

1 Q. So you're how old now?

2 A. 18.

3 Q. And I want to direct your attention back
4 to January 18th, 1993. How old were you then?

5 A. 16.

6 Q. And were you living here in Las Vegas
7 then?

8 A. Yes, I was.

9 Q. And what street were you living on at that
10 time?

11 A. Silver Dollar Avenue.

12 Q. Is it a house or an apartment?

13 A. Apartment.

14 Q. And who were you living with?

15 A. My mother.

16 Q. And in the evening hours of January the
17 18th of 1993, tell us what you were doing.

18 A. I was sitting home with two of my
19 girlfriends, sitting in my room.

20 Q. What were you and your girlfriends doing?

21 A. Just talking.

22 Q. What were your girlfriends' names?

23 A. Angie and Tara.

24 Q. Was your mother home then?

25 A. Yes.

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1 Q. At some point did you decide to leave your
2 apartment?

3 A. Yes.

4 Q. Do you remember about what time it was?

5 A. It was around 8:00.

6 Q. And did you tell your mom where you were
7 going?

8 A. Yeah. I was going to walk Tara home; me
9 and Angie were walking Tara home.

10 Q. And did you and Angie and Tara leave your
11 apartment at that time?

12 A. Yes.

13 Q. And how far from your apartment was Tara's
14 house or where she was living?

15 A. About eight blocks, nine blocks.

16 Q. So when you left your house -- the
17 apartment on Silver Dollar, what direction did you
18 walk in? What were some of the streets that you
19 walked?

20 A. We walked down Arville through Clark High
21 School parking lot.

22 Q. And then to Tara's house?

23 A. Yeah.

24 Q. How far from Clark High School did Tara
25 live?

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1 A. About four blocks.

2 Q. Did you stay at Tara's house for any
3 length of time?

4 A. No. We just talked to her for about ten
5 minutes and then walked back.

6 Q. You walked back where?

7 A. We were on our way back home.

8 Q. To your apartment?

9 A. Right.

10 Q. You and Angie at that time?

11 A. Right.

12 Q. Which way did you walk on the way back?

13 A. The same way that we came.

14 Q. So back through Clark High School and
15 eventually down Arville?

16 A. Well, through the parking lot of Clark.

17 Q. When you were walking through the parking
18 lot at Clark High School, did you come into contact
19 with somebody?

20 A. Yes.

21 Q. And was it a man or a woman?

22 A. Man.

23 Q. Where were you when you first saw the man?

24 A. About in the middle of the parking lot.

25 Q. And how far away from you and Angie was

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1 this man?

2 A. About two blocks, a block away.

3 Q. So you saw him from quite a distance away
4 when you first saw him?

5 A. Yeah.

6 Q. At some point did he get closer to you?

7 A. Yes, he did.

8 Q. So he was walking towards you?

9 A. Yeah.

10 Q. Did you and Angie have a conversation at
11 all about the man that was coming towards you?

12 A. Yes. She said that he looked like, kind
13 of scary, and I just didn't think anything of it.

14 Q. At some point did that man come up to you
15 and Angie?

16 A. Yes.

17 Q. What was he wearing?

18 A. Black jacket and white sweat pants.

19 Q. Have anything else on?

20 A. A hat, beanie. It was a beanie.

21 Q. And was the beanie just on the top of the
22 head or was it in a certain location on his head?

23 A. It was right down to his eyebrows.

24 Q. So pulled all the way down to the
25 eyebrows?

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1 A. Right.

2 Q. And could you see his face clearly at that
3 time?

4 A. Yes.

5 Q. Was the man -- what race was the man that
6 you saw?

7 A. He was black.

8 Q. And did he have any facial hair at all?

9 A. Yes. He had a beard.

10 Q. Slight beard? Full beard?

11 A. A full beard.

12 Q. Did he say anything when he came up to you
13 and Angie?

14 A. Well, he came up to us. He grabbed us by
15 our arms, and he told us not to look at him and to
16 shut up.

17 Q. Did you say anything to him when he
18 grabbed you by the arm?

19 A. Yeah. I was just, like, what are you
20 doing, you know. I thought it was, like, some kind
21 of joke at first.

22 Q. What did he say?

23 A. He just said, Shut up. Don't look at me.

24 Q. Did he threaten you?

25 A. Yeah. Just shut up or I'll kill you.

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1 Q. So he said, Shut up. Don't look at me or
2 I'll kill you?

3 A. Yeah.

4 Q. Then what happened?

5 A. Then he walked us down the sidewalk. In
6 the parking lot there was a sidewalk that goes into
7 the school, the grass, and he walked us down the
8 sidewalk behind some bushes and told us to get down
9 on the ground on our stomachs.

10 Q. Did you and Angie get down on the ground
11 on your stomachs?

12 A. Yes.

13 Q. Then what happened?

14 A. Then he pulled our shirts up over our
15 heads so that we couldn't see him.

16 Q. Then what did he do?

17 A. Then he started asking us some questions
18 about a person that we knew, asking us if we knew
19 someone that lived by my house.

20 Q. Who was that someone?

21 A. Damon.

22 Q. Was there ever a conversation about
23 Hispanics or Latinos at any time while you were
24 talking to this man or while this man was around you
25 and Angie?

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1 A. Yes, there was later on.

2 Q. After he pulled your shirt over your head,
3 then what did the man do?

4 A. Then he after he said those things, he
5 pulled my shirt up, and he turned me over and took
6 the shoelaces off my shoes and tied my hands together
7 behind my head.

8 Q. Let me go back just a minute. You said
9 after he said those things, after he said what
10 things?

11 A. Well, that was when he was asking us if we
12 knew who Damon was and telling us that he was a bad
13 person and he wanted to kill him.

14 Q. You knew a person by the name of Damon?

15 A. Uh-huh.

16 Q. You have to say yes or no.

17 A. Yes.

18 Q. And you said he lived near you?

19 A. Yes.

20 Q. What race is Damon?

21 A. Mexican.

22 Q. Now, you said you were on your stomach and
23 then the man had you turn over onto your back?

24 A. Right.

25 Q. Did he turn you over or did you turn over?

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1 A. I'm pretty sure he turned me over.

2 Q. And you said he took the shoelaces out of
3 your shoes?

4 A. Yes.

5 Q. How did you know he took the shoelaces out
6 of your shoes?

7 A. Because I could hear him. I could feel it
8 on my feet, and then he tied my hands up with them.

9 Q. Where were your hands when he tied them
10 together?

11 A. They were up above my head.

12 Q. In back of your head or in front of your
13 head?

14 A. On top my head like above.

15 Q. At some point did you bring your hands
16 back down in front of you?

17 A. No.

18 Q. You kept them above your head at all
19 times?

20 A. Yes.

21 Q. After he tied your hands above your head
22 then what did he do?

23 A. Then he took off my pants and my underwear
24 and pulled up my shirt, kissed --

25 Q. Do you remember what you were wearing that

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1 night?

2 A. I was wearing flannel with a white T-shirt
3 underneath and black jeans.

4 Q. And shoes?

5 A. Black tennis shoes.

6 Q. When he pulled your shirt up you said he
7 began kissing you?

8 A. Yes.

9 Q. What part of your body did he begin
10 kissing?

11 A. My chest and my stomach.

12 Q. Your breasts?

13 A. Yeah.

14 Q. And then he moved down to your stomach?

15 A. Yes.

16 Q. And then what did he do?

17 A. And then he performed oral sex on me.

18 Q. When you say he performed oral sex on you,
19 can you be specific and tell us what he did to you?

20 A. He put his tongue in my vagina.

21 Q. Did he say anything to you at all while he
22 was doing this?

23 A. Just to shut up, shut up, I'll kill you.

24 Q. After he put his tongue inside of your
25 vagina then what did he do?

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1 A. Then he put his penis in my vagina.

2 Q. Do you know if he ejaculated?

3 A. Yes.

4 Q. He did ejaculate?

5 A. Yes, he did.

6 Q. After he was done and he ejaculated then
7 what happened?

8 A. Then he got me up, walked me over to a
9 gutter where there was rain water coming out, and
10 rinsed off my vagina.

11 Q. Okay. You said he walked you over to a
12 rain gutter; could you see at this point?

13 A. No, I couldn't see, but I could feel the
14 direction he was taking me to.

15 Q. Could you hear?

16 A. I could hear the water pouring out of the
17 gutter because it was raining that night.

18 Q. Had it been raining on January the 18th?

19 A. Yes.

20 Q. And you said he washed your vagina?

21 A. Yes.

22 Q. How did he do that?

23 A. Splashed water up there.

24 Q. Say anything to you while he was washing
25 your vagina?

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1 A. Yeah. Then he started saying if I told
2 the cops he would find me before I found him. If I
3 told anyone he would kill me, that he knew where I
4 lived, that he had been watching me waiting for this
5 for a long time.

6 Q. Were you afraid of him?

7 A. Yes.

8 Q. After he was done washing out your vagina,
9 then what happened?

10 A. Then he took me back over to where me and
11 Angie were laying and told me to get back down on the
12 ground and to tell Angie everything that he told me
13 about not telling anyone, and he told me to count to
14 a hundred and then we could leave.

15 Q. Did you count to a hundred?

16 A. Yes.

17 Q. After you counted to a hundred then what
18 did you do?

19 A. Then I sat up and took the shoelaces off
20 my wrists. That's all.

21 Q. Did you go home?

22 A. Yeah.

23 Q. Did you tell your mom what had happened to
24 you?

25 A. Not at first, no.

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1 Q. Why not?

2 A. Because he told us not to tell anyone.

3 Q. Did you believe he would hurt you if you
4 did tell anybody?

5 A. Yes.

6 Q. At some point did you tell your mom what
7 had happened?

8 A. Yes.

9 Q. And then you went to the hospital?

10 A. Yes.

11 Q. And they performed some tests on you then?

12 A. Yes.

13 Q. And did you also talk to the police?

14 A. Yes.

15 Q. Was there anything about this man during
16 the time that he was sexually assaulting you that you
17 remembered any features or anything about his voice?

18 A. Yeah. He was disguising his voice.

19 Q. What do you mean by, "He was disguising
20 his voice"?

21 A. Well, he was trying to talk with a Mexican
22 accent, and he was muffling his voice.

23 Q. When you say "muffling" was it like a
24 whisper?

25 A. Sort of like a -- I don't know. I can't

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1 explain it.

2 Q. He was trying to disguise his voice in
3 some way?

4 A. Yes.

5 Q. You say it was a fake accent. How did you
6 know that? How did you know it was fake?

7 A. I didn't know it was fake. I just --

8 Q. It sounded fake to you?

9 A. Well, the Mexican part didn't really sound
10 fake, but he was disguising his voice.

11 Q. Do you see that man in court today?

12 A. Yes, I do.

13 Q. I want you to point to him and tell us
14 where he is and what he's wearing.

15 A. Sitting right there. He's wearing a white
16 sweater.

17 Q. The man that you pointed to, this is the
18 man that you ran into outside of Clark High School,
19 and he sexually assaulted you on January the 18th?

20 A. Yes, it is.

21 MS. MONROE: May the record reflect she's
22 identified the defendant, Curtis Downing?

23 THE COURT: Record may so show.

24 MS. MONROE: Thank you. No further
25 questions.

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State's
Star Witness
Tammi told
Her case was
tried 3 years
later!

1 THE COURT: You may cross-examine,
2 Mr. Cichoski.

3 MR. CICHOSKI: No questions.

4 THE COURT: You may step down.
5 Any other witnesses?

6 MR. LUKENS: No, Your Honor, it's a matter
7 of housekeeping matter. The State would offer
8 Proposed Exhibits 19, 20, 25-A and its contents.
9 I've already spoken with Mr. Cichoski with reference
10 to those.

11 THE COURT: Do you have any objections to
12 those exhibits?

13 MR. CICHOSKI: No, Your Honor.

14 THE COURT: You can go to the desk and
15 look if you wish.

16 Any objections to the exhibits?

17 MR. CICHOSKI: No, Your Honor.

18 THE COURT: They may be received in
19 evidence as State's exhibits as marked.

20 I'm going to take a recess at this time.

21 Counsel, approach the bench.

22 / / /

23 / / /

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