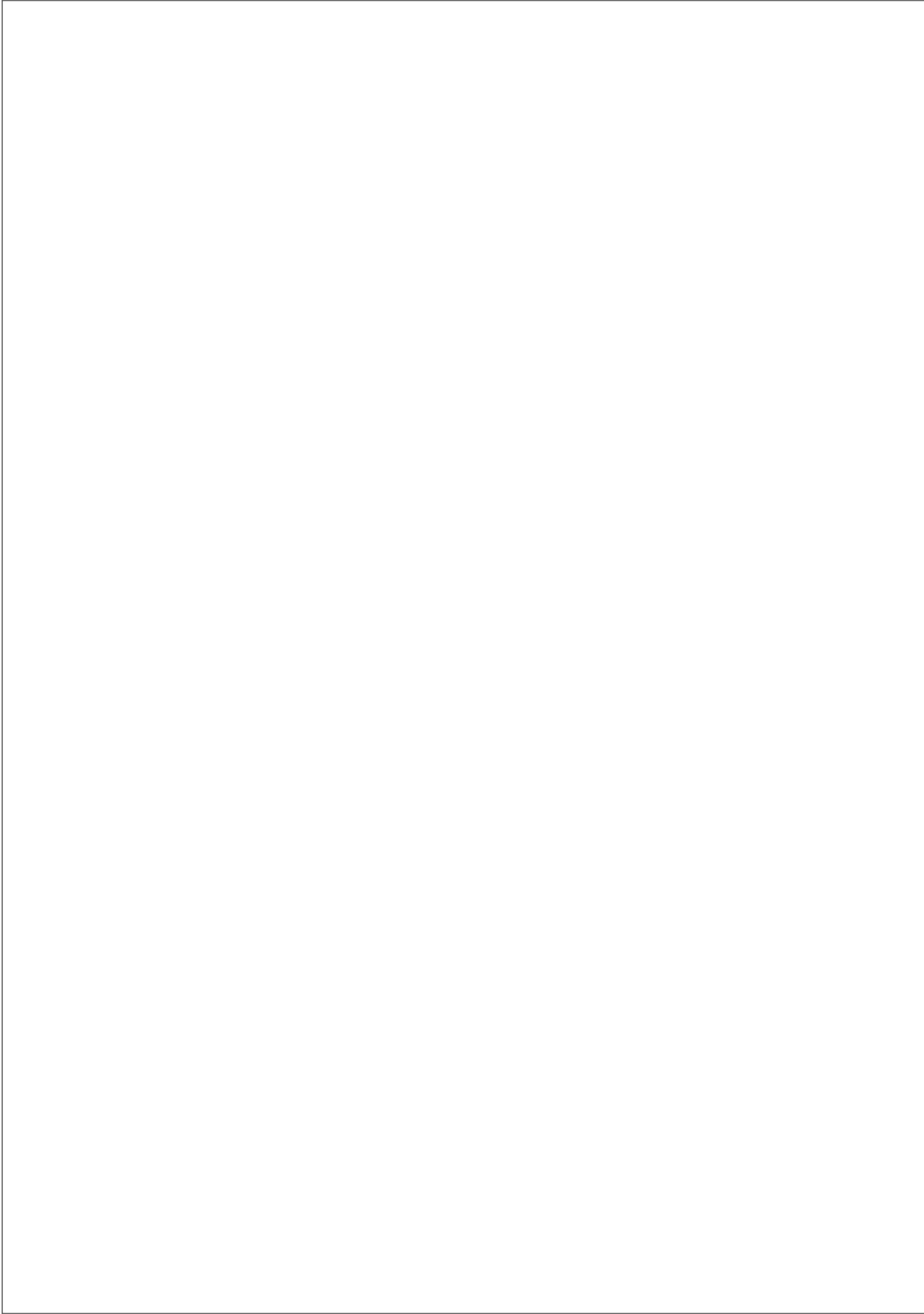
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