IN THE DISTRICT COURT OF TULSA COUNTY
THE STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. CF-2015-242
	)	
KERRY ELIZABETH LALEHPARVARAN,	)	
Defendant,	)	
	)	

* * * * *

TRANSCRIPT OF PROCEEDINGS

JURY TRIAL

TULSA, OKLAHOMA

OCTOBER 31, 2016

* * * * *

HONORABLE KELLY GREENOUGH, JUDGE

* * * * *

REPORTED BY:

D. ANN FITE, C.S.R., R.P.R No. 1108
Official Court Reporter
Tulsa District Court
500 South Denver
Tulsa, Oklahoma 74103

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20	DVD	283	283
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DEFENDANT'S EXHIBITS

No.	Description	Offered	Ruled
1-6	Photos	644	644

1 PROCEEDINGS
2 THE COURT: We'll be on the record in
3 CF-2015-242, State of Oklahoma vs. Kerry
4 Lalehparvaran. Sarah McAmis appears for the State,
5 Brian Boeheim appears for the Defense, and
6 Ms. Lalehparvaran is personally present in the
7 courtroom this afternoon.
8 This case is on the Court's jury trial docket
9 this week. We do not yet have a jury panel in the
10 courtroom. And the Court was inquiring about
11 preliminary matters, having read Defendant's motion in
12 limine filed today, October 31st, 2016. And it's my
13 understanding that the State has an oral motion in
14 limine that it may wish to make at the conclusion of
15 Defendant's motion in limine.
16 Mr. Boeheim, when you are ready you may
17 proceed as it is your motion.
18 MS. MCAMIS: I don't mean to in any way
19 interrupt. However, I would state that in Section 3
20 of Defendant's motion, wherein he takes about the
21 co-defendant's recorded interview.
22 THE COURT: Yes.
23 MS. MCAMIS: The State certainly agrees. We
24 do not intend, nor will we play the defendant's -- the
25 co-defendant's interview.

1 THE COURT: All right. Thank you for that
2 concession. We'll show the State concedes Section 3
3 of Defendant's motion in limine and, as such, it is
4 granted.
5 All right. Mr. Boeheim.
6 MR. BOEHEIM: Your Honor, regarding the
7 motion in limine, Section 1 and Section 2 go to the
8 transcript testimony of the DHS hearing that we had a
9 previous hearing on and the Court ruled that it should
10 be allowed in. After reading it several times over
11 and looking for specific elements and parts to
12 exclude, we concluded to that it should stand on its
13 entirety. I think it tells the whole and complete
14 story.
15 With that, though, we do have a concern that
16 the reading of it be done in a form and a fashion that
17 eliminates as much intonation emphasis as possible.
18 We actually tried to read it out loud several times
19 and it was actually difficult not to read in a certain
20 tone to it depending on one's personal perspective.
21 And so I believe that if we could just -- if
22 the Court could have the individual reading it just be
23 made aware to maintain a level of neutrality other
24 than where it is explicitly denoted by the court
25 reporter in the DHS transcript.

1 With that, we also believe as in Section 2
2 that the transcript of Ms. Lalehparvaran's testimony,
3 both the direct and the two crosses and the redirect
4 and the recross, should be read in its entirety, I
5 think. Without that, I think we run up against 2107
6 and the document isn't -- isn't being in its complete
7 form for the jury to hear.
8 THE COURT: All right. State, your response,
9 please.
10 MS. MCAMIS: Thank you, Your Honor.
11 As you have already heard with respect to
12 this testimony, this was at a Juvenile proceeding
13 wherein the defendant being -- having fully advised of
14 her right to remain silent, instead chose to take the
15 stand and chose to testify.
16 We would assert that -- although the State
17 can use that transcript as evidence in the case, that
18 it is, in essence, the State's evidence to use. It
19 cannot be used by the Defendant as a means to, in
20 essence, get her story out without having to testify
21 in front of this criminal jury.
22 So if the State did not choose to use this
23 transcript, the State's assertion would be the Defense
24 could not use it, the Defense could not offer it, the
25 direct and cross examination, because it would be

1 self-serving hearsay, because it would be a means for
2 her to, as I stated, get around having to testify in
3 front of this jury and get around having to be cross
4 examined in a criminal context.
5 With all of that in mind, the State asserts
6 that it should be allowed to choose which portions of
7 the transcript are, in fact, presented to the jury.
8 The statements that are made on her own behalf are, in
9 fact, self-serving hearsay. And in the same way that
10 if the State had an interview with a detective where
11 the -- let's say the defendant was just explaining her
12 position and denying all culpability, that would be
13 self-serving hearsay. The State could choose whether
14 or not to play that in front of the jury. If the
15 State did not, the defense could not because that
16 would be self-serving hearsay. And this is in the
17 nature of the same thing.
18 This is also a different type of proceeding
19 because, as Your Honor is aware, the purpose and
20 interest in that proceeding was in the Juvenile -- the
21 legal status of the children involved. And so the
22 cross examinations that were had were on behalf of --
23 one of the attorneys was for Lawyers For Children and
24 one of the attorneys then was on behalf of the
25 defendant, on behalf of her parental rights. So

1 different issues were explored than are relevant or
2 what will be explored in the criminal trial, if you
3 will.
4 So for all of those different reasons, the
5 State would assert that if it chooses to read into the
6 record the direct examination portion of her
7 testimony, that it should not then be required to also
8 read in the cross exam portions of her testimony.
9 THE COURT: A reply.
10 MR. BOEHEIM: Actually I'm caught a little by
11 surprise, Your Honor. I guess my -- one of my
12 difficulties was the clarity with which the Court
13 expressed to Defense to make sure that I had, well in
14 advance, a very explicit listing of what I may object
15 to based on relevance or 2403 or whatever other
16 objections I might have to sections and selections of
17 this.
18 And I guess I'm struggling with the fact
19 that, as I read through it I felt that it drew a very
20 clear picture. My client is clearly attacked and
21 crossed on every -- from every which way, by not just
22 one attorney but two. I don't know how that could be
23 bolstering in any form.
24 And, to be fair, the attorney who did the, if
25 you will, direct, which I guess it's a direct at that

1 point, was nothing more than an additional cross. I
2 now employ that attorney. And in going through it,
3 just to be honest with you, she did a really poor job.
4 If anything, it brings out more issues. But it
5 creates an entire picture.
6 And so I am struggling with the fact that
7 we're sitting here questioning that the State wants to
8 be able to pick and choose on a -- on a testimony
9 that, in and of itself, is a whole. To select, it's
10 going to be -- it clearly could prejudice a jury. We
11 could sit here and play that game all day, of picking
12 out where she blurts out one word or two words or
13 answers one question and cut her off halfway through
14 the question. I guess I don't --
15 THE COURT: I don't --
16 MR. BOEHEIM: -- know where the delineation
17 lies.
18 THE COURT: I don't think the Court has any
19 intention of letting the State proceed in that
20 particular manner.
21 MR. BOEHEIM: But a question that is asked by
22 one attorney in one way and my client answers it and
23 is asked by another opposing attorney and she answers
24 it the same way, goes to the reliability and
25 credibility of my client and I think that stands. I

1 think to truncate even that kind of commentary would
2 be putting my client in a position of -- of the jury
3 questioning whether she's telling the truth in this
4 instance. And it was a -- it was a whole. It was a
5 whole.
6 And I believe -- I believe 2107 supports the
7 idea and concept of, if the Defense wants something
8 brought in in its entirety, I believe this is a
9 document.
10 THE COURT: Ms. McAmis, how do you read 2107?
11 MS. MCAMIS: Well, Your Honor, I don't think
12 2107 stands for the proposition that the defendant can
13 use a document to --
14 THE COURT: Specifically a record. A record.
15 MS. MCAMIS: Right.
16 And I don't know. I don't know whether or
17 not that's ever been interpreted to include a
18 transcript or not. And I apologize for not knowing
19 that and not being able to recite that to you.
20 THE COURT: Looks like there are three cases
21 that cite it and they all appear to be criminal cases.
22 I haven't read them. There's Davis vs. State,
23 McElmurry vs. State, and Goode vs. State.
24 MS. MCAMIS: And I apologize for not looking
25 at those cases.

1 But I think the State's whole point is this,
2 Your Honor. That the defendant cannot use this as a
3 means to tell her story to the jury without having to
4 testify, which is exactly what she's trying to do.
5 If, in fact -- if, in fact, a portion of this is read,
6 then the defendant still has the opportunity, should
7 she want to be able to explain herself, she can
8 absolutely take the stand during this trial and be
9 subject to cross examination in this criminal
10 proceeding. And that would be the remedy instead of
11 the remedy being that the State of Oklahoma is then
12 forced to read the entirety of it and give her that
13 opportunity.
14 MR. BOEHEIM: Well, if the Court would allow.
15 My client has every intention of testifying. I will
16 state that right up front. There's no question about
17 our intention of testifying.
18 If the State doesn't read any of that in, I'm
19 not going to -- I have no intention of reading it in.
20 I've got my live client to sit up on the stand. So my
21 entire argument is, if they're going to read any part,
22 then they need to read all. I don't plan on using it
23 to my defense other than as its whole.
24 THE COURT: All right.
25 MS. MCAMIS: And while I take Counsel at his

1 word, we all know that he can stand and tell us, and
2 genuinely be honest with us --
3 THE COURT: I agree.
4 MS. MCAMIS: I'm not accusing him of any
5 wrongdoing.
6 THE COURT: No.
7 MS. MCAMIS: But he can stand here and say
8 she's going to testify, and then at the very last
9 minute say, never mind she's not going to, and it
10 would -- there would be nothing that Your Honor
11 could --
12 THE COURT: That is true.
13 MS. MCAMIS: -- do to remedy that situation.
14 THE COURT: That is true.
15 It sounds like the bulk of the argument has
16 to do with section 2 and the transcript in its
17 entirety.
18 I'm not -- it doesn't sound like Counsel is
19 urging a predetermination of admissibility in Section
20 1 as much as it is lawyer conduct with regard to
21 section 1. Is that a fair statement?
22 MR. BOEHEIM: Yes. I guess I'm not even
23 certain who's --
24 THE COURT: So I'm.
25 MR. BOEHEIM: -- going to be reading -- who's

1 going to be reading the transcript. So I'm a little
2 in the dark on the process on that. I'm just trying
3 to make sure that we're clear --
4 THE COURT: I assume --
5 MR. BOEHEIM: -- on the potential --
6 THE COURT: -- another Assistant --
7 MR. BOEHEIM: I don't want to be jumping up
8 every two minutes objecting because there's a tone
9 used.
10 THE COURT: I assume another Assistant D.A.
11 will be reading it. And I would expect nothing less
12 than complete professionalism with regard to the
13 transcript of the transcript. And I really don't know
14 that I need to say anything else.
15 If -- I will show section 1 is reserved. If
16 there are intonations or gestures of any sort or
17 anything like that -- and I don't expect any of these
18 things to happen. I will keep this under advisement
19 and I'll ask you all to approach the bench if that
20 begins to occur.
21 But I know that your office will present this
22 in a very professional manner and I don't expect there
23 to be anything other than a straight reading of the
24 words on the paper. Okay?
25 MS. MCAMIS: Yes, ma'am.

1 THE COURT: With regard to section 2, I'm
2 going to have to take a break and go read the three
3 cases that interpret 2107, and see if they do, in
4 fact, provide any guidance in this situation. So I
5 will do that and then we will come back on the record
6 with regard to the Court's ruling as to section 2 in
7 the motion in limine.
8 State, do you want to go ahead and present
9 your motion?
10 MS. MCAMIS: Yes, Your Honor, very briefly.
11 As you are aware, there was a co-defendant in
12 this case.
13 THE COURT: Yes.
14 MS. MCAMIS: And the co-defendant ultimately
15 entered a blind plea and ultimately was sentenced
16 after a sentencing hearing by the Honorable Judge
17 Drummond.
18 I would move in limine that the Defense is
19 not allowed to mention the length or the term or the
20 conditions of his sentence. In the same way that the
21 State could not stand up and say, well, the
22 co-defendant got, whatever, 10, 20, 30 years, so you
23 should also give this to her, this defendant should
24 not be allowed to say the co-defendant got this amount
25 of time and so give her less or give her the same or

otherwise.

THE COURT: Your response to the State's motion in limine.

MR. BOEHEIM: I have no plan of using it in opening or closing or statements made directly by myself. I can't tell what a witness may blurt out in terms of him pleaing or something of that nature. I am not going to drive that and I'm not going to make any statements to the jury of that element.

THE COURT: I would hope that the State's witnesses are prepared to the point where they would not say something like that. I understand this is a very human process and we don't control every little nuance of it. But I will -- it essentially sounds like you all are in agreement as to the State's motion in limine. Is that correct?

MR. BOEHEIM: There is one -- one other part to that is -- and it depends on what the Prosecution chooses to bring in as evidence. There are several jail calls that we were on notice may come in that -- where Mr. Purdy talks very clearly about what his charges are and what he perceives the length of time that he's going to potentially have. So I don't know how the Court would like to handle that.

MS. MCAMIS: That portion of that particular

phone call has been redacted out for that very reason.

THE COURT: Okay.

MR. BOEHEIM: Okay.

THE COURT: Yeah, I agree. And I will grant your motion. Sounds like mostly everyone is on the same page here. I don't think it is relevant to the issues of Ms. Lalehparvaran's guilt or innocence or her sentence and we wouldn't want to come up with any suggestions otherwise.

MR. BOEHEIM: Right.

THE COURT: So I think, with that, we'll show the State's motion granted.

MS. MCAMIS: Finally, Your Honor, during the last jury trial that I tried against Defense counsel, during the voir dire portion -- his voir dire portion, he stood up and began to introduce his client and began to try to state personal information about his client, to which I objected and to which that judge in that proceeding said no, you cannot do that during voir dire.

And I would move in limine that he be prohibited from doing that during voir dire. Not only is that an improper place in the trial to do that, but if she does want to take the stand and tell personal information about herself, then she has to do that

subject to cross examination and not through an introductory process that is not an evidentiary process for the jury.

THE COURT: I do, as a matter of course, introduce every defendant on trial in here and simply ask whether the panel knows the defendant or his or her family and I leave it at that. And I would be inclined to leave it at that.

Does that sound reasonable?

MS. MCAMIS: Yes, I agree with that.

MR. BOEHEIM: That's fine.

MS. MCAMIS: Yes.

MR. BOEHEIM: Just on that note, because it came up last time in Your Honor's court, as I said last time, I believe it's only respectful and appropriate since they're being asked that -- you know, if they're married and where they generally live, I like to introduce myself and say I'm married and I'm from out in Broken Arrow, just as a general -- I think it's polite, to be honest with you. And if we are -- I would hope that we're -- I'm allowed to do that.

THE COURT: I have not historically had an issue with that. Some of the prosecutors do that in here as well.

MS. MCAMIS: I don't mind that at all.
THE COURT: I don't mind it.
MS. MCAMIS: It's giving information about the defendant that's not proper.
THE COURT: I understand.
MR. BOEHEIM: That's fine.
THE COURT: I understand.
So I think that's perfectly fine, Mr. Boeheim.
And, Ms. McAmis, if you care to do the same thing, you're more than welcome to. I think it is -- I understand your point and tend to agree with it, Mr. Boeheim, with regard to what all we ask of these folks. I understand you all are not the jury, but it does seem at least a gesture of good will to -- I introduce my staff, I introduce myself. It just seems appropriate, so --
MR. BOEHEIM: Your Honor, one more item that has --
THE COURT: Yes.
MR. BOEHEIM: -- come up based on something that Ms. McAmis said. She referenced redacting --
THE COURT: The jail call?
MR. BOEHEIM: -- the jail calls.
THE COURT: Uh-huh.

MR. BOEHEIM: I haven't been privy to a redacted version of the jail calls, so I would imagine that's --

THE COURT: I think you'll need a copy of that so that you can listen to it and understand exactly what has been redacted and what is in it. And I'm sure that the State will give that to you.

MS. MCAMIS: I can provide that to him tonight.

THE COURT: All right.

MR. BOEHEIM: Thank you.

THE COURT: All right. So if there's anything else -- I'm going to go take a quick look at those three cases and just see if there's any enlightenment in them for the Court as to the transcript issues. And that won't take me long. You all are each welcome to use whatever electronics you have if you want to read them while you're in here. And I'll be back in shortly and we'll get started.

(A break was taken.)

THE COURT: We'll be back on the record in State vs. Lalehparvaran. All lawyers are present. Ms. Lalehparvaran is present. Jury panel has not come in yet.

State and Defense had made argument

1 concerning Defendant's motion in limine, subpart 2,
2 wherein the Defense requests that the entirety of
3 Ms. Lalehparvaran's DHS testimony -- if any part of it
4 is read, that all of it should be read.
5 Have you all taken an opportunity to look at
6 Davis, McElmurry and Goode that are cited -- or listed
7 below the statute? Do you all wish to make any
8 argument with regard to those cases?
9 MS. MCAMIS: The State does not, Your Honor.
10 MR. BOEHEIM: Your Honor, I think Goode vs.
11 State is actually very clear, particularly in
12 paragraphs 29 and 30. Although it is -- the roles are
13 reserved and they're talking about impeachment, I
14 think the -- the standard that they're trying to set
15 is very clear.
16 THE COURT: And the Court also read the Goode
17 opinion and noted that in that one -- Judge Gillert
18 tried that case. And one of the concerns that the
19 Appellate Court had was that Judge Gillert in that
20 case -- in the Goode case had not reviewed the
21 recording -- videotaped recording of a witness's
22 interview with the police.
23 So I guess, with that, I consider myself sort
24 of making this decision in a bit of a vacuum in that I
25 don't know the volume of testimony you're talking

1 about. I don't know how many pages it is. I would
2 likely need to look at that. And so what I am
3 intending to do is -- I think we have to be specific.
4 Because what I don't think 2107 stands for is
5 that once a party offers a part of a transcript, that
6 all of it has to come in. I don't think it says that.
7 The statute says, An adverse party may require the
8 introduction at that time of any other part or any
9 other record that should in fairness be considered
10 contemporaneously with it.
11 So I intend for the State to outline what
12 portions it intends to offer. And then the Defense
13 can look at it with an eye toward what portions of it
14 would result in fairness. Because I'm not going to
15 just blanketly say it all comes in. We're going to be
16 precise about it.
17 And I also think it's not appropriate to put
18 in perhaps -- I haven't -- I need to look at it, but I
19 don't want to put in anything that would be extraneous
20 or extra or confusing to the jury. If it's all
21 relevant and admissible, then I will decide
22 accordingly. But at this point I don't know that,
23 so --
24 I don't think the statute says I have to
25 admit it in its entirety. I have to admit whatever

1 portions make it fair and that's what I intend to do.
2 So you all will need to do the homework
3 necessary to set out which portions you intend to
4 offer and then you can make argument on what portions
5 need to be included.
6 This is basically a codification of the Rule
7 of Completeness that we've all argued since we were
8 first year lawyers. And so I'm not going to make a
9 blanket ruling that all of it comes in under the Rule
10 of Completeness.
11 MR. BOEHEIM: May I make a comment, for the
12 record, Your Honor?
13 THE COURT: Yes.
14 MR. BOEHEIM: I believe in our earlier
15 hearings, the res gestae in particular, you actually
16 set off that hearing at one point for the Prosecution
17 to be very specific in what --
18 THE COURT: I did.
19 MR. BOEHEIM: -- they were going to bring in.
20 And I thought at that time the State made it
21 clear that they just wanted to bring in my client's
22 testimony. And I may be -- it was my poor assumption,
23 Your Honor, but I think it was the assumption of the
24 Court, as well, that that meant the entire testimony.
25 Because at that time I even said, That's going to be a

1 lot of information. And I think that's when the Court
2 looked at me and said, Well, then you're going to have
3 to go through, Mr. Boeheim, and look at each one of
4 those parts, if there's anything you want to take out.
5 So I'm a little caught at this point that
6 we're here now doing --
7 THE COURT: I perceive my comments today as
8 consistent with my previous view, that we need to be
9 rather surgical about what parts are admitted and what
10 parts of it, if any, are not.
11 MR. BOEHEIM: And we have no problem with
12 that, Your Honor. We've been in support of that from
13 the beginning.
14 THE COURT: State.
15 MS. MCAMIS: Well, just for the record, Your
16 Honor, I had informed Counsel and the Court that we
17 intended it to be her testimony and --
18 THE COURT: And, by that, did you mean her
19 direct?
20 MS. MCAMIS: Correct.
21 But then, also, Your Honor, you had on two
22 prior occasions directed the Defense counsel to
23 specifically state what he believed should be
24 excluded. And as recently as last week Defense
25 counsel told me he was working on that and he was

1 going to be specific and he was going to get it to me
2 but nothing was ever provided to me.
3 THE COURT: Okay.
4 MS. MCAMIS: And so --
5 THE COURT: Okay. Here we are now.
6 MS. MCAMIS: Right.
7 THE COURT: All right. So when we finish
8 today, if you guys can take a look at those things,
9 I'm going to keep my ruling under advisement until
10 around 8:30 or 9:00 tomorrow morning. And, if need
11 be, further than that. But we're going to be very
12 clear about what's coming in and what isn't as opposed
13 to just all -- we're going to be very clear and
14 concise about what that is.
15 MR. BOEHEIM: May I --
16 THE COURT: Just as if I were looking at a
17 portion of a videotape.
18 MR. BOEHEIM: And I'm just trying to make
19 sure I know what my homework is for tonight, Your
20 Honor. Is -- because I am --
21 THE COURT: Ms. McAmis is going --
22 MR. BOEHEIM: I mean --
23 THE COURT: -- to designate --
24 Just a minute, please.
25 She's going to --

MR. BOEHEIM: I'm sorry.

THE COURT: -- designate what pages of a certain transcript or transcripts and you will look at those and determine what portions you think need to be included, if any, under the Rule of Completeness.

MR. BOEHEIM: That is --

THE COURT: Okay?

MR. BOEHEIM: That is fine with me, Your Honor.

THE COURT: Okay.

MR. BOEHEIM: Defense is happy with that.

THE COURT: Okay. All right. Ms. Upton, do we have all 40 --

MS. UPTON: We do, Judge.

THE COURT: -- panel members present?

All right. Anything else before we get started with jury selection?

MS. MCAMIS: Not by the State.

MR. BOEHEIM: Not by Defense, Your Honor.

THE COURT: Okay. Thank you.

All right. And I don't detect any second chairs for the case. Is that going to be the way we proceed?

MS. MCAMIS: There will be none for the State.

1 MR. BOEHEIM: That is correct for the
2 Defense, Your Honor.
3 THE COURT: Okay. Very good. All right.
4 Thank you.
5 *(The jury panel entered the courtroom.)*
6 THE COURT: Welcome to Courtroom 413, Felony
7 Docket C. I'm Judge Kelly Greenough. And good
8 afternoon, ladies and gentlemen.
9 We are now ready to proceed with a case on
10 the jury docket, and that is Case No. CF-2015-242,
11 State of Oklahoma vs. Kerry Lalehparvaran.
12 Counsel for the State, ready?
13 MS. MCAMIS: The State is ready, Your Honor.
14 THE COURT: Counsel for the Defense?
15 MR. BOEHEIM: Defense is ready, Your Honor.
16 THE COURT: All right. And Ms. Lalehparvaran
17 is personally present in the courtroom this afternoon.
18 Ladies and gentlemen, I am going to invoke
19 the Rule which means that until further order of the
20 court you may not discuss this case with anyone,
21 including each other, nor may you allow anyone to
22 discuss the case with you. You may not read about,
23 view, or listen to, or research the case in any way,
24 including through any means of technology or social
25 media.

1 And, with that, we're going to begin voir
2 dire, which is a way of saying jury selection. It
3 literally means to speak the truth.
4 We are now ready to proceed with the jury
5 trial in Case No. CF-2015-242 on the jury docket.
6 I'd like to remind you that jury service is a
7 legal obligation of high public trust. I would also
8 like to remind you that the services you perform as
9 jurors are just as important and essential to the --
10 to justice as those performed by myself and by the
11 attorneys.
12 The first phase of every trial is called the
13 voir dire. It is the part of the trial in which the
14 lawyers select a jury to hear this particular case.
15 As prospective jurors you'll now take an oath
16 to answer completely and truthfully all questions that
17 will be asked of you by me and by the attorneys.
18 And as I haven't already said so, I will ask
19 that you please make sure that all cell phones and
20 electronic devices are not only turned off but are
21 also put away.
22 With that, please stand, raise your right
23 hand to receive your oath. And I'll ask the clerk to
24 administer the oath.
25 MR. STILES: Do you and each of you solemnly

swear or affirm to well and truly answer the questions asked of you concerning your qualifications to sit as jurors in the case now on trial? This you do affirm under the penalties of perjury.

THE COURT: Thank you very much. And please be seated.

I'd also like to take just a moment to introduce you to my staff. You've already met the bailiff, Ms. Pat Upton. And she will be assisting the jury as you go in and out of the room. And also once the jury is sequestered she would be your contact person with any questions or notes to the judge.

I'd like to introduce the clerk, Aaron Stiles, who just administered your oath, and the court reporter is Ms. Ann Fite. She'll be writing down everything that is said throughout this trial.

I'll ask the clerk to draw 30 names to come forward to take a seat in the jury box to participate in voir dire. As your name is called, please come forward and take a seat beginning on the top row far left. So the first name called will come all the way around and go all the way to the back row, far left seat, furthest away from me. And you'll fill in accordingly.

You may begin.

1 MR. STILES: Paul Murphy. Jade Welch.
2 Alycia McCoy. Steven Worden. Deana Clark. Misty
3 Spellman. Carl Taylor. Louise Williams. Wendy
4 Dorzab. Jessica Ducummon. Julianna Nelson. Judith
5 Dysart. Michael Dorsey. Ann Stoeppelwerth. Lorri
6 Kuykendall. James Taylor. Rebekah Foster. Linda
7 Steele. Amanda Bogle. Joseph Gaylord. Brenda
8 Francis. John Riddlebarger. Chad Harmon. Bradford
9 Oakley. Adiel Rebollar Jaimes. Rosamaria Deleon.
10 Karen Doerr. Bridgett Howard. Sharon Steinle. Tammy
11 Lance.
12 THE COURT: Thank you.
13 Ladies and gentlemen, on January 16th,
14 2015, the State of Oklahoma filed an Information
15 against the defendant. Defendant stands charged with
16 the crimes of, Count A, Permitting Child Abuse By
17 Injury, and Count B, Child Neglect. To these charges
18 the defendant has pled not guilty. Both the State of
19 Oklahoma and the defendant are entitled to jurors who
20 approach this case with open minds and to agree to
21 keep their minds open until a verdict is reached.
22 Jurors must be as free as humanly possible
23 from bias, prejudice, or sympathy. Jurors must not be
24 influenced by preconceived ideas as to the facts or as
25 to the law.

1 From this point until the conclusion of this
2 trial do not discuss this case with any other person,
3 including family and friends. You should not read or
4 listen to any media discussing this case, nor research
5 this case in any way, including through the Internet
6 or any other tools of technology, nor should you use
7 any of these means to communicate to others about the
8 case. It is important that this case be decided
9 solely on the evidence you receive in this courtroom.
10 You are undoubtedly qualified to serve as a
11 juror, but you may not be qualified to serve as a
12 juror in this particular case, hence the law permits
13 unlimited challenges for cause.
14 Moreover the law grants both the State and
15 the Defendant five peremptory challenges. A
16 peremptory challenge permits either the State or the
17 Defendant to excuse a prospective juror for any reason
18 allowed by law. If you are excused from being a juror
19 in this particular case it is no reflection on you.
20 You may well be chosen to serve as a juror in another
21 case.
22 I'm going to begin the voir dire by asking a
23 few questions to determine your qualifications to
24 serve as a juror in this case. Then the attorneys
25 will have an opportunity to supplement those

1 questions.
2 The purpose of these questions is to pick a
3 fair jury, not to embarrass anyone. If either I or
4 one of the lawyers asks a question which touches on a
5 sensitive area, please just let us know and we'll have
6 you come forward to the bench to talk in private.
7 First, I would like to introduce the
8 attorneys. For the State of Oklahoma, Ms. Sarah
9 McAmis, and for the Defendant, Mr. Brian Boeheim.
10 Does anyone know either of these lawyers? If
11 so, please raise your hand. All right. The Court
12 sees no hands.
13 Does anyone know the defendant,
14 Ms. Lalehparvaran, or her family? If so, please raise
15 your hand. All right. The Court sees no hands.
16 Thank you.
17 I'll ask at this time for the State to please
18 list the witnesses you intend to call.
19 MS. MCAMIS: Thank you, Your Honor. Reading
20 the witnesses off of the Information: Dr. Michael
21 Baxter, Dr. Christi Carstens, Melissa Gantz, Dr. John
22 Jennings, Dr. Ama Karikari, Dr. William Kennedy, Dr.
23 Amanda Madden, Dr. Amber Shipman, Dr. Laura Stuemky,
24 Dr. Kelli Windsor, Kristi Simpson, Kathy Bell,
25 Sergeant Bryan Bryden, Officer John Gillert, Officer

Jerod Lum, Officer Samantha Ramsey, Detective Paula Maker, Lyla Lalehparvaran, Sheila Marie Fields Loftin, Brian Homberger, Jamie Norton, Officer Keith Trujillo, Heather Houdek Wheeler, Detective Jeanne MacKenzie, Patricia Gragg, Deanna Themmel.

THE COURT: Thank you.

Does anyone know any of these individuals listed by the State? If so, please raise your hand.

Ms. -- are you Ms. Stoeppelwerth?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. Who is it that you know, ma'am?

PROSPECTIVE JUROR: William Kennedy.

THE COURT: And how do you know Mr. Kennedy?

PROSPECTIVE JUROR: My child played soccer with his daughter.

THE COURT: Okay. And how long ago was that, ma'am?

PROSPECTIVE JUROR: Eight years.

THE COURT: All right. Have you had contact with Mr. Kennedy since then?

PROSPECTIVE JUROR: No.

THE COURT: Are you friends on social media?

PROSPECTIVE JUROR: No.

THE COURT: And was that the limit of your

relationship with Mr. Kennedy eight years ago?

PROSPECTIVE JUROR: Yes.

THE COURT: Did you socialize back then?

PROSPECTIVE JUROR: No.

THE COURT: Do either the State or the Defense have any follow-up questions with regard to Ms. Stoeppelwerth's knowledge of Mr. Kennedy?

MS. MCAMIS: The State does not.

THE COURT: Does the defense?

MR. BOEHEIM: None for the Defense, Your Honor.

THE COURT: Thank you, ma'am.

Anyone else know any of the witnesses listed by the State?

Yes. You're Ms. -- how do you pronounce your name?

PROSPECTIVE JUROR: Steinle.

THE COURT: Steinle. Thank you.

Ms. Steinle, what was the name that was familiar to you?

PROSPECTIVE JUROR: I knew Amanda Madden, but I don't -- she wasn't a -- is this an M.D.?

MS. MCAMIS: Right.

PROSPECTIVE JUROR: Okay. It's not the same person.

THE COURT: Okay. Thank you very much.
Anyone else?
Yes, sir. One moment. You are Mr. Taylor?
PROSPECTIVE JUROR: Correct.
THE COURT: All right, sir.
PROSPECTIVE JUROR: Is John Jennings -- is he an M.D.?
THE COURT: I believe so. Let's check. One moment.
MS. MCAMIS: Yes.
THE COURT: Do you know Dr. Jennings, Mr. Taylor?
PROSPECTIVE JUROR: I knew Dr. Jennings, but he died about a year ago. Is it the same one? That's what I'm trying to make sure.
THE COURT: Ms. McAmis.
MS. MCAMIS: I don't know, Your Honor.
THE COURT: All right. Was he your personal physician --
PROSPECTIVE JUROR: Yes.
THE COURT: -- if I might ask, Mr. Taylor?
PROSPECTIVE JUROR: Yes.
THE COURT: All right. And it's your understanding that he is deceased?
PROSPECTIVE JUROR: Yes. I didn't know if

there was a second one around town. That's what I was trying to verify.

THE COURT: And sometimes medicine, like law and law enforcement, runs in families, so I don't know whether this is a junior or someone by the same name in the same family.

Was your Dr. Jennings an older gentleman, sir?

PROSPECTIVE JUROR: Yes, he was.

THE COURT: All right. Do you happen to know whether your witness is an older or younger gentleman?

MS. MCAMIS: I do not.

THE COURT: All right. It sound like, at a minimum, the last time you saw Dr. Jennings was about a year ago.

PROSPECTIVE JUROR: Correct.

THE COURT: Is that when you last saw him or is a year ago when you heard of his demise.

PROSPECTIVE JUROR: I last saw him about a year ago. He died, I'm sorry, this summer -- this past summer.

THE COURT: Okay. The Dr. Jennings you know?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. And was he from Tulsa?

PROSPECTIVE JUROR: He was from Broken Arrow.

THE COURT: All right. Does that provide any clarity, State?

MS. MCAMIS: His involvement in the case was at St. Francis Children's Hospital.

THE COURT: All right.

PROSPECTIVE JUROR: I do not believe it was the same one then.

THE COURT: Okay. That sounds very logical that it would not be the same person.

State, do you have any follow-up questions for Mr. Taylor?

MS. MCAMIS: No, I do not. Thank you.

THE COURT: All right. And, Mr. Boeheim, do you have any follow-up questions for Mr. Taylor?

MR. BOEHEIM: Not at this time, Your Honor.

THE COURT: All right. Thank you very much.

Thank you, Mr. Taylor. Appreciate that.

Anyone else? Sometimes we find out just how small Tulsa really is.

Okay. Any other hands? All right. The Court sees none. Thank you very much.

Defense, do you intend to endorse the State's witnesses and/or add witnesses of your own at this point, sir?

MR. BOEHEIM: Yes, Your Honor.

THE COURT: All right. Would you go ahead and list those for the jury panel?

MR. BOEHEIM: I apologize. Other than my client, we have no other witnesses.

THE COURT: All right. Thank you very much.

MR. BOEHEIM: I was answering the first part of the question.

THE COURT: All right. Thank you.

All right. I'm going to go through a series of questions very quickly with each of you. But before I do that, I want to ensure that each of you actually live and reside in Tulsa County currently. We actually had someone a few weeks ago that had moved and been summoned but did not reside in Tulsa County at the time they came in.

Is there anyone who doesn't live in Tulsa County presently? If so, please raise your hand.

PROSPECTIVE JUROR: I live in Broken --

THE COURT: Okay. Just a moment, sir.

You are -- are you Mr. Jaimes?

PROSPECTIVE JUROR: Rebollar.

THE COURT: Rebollar? You go by Rebollar?

All right. You live in Broken Arrow? But you live in the County of Tulsa?

PROSPECTIVE JUROR: Yeah.
THE COURT: All right. Thank you.
Anybody that doesn't live in Tulsa County?
Mr. Harmon.
PROSPECTIVE JUROR: I just moved and we are on a county line.
THE COURT: All right.
PROSPECTIVE JUROR: So I couldn't tell you if I'm --
THE COURT: I'm going to need your address, sir.
PROSPECTIVE JUROR: 14505 East 109th Place North.
THE COURT: And that is in the City of?
PROSPECTIVE JUROR: Owasso, Oklahoma.
THE COURT: All right. We will check that, sir.
And when did you move there?
PROSPECTIVE JUROR: Two months ago.
THE COURT: Okay. So you haven't had to pay property taxes yet so you're not exactly sure.
PROSPECTIVE JUROR: No, I'm just not --
THE COURT: And when you -- when you -- are you purchasing or renting?
PROSPECTIVE JUROR: We purchased.

THE COURT: All right. And you don't know where the deed was recorded?

PROSPECTIVE JUROR: Off the top of my head, I don't know.

THE COURT: All right. Well, we'll check on that and get back to you. Thank you.

Anybody else?

All right. Thank you very much.

We'll start with Mr. Murphy. Hello, sir. How are you?

PROSPECTIVE JUROR: Good. How are you doing?

THE COURT: Good, thank you.

Sir, how are you employed?

PROSPECTIVE JUROR: I work for a company named Borets.

THE COURT: And what do you for those folks?

PROSPECTIVE JUROR: I repair electric motors.

THE COURT: Okay. And what is your marital status?

PROSPECTIVE JUROR: Single.

THE COURT: Do you have any children, sir?

PROSPECTIVE JUROR: No.

THE COURT: Do you have any grandchildren?

PROSPECTIVE JUROR: No.

THE COURT: And I don't mean to insult

anybody's age here. I'm probably going to ask all of you that.

And what part of our county do you live in, sir?

PROSPECTIVE JUROR: Tulsa.

THE COURT: It's okay to say east, south, west, north, Midtown.

PROSPECTIVE JUROR: Well, we just moved four days ago.

THE COURT: Okay.

PROSPECTIVE JUROR: We're on 49th Street off of 412.

THE COURT: Okay.

PROSPECTIVE JUROR: I guess that's west.

THE COURT: Okay. All right.

Do you know what school district you're in?

PROSPECTIVE JUROR: No.

THE COURT: Okay. Not yet anyway? All right.

And, Ms. Welch, hello.

PROSPECTIVE JUROR: Hi.

THE COURT: How are you employed, ma'am?

PROSPECTIVE JUROR: I work at Finish Line shoe store.

THE COURT: Okay. And what is your marital

status?

PROSPECTIVE JUROR: Single.

THE COURT: Do you have any children, ma'am?

PROSPECTIVE JUROR: Yes, I have one daughter.

THE COURT: And how old is your daughter?

PROSPECTIVE JUROR: Six months.

THE COURT: Six months?

PROSPECTIVE JUROR: Uh-huh.

THE COURT: And I'm going to have everybody really speak up nice and loud so our court reporter doesn't get onto us. She needs to be able to hear everything so she can write it down. Okay?

All right. You have a six-month-old daughter?

PROSPECTIVE JUROR: Yes.

THE COURT: That's your only child, ma'am?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: All right. And what part of our county do you live in?

PROSPECTIVE JUROR: East Tulsa.

THE COURT: And Ms. McCoy, hi.

PROSPECTIVE JUROR: Hi.

THE COURT: How are you employed, ma'am?

PROSPECTIVE JUROR: I'm a self-employed graphic designer.

THE COURT: And your marital status?
PROSPECTIVE JUROR: Married.
THE COURT: To whom are you married?
PROSPECTIVE JUROR: Jeff McCoy.
THE COURT: And what does Jeff do for a living?
PROSPECTIVE JUROR: He's the music director at Victory Christian.
THE COURT: And do you have children, ma'am?
PROSPECTIVE JUROR: I have one on the way.
THE COURT: Okay. Congratulations.
PROSPECTIVE JUROR: Thank you.
THE COURT: Is that the first one?
PROSPECTIVE JUROR: Yes.
THE COURT: Okay. I take it neither you nor Ms. Welch have any grandchildren yet. You both appear to be fairly young ladies.
And what part of our county do you live in, ma'am?
PROSPECTIVE JUROR: West. Sand Springs.
THE COURT: Mr. Worden, how are you employed, sir?
PROSPECTIVE JUROR: Level 3 Communications. I'm a sales rep.
THE COURT: And your marital status?

PROSPECTIVE JUROR: I am married.
THE COURT: To whom?
PROSPECTIVE JUROR: Becky Worden.
THE COURT: And what does Becky do for a living.
PROSPECTIVE JUROR: She's a billing manager.
THE COURT: For whom?
PROSPECTIVE JUROR: For Acclaim Medical.
THE COURT: Do you have children?
PROSPECTIVE JUROR: We do. We have four.
THE COURT: And what are their genders and ages, please?
PROSPECTIVE JUROR: My --
THE COURT: This is the -- this is the test part.
PROSPECTIVE JUROR: My oldest son is 23.
THE COURT: Okay.
PROSPECTIVE JUROR: My middle son is 21.
THE COURT: Uh-huh.
PROSPECTIVE JUROR: My youngest son is 20. And my daughter is 17.
THE COURT: Okay. Any grandkids yet?
PROSPECTIVE JUROR: No.
THE COURT: And what part of our county do you live in, sir?

PROSPECTIVE JUROR: Live in Broken Arrow.
THE COURT: And, Ms. Clark. Is it Deanna or Deana?
PROSPECTIVE JUROR: It's Deana.
THE COURT: Deana.
And how are you employed, ma'am?
PROSPECTIVE JUROR: I am the enrollment coordinator for Bixby Public Schools.
THE COURT: And what is your marital status?
PROSPECTIVE JUROR: Divorced.
THE COURT: All right. To whom were you married?
PROSPECTIVE JUROR: Mike Clark.
THE COURT: Okay. Do you have any children, ma'am?
PROSPECTIVE JUROR: Yes, I have three.
THE COURT: And how old are they and what are their genders?
PROSPECTIVE JUROR: My oldest is my daughter and she's 26. Next is my son and he's 23. And the baby is a son and he's 19.
THE COURT: Okay. Any grandkids yet?
PROSPECTIVE JUROR: No.
THE COURT: And do you live in Bixby as well?
PROSPECTIVE JUROR: No, I live in Broken

Arrow. Union School District, though.

THE COURT: All right. And Ms. Spellman, hi. How are you employed, ma'am?

PROSPECTIVE JUROR: I'm on disability right now.

THE COURT: All right.

PROSPECTIVE JUROR: So I work for a temp agency. On disability with UPS.

THE COURT: Okay. And what is your marital status?

PROSPECTIVE JUROR: Single.

THE COURT: Do you have any children?

PROSPECTIVE JUROR: No.

THE COURT: And what part of our county do you live in, please?

PROSPECTIVE JUROR: Middle.

THE COURT: Pardon.

PROSPECTIVE JUROR: Middle.

THE COURT: And Mr. Taylor.

PROSPECTIVE JUROR: I work for Advance Alarms. I'm the commercial installation manager.

THE COURT: All right. What is your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom are you married.

PROSPECTIVE JUROR: Christy Taylor.
THE COURT: And what does she do for a living?
PROSPECTIVE JUROR: She works -- she's a preschool teacher as First Baptist Broken Arrow.
THE COURT: Do you have children, sir?
PROSPECTIVE JUROR: Yes.
THE COURT: How many?
PROSPECTIVE JUROR: I have a son who's 11 and a daughter who's 9.
THE COURT: All right. And do you live in Broken Arrow as well?
PROSPECTIVE JUROR: Yes.
THE COURT: And, Ms. Williams, hello.
PROSPECTIVE JUROR: Hi.
THE COURT: How are you employed, ma'am?
PROSPECTIVE JUROR: St. John, Colon & Rectal Surgery.
THE COURT: Okay. What do you for those folks?
PROSPECTIVE JUROR: Scheduler, medical assistant.
THE COURT: Okay. And your marital status?
PROSPECTIVE JUROR: Single.
THE COURT: Do you have children?

PROSPECTIVE JUROR: Yes, two.
THE COURT: Two kids? What are their ages and genders?
PROSPECTIVE JUROR: Well, my daughter is the older, she's 27. And my son is 21.
THE COURT: Any grandkids yet?
PROSPECTIVE JUROR: No. I'm waiting.
THE COURT: Okay. And what part of our county do you live in?
PROSPECTIVE JUROR: East Tulsa.
THE COURT: And is it Dorzab?
PROSPECTIVE JUROR: Yes, ma'am.
THE COURT: Ms. Dorzab, how are you employed, ma'am?
PROSPECTIVE JUROR: I work for Warren Clinic.
THE COURT: What do you do for Warren Clinic.
PROSPECTIVE JUROR: I'm the health information specialist there.
THE COURT: And your marital status?
PROSPECTIVE JUROR: Single.
THE COURT: Do you have any children?
PROSPECTIVE JUROR: No, ma'am.
THE COURT: And what part of our county do you live in?
PROSPECTIVE JUROR: In Brookside.

THE COURT: And, Jessica, how do you pronounce your last name?

PROSPECTIVE JUROR: Ducummon.

THE COURT: Ducummon.

And how are you employed, ma'am?

PROSPECTIVE JUROR: I'm the scheme coordinator for Ralph's Market.

THE COURT: And your marital status?

PROSPECTIVE JUROR: Single.

THE COURT: Do you have any children?

PROSPECTIVE JUROR: Three.

THE COURT: Their ages?

PROSPECTIVE JUROR: A boy who's 9, a boy that's 7, and a girl who is 11 months.

THE COURT: Okay. That's a busy household, isn't it?

And what part of our county do you live in, ma'am?

PROSPECTIVE JUROR: North Tulsa.

THE COURT: And, Mr. Gaylord, hello.

PROSPECTIVE JUROR: Hi.

THE COURT: How are you employed, sir?

PROSPECTIVE JUROR: I work at Lufthansa Technik.

THE COURT: Lufthansa.

PROSPECTIVE JUROR: It's a repair shop for an airline.

THE COURT: Okay. What's your marital status?

PROSPECTIVE JUROR: I'm single.

THE COURT: Do you have any kids?

PROSPECTIVE JUROR: No.

THE COURT: And what part of our county do you live in?

PROSPECTIVE JUROR: The north side.

THE COURT: Okay. And Ms. Bogle, hi.

PROSPECTIVE JUROR: Hi.

THE COURT: How are you employed, ma'am?

PROSPECTIVE JUROR: I'm a stay-at-home mom. But I work part-time at Forest Ridge Master Planned Community in the real estate office.

THE COURT: Okay. Married?

PROSPECTIVE JUROR: Yes.

THE COURT: To whom are you married?

PROSPECTIVE JUROR: Aaron Bogle.

THE COURT: And what does Mr. Bogle do for a living?

PROSPECTIVE JUROR: He works for MRC Global. It's an oil and gas supply company.

THE COURT: All right. Children?

PROSPECTIVE JUROR: Yes, ma'am.
THE COURT: How many? Their ages and genders?
PROSPECTIVE JUROR: I have three. Oldest one is a boy and he's 6.
THE COURT: Okay.
PROSPECTIVE JUROR: The middle one is a little girl and she's 4. And my youngest is a son and he's 2.
THE COURT: Another busy household.
PROSPECTIVE JUROR: Yes.
THE COURT: And do you live --
Is Forest Ridge in Broken Arrow?
PROSPECTIVE JUROR: It is in Broken Arrow.
I don't live at Forest Ridge.
THE COURT: Okay.
PROSPECTIVE JUROR: I work there. But they're in Wagoner County.
THE COURT: Okay. Do you also live in Broken Arrow?
PROSPECTIVE JUROR: It's a Tulsa address.
THE COURT: Okay.
PROSPECTIVE JUROR: Broken Arrow schools.
THE COURT: All right. And Ms. Steele, hi.
PROSPECTIVE JUROR: Yes.

THE COURT: How are you employed, ma'am?

PROSPECTIVE JUROR: I'm a self-employed hairdresser.

THE COURT: Okay. And your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom are you married.

PROSPECTIVE JUROR: Monty Steele.

THE COURT: All right. And what does Monty Steele do for a living?

PROSPECTIVE JUROR: He's a mechanic at American Airlines. He's also a Tulsa Police Reserve officer.

THE COURT: Okay. All right. And do you have children?

PROSPECTIVE JUROR: A stepdaughter.

THE COURT: And how old is she?

PROSPECTIVE JUROR: 32.

THE COURT: Any grands yet?

PROSPECTIVE JUROR: One grandson who's 12.

THE COURT: And what part of our county do you live in?

PROSPECTIVE JUROR: South.

THE COURT: And, Ms. Foster, how are you employed, ma'am?

PROSPECTIVE JUROR: Mac Star.

THE COURT: And what do you do for those folks?

PROSPECTIVE JUROR: A general tech.

THE COURT: And what's your marital status?

PROSPECTIVE JUROR: Single.

THE COURT: Do you have any children?

PROSPECTIVE JUROR: Yes, one. A little boy. He's 2.

THE COURT: Okay. All right. And what part of our county do you live in?

PROSPECTIVE JUROR: East.

THE COURT: Mr. Taylor, how are you employed, sir?

PROSPECTIVE JUROR: Self-employed.

THE COURT: You're self employed? What do you do?

PROSPECTIVE JUROR: Insurance agent.

THE COURT: Okay. And what's your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom are you married?

PROSPECTIVE JUROR: Crystal Taylor.

THE COURT: And what does she do for a living?

PROSPECTIVE JUROR: She's also employed by

the agency.

THE COURT: Okay. Do you all have children?

PROSPECTIVE JUROR: Five.

THE COURT: And what are their ages?

PROSPECTIVE JUROR: The three oldest are boys at 14, 13, and 6.

THE COURT: Okay.

PROSPECTIVE JUROR: The two youngest are girls at 4 and ten months today.

THE COURT: Okay. We have a lot of busy households. We'll try to get everybody out of here in time to trick-or-treat tonight.

And what part of our county do you live in?

PROSPECTIVE JUROR: North.

THE COURT: Ms. Kuykendall.

PROSPECTIVE JUROR: Yes.

THE COURT: Are you employed, ma'am?

PROSPECTIVE JUROR: At McKesson.

THE COURT: Okay. What do you do for them?

PROSPECTIVE JUROR: I'm a payer analyst.

THE COURT: And what is your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom are you married?

PROSPECTIVE JUROR: Kenneth.

THE COURT: And what does Kenneth do for a

1 living?
2 PROSPECTIVE JUROR: He's self-employed. He
3 has a landscape company.
4 THE COURT: Do you all have children?
5 PROSPECTIVE JUROR: We have two. A boy --
6 well, a man, 32. And my daughter is 25.
7 THE COURT: Fresh reminder. Cell phones must
8 be entirely powered off and entirely put away.
9 Okay. Do you have any grandchildren?
10 PROSPECTIVE JUROR: I have three.
11 THE COURT: All right. How old are they,
12 ma'am?
13 PROSPECTIVE JUROR: A girl that's 6, a boy
14 that's 3, and a girl that's ten months today.
15 THE COURT: Okay. Wonderful.
16 And what part of our county do you live in?
17 PROSPECTIVE JUROR: West.
18 THE COURT: Ms. -- is it Stoeppelwerth?
19 PROSPECTIVE JUROR: Stoeppelwerth.
20 THE COURT: Stoeppelwerth.
21 All right. What do you do for a living,
22 ma'am?
23 PROSPECTIVE JUROR: I work for CareATC, and
24 I'm the chief operating officer.
25 THE COURT: All right. And what's your

marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom are you married?

PROSPECTIVE JUROR: Robert Fitzpatrick.

THE COURT: Lawyer, Robert Fitzpatrick?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. We'll talk more about that in just a little bit.

Is he at Hall Estill?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. And do you all have children?

PROSPECTIVE JUROR: Yes. One daughter, 16.

THE COURT: All right. And what part of our county do you live in?

PROSPECTIVE JUROR: Midtown.

THE COURT: Mr. Dorsey, hello.

PROSPECTIVE JUROR: Hello, ma'am.

THE COURT: How are you employed, sir?

PROSPECTIVE JUROR: Disability.

THE COURT: All right. And what is your marital status, please?

PROSPECTIVE JUROR: Single.

THE COURT: Do you have any children?

PROSPECTIVE JUROR: No, ma'am.

THE COURT: And what part of our county do you live in?

PROSPECTIVE JUROR: North Tulsa.

THE COURT: Ms. Dysart. Is that correct?

PROSPECTIVE JUROR: Yes, Your Honor. That's correct.

THE COURT: And how are you employed, ma'am?

PROSPECTIVE JUROR: I haven't been employed since we moved here two years ago. But I'm a former chemistry teacher in Oklahoma City.

THE COURT: Okay. Very good.

And what is your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom are you married?

PROSPECTIVE JUROR: Ron Dysart.

THE COURT: And what does Ron do for a living?

PROSPECTIVE JUROR: He works for Samson Resources.

THE COURT: Do you all have children?

PROSPECTIVE JUROR: We do. They're all grown.

THE COURT: Okay. How old are they?

PROSPECTIVE JUROR: A son 31. I know. I was 5 when I had him. Humor me here. And then a daughter

28, and a son 29.

THE COURT: Okay. Any grandkids yet?

PROSPECTIVE JUROR: No.

THE COURT: Okay. And what part of our county do you live in?

PROSPECTIVE JUROR: South.

THE COURT: Ms. Nelson, hi.

PROSPECTIVE JUROR: Hi.

THE COURT: How are you employed, ma'am?

PROSPECTIVE JUROR: Self-employed.

THE COURT: What do you do?

PROSPECTIVE JUROR: Real estate investor.

THE COURT: Okay. And what's your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom are you married?

PROSPECTIVE JUROR: Andrew Nelson.

THE COURT: And what does Andrew do for a living?

PROSPECTIVE JUROR: He's also a real estate investor.

THE COURT: Do you have children?

PROSPECTIVE JUROR: Two children. Boys, 8 and 5. I'm sorry, 7 and 4. They're about to be 8 and 5.

THE COURT: All right. And what part of our county do you live in, ma'am?

PROSPECTIVE JUROR: Midtown.

THE COURT: All right. Ms. Francis, hi.

PROSPECTIVE JUROR: Hi.

THE COURT: How are you employed, ma'am?

PROSPECTIVE JUROR: I work at Care Animal Hospital as a veterinary technician.

THE COURT: And what is your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom are you married?

PROSPECTIVE JUROR: Keith Francis.

THE COURT: Okay. Do you have any children?

PROSPECTIVE JUROR: Yes.

THE COURT: How old are they?

PROSPECTIVE JUROR: Two boys. One is 27 and one is 24.

THE COURT: Any grandchildren?

PROSPECTIVE JUROR: Yes.

THE COURT: How many?

PROSPECTIVE JUROR: A nine-month-old girl.

THE COURT: One month old.

PROSPECTIVE JUROR: No, nine.

THE COURT: Okay. And what part of our county do you live in?

PROSPECTIVE JUROR: South.
THE COURT: Mr. Riddlebarger. Did I get that correct?
PROSPECTIVE JUROR: Yes.
THE COURT: All right. How are you employed, sir?
PROSPECTIVE JUROR: Unit Corporation.
THE COURT: All right. And what do you do for those folks?
PROSPECTIVE JUROR: I'm an accountant.
THE COURT: And what is your marital status?
PROSPECTIVE JUROR: Single.
THE COURT: Do you have any children, sir?
PROSPECTIVE JUROR: No.
THE COURT: And what part of our county do you live in?
PROSPECTIVE JUROR: Midtown.
THE COURT: Mr. Harmon, hi.
PROSPECTIVE JUROR: Hi.
THE COURT: How are you employed, sir?
PROSPECTIVE JUROR: I work for Targa Resources.
THE COURT: Okay. What do you do for them?
PROSPECTIVE JUROR: Program development.
THE COURT: And your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom.

PROSPECTIVE JUROR: Kendall Harmon.

THE COURT: All right. And what does Kendall do for a living?

PROSPECTIVE JUROR: Photographer.

THE COURT: Any children?

PROSPECTIVE JUROR: Two.

THE COURT: How old are they?

PROSPECTIVE JUROR: I've got an 8-year-old boy and an 11-year-old daughter.

THE COURT: All right. And what part of our county do you live in?

PROSPECTIVE JUROR: Possible north.

THE COURT: North, question mark?

And have we been able to check his address to verify? All right. So he is, in fact, in Tulsa County when he's at 14505 East 109th Place?

THE DEPUTY: No, ma'am, he is out.

THE COURT: He is out? And that is -- my note says Mr. Murphy and I'm talking to Mr. Harmon. Is this who you meant?

THE DEPUTY: 14505?

THE COURT: Uh-huh. East 109th Place.

THE DEPUTY: That is out.

THE COURT: Okay.

All right. So Mr. Harmon it appears that you do not live in Tulsa County. So I am going to excuse you to the basement jury room at this time with our thanks and ask that you return to the jury room down there for further instruction.

And let's all rise for Mr. Harmon.

Thank you, sir.

And I'll ask the clerk to call an additional name at this time please.

MR. STILES: Denise Richardville. Denise spelled D-E-N-I-S-E. Richardville, R-I-C-H-A-R-D-V-I-L-L-E.

THE COURT: Thank you very much.

Ms. Richardville, if you'll have a seat there -- or you don't have to have a seat just yet.

All right. You may be seated.

Ms. Richardville, hello.

PROSPECTIVE JUROR: Hi.

THE COURT: How are you employed, ma'am?

PROSPECTIVE JUROR: I'm a teacher at Monte Cassino school.

THE COURT: Okay. And what is your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom are you married?
PROSPECTIVE JUROR: Dean Richardville.
THE COURT: And what does Dean do for a living?
PROSPECTIVE JUROR: He's a tennis official.
THE COURT: And do you have children, ma'am?
PROSPECTIVE JUROR: Yes.
THE COURT: How many?
PROSPECTIVE JUROR: One daughter, 32.
THE COURT: Do you have any grandchildren, ma'am?
PROSPECTIVE JUROR: No, I don't.
THE COURT: Okay. When I asked the group whether they knew any of the lawyers, I will ask you the same question. Do you know either of the lawyers at counsel table?
PROSPECTIVE JUROR: No, I don't.
THE COURT: Thank you.
Do you happen to know Ms. Lalehparvaran or anyone in her family?
PROSPECTIVE JUROR: No.
THE COURT: Were there any names on the witness list of individuals that you know?
PROSPECTIVE JUROR: No.
THE COURT: All right. Thank you.

And what part of our county do you live in, Ms. Richardville?

PROSPECTIVE JUROR: West.

THE COURT: Mr. Oakley, hi. How are you employed, sir?

PROSPECTIVE JUROR: I am a truck driver.

THE COURT: All right. For whom do you work?

PROSPECTIVE JUROR: I'm an independent contractor.

THE COURT: All right. What's your marital status?

PROSPECTIVE JUROR: I'm married.

THE COURT: To whom are you married?

PROSPECTIVE JUROR: Linda Louise.

THE COURT: And what does she do for a living?

PROSPECTIVE JUROR: She is a personal health assistant.

THE COURT: Do you have children, sir?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: How many?

PROSPECTIVE JUROR: Four. A daughter, age 32. And sons, age 30, 24, and 22.

THE COURT: Okay. Any grandkids yet?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: How many?

PROSPECTIVE JUROR: We have a 2-year-old granddaughter and a two-week-old grandson.

THE COURT: Very good. Congratulations.

What part of our county do you live in, sir?

PROSPECTIVE JUROR: Right in the center.

THE COURT: All right. And Mr. Rebollar. Did I pronounce that correctly?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. How are you employed, sir?

PROSPECTIVE JUROR: I work Ponca City refinery.

THE COURT: Okay. You work at the refinery in Ponca City?

PROSPECTIVE JUROR: Uh-huh.

THE COURT: All right. What is your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom?

PROSPECTIVE JUROR: Reyna Rebollar.

THE COURT: Reyna.

What does she do for a living?

PROSPECTIVE JUROR: She doesn't work. Stays home.

THE COURT: Okay. Do you have children?
PROSPECTIVE JUROR: Yes.
THE COURT: How many?
PROSPECTIVE JUROR: Four, and one on the way.
THE COURT: Okay. So you have four children and one on the way? So you'll have a total of five?
PROSPECTIVE JUROR: Be five in April.
THE COURT: Fantastic.
How old are the four that are already here?
PROSPECTIVE JUROR: I've got three boys and a girl. The three boys, one is 18, 16, and 5. And she is 4.
THE COURT: Okay. Very good.
And what part of our county do you live in?
PROSPECTIVE JUROR: Broken Arrow.
THE COURT: Broken Arrow. That's right. You told me that.
Ms. Deleon. Am I pronouncing your last name correctly?
PROSPECTIVE JUROR: Yes.
THE COURT: All right. How are you employed, ma'am?
PROSPECTIVE JUROR: U.S. Cellular.
THE COURT: What do you for those folks?
PROSPECTIVE JUROR: Customer service.

THE COURT: And what is your marital status?
PROSPECTIVE JUROR: Divorced.
THE COURT: To whom were you married?
PROSPECTIVE JUROR: Jose Gutierrez.
THE COURT: And do you have children?
PROSPECTIVE JUROR: Yes.
THE COURT: How many?
PROSPECTIVE JUROR: Two. Boy is 22, girl is 23.
THE COURT: All right. Do you have any grandchildren yet?
PROSPECTIVE JUROR: No.
THE COURT: And what part of our county do you live in?
PROSPECTIVE JUROR: Broken Arrow.
THE COURT: Ms. Doerr. Is that right?
PROSPECTIVE JUROR: Correct.
THE COURT: Okay. How are you employed, ma'am?
PROSPECTIVE JUROR: I'm retired.
THE COURT: Okay. What are you retired from?
PROSPECTIVE JUROR: Accounting.
THE COURT: And what is your marital status?
PROSPECTIVE JUROR: Widow.
THE COURT: To whom were you married?

PROSPECTIVE JUROR: Ronald Doerr.
THE COURT: Okay. What did he do?
PROSPECTIVE JUROR: He was an electrical draftsman.
THE COURT: Okay. And do you have children?
PROSPECTIVE JUROR: One.
THE COURT: How old is your child?
PROSPECTIVE JUROR: She's 45.
THE COURT: Do you have any grandkids?
PROSPECTIVE JUROR: Yes.
THE COURT: How many?
PROSPECTIVE JUROR: I have two. Two boys, and one is 10 and one is 15.
THE COURT: And what part of our county do you live in?
PROSPECTIVE JUROR: Midtown.
THE COURT: Ms. Howard, hi.
PROSPECTIVE JUROR: Hi.
THE COURT: How are you employed ma'am.
PROSPECTIVE JUROR: Yes -- oh, I am a stay-at-home mom and I work part-time for Intercom Services which is environmental consulting.
THE COURT: Okay. Sounds like you might have an interesting degree.
PROSPECTIVE JUROR: Geology and Environmental

Engineering.

THE COURT: Okay. Geology, and what of engineering?

PROSPECTIVE JUROR: Environmental engineering.

THE COURT: Okay. And what's your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom are you married?

PROSPECTIVE JUROR: Zack Howard.

THE COURT: And what does he do for a living.

PROSPECTIVE JUROR: He's an engineer at (inaudible).

THE COURT: Do you have children?

PROSPECTIVE JUROR: Yes. Four.

THE COURT: How old are they, ma'am?

PROSPECTIVE JUROR: I have an 8-year-old son, a 6-year-old son, and a 4-year-old daughter, and a 2-year-old son.

THE COURT: Okay. And what part of our county do you live in, ma'am?

PROSPECTIVE JUROR: Southwest.

THE COURT: And, Ms. Steinle, how are you employed, ma'am?

PROSPECTIVE JUROR: I taught second grade for

14 years, but now I'm just tutoring elementary-age children. Substitute teaching.

THE COURT: And did you say what subject?

PROSPECTIVE JUROR: Elementary -- second grade, I taught.

THE COURT: Okay. So language skills or math or all of the above?

PROSPECTIVE JUROR: Right.

THE COURT: Okay. What's your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: I didn't ask you who you taught for when you taught.

PROSPECTIVE JUROR: I taught for Regent Preparatory School.

THE COURT: Okay. And to whom are you married?

PROSPECTIVE JUROR: Mark Steinle.

THE COURT: And what does he do for a living?

PROSPECTIVE JUROR: He works part-time at Wood Craft retail shop.

THE COURT: Do you have children?

PROSPECTIVE JUROR: Yes, four.

THE COURT: How old are they?

PROSPECTIVE JUROR: I have a daughter who's

42, a son -- and three sons, one is 38, 29, and 26.

THE COURT: Grandkids?

PROSPECTIVE JUROR: Three.

THE COURT: How old are they?

PROSPECTIVE JUROR: 8, 5, and 2.

THE COURT: Excellent.

And what part of our county do you live in?

PROSPECTIVE JUROR: Central.

THE COURT: And, Ms. Lance, last but not least.

PROSPECTIVE JUROR: Yes.

THE COURT: How are you employed, ma'am?

PROSPECTIVE JUROR: Senior manager at American Airlines.

THE COURT: And your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom are you married?

PROSPECTIVE JUROR: Ellen Lance.

THE COURT: And how is Ms. Ellen Lance employed?

PROSPECTIVE JUROR: Second grade teacher at Skelly Elementary.

THE COURT: Any kids?

PROSPECTIVE JUROR: Yes. 14-year-old son.

THE COURT: Okay. And what part of our

county do you live in?

PROSPECTIVE JUROR: Owasso.

THE COURT: Thank you.

All right. Thank you very much, ladies and gentlemen.

Let's just go ahead and jump right into questions about work in the legal field. I've asked you what you do for a living or what you're retired from. Have any of you, individually, ever worked in the legal field, such as -- I think if any of you were lawyers we'd probably know that by now. But legal assistants, paralegals, work in a law office, work in a sheriff's or law enforcement office?

Yes, ma'am, Ms. Clark.

PROSPECTIVE JUROR: A long time ago I worked at ONEOK at Huffman Arrington. I was a paralegal --

THE COURT: Okay.

PROSPECTIVE JUROR: -- a long, long time ago.

THE COURT: Huffman Arrington hasn't been around for a while.

PROSPECTIVE JUROR: Right.

THE COURT: I don't remember how long, but a while.

PROSPECTIVE JUROR: Right.

THE COURT: So is it longer than ten years

1 since you've worked in that field.
2 PROSPECTIVE JUROR: Oh, yeah. Yes, ma'am.
3 THE COURT: Okay. Is there anybody else who
4 has -- you, individually, have worked in law in some
5 way? Okay. I don't see any further hands.
6 Let's expand it just a little bit. We've
7 already talked to Ms. Stoeppelwerth and she has a
8 husband who's a lawyer.
9 I'll go ahead and ask you a few more
10 questions about that before I open it up to the group.
11 I don't remember what of work Mr. Fitzpatrick does.
12 We may have crossed paths a bit -- I mean, he may have
13 been ahead of me in law school or behind me in law
14 school. I don't remember. But I definitely know his
15 name and I know that he's at Hall Estill. But I don't
16 know what kind of work he does.
17 PROSPECTIVE JUROR: Yeah. He typically does
18 litigation and it's typically technical law. He has a
19 degree in Mechanical Engineering in addition to the
20 law degree.
21 THE COURT: Okay. He does civil litigation?
22 PROSPECTIVE JUROR: Yes.
23 THE COURT: No criminal law practice at all?
24 PROSPECTIVE JUROR: No.
25 THE COURT: All right.

PROSPECTIVE JUROR: He does do some workers' comp.

THE COURT: Okay. Do any of you have any questions for Ms. Stoeppelwerth based on the Court's questions?

Ms. McAmis, do you have any questions?

MS. MCAMIS: Not at this time, Your Honor.

THE COURT: All right. Mr. Boeheim.

MR. BOEHEIM: Not at this time, Your Honor.

THE COURT: Anybody else in your family that works in law?

PROSPECTIVE JUROR: No.

THE COURT: Okay. Other folks who have family members who work in the law? Lawyers, paralegals, legal assistants, judges? Let's --

UNIDENTIFIED JUROR: I really don't know if --

THE COURT: Just a minute, sir. I'm going to talk to the ladies first because she had her hand raised first. I'll get right with you, sir.

Ms. Francis, you had your hand up.

PROSPECTIVE JUROR: My husband is an attorney.

THE COURT: All right. And his name is Keith?

PROSPECTIVE JUROR: Uh-huh. Correct.
THE COURT: And where does he work?
PROSPECTIVE JUROR: U.S. Army Corps of Engineers.
THE COURT: And what -- what does he do as a lawyer for the U.S. Army Corps of Engineers?
PROSPECTIVE JUROR: Mainly environmental law.
THE COURT: Okay. Neat.
Anybody else in your family that's a lawyer?
PROSPECTIVE JUROR: No.
THE COURT: All right. Mr. Dorsey, you were -- you were mentioning you have a family member in law?
PROSPECTIVE JUROR: Does a police officer count?
THE COURT: We'll talk about law enforcement separately. Right now I'm just talking about law. Lawyers, judges, paralegals, legal assistants, receptionists.
Ms. Nelson, your hand is up.
PROSPECTIVE JUROR: I have a sister-in-law who's a lawyer.
THE COURT: Who is that?
PROSPECTIVE JUROR: Her name is Lisa McElrath. It's in Texas.

THE COURT: Okay. Criminal law? Civil law?
PROSPECTIVE JUROR: No. Immigration.
THE COURT: Okay. Very good.
All right. Anybody else?
PROSPECTIVE JUROR: Are you talking about immediate family or --
THE COURT: Yes. And you can talk about uncles, cousins. It's fine.
PROSPECTIVE JUROR: I have an Uncle Bill that practices law in Oklahoma City.
THE COURT: And this is Mr. Riddlebarger speaking.
PROSPECTIVE JUROR: His name is Bill Threlkeld.
THE COURT: Okay. Do you know what kind of work he does?
PROSPECTIVE JUROR: I think he does defense -- criminal defense.
THE COURT: Okay. Have you had discussions with him in depth about his cases?
PROSPECTIVE JUROR: No.
THE COURT: Is there anything about your uncle's work that would cause you, one way or another, to have a dislike or a predisposition toward prosecutors or defense lawyers, either one?

PROSPECTIVE JUROR: No.

THE COURT: All right. Anybody else in your family that works in the law, sir?

PROSPECTIVE JUROR: No.

THE COURT: Anybody else?

All right. I don't see any further hands. Thank you.

Have any of you individually worked in law enforcement? Law enforcement? Okay. The Court sees no hands.

Do you have family members or close friends who work in law enforcement?

All right. I noticed, Ms. Steele, you mentioned that Monty is a reserve police officer. Correct?

PROSPECTIVE JUROR: Correct.

THE COURT: And he currently serves that way as well?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. Do you know what -- where he is assigned?

PROSPECTIVE JUROR: He travels wherever he kind of wants to. Wherever they need him.

THE COURT: Okay. Do you know what kind of cases he works on?

PROSPECTIVE JUROR: Anything that -- car stops or tickets or warrants. Anything like that.

THE COURT: Okay. And how many hours a month does he work as a reserve officer approximately?

PROSPECTIVE JUROR: Probably 20 to 30.

THE COURT: All right.

PROSPECTIVE JUROR: Depending on the month.

THE COURT: Right.

Because your husband works -- in addition to his work at American Airlines, he also works as a police reserve officer, would that have an impact on your ability to listen to testimony from a law enforcement officer, either for the negative or the positive? Could you listen and be fair and impartial?

PROSPECTIVE JUROR: I think so.

THE COURT: Okay. Do the lawyers have follow-up questions for Ms. Steele?

MS. MCAMIS: Yes, Your Honor.

Ms. Steele, does your husband ever have the opportunity to work with specialized detective units, like the Child Crisis Unit?

PROSPECTIVE JUROR: He's never worked with the Child Crisis Unit.

THE COURT: Does he tell you about the type of calls that he gets to respond to?

PROSPECTIVE JUROR: Yes.

THE COURT: Has he ever talked about responding to a child abuse call?

PROSPECTIVE JUROR: No.

MS. MCAMIS: Okay. Would it be fair to you if during the course of this trial we asked you not to talk about this case with him?

PROSPECTIVE JUROR: Sure.

MS. MCAMIS: And I think he would understand that.

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: And I think most spouses will understand that as well.

But can you and will you judge this case based on the evidence that is in this courtroom this week and not on any other things -- any other cases or any other evidence you may have heard about through your husband?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: You would agree with me that that would be fair. Correct?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Okay. Thank you.

PROSPECTIVE JUROR: Uh-huh.

THE COURT: Mr. Boeheim, do you have

1 questions for Ms. Steele?
2 MR. BOEHEIM: A couple, Your Honor.
3 Ms. Steele, because of his position, do you
4 socialize with any other officers?
5 PROSPECTIVE JUROR: Yes.
6 MR. BOEHEIM: Okay. On a regular basis?
7 Infrequent? How would you rate that?
8 PROSPECTIVE JUROR: Infrequent.
9 MR. BOEHEIM: Infrequent.
10 But you are interacting with other officers?
11 PROSPECTIVE JUROR: Yes.
12 MR. BOEHEIM: Do you -- in those scenarios
13 and those situations, do the officers talk about
14 things that they have done out in the field?
15 PROSPECTIVE JUROR: Occasionally.
16 MR. BOEHEIM: Occasionally?
17 And you've been privy to those conversations?
18 PROSPECTIVE JUROR: Uh-huh.
19 MR. BOEHEIM: When you look at those
20 individuals, both your husband and those other
21 individuals, do you look at them in a greater light of
22 honesty and reliability?
23 PROSPECTIVE JUROR: Yes.
24 MR. BOEHEIM: So based on the fact of their
25 oath and their badge and obviously what they're doing,

1 you look at them as being more credible and reliable
2 than the average person?
3 PROSPECTIVE JUROR: Yes.
4 MR. BOEHEIM: Your Honor --
5 THE COURT: Approach the bench.
6 MR. BOEHEIM: -- may I approach?
7 *(A conference was held at the bench outside the hearing*
8 *of the jury.)*
9 THE COURT: Yes.
10 MR. BOEHEIM: Yes, Your Honor. I'd move to
11 have her removed for cause -- excuse her for cause. I
12 think she's saying very clearly that with the badge
13 and with the uniform is more reliable and credible. I
14 think it's pretty straightforward.
15 MS. MCAMIS: Actually that's not what she's
16 saying. She's saying the husband and the people that
17 she has personal acquaintances with, that she would
18 judge them more fair. I think any of us, if we knew
19 somebody and we had a relationship with them, we would
20 be more apt to judge them as being truthful because
21 that's who we know and who we hang out with.
22 But she very clearly has not said that she
23 knows anybody who's involved in this case, so there
24 has not been a reason yet to excuse her for cause.
25 THE COURT: Do you want to ask some follow-up

1 questions --
2 MR. BOEHEIM: I would like --
3 THE COURT: To clarify that?
4 MR. BOEHEIM: Yes, Your Honor.
5 THE COURT: Please do.
6 *(The following transpired in open court.)*
7 THE COURT: A few more questions for you,
8 Ms. --
9 Counsel.
10 MR. BOEHEIM: Yes. Just a couple of
11 questions for clarity.
12 So we were talking about the individuals
13 that -- you know, your husband and the individuals
14 you've met personally.
15 PROSPECTIVE JUROR: Right.
16 MR. BOEHEIM: And you would vouch for their
17 credibility and reliability.
18 PROSPECTIVE JUROR: Yes.
19 MR. BOEHEIM: What about, has that
20 influenced -- does that influence your impression of
21 anyone wearing a uniform? For example, we have two
22 officers sitting with us today. Based on the fact
23 that they're wearing a badge and a uniform, would you
24 believe that they're more credible and reliable
25 because they are wearing a badge and uniform?

PROSPECTIVE JUROR: No. I don't know them.

MR. BOEHEIM: Okay. So your decision and thought process was based on the fact that you have met these people and you've interacted with them?

PROSPECTIVE JUROR: Correct.

MR. BOEHEIM: Okay. So it's your perception that it's not about the uniform, it's not about the badge?

PROSPECTIVE JUROR: Correct.

MR. BOEHEIM: You'll judge each individual person with the same keen eye that you would a lay person? You'll have that same keen eye with someone who has got a uniform and a badge?

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Okay.

THE COURT: Thank you. We'll proceed.

Thank you, Ms. Steele.

Anyone else with family members or close friends in law enforcement? We usually get a handful of hands.

We'll go to the back row to Ms. McCoy.

PROSPECTIVE JUROR: My cousin, Clint McCoy, is a deputy sheriff here.

THE COURT: Okay. All right. And are you close with your cousin, Clint?

PROSPECTIVE JUROR: Yes.
THE COURT: Do you talk about cases?
PROSPECTIVE JUROR: No.
THE COURT: Okay. And would you be able to listen to law enforcement who might testify in this case and be fair and impartial?
PROSPECTIVE JUROR: Yes.
THE COURT: Would the fact that you have a cousin who's in the sheriff's department keep you from being fair and impartial in any way?
PROSPECTIVE JUROR: No.
THE COURT: Okay. Thank you.
Anyone else besides Clint McCoy, ma'am?
PROSPECTIVE JUROR: No.
THE COURT: All right. I know I saw another -- anybody else on the back row?
Mr. Taylor.
PROSPECTIVE JUROR: My boss is a retired Tulsa police officer, Robert Morrison.
THE COURT: Okay.
PROSPECTIVE JUROR: And I'm friends with a Broken Arrow police offer, Allen Bowman.
THE COURT: Okay. Anything about your relationships with those two individuals that would cause you to -- difficulty being fair and impartial,

listening to law enforcement who might testify in this case?

PROSPECTIVE JUROR: No.

THE COURT: Okay. Give them more or less weight because they have a badge up here?

PROSPECTIVE JUROR: I don't think so, no.

THE COURT: Okay. Any other acquaintances, sir?

PROSPECTIVE JUROR: I know several Broken Arrow police officers, but I'm not friends with them.

THE COURT: Okay. Anybody else on the back row have family members or close friends in law enforcement? Back row? Okay. I see no further hands.

Middle row.

All right. Mr. Dorsey.

PROSPECTIVE JUROR: Yes. I have a nephew that is a police officer.

THE COURT: Nephew. Is he Tulsa police officer?

PROSPECTIVE JUROR: As far as I know. We don't have any contact, but --

THE COURT: What is his name?

PROSPECTIVE JUROR: Harold Dorsey.

THE COURT: Okay. But you're not in close

contact with Harold Dorsey?

PROSPECTIVE JUROR: No, ma'am.

Can I -- can I say something?

THE COURT: Yes.

PROSPECTIVE JUROR: I don't think I'd make a good juror for this.

THE COURT: Well, we'll give you opportunities to talk about that in just a little bit. You don't get to really just volunteer a whole lot right now. Okay?

Mr. Dorsey, would the fact that you have a nephew who's on Tulsa police force cause you any trouble listening to law enforcement who might testify?

PROSPECTIVE JUROR: No.

THE COURT: Any trouble being fair and impartial?

PROSPECTIVE JUROR: No. Yeah, I can be.

THE COURT: You can be fair and impartial?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: All right. Anybody else in your family besides Harold Dorsey, sir?

PROSPECTIVE JUROR: No.

THE COURT: Anybody else on the middle row with friends -- close friends or family in law

1 enforcement?
2 We already talked to Ms. Steele.
3 Ms. Foster.
4 PROSPECTIVE JUROR: Well, I don't have any
5 friends or family, but I used to work at a convenience
6 store so I used to deal with police officers on a
7 daily --
8 THE COURT: Okay. Thank you.
9 All right. Coming in and out to see you?
10 PROSPECTIVE JUROR: (Prospective juror nods
11 head.)
12 THE COURT: Yes, Ms. Stoeppelwerth.
13 PROSPECTIVE JUROR: I don't have close
14 friends. But in my work at CareATC, we do offer
15 services to the police department.
16 THE COURT: Okay.
17 PROSPECTIVE JUROR: So they have access to
18 our medical clinics.
19 THE COURT: Okay. Anyone else on the middle
20 row with family members or close friends who are in
21 law enforcement? Court sees no further hands.
22 Front row, anyone with family members, close
23 friends who are in law enforcement?
24 Yes, Mr. Riddlebarger.
25 PROSPECTIVE JUROR: I just wanted to clarify

one thing. My person that was involved in the legal profession was actually a cousin, not an uncle, if that means anything.

THE COURT: Okay.

PROSPECTIVE JUROR: Just a distant relationship.

THE COURT: Okay. Thank you.

Anybody on the front row I've missed that has family members, close friends in law enforcement.

Ms. Steinle.

PROSPECTIVE JUROR: I have a good friend who is a volunteer police officer in Los Angeles.

THE COURT: Okay. Do you know what kind of cases your friend works on?

PROSPECTIVE JUROR: Mostly just -- no, I'm not familiar with his work.

THE COURT: Okay. All right. Thank you. Anybody else?

Yes, Ms. Lance.

PROSPECTIVE JUROR: Yes. I had a teenager from church that just became a -- a law enforcement agent.

THE COURT: Okay.

PROSPECTIVE JUROR: He just got his badge.

THE COURT: All right.

PROSPECTIVE JUROR: Actually he's a young man now.

THE COURT: Okay. Anybody else? Family members, close friends, and law enforcement.

All right. I see no further hands.

MR. BOEHEIM: Your Honor, I believe somebody --

PROSPECTIVE JUROR: Your Honor, may I ask --

THE COURT: Mr. Oakley.

PROSPECTIVE JUROR: Yes. I've lived in Oklahoma for six years. But prior to moving, I had a number of close friends that were in law enforcement.

THE COURT: In what city?

PROSPECTIVE JUROR: In Utah.

THE COURT: In Utah? Okay.

PROSPECTIVE JUROR: Salt Lake city area.

THE COURT: Thank you.

What kind of work did they do?

PROSPECTIVE JUROR: Police officers.

THE COURT: Do you know how they were assigned? Traffic? Child Crisis? Domestic violence?

PROSPECTIVE JUROR: No. And that was just six years ago, so --

THE COURT: All right. Thank you.

We mentioned early on that we were going to

ask you some fairly personal questions, so those will begin. And, again, we don't mean anybody any disrespect or embarrassment. Our objective is to pick a fair jury for both the State and the Defense.

Have any of you ever been charged with a crime? Anyone been charged with a crime? Please raise your hand.

PROSPECTIVE JUROR: I was --

THE COURT: Yes. You are Mr. Rebollar.

PROSPECTIVE JUROR: Yeah. I had two DUIs, probably 20 years ago.

THE COURT: All right. Were they misdemeanors or felonies, sir?

PROSPECTIVE JUROR: Which ones are felonies?

THE COURT: Usually when you've more than one DUI, sometimes you can be charged with a felony -- as a felony.

Have you been convicted of anything?

PROSPECTIVE JUROR: No.

THE COURT: Okay. So no felony convictions?

PROSPECTIVE JUROR: No.

THE COURT: All right. Thank you, sir.

Anybody else been charged with a crime?

Mr. Dorsey.

PROSPECTIVE JUROR: Public drunk.

1 THE COURT: All right. How long ago, sir?
2 PROSPECTIVE JUROR: I think in my 40s, I
3 think. Maybe -- I'm guessing ten years.
4 THE COURT: Okay. Very good.
5 And what did you have to do as a result of
6 that case?
7 PROSPECTIVE JUROR: I mean, I don't know what
8 you mean by that?
9 THE COURT: Did you get a fine or have to
10 do --
11 PROSPECTIVE JUROR: Oh, no. They didn't
12 arrest me.
13 THE COURT: -- community service?
14 Okay. And what was the outcome of that case?
15 PROSPECTIVE JUROR: Oh, they just let me go.
16 THE COURT: Okay. Did they make you do
17 anything?
18 PROSPECTIVE JUROR: No.
19 THE COURT: Okay. Is that the only time
20 you've had a run in with the criminal justice system?
21 PROSPECTIVE JUROR: Yes.
22 THE COURT: All right. Thank you,
23 Mr. Dorsey.
24 Anyone else?
25 All right. Yes, Ms. Howard.

PROSPECTIVE JUROR: Speeding.
THE COURT: Okay.
PROSPECTIVE JUROR: In a school zone.
THE COURT: All right. Anything besides that?
PROSPECTIVE JUROR: I'm sorry.
THE COURT: Speeding tickets, I probably -- not so much.
PROSPECTIVE JUROR: I had to go to court for it.
THE COURT: All right. Anybody else been charged with a crime?
All right. I don't see any further hands. Thank you.
Have any of you been a victim of a crime?
Mr. Dorsey.
PROSPECTIVE JUROR: Child abuse.
THE COURT: I'm sorry. What?
PROSPECTIVE JUROR: Child abuse.
THE COURT: You were a victim of child abuse?
PROSPECTIVE JUROR: Yes, ma'am.
THE COURT: All right. And how old are you today, sir?
PROSPECTIVE JUROR: 58.
THE COURT: Would that particular subject

area cause you difficulty listening to this evidence fairly and impartially, sir?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: All right. Mr. Dorsey, at this time I'm going to excuse you with the Court's thanks. I'll instruct that you return to the jury room in the basement for further instructions. You'll need to take all of your personal belongings with you.

And all rise for Mr. Dorsey.

I'll ask the clerk to call an additional name at this time.

MR. STILES: Jefferey Elkins. Jefferey is spelled J-E-F-F-E-R-E-Y. Elkins, E-L-K-I-N-S.

THE COURT: Thank you, sir. Please be seated as best you can in that empty chair back there.

And once he is in place, you may all be seated.

Good afternoon, Mr. Elkins.

PROSPECTIVE JUROR: Good afternoon.

THE COURT: Did you happen to know either of the lawyers in this case, sir?

PROSPECTIVE JUROR: No.

THE COURT: Did you happen to know the defendant or any of her family?

PROSPECTIVE JUROR: No.

THE COURT: Did you know any of the State's witnesses listed for the jury panel?

PROSPECTIVE JUROR: No.

THE COURT: How are you employed, sir?

PROSPECTIVE JUROR: First Baptist Church, Tulsa.

THE COURT: And what do you do for those folks?

PROSPECTIVE JUROR: Minister of Music.

THE COURT: And what is your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom?

PROSPECTIVE JUROR: Jane Elkins.

THE COURT: And what does Jane do for a living?

PROSPECTIVE JUROR: She's a tutor for Native American students at Union Schools.

THE COURT: Do you have children?

PROSPECTIVE JUROR: Three daughters.

THE COURT: How old are they?

PROSPECTIVE JUROR: 26, 24, 21.

THE COURT: Any grandkids yet, sir?

PROSPECTIVE JUROR: In a couple of weeks I'll have my first grandchild.

THE COURT: Very good.

1 And what part of our county do you live in?
2 PROSPECTIVE JUROR: South Tulsa.
3 THE COURT: And have you ever worked in law
4 enforcement, sir?
5 PROSPECTIVE JUROR: No.
6 THE COURT: Do you have family members or
7 close friends who do?
8 PROSPECTIVE JUROR: There are a ton of police
9 officers in the church, but I'm not --
10 THE COURT: Anyone that you spend
11 extraordinarily large amounts of times with or are
12 particularly close to?
13 PROSPECTIVE JUROR: No.
14 THE COURT: So you're acquainted with some
15 law enforcement?
16 PROSPECTIVE JUROR: Exactly.
17 THE COURT: Have you ever worked in the legal
18 field?
19 PROSPECTIVE JUROR: No.
20 THE COURT: Do you have family who does?
21 PROSPECTIVE JUROR: No.
22 THE COURT: Okay.
23 All right. I believe we were inquiring about
24 any of you who have been victims of crime. Anyone
25 else?

1 Let's see, Ms. Nelson.
2 And I saw your hand, Ms. Doerr. We'll get
3 with you next.
4 Ms. Nelson.
5 PROSPECTIVE JUROR: Attempted mugging.
6 THE COURT: Okay. How long ago, ma'am?
7 PROSPECTIVE JUROR: Oh, probably 2004.
8 THE COURT: So 10, 12 years.
9 PROSPECTIVE JUROR: Yes.
10 THE COURT: All right. What happened in that
11 case? Was anybody caught?
12 PROSPECTIVE JUROR: Not really, no.
13 THE COURT: Okay. Is that the only
14 experience like that --
15 PROSPECTIVE JUROR: Basically he was caught
16 but he was never prosecuted.
17 THE COURT: All right. Does that leave you
18 with bad feelings towards prosecutors, law
19 enforcement, or defense lawyers for any reason?
20 PROSPECTIVE JUROR: Probably.
21 THE COURT: Okay. You feel like more might
22 have been done to bring someone to justice in that
23 situation?
24 PROSPECTIVE JUROR: Yes.
25 THE COURT: Okay. Do either of the lawyers

1 have questions for Ms. Nelson?
2 MS. MCAMIS: Not at this time. I may return
3 to that though.
4 THE COURT: All right. Thank you.
5 Mr. Boeheim, you have questions?
6 MR. BOEHEIM: Not from the Defense, Your
7 Honor.
8 THE COURT: All right. Thank you.
9 Is that the only victimization you've had,
10 ma'am?
11 PROSPECTIVE JUROR: I mean, I did get -- I
12 was getting in my car and the car was struck by a
13 drunk driver. And that person was never prosecuted
14 either.
15 THE COURT: Okay. How long ago was that?
16 PROSPECTIVE JUROR: That was probably 14
17 years ago.
18 THE COURT: Did they leave the scene?
19 PROSPECTIVE JUROR: No.
20 THE COURT: They didn't leave the scene?
21 Okay. Any other victimizations, ma'am?
22 PROSPECTIVE JUROR: I mean, I've been robbed
23 in my home.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR: And -- yeah.

THE COURT: While people were there or while you were gone?

PROSPECTIVE JUROR: No, I was gone.

THE COURT: Did you get any of your things back?

PROSPECTIVE JUROR: Yes. We were able to go to a pawn shop. And then he was prosecuted -- or he wasn't prosecuted just on that one thing, so -- but he was never charged.

THE COURT: Okay. All right. And I think Ms. Doerr also had her hand raised. Did you have your hand raised, ma'am?

PROSPECTIVE JUROR: I did. I just -- I had some cars stolen through the years.

THE COURT: All right. Anybody -- did you get them back at all?

PROSPECTIVE JUROR: Yeah, one of them I got back twice. It got stolen twice.

THE COURT: Okay. I bet you didn't keep that car much longer.

PROSPECTIVE JUROR: No.

THE COURT: Okay. Any other victimizations, ma'am?

PROSPECTIVE JUROR: Huh-uh.

THE COURT: Who else?

1 Let's see, Ms. Williams. Yes, ma'am.
2 PROSPECTIVE JUROR: Yes. I actually had my
3 car stolen twice. Two kids joyriding in it,
4 teenagers. So I actually got it back the first time
5 and got it back the second time. The third time it --
6 there was a shooting in the apartment complex I lived
7 in back in 1995-ish, and so there was a bullet hole in
8 the back of it. And the next day I took it and got
9 rid of it.
10 And so, and I also had another vehicle that
11 the tires got stole off the car. I came outside and
12 it was on cinder blocks.
13 THE COURT: Okay. Any other victimizations,
14 ma'am?
15 PROSPECTIVE JUROR: No.
16 THE COURT: Anyone else?
17 Back row. Anybody else who has been a victim
18 of a crime?
19 All right. Middle row. Anyone who's been a
20 victim of a crime on the middle row? Court sees no
21 hands.
22 How about the front row? Did I miss anyone
23 on the front row?
24 All right. Ms. Steinle.
25 PROSPECTIVE JUROR: Just a robbery, but no

one was at home. No one was caught.

THE COURT: Did you get any of your things back?

PROSPECTIVE JUROR: No.

THE COURT: Is that the only victimization you've had?

PROSPECTIVE JUROR: Yes.

THE COURT: Have any of you had --

Oh, yes, ma'am. Ms. Howard.

PROSPECTIVE JUROR: At an apartment complex I was at, she reminded me, somebody went through and slashed, like, everyone's tires. And they got both my front tires. That was it.

THE COURT: All right. Any other folks who have been the victims of a crime?

Do any of you have family members who've been crime victims? Family members?

We'll start back with Ms. Howard.

PROSPECTIVE JUROR: My mom was molested by her grandfather.

THE COURT: Okay. And you learned about that how?

PROSPECTIVE JUROR: From my mom.

THE COURT: Okay. All right.

PROSPECTIVE JUROR: And I think he got a

1 couple of her siblings and some of her cousins too.
2 THE COURT: Was he prosecuted for that?
3 PROSPECTIVE JUROR: No.
4 THE COURT: Okay. Anybody else in the front
5 row?
6 Ms. Deleon.
7 PROSPECTIVE JUROR: My sister had her car
8 stolen from her work parking lot, but they found it
9 and got it back.
10 THE COURT: Okay. And I think there was
11 another hand on the front row.
12 Yes, Ms. Richardville.
13 PROSPECTIVE JUROR: My daughter was a victim
14 of domestic violence.
15 THE COURT: Okay. Anybody else on the front
16 row?
17 Ms. Steinle.
18 PROSPECTIVE JUROR: I'm not sure if this is
19 what you're looking for. But when my husband was a
20 child he was denied medical help when he broke his arm
21 because of a religious belief on his mother's part.
22 THE COURT: Okay. Anybody else that's been
23 the victim of a crime, Ms. Steinle?
24 PROSPECTIVE JUROR: No.
25 THE COURT: And, Ms. Lance, you had your hand

1 up.
2 PROSPECTIVE JUROR: Yes. My spouse was
3 molested when she was younger by her brother.
4 THE COURT: Okay. Who else on the front row
5 has been -- had family members who were crime victims?
6 Mr. Oakley.
7 PROSPECTIVE JUROR: My daughter was molested
8 by a neighbor.
9 THE COURT: Any other victimizations in your
10 family?
11 PROSPECTIVE JUROR: No.
12 THE COURT: Okay. Who else has family
13 members who have been victims of crime?
14 Ms. Dysart.
15 PROSPECTIVE JUROR: My daughter was sexually
16 assaulted by a massage therapist three years ago. He
17 fled the country.
18 THE COURT: All right. Other members who
19 have had any kind of victimization by -- of crime?
20 Ms. Stoeppelwerth.
21 PROSPECTIVE JUROR: My mother's purse was
22 stolen. It was a purse snatching.
23 THE COURT: Okay. I think there was another
24 hand on the middle row.
25 Ms. Bogle.

PROSPECTIVE JUROR: My inlaws' house was broken into. And my parents were hit by an illegal immigrant.

THE COURT: Okay. And Ms. Williams.

PROSPECTIVE JUROR: My cousin was in a hit-and-run car accident like three weeks ago. I think they just got the people that did it.

THE COURT: All right. Anyone else?

I believe Mr. Worden.

PROSPECTIVE JUROR: My mother has been robbed twice.

THE COURT: You said brother or mother?

PROSPECTIVE JUROR: My mother.

THE COURT: Mother?

PROSPECTIVE JUROR: Uh-huh.

And my wife was attacked in our home.

THE COURT: By a stranger?

PROSPECTIVE JUROR: Actually, by one of our sons.

THE COURT: Okay. Any other victimizations in your family?

PROSPECTIVE JUROR: (Prospective juror shakes head.)

THE COURT: All right. Anyone else on the back row?

All right. Thank you very much.

Do any of you have family members who are or who have been in prison? Family members who are or who have been in prison?

Ms. Dysart.

PROSPECTIVE JUROR: My nephew served time for drug offenses.

THE COURT: Okay.

PROSPECTIVE JUROR: There are two nephews that (inaudible.)

THE COURT: Two nephews?

PROSPECTIVE JUROR: Two nephews.

THE COURT: Both in prison for drugs?

PROSPECTIVE JUROR: Not currently, but have served --

THE COURT: Have been?

PROSPECTIVE JUROR: -- time, yes.

THE COURT: All right. Mr. Elkins, you had your hand raised.

PROSPECTIVE JUROR: I have a nephew who's been in for drugs and theft. And he's out with a court date pending.

THE COURT: Okay. Is he in this building for court?

PROSPECTIVE JUROR: No. Oklahoma City.

THE COURT: All right. Thank you.

All right. And, Mr. Taylor.

PROSPECTIVE JUROR: A second cousin spent some time, drug related.

THE COURT: All right. Ms. Bogle.

PROSPECTIVE JUROR: My husband's cousin and uncle. And I don't know what for.

THE COURT: All right. Was it here or elsewhere?

PROSPECTIVE JUROR: Tulsa.

THE COURT: Ms. Williams.

PROSPECTIVE JUROR: Brother in another county that went to prison for DUI.

THE COURT: Okay. Anyone else on the middle or back row?

Ms. Kuykendall.

PROSPECTIVE JUROR: I have two nephews that never went to prison, but they spent time in jail -- several months in jail for felonies with drug and property.

THE COURT: Okay. Others?

Ms. Foster.

PROSPECTIVE JUROR: I have an uncle in prison for murder.

THE COURT: Was that case here in Tulsa

County?

PROSPECTIVE JUROR: No. I believe it was in Muskogee County.

THE COURT: Others?

Yes, Ms. Clark.

PROSPECTIVE JUROR: My son spent one day in the Broken Arrow jail.

THE COURT: What for?

PROSPECTIVE JUROR: For possession.

THE COURT: Okay. Anyone else?

Yes, Ms. Francis.

PROSPECTIVE JUROR: My second cousin was in prison for drugs.

THE COURT: Okay. Mr. Riddlebarger.

PROSPECTIVE JUROR: My dad served time in prison for drug offenses, Washington County.

THE COURT: Okay. Anyone else?

Ms. Deleon.

PROSPECTIVE JUROR: My son, under the influence for -- I don't know what. Under something, but I don't know what. But we've got an attorney.

THE COURT: Driving under the influence?

PROSPECTIVE JUROR: Yeah.

THE COURT: Okay. Is that here in this building?

PROSPECTIVE JUROR: No. I don't know much about it. But we've got an attorney because they took him, like, to a different --

THE COURT: Okay. But he's not been to prison?

PROSPECTIVE JUROR: No.

THE COURT: He just has a charge?

PROSPECTIVE JUROR: He had a charge and we had to get him an attorney.

THE COURT: Okay. Thank you.

Anyone else with family members who are or have been in prison?

Mr. Gaylord.

PROSPECTIVE JUROR: I had a cousin who went to prison for drugs. That was a while back.

THE COURT: Okay. Anyone else?

All right. I don't see any further hands. Thank you.

I'm going to ask next about previous jury service. And I'm going to ask whether any of you have ever been seated on a jury. Not just gone through the selection process, but actually sat on a jury.

Ms. Clark, you were shaking your head yes perhaps.

PROSPECTIVE JUROR: Uh-huh.

THE COURT: All right. Was it in this building or somewhere else?

PROSPECTIVE JUROR: This building.

THE COURT: All right. Was it a civil or criminal case?

PROSPECTIVE JUROR: Criminal.

THE COURT: How long ago?

PROSPECTIVE JUROR: Probably, like, 2007 or --

THE COURT: Were you the foreperson of the jury?

PROSPECTIVE JUROR: No.

THE COURT: Do you remember what the charge was?

PROSPECTIVE JUROR: Yes. It was something to do with finding drugs in the house -- meth -- meth in the house. And it was a repeat offender.

THE COURT: Okay. Did you deliberate?

PROSPECTIVE JUROR: Yes.

THE COURT: And what was the outcome?

PROSPECTIVE JUROR: Guilty.

THE COURT: And is that your only prior jury service?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. We're going to go to the

back row and ask if others have been seated on a jury. Anybody besides Ms. Clark on the back row? I don't see any hands.

Middle row. Anybody on a jury?

Mr. Taylor, this building or another building.

PROSPECTIVE JUROR: Another building.

THE COURT: Was it Federal or another state court?

PROSPECTIVE JUROR: Another state court.

THE COURT: Okay. How long ago was it?

PROSPECTIVE JUROR: Probably ten years.

THE COURT: Was it civil or criminal?

PROSPECTIVE JUROR: It was criminal.

THE COURT: Were you the foreperson?

PROSPECTIVE JUROR: Yes.

THE COURT: What was the charge, if you remember?

PROSPECTIVE JUROR: Guilty.

THE COURT: What was the charge, if you remember?

PROSPECTIVE JUROR: Oh, I'm sorry. It was a DUI. It was a repeat offense.

THE COURT: Okay. And you found the person guilty?

PROSPECTIVE JUROR: Yes.

THE COURT: And you were not the foreperson?

PROSPECTIVE JUROR: Okay. I just spoke, so whatever that --

THE COURT: Okay. That means you were the foreperson.

PROSPECTIVE JUROR: Okay. Yes.

THE COURT: Okay. Is that your only prior jury service, sir?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. Thank you very much.

Anybody else on the middle row with prior jury service?

All right. Front row, Ms. Frances. And then we'll work our way down.

Was it in this building or elsewhere?

PROSPECTIVE JUROR: This building.

THE COURT: Was it civil or criminal?

PROSPECTIVE JUROR: Criminal.

THE COURT: How long ago?

PROSPECTIVE JUROR: Probably 15 years ago.

THE COURT: Do you remember what the charge was?

PROSPECTIVE JUROR: It was DUI, several offenses.

THE COURT: Okay. Were you the foreperson?
PROSPECTIVE JUROR: No.
THE COURT: Do you remember what the verdict was?
PROSPECTIVE JUROR: Guilty.
THE COURT: Okay. Is that your only prior jury service?
PROSPECTIVE JUROR: Yes.
THE COURT: All right. Thank you, ma'am.
Ms. Richardville, you have your hand up. Was it in this building or elsewhere?
PROSPECTIVE JUROR: This building.
THE COURT: How long ago?
PROSPECTIVE JUROR: Sixteen years ago.
THE COURT: And was it civil or criminal?
PROSPECTIVE JUROR: Civil.
THE COURT: Were you the foreperson?
PROSPECTIVE JUROR: No, I wasn't.
THE COURT: Do you remember what kind of case it was? It's okay to say car wreck, slip and fall, contract dispute.
PROSPECTIVE JUROR: It was a car dealership. Someone was suing a car dealership.
THE COURT: And what was the outcome?
PROSPECTIVE JUROR: They settled.

THE COURT: Okay. Thank you.

Is that your only prior jury service, ma'am?

PROSPECTIVE JUROR: Yes.

THE COURT: Thank you very much.

Ms. Deleon, you have your hand up. Was it in this building or elsewhere?

PROSPECTIVE JUROR: It was here.

THE COURT: How long ago?

PROSPECTIVE JUROR: I'm not too sure. About 10 or 15 --

THE COURT: You can guess. That's fine.

PROSPECTIVE JUROR: Yeah. 10 or 15 years ago.

THE COURT: Civil or criminal, ma'am?

PROSPECTIVE JUROR: It was a meth thing.

THE COURT: Okay.

PROSPECTIVE JUROR: I don't know what that's --

THE COURT: Probably criminal if it involved methamphetamine.

Were you the jury foreperson?

PROSPECTIVE JUROR: No.

THE COURT: Do you remember what the outcome was?

PROSPECTIVE JUROR: I don't.

THE COURT: And is that the only time you have been seated on a jury?

PROSPECTIVE JUROR: Uh-huh.

THE COURT: Okay. Who else on the front?

Ms. Doerr.

PROSPECTIVE JUROR: Uh-huh. I was on a jury. I don't know what it -- whether it was civil or criminal or what.

THE COURT: Was it in this building or elsewhere?

PROSPECTIVE JUROR: It started out here. But then it was a child case and the -- when the child court --

THE COURT: So did you get summoned to this building and they sent you to the Juvenile Bureau?

PROSPECTIVE JUROR: Right.

THE COURT: All right. How long ago?

PROSPECTIVE JUROR: Probably about 15 years ago.

THE COURT: And do you remember whether it was a neglect situation or whether a child had allegedly committed a crime?

PROSPECTIVE JUROR: A neglect situation.

THE COURT: Okay. And were you the foreperson?

PROSPECTIVE JUROR: (Prospective juror shakes head.)

THE COURT: What was the outcome?

PROSPECTIVE JUROR: The child was taken from the mother.

THE COURT: Okay. Is that the only jury service you have?

PROSPECTIVE JUROR: No. I had one other one but it didn't go very far. We got seated in the jury box, but when it was found out that the child was Native American Indian, we had to --

THE COURT: All right. Was it in this building or was it somewhere else?

PROSPECTIVE JUROR: Over in Juvenile.

THE COURT: At Juvenile as well?

PROSPECTIVE JUROR: Uh-huh.

THE COURT: Okay. And it sounds like it might have been a termination of somebody's parental rights. Is that correct?

PROSPECTIVE JUROR: Well, you know, we just didn't get that far. We barely got seated until they told us --

THE COURT: Okay.

PROSPECTIVE JUROR: -- that we didn't have to do it.

1 THE COURT: So you didn't have to deliberate
2 or hear evidence?
3 PROSPECTIVE JUROR: No.
4 THE COURT: All right. Thank you.
5 Any other jury service, ma'am?
6 PROSPECTIVE JUROR: No.
7 THE COURT: Okay. Anybody else on the front
8 row with prior jury service besides Ms. Doerr? Did I
9 miss anybody?
10 Okay. I don't see any further hands. Thank
11 you.
12 Do any of you have any physical ailments or
13 conditions that make it difficult for you to serve on
14 a jury, such as difficulty hearing, seeing, sitting?
15 And I will tell you that in my court we typically get
16 breaks several times a day. We'll usually have a
17 fairly short morning break, a lunch break, a short
18 afternoon break, so that you're able to get up and
19 move around every couple of hours or so. Not always
20 two hours on the dot, but it usually works along those
21 lines.
22 Is there anybody with any physical
23 limitations that cause you difficulty sitting on a
24 jury? I know that's a personal question.
25 Mr. Riddlebarger.

PROSPECTIVE JUROR: I have kidney problems and sometimes I have to use the restroom frequently, but sometimes not.

THE COURT: All right. And if we're able to take breaks every couple of hours or so --

PROSPECTIVE JUROR: Yeah.

THE COURT: -- would that work for you?

PROSPECTIVE JUROR: That might work.

THE COURT: And if you're going to be sitting longer than that, I try to warn a jury as best I can. I'm not always able to do that every time. But when I can, I do.

Okay. Anybody else? I know that's a very personal question. Thank you, Mr. Riddlebarger.

PROSPECTIVE JUROR: On me, I don't understand.

THE COURT: Mr. Rebollar. Yes, sir.

PROSPECTIVE JUROR: On me, I don't understand very well. You know, I try, but --

THE COURT: Are you talking about the English language, sir?

PROSPECTIVE JUROR: Yeah.

THE COURT: All right. How long have you been speaking the English language?

PROSPECTIVE JUROR: Well, like, probably

about 10 -- about 20 years ago.

THE COURT: Okay. 20 years?

PROSPECTIVE JUROR: Yeah.

THE COURT: And do you use it every day in your work?

PROSPECTIVE JUROR: Not really.

THE COURT: At the refinery you don't have to use English?

PROSPECTIVE JUROR: Yes, I do.

THE COURT: You do use English every day at the refinery?

PROSPECTIVE JUROR: Yeah.

THE COURT: And does your supervisor speak to you in English or Spanish?

PROSPECTIVE JUROR: Spanish.

THE COURT: All right. Do you have others who give you directions in English?

PROSPECTIVE JUROR: Yeah.

THE COURT: Okay. Are you able to read the English language as well?

PROSPECTIVE JUROR: A little bit.

THE COURT: Okay. You speak better than you read?

PROSPECTIVE JUROR: Yeah.

THE COURT: Okay. And if I give you

1 instructions that are both verbal, spoken and written,
2 would that be helpful to you?
3 PROSPECTIVE JUROR: Yeah.
4 THE COURT: All right. Anyone else?
5 Ms. Steinle.
6 PROSPECTIVE JUROR: I think sitting for more
7 than two hours would be difficult without having to
8 make a restroom stop.
9 THE COURT: Okay. Is there a health
10 condition or just as a matter of preference?
11 PROSPECTIVE JUROR: Just a matter of fact.
12 THE COURT: Okay. Thank you.
13 And I will tell you, ladies and gentlemen,
14 that in my court you are allowed to have a beverage
15 with you as long as it has a lid. But I would also
16 caution you to govern yourselves accordingly. Okay?
17 All right. Anybody else with physical
18 limitations that might prevent jury service?
19 All right. Thank you.
20 Do any of you have any extreme life
21 circumstances going on that might prevent your
22 service. And, by that, I mean you, yourself, has a
23 critical or life-threatening illness. And by looking
24 at you all, you're all here and generally in fairly
25 good shape. So family members who are in hospice

1 care, nuclear, close family members in your home who
2 are receiving hospice care or are in the hospital?
3 Something really outside the range of normal that
4 would be very distracting for you.
5 And we do anticipate that this case would be
6 submitted to you this week. We don't anticipate
7 carrying it over into next week. So, with that in
8 mind, is there anyone who has any extreme life
9 circumstances going on that might prevent your jury
10 service?
11 All right. Thank you. Don't see any hands.
12 You may hear testimony from law enforcement
13 officers. Is there any -- are there any of you who
14 have prior experiences with law enforcement that leave
15 you with bad feelings, thoughts, predispositions
16 toward law enforcement? If so, please raise your
17 hand.
18 Ms. Nelson.
19 PROSPECTIVE JUROR: Like I said, the
20 experiences I had with the criminal stuff. I don't
21 know that it would lead me to -- it's kind of a -- I
22 guess a general opinion of, I guess, how busy people
23 are and how much they take it into consideration -- or
24 not consideration. But just in the cases we had I
25 just felt like the effort wasn't necessarily put out

1 that needed to be. But I don't know if it would have
2 been any different with anyone else, so maybe it is
3 just a general opinion.
4 THE COURT: Okay. All right. Anybody else?
5 All right. Thank you.
6 Have any of you read or heard anything about
7 the facts of this particular case before you got here?
8 Please raise your hand if you have. Court sees no
9 hands.
10 Have any of you discussed it with anyone
11 before today? Court sees no hands.
12 Would anything you've read -- and you haven't
13 read or heard anything. Correct?
14 All right. Thank you.
15 Have any of you formed an opinion already
16 about this particular case? If so, please raise your
17 hand. All right. The Court sees no hands.
18 If you are chosen for this jury, at the end
19 of the trial I will read you all of the instructions
20 containing the law and the rules which the jury must
21 use to reach a verdict. Your duty as jurors is to
22 accept and follow the law as included in those
23 instructions. Can each of you do that? If so, please
24 say yes.
25 Is there anyone who cannot or will not do so?

1 If so, please raise your hand. Court doesn't see any
2 hands. Thank you.
3 One of the instructions I'll give you is that
4 the defendant is presumed innocent of the crimes
5 charged and this presumption continues unless after
6 consideration of all of the evidence you are convinced
7 of her guilt beyond a reasonable doubt. The State has
8 the burden of presenting evidence which convinces you
9 beyond a reasonable doubt of each element of the
10 crime.
11 If you are selected as a juror, will each of
12 you presume the defendant innocent unless proven
13 guilty beyond a reasonable doubt? If so, please say
14 yes.
15 Is there anyone who cannot or will not do so?
16 If so, please raise your hand. Court sees no hands.
17 Thank you.
18 Another instruction that I will give you is
19 that if you find the defendant guilty, you will have
20 the duty to assess punishment. In this case the
21 punishment could carry a term of imprisonment up to
22 life in prison. If selected as a juror and the
23 defendant is found guilty, will you assess punishment
24 within the range provided? If so, please say yes.
25 If you cannot or will not, please raise your

hand. Court sees no hands.

I'll ask the lawyers to approach the bench for scheduling. We'll be off the record for a moment.

(An off-the-record discussion was held.)

THE COURT: We're back on the record in CF-2015-242. Both lawyers and the defendant are present. The jury panel remains present.

I'd like to ask just a couple of follow-up questions.

Ms. Bogle, you work part-time, I think you said, at the Forest Ridge Community.

PROSPECTIVE JUROR: Uh-huh.

THE COURT: Are you familiar with a Vickie Boeheim, by chance?

PROSPECTIVE JUROR: Vickie Boeheim?

THE COURT: Uh-huh. Victoria or Vickie Boeheim.

PROSPECTIVE JUROR: That doesn't ring a bell.

THE COURT: All right. Thank you.

And early on we were asking whether you all knew certain individuals so I would like to ask if anybody on the jury panel knows someone named John Purdy, P-U-R-D-Y, Purdy, who also goes by Blade Purdy? Does anyone know Mr. Purdy? If so, please raise your right hand. All right. Court sees no hands.

At this point, ladies and gentlemen, we are --

Yes, ma'am, Ms. Spellman.

PROSPECTIVE JUROR: Yes. May I approach the bench?

THE COURT: Yes, ma'am.

(A conference was held at the bench outside the hearing of the jury.)

PROSPECTIVE JUROR: My mother works for DHS and she's just now moving out of the house. So I didn't know if that's something that I needed to tell you or not.

THE COURT: Okay. Oftentimes the State makes those kinds of inquiries during their voir dire.

PROSPECTIVE JUROR: Okay.

THE COURT: Does she work in Tulsa County?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay. What is her name?

PROSPECTIVE JUROR: Diana Spellman.

THE COURT: Spellman.

PROSPECTIVE JUROR: Yeah, Spellman. That's her last name.

THE COURT: Do you talk about work with her?

PROSPECTIVE JUROR: I haven't really talked about it.

She's -- like I said, she's moving out. I just wanted to make that clear.

THE COURT: But she doesn't talk to you about --

And let me ask you this.

PROSPECTIVE JUROR: Okay.

THE COURT: What does she do for DHS specifically?

PROSPECTIVE JUROR: She works with the children.

THE COURT: In what? Daycare licensing? Child welfare?

PROSPECTIVE JUROR: Child welfare.

THE COURT: Placement?

PROSPECTIVE JUROR: Yes.

THE COURT: Okay.

PROSPECTIVE JUROR: She finds them places to stay and stuff like that. Child Welfare, so --

THE COURT: Permanent placements or temporary placement?

PROSPECTIVE JUROR: I don't know if it's one or the other or both. I'm not for sure what she does.

THE COURT: Does she work out at Juvenile?

PROSPECTIVE JUROR: No. She works right behind us in this building over there with voc rehab

1 and stuff.
2 THE COURT: At 440 South Houston?
3 PROSPECTIVE JUROR: Yes.
4 THE COURT: Does she ever investigate child
5 neglect or child abuse cases that she talks with you
6 about?
7 PROSPECTIVE JUROR: No, she does not talk to
8 me about any of them. I just know she -- I know she
9 has them though from -- because she used to live in
10 Kansas with me, too. But, yeah, we don't really talk
11 about any of them.
12 THE COURT: Okay. Would the fact that your
13 mom works for DHS cause you any difficulty listening
14 to any Child Welfare worker who might come in and
15 testify in this case as far as being fair and
16 impartial?
17 PROSPECTIVE JUROR: I don't think so. I
18 think I could still be fair. I just wanted to make
19 you guys aware of it.
20 THE COURT: Okay. Do you all have any
21 questions?
22 MS. MCAMIS: I do not. Thank you.
23 MR. BOEHEIM: No, Your Honor.
24 THE COURT: All right. Thank you very much.
25 *(The following transpired in open court.)*

THE COURT: Ladies and gentlemen, we are going to go into our overnight recess at this point in time. I have a few instructions for you.

No. 1, I'll ask that you be back in the building at 8:30 in the morning. Go ahead and check in in the jury room.

After you've checked into the jury room, I'm going to ask you to go to the third floor escalators. There's only one set. It's on the third floor. And my bailiff will meet you there at approximately 8:45, and bring you up when the time comes.

There will be quite a bit of congestion on this floor this week, which is why I am doing it like this. Typically our -- when I have a jury, we take our breaks on the third floor later on in the process, but we're going to go ahead and have you convene there in the morning.

So you'll go into the jury room, first thing, scan your badge or whatever they insist you do to check in down there, then go to the third floor. There's only one set of escalators. You'll see there's vending machines, there are chairs, there's plenty of room to sit. There are restrooms nearby. And Ms. Upton will meet you there at 8:45. Okay? Third floor escalators.

1 If you get lost, when you go to the jury room
2 you'll notice you have a green tab on your badge, and
3 you are in Judge Greenough's court. So if you can't
4 remember where you're supposed to be, when you get
5 your badge you'll notice there's something green on it
6 and you'll say, I'm supposed to be in that courtroom
7 where there's green. And they'll probably figure it
8 out. But Ms. Upton will be looking for you. Okay?
9 What I would like to also tell you is, when
10 you come up -- go ahead and take a look at who is on
11 your right or left. I promise I will not quiz you on
12 this. But when -- when Ms. Upton does bring you up
13 here, before you come in you will have to line up in
14 the order in which you are seated.
15 So, Mr. Murphy, you're going to be in spot
16 No. 1. And, Ms. Lance, you'll be bringing up the rear
17 in spot -- at the very end. Okay? And Ms. Upton will
18 be there to assist you. So, again, I'm not going to
19 test you on this. But please do your best to sort of
20 line up as best you can, and she'll help you.
21 When you come back to court tomorrow, do not
22 park at a parking meter. You will not have time to
23 plug a parking meter at any time, for the most part,
24 that you're doing business in this building, but most
25 certainly not if you're on a jury. Okay?

1 Your best bet is to park in the parkade,
2 which is the multi-level parking garage over by the
3 BOK Center. I understand that's a little bit of a
4 walk, but that may be your best bet. But do not park
5 at a parking meter. I will not be able to fix any
6 ticket that one of you might -- might get. Okay?
7 I will encourage you to bring a wrap. When
8 you come in in the morning it may be toasty in here
9 and we may be freezing in the afternoon. We never
10 know what the temperature in this building is going to
11 be like, particularly this time of year when the air
12 conditioning's not always on and the heat isn't always
13 on. So plan accordingly.
14 As I indicated earlier, you're welcome to
15 bring a drink with you, even if it's, like, soda or
16 coffee, as long as it has a lid. You may not eat food
17 in the courtroom.
18 I do encourage you to bring a snack. There
19 may be a short break where you might need a bit of
20 something and you don't have time to get all the way
21 to the basement to pick up a snack. So you're welcome
22 to bring something with you. You just can't eat it in
23 here while the Court is in session or while you are
24 seated in the gallery. All right?
25 I would anticipate that tomorrow we should

1 conclude in the 5:00 to 5:30 range. I don't think
2 we'll go really late tomorrow night.
3 That's no guarantee that that won't happen.
4 I try to warn you as much ahead as possible as I
5 possibly can so that you may make arrangements for
6 children and or return business contacts, phone calls,
7 emails that you might need to do. I try to warn you
8 when I can. I don't expect that tomorrow will be an
9 extraordinarily long day.
10 Lastly -- I think, lastly, I have to bring up
11 a subject that I hate to bring up. But this past
12 spring we had a group of folks in here in exactly your
13 same situation. They were going through jury
14 selection. And, sadly, one of them chose not to come
15 back the next day. That forces me to issue a bench
16 warrant for that person's arrest.
17 I never like to do that, but I always like to
18 -- now I know I probably ought to just say something
19 about it ahead of time to let you know that is what
20 happens. So please plan to be here tomorrow.
21 Again, check in in the basement jury room and
22 then meet Ms. Upton at the third floor escalators.
23 It's the only set of escalators in this building.
24 Third floor, no later than 8:45, and she'll be looking
25 for you.

1 Have I missed any instructions, Ms. Upton?
2 Are there any other requested instructions
3 from counsel?
4 MS. MCAMIS: Not by the State.
5 MR. BOEHEIM: Not from the Defense, Your
6 Honor.
7 THE COURT: All right. I do remind you, you
8 remain under the Court's admonishment. You may not
9 discuss this case with anyone, including each other.
10 If you go home and your family, understandably, wants
11 to know what you're hearing, what you've been doing,
12 you cannot discuss this case with anyone, nor may you
13 read about it in the newspaper or on social media, nor
14 may you listen to any news accounts of it. So you do
15 remain under the Court's admonishment at that time.
16 And I will ask you in the morning and every time we
17 come back whether you were able to abide by the
18 Court's admonishment. All right?
19 We'll see everyone in the morning.
20 All rise.
21 You may be excused.
22 *(The evening recess was taken.)*
23
24
25

IN THE DISTRICT COURT OF TULSA COUNTY
THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, Plaintiff,	)	
vs.	)	CASE NO. CF-2015-242
KERRY ELIZABETH LALEHPARVARAN, Defendant,	)	

* * * * *

TRANSCRIPT OF PROCEEDINGS

JURY TRIAL

TULSA, OKLAHOMA

NOVEMBER 1, 2016

* * * * *

HONORABLE KELLY GREENOUGH, JUDGE

* * * * *

APPEARANCES:

MS. SARAH MCAMIS, Attorney at Law, 500 South Denver Avenue, Ste. 900, Tulsa, OK, 74103, appeared on behalf of the State.

MR. BRIAN BOEHEIM, Attorney at Law, 616 South Boston Avenue, Ste. 307, Tulsa, OK, 74119, appeared on behalf of the Defendant.

REPORTED BY:

D. ANN FITE, C.S.R., R.P.R No. 1108
Official Court Reporter
Tulsa District Court
500 South Denver
Tulsa, Oklahoma 74103

1 PROCEEDINGS
2 THE COURT: We'll be on the record in
3 CF-2015-242, State of Oklahoma vs. Kerry
4 Lalehparvaran. Sarah McAmis is present for the State,
5 Brian Boeheim is present for the Defense,
6 Ms. Lalehparvaran is personally present in the
7 courtroom this morning. Jury panel is not present.
8 They've not yet been brought in for the morning.
9 And we were addressing briefly off the record
10 the status with regard to Defendant's motion in limine
11 filed October 31st, 2016. We were specifically
12 looking at Section 2 of that motion with regard to the
13 DHS hearing testimony given by Ms. Lalehparvaran. And
14 the Court had taken an opportunity to read several
15 cases in light of the motion. And I believe there's
16 an announcement with regard to this issue.
17 MS. MCAMIS: Your Honor, there is. The State
18 had previously requested permission to have the
19 transcript -- or portions of the transcript read to
20 the jury trial during the State's case in chief.
21 However, upon further reflection and based in some
22 part upon rulings made yesterday the state will not be
23 seeking to admit or have portions of that transcript
24 read during its case in chief.
25 THE COURT: All right. Thank you very much.

As far as the -- I assume you are going to withdraw Section 2 -- withdrawn in part and reserved in part. Section 1 is reserved.

MR. BOEHEIM: Yes, Your Honor.

MS. MCAMIS: Your Honor, I would also state while the jury is not present, for the purposes of the record, that there is no pending recommendation for the defendant that's --

THE COURT: I was going to ask yesterday morning as to whether we needed a Frye/Cooper hearing. And so you're advising that there has been no recommendation from the State?

MS. MCAMIS: Not at this time, no.

THE COURT: All right. Thank you very much.

(An off-the-record discussion was held.)

THE COURT: Let's be on the record in State of Oklahoma vs. Kerry Elizabeth Lalehparvaran, CF-2015-242. All lawyers are present. Ms. Lalehparvaran is present. Jury panel is not present.

Bailiff advises me that we have a panel member in the gallery, not seated in the jury box, who is experiencing some fairly significant morning sickness. So I think the way we're going to handle that, she is just going to raise her hand should she

1 need to exit the room. I will nod at her to
2 acknowledge that she may leave. That way we don't
3 disrupt the process. Hopefully she's not in and out
4 too much. If that becomes an issue or is in any way
5 disruptive, I'll ask lawyers to approach the bench and
6 then we'll go forward about possibly excusing her at
7 that point if it becomes disruptive.
8 But I just wanted to alert you to that and
9 what's going on so that you were fully advised of what
10 might be going on in the gallery this morning.
11 And, again -- and if you all sense that it's
12 becoming disruptive perhaps before I even do, just let
13 me know. Ask to approach the bench and we'll take
14 care of that right away. All right?
15 MS. UPTON: May I inform her of the --
16 THE COURT: Let her know that she just needs
17 to simply raise her hand, I'll nod at her, and at that
18 point she can quickly excuse herself to the ladies'
19 room.
20 MS. UPTON: And may she be able to sit
21 closest to the --
22 THE COURT: Yes, ma'am.
23 MS. UPTON: Thank you very much.
24 *(The prospective jury panel returned to the courtroom.)*
25 THE COURT: We will be back on the record in

1 CF-2015-242, State of Oklahoma vs. Kerry
2 Lalehparvaran. Sarah McAmis is present, once again,
3 for the State, Brian Boeheim is present, once again,
4 for the Defense, Ms. Lalehparvaran is present in the
5 courtroom. Jury panel has returned to the courtroom
6 following the overnight recess.
7 And I'll ask whether the panel was able to
8 abide by the Court's admonishment during the overnight
9 recess.
10 All right. Thank you very much. And good
11 morning.
12 As we concluded yesterday afternoon, the
13 Court had finished its voir dire. At this point the
14 attorneys will now ask supplemental and follow-up
15 questions. And the State's voir dire is now in order.
16 MS. MCAMIS: Thank you, Your Honor.
17 Good morning.
18 Is everyone coming off their sugar high from
19 too much Halloween candy last night? Were everybody's
20 kids up late and sugared up and hard to get to bed?
21 Well, I'd like to begin this morning by
22 reintroducing myself, as the Judge did yesterday. My
23 name is Sarah McAmis. I am an Assistant District
24 Attorney and I am the director of Crimes Against
25 Children. I work for District Attorney Steve

1 Kunzweiler.
2 And I would like to start off this morning by
3 thanking you all for being here. I know you didn't
4 have a choice in being here. You got a summons in the
5 mail. And as the Judge informed you yesterday, if you
6 didn't show up that would be bad. But we certainly
7 all very much respect and appreciate the time and the
8 energy and the cost and the effort that it takes for
9 you to show up and be here.
10 I firmly believe that we have the best system
11 of justice in the world, but it absolutely would not
12 work without your participation and without your
13 patience. So, again, on behalf of the State of
14 Oklahoma, on behalf of the Defendant, thank you.
15 Also, for those of you who raised your hand
16 and said you have served on juries before, you are
17 familiar with this part of the trial. I think this
18 part of the trial is interesting for us because we get
19 to know information about you. But probably as you're
20 sitting there I would suspect this is one of the most
21 boring parts of the trial.
22 We don't get to talk about any of the facts
23 or any of the evidence, any of the meat of the case.
24 And I think that's why on -- you know, there's a
25 different courtroom drama, lawyer TV show on every

night of the week, from all of the Law & Order SVUs, to everything in between. They never show this part because I think if they did people would change the channel and the show would be canceled.

So, again, we don't mean to take too much time and we don't mean to bore you, but I think everybody can certainly agree that this case is very, very important to the State of Oklahoma, it's very, very important, obviously, to the Defendant, and so it is necessary for us to take a little bit of time and get to know you each a little bit better.

It is somewhat of an awkward process because we do ask some personal information. So we touched on a little bit of it yesterday, but if there is anything that you don't feel comfortable talking about in front of this big group of strangers, do as one of your fellow jurors did yesterday and raise your hand and then we can approach the bench and talk about it in a little bit more private setting.

So I'm going to start this morning by following up on some of the questions that the Judge asked you yesterday and then I'll have some of my own questions.

But I'll start with you, Mr. Murphy. You told us yesterday that you do not have any children.

Is that right?

PROSPECTIVE JUROR: That's correct.

MS. MCAMIS: How often have you been around kids? Do you have nieces, nephews, that type of thing.

PROSPECTIVE JUROR: Yeah. I have nieces and nephews.

MS. MCAMIS: Okay. You're comfortable babysitting?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: You're comfortable being on a case that is about a child?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Okay. Thank you.

Ms. Welch, you told us yesterday that you have a six-month-old baby. Is that right?

PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: What was the Halloween costume? What was her Halloween costume?

PROSPECTIVE JUROR: Oh, we were both kitties.

MS. MCAMIS: And did you take the candy that was supposed to be for her?

PROSPECTIVE JUROR: We didn't take candy.

MS. MCAMIS: Okay. You mentioned that you are single.

PROSPECTIVE JUROR: (Prospective juror nods head.)

MS. MCAMIS: Are you raising your daughter as a single mom or do you have a situation where you share custody with the father?

PROSPECTIVE JUROR: Me and the father are together, but we -- he basically lives with me. We're just not married.

MS. MCAMIS: Okay. All right. What type of work does he do?

PROSPECTIVE JUROR: He works at QuikTrip.

MS. MCAMIS: Okay. All right. Ms. McCoy, you talked about your husband's work in the music ministry at Victory Christian. How long has he been there?

PROSPECTIVE JUROR: Four years.

MS. MCAMIS: Okay. Was he involved in or part of any of the criminal circumstances that some of the Victory Christian employees found themselves involved in?

PROSPECTIVE JUROR: No.

MS. MCAMIS: All right. Thank you.

Mr. Worden, you -- first of all, you talked about your wife's employment. And I believe she does some billing for some medical providers. Is that

correct?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: But in doing the billing, does she become involved or have any knowledge of the actual medical procedures?

PROSPECTIVE JUROR: No.

MS. MCAMIS: You also talked about an unfortunate circumstance between your wife and your son.

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: Was that when your son was still a juvenile or --

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Okay. Was -- did law enforcement become involved in that?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: What then happened as a result?

PROSPECTIVE JUROR: We -- he did some civil time. He just did some things around Broken Arrow for the court, you know, just about community service for about, I think it was 16 hours, and then we dropped it.

MS. MCAMIS: All right. So was this a one-time incident or an ongoing type of problem.

PROSPECTIVE JUROR: My son has had issues

with drug use. And when he takes drugs he becomes a different person. And so we have had other times when that has been in play.

MS. MCAMIS: So with the drug abuse, is he currently in recovery from that or does he --

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: -- still suffer?

Okay. And so does that then -- the fact that he's in recovery, does that help with his anger issues as well?

PROSPECTIVE JUROR: Definitely.

MS. MCAMIS: All right. So he's on the right track and doing well?

PROSPECTIVE JUROR: Most definitely.

MS. MCAMIS: Okay. Thank you.

Ms. Clark, you said that you're divorced. What type of work does your ex-husband do?

PROSPECTIVE JUROR: He is a warehouse manager with Target.

MS. MCAMIS: Okay. You also talked about an incident wherein your son was in possession. What type of drugs was he using at the time?

PROSPECTIVE JUROR: Marijuana.

MS. MCAMIS: Okay. Soon that might not even be a crime.

PROSPECTIVE JUROR: It is to me.

MS. MCAMIS: I understand. And it still is a crime.

PROSPECTIVE JUROR: Yeah.

MS. MCAMIS: But does he currently still have a problem or --

PROSPECTIVE JUROR: No. He better not.

MS. MCAMIS: Were you satisfied with how the situation was handled and he was treated fairly?

PROSPECTIVE JUROR: Oh, yeah.

MS. MCAMIS: All right. Okay. Thank you.

PROSPECTIVE JUROR: You're welcome.

MS. MCAMIS: Ms. Spellman, you said that you are on disability. Is that correct?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: What type of disability?

PROSPECTIVE JUROR: With UPS. I had neck surgery.

MS. MCAMIS: Okay. All right. You also said that you do not have any children.

PROSPECTIVE JUROR: Correct.

MS. MCAMIS: Are you around many children?

PROSPECTIVE JUROR: I have six nieces and a nephew on the way.

MS. MCAMIS: Okay. So you're the good

1 aunt --
2 PROSPECTIVE JUROR: Yes.
3 MS. MCAMIS: -- and you spoil them and send
4 them home. Right?
5 PROSPECTIVE JUROR: Yes.
6 MS. MCAMIS: Okay. Thank you.
7 Mr. Taylor, you raised a question yesterday
8 about Dr. Jennings. Correct?
9 PROSPECTIVE JUROR: Yes.
10 MS. MCAMIS: Can you see circumstances where
11 an individual might go to the hospital and there might
12 be multiple different doctors involved? ER doctor,
13 radiologist, anesthesiologist, surgeon. There might
14 be a lot of different doctors involved.
15 PROSPECTIVE JUROR: Yes.
16 MS. MCAMIS: And can you see where in a case
17 involving that circumstance we might only bring in
18 the -- the most important doctor or the one who knows
19 about all of the circumstances or the expertise?
20 PROSPECTIVE JUROR: Right.
21 MS. MCAMIS: Does that cause you any type of
22 concern --
23 PROSPECTIVE JUROR: No.
24 MS. MCAMIS: -- or any type of problem?
25 PROSPECTIVE JUROR: No.

1 MS. MCAMIS: Okay. You also have at least a
2 daughter, but I would anticipate your son. Did they
3 both trick-or-treat last night?
4 PROSPECTIVE JUROR: Yes, they did.
5 MS. MCAMIS: What did they go as.
6 PROSPECTIVE JUROR: My son was his own
7 creation. My daughter was an angel.
8 MS. MCAMIS: An angel?
9 PROSPECTIVE JUROR: Yes.
10 MS. MCAMIS: Okay. Fun.
11 Okay. Ms. Williams, you talked about a
12 couple of different circumstances. And one of those
13 was your cousin being involved in a hit-and-run
14 situation.
15 PROSPECTIVE JUROR: Uh-huh, yes.
16 MS. MCAMIS: And did you say that's still
17 pending right now?
18 PROSPECTIVE JUROR: I believe so.
19 MS. MCAMIS: Okay. Do you know anything
20 about the circumstances and where it is in the process
21 or --
22 PROSPECTIVE JUROR: No.
23 MS. MCAMIS: Okay. Do you know anything
24 about whether or not your cousin has been called to
25 testify yet? Anything like that?

PROSPECTIVE JUROR: No.
MS. MCAMIS: And is it here in Tulsa County?
PROSPECTIVE JUROR: Yes.
MS. MCAMIS: Okay. I only handle child abuse cases, so that would not be one that I'm handling. But --
PROSPECTIVE JUROR: Okay.
MS. MCAMIS: -- you also mentioned that your -- is your brother still incarcerated or he was incarcerated?
PROSPECTIVE JUROR: He was.
MS. MCAMIS: Does he still have any type of problem with alcohol or with --
PROSPECTIVE JUROR: No.
MS. MCAMIS: Okay. Do you feel like he was treated fairly by the system? In other words, do you feel like he should have been incarcerated for his crime?
PROSPECTIVE JUROR: No, I don't.
MS. MCAMIS: And tell me why.
PROSPECTIVE JUROR: Because it was his first offense. And, I mean, nobody was killed. I mean, I just think he should have gotten into a program to help him with his alcohol abuse.
MS. MCAMIS: Okay. Did you follow his case

1 through the court system?
2 PROSPECTIVE JUROR: No, I was not here.
3 MS. MCAMIS: Does your information about his
4 court case come from him, in other words?
5 PROSPECTIVE JUROR: No. Just my own
6 assumption.
7 MS. MCAMIS: Okay. So, in other words, and I
8 think this is what you're saying, but just to make
9 sure, you don't know, you weren't there to hear all of
10 the evidence or the facts of the situation?
11 PROSPECTIVE JUROR: Right, yes.
12 MS. MCAMIS: And, again, I don't handle DUIs.
13 But would you agree that there are some circumstances,
14 like a possession of marijuana or perhaps a DUI, where
15 people do need help and where people should be
16 entitled to perhaps a second chance, if you will?
17 PROSPECTIVE JUROR: Yes, yes.
18 MS. MCAMIS: Do you also see and understand
19 that there are circumstances entirely different than
20 that? Circumstances that are so bad that the person
21 has to be held accountable for their actions?
22 PROSPECTIVE JUROR: Oh, yes.
23 MS. MCAMIS: So can you -- whatever feelings
24 or whatever thoughts you had about your brother's
25 circumstance, can you basically leave that outside

this courtroom and just decide this case based on the facts and the circumstances involved here?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Okay. Do you have any problem or any concern about that?

PROSPECTIVE JUROR: No, ma'am.

MS. MCAMIS: Okay. Thank you.

You also told us about a circumstance in which there was a bullet in your car? And you ended up getting rid of it. Is that right?

PROSPECTIVE JUROR: Yes, yes, yes.

MS. MCAMIS: Did you ever find out who shot your car or the circumstances behind that?

PROSPECTIVE JUROR: It was just shooting going throughout the apartment complex. And where my car was located, I guess, it just kind of ricocheted off the back end of it.

MS. MCAMIS: Okay. Obviously a bullet hole is disturbing enough that made you want to take care of that then?

PROSPECTIVE JUROR: Yeah. And move also.

MS. MCAMIS: All right. Okay. Thank you.

Ms. Dorzab.

PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: You said, I believe, you're a

1 health information specialist?
2 PROSPECTIVE JUROR: Yes, ma'am.
3 MS. MCAMIS: And I apologize for my
4 ignorance, but I don't really know what that means.
5 PROSPECTIVE JUROR: Electronic medical
6 records.
7 MS. MCAMIS: Okay. So do you actually have
8 anything to do with providing medical care to the
9 patients --
10 PROSPECTIVE JUROR: No, ma'am.
11 MS. MCAMIS: -- or do you just deal with the
12 records?
13 Do you get to know any of the information
14 underlying the records?
15 PROSPECTIVE JUROR: Sometimes. Sometimes.
16 MS. MCAMIS: Okay. And what type of patients
17 do you handle the records for?
18 PROSPECTIVE JUROR: Well, I work in the
19 clinic environment, so I'm at the administrative
20 office. So I help our offices with, you know, if they
21 have questions regarding releases and things like
22 that.
23 But I've worked for St. Francis for over 20
24 years in various places, so --
25 MS. MCAMIS: So in that capacity, first of

1 all, what you're talking about, in an administrative
2 capacity, have you ever had to become involved in,
3 either the reporting of a suspected case of child
4 abuse, or the release of records for a suspected case
5 of child abuse? Anything like that?
6 PROSPECTIVE JUROR: No, ma'am.
7 MS. MCAMIS: Have you in any of your other
8 capacities that you've served for St. Francis?
9 PROSPECTIVE JUROR: No.
10 MS. MCAMIS: Okay. Thank you.
11 Ms. Ducummon.
12 PROSPECTIVE JUROR: Yes.
13 MS. MCAMIS: You also have children that were
14 young enough to be trick-or-treating last night. What
15 were your costumes?
16 PROSPECTIVE JUROR: They were Spiderman and a
17 spider and a scream.
18 MS. MCAMIS: Very cute.
19 Was the baby the spider?
20 PROSPECTIVE JUROR: Yes.
21 MS. MCAMIS: That's cute.
22 You mentioned that you are single.
23 PROSPECTIVE JUROR: Yes.
24 MS. MCAMIS: Do you raise your children by
25 yourself or do you have any type of shared custody

or --

PROSPECTIVE JUROR: I share.

MS. MCAMIS: Okay. Does the father of your children, does he reside with you or --

PROSPECTIVE JUROR: No.

MS. MCAMIS: What type of work does he do?

PROSPECTIVE JUROR: Well, I have -- they all three have different dads.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: So the oldest -- they live in Oklahoma City and they work for a moving company. And then my middle son, his dad is a mechanic. And my youngest son's dad and my daughter's dad works drywall.

MS. MCAMIS: Do you have a friendly relationship with each of them --

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: -- or is there any kind of problems or --

PROSPECTIVE JUROR: No, we all get along.

MS. MCAMIS: Okay. Good. All right. Thank you.

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: Mr. Gaylord, you -- you don't have children?

PROSPECTIVE JUROR: No.

MS. MCAMIS: How much are you around kids?

PROSPECTIVE JUROR: I have a nephew who's a toddler and I see him a couple of times a week.

MS. MCAMIS: All right. You would be good babysitting him?

PROSPECTIVE JUROR: Not until he's potty trained. Don't like changing diapers.

MS. MCAMIS: You also mentioned a circumstance with your cousin being incarcerated for some type of drug charge.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: What type of drugs?

PROSPECTIVE JUROR: I want to say it was cocaine.

MS. MCAMIS: Okay. And is your cousin still incarcerated?

PROSPECTIVE JUROR: No. He is -- he is done.

MS. MCAMIS: All right. Is he doing better with his life?

PROSPECTIVE JUROR: Sorry. He's dead now.

MS. MCAMIS: Oh, I'm sorry. I didn't hear that.

PROSPECTIVE JUROR: My bad.

But the -- he did get help, like, rehab for

it, so --

MS. MCAMIS: Well, I certainly apologize for that.

Did you feel like he was treated fairly?

PROSPECTIVE JUROR: Yes, he was treated fairly.

MS. MCAMIS: All right. Thank you.

Ms. Bogle, you -- you also have children young enough to trick-or-treat. What did they go as?

PROSPECTIVE JUROR: Mario, Luigi, and the princess.

MS. MCAMIS: You talked about, I believe, two different people. Your husband's cousin and an uncle?

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: All right. Both of whom had been incarcerated.

PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: For what type of crimes?

PROSPECTIVE JUROR: I'm not for sure. I don't know his cousin very well. And his uncle, I'm not sure. Maybe drugs, alcohol.

MS. MCAMIS: But they're both out now?

PROSPECTIVE JUROR: His uncle is. His cousin is not.

MS. MCAMIS: Is there a sense within the

family as to whether or not both of them were, in fact, guilty and should have been incarcerated for their crimes?

PROSPECTIVE JUROR: That they were guilty, yes.

MS. MCAMIS: Is there a sense within the family that both of them were treated fairly by the system?

PROSPECTIVE JUROR: I think so.

MS. MCAMIS: Okay. Thank you.

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: Ms. Steele, we talked a little bit yesterday about your husband. You didn't talk to him last night about this case, did you?

PROSPECTIVE JUROR: No.

MS. MCAMIS: Good. Thank you for following our instructions. I appreciate it.

Ms. Foster, you have a 2-year-old son.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Did he dress up?

PROSPECTIVE JUROR: No. He has a sinus problem right now.

MS. MCAMIS: Okay. Well, did you at least stash away some candy for him?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: You talked a little bit about the convenience store and the officers that come in and out of the convenience store I would assume to get coffee and pop and maybe doughnuts.

PROSPECTIVE JUROR: Right.

MS. MCAMIS: Do you ever get to talk to any of them about their work or what they've been out on or --

PROSPECTIVE JUROR: At that time. But not now.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: It's been a few years.

MS. MCAMIS: Did you have a favorable opinion of those that came in and out of the store or an unfavorable opinion?

PROSPECTIVE JUROR: No. They were all cool.

MS. MCAMIS: Okay. You also talked about an unfortunate incident where your uncle had been murdered.

PROSPECTIVE JUROR: Oh, no. He's in jail for murder.

MS. MCAMIS: He's in jail for murder. Okay.

So has he already been convicted?

PROSPECTIVE JUROR: Yes. He's been in for a while.

1 MS. MCAMIS: Were you involved in any of
2 the --
3 PROSPECTIVE JUROR: No.
4 MS. MCAMIS: -- proceedings surrounding that?
5 PROSPECTIVE JUROR: I wasn't living.
6 MS. MCAMIS: Okay. Is there a sense within
7 the family that he was, in fact, guilty and --
8 PROSPECTIVE JUROR: He claims he's not. But
9 that's -- I don't know.
10 MS. MCAMIS: Okay. Within the family, does
11 the family believe that he wasn't guilty or does --
12 PROSPECTIVE JUROR: No, they believe he was
13 guilty.
14 MS. MCAMIS: Okay. All right.
15 You also are single. Is that correct?
16 PROSPECTIVE JUROR: Yes.
17 MS. MCAMIS: Do you share any type of custody
18 with your son or do you raise him alone?
19 PROSPECTIVE JUROR: Alone.
20 MS. MCAMIS: Okay. Mr. Taylor, you -- I
21 would assume the younger of your children
22 trick-or-treated last night. Was the 14-year-old too
23 cool or did --
24 PROSPECTIVE JUROR: A little of both
25 (inaudible) --

MS. MCAMIS: But did the he still --

PROSPECTIVE JUROR: He'll eat the candy though.

MS. MCAMIS: -- try to take candy?

PROSPECTIVE JUROR: Yeah. He'll eat the candy.

MS. MCAMIS: You talked about a cousin that was incarcerated for drugs. Is that right?

PROSPECTIVE JUROR: Correct.

MS. MCAMIS: Is that person still incarcerated?

PROSPECTIVE JUROR: No. He served his time. Ten-plus years, I believe.

MS. MCAMIS: All right. And did he recover from his addiction or is he still --

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Do you have a sense that he was treated fairly?

PROSPECTIVE JUROR: Yes. And he accepted his -- you know, his conviction and served his full sentence, so --

MS. MCAMIS: You also have been a foreman of a jury before.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Does that previous experience --

how did that make you feel when you got another summons in the mail?

PROSPECTIVE JUROR: I was indifferent about it. You know, we have to respect our system, so that's okay.

MS. MCAMIS: It's interesting how some people get to serve lots of different times and some people never get to serve. And it's interesting how that works out.

But was there anything about that previous circumstance, particularly being the foreman, that made you not want to be a foreman again or not make -- you don't want to be in that position again? Anything like that?

PROSPECTIVE JUROR: No.

MS. MCAMIS: Okay. Thank you.

Ms. Kuykendall.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: How about your kids? What did they do for Halloween?

PROSPECTIVE JUROR: Well, he's 32.

MS. MCAMIS: I'm sorry. Your grandkids. That would be a little creepy.

PROSPECTIVE JUROR: They were cowboys and cowgirls.

MS. MCAMIS: Oh, very cute.

You also talked about, I believe, more than one nephew.

PROSPECTIVE JUROR: Two nephews.

MS. MCAMIS: For what type of crimes?

PROSPECTIVE JUROR: For possession and selling.

MS. MCAMIS: What type of drugs?

PROSPECTIVE JUROR: I believe it was meth.

MS. MCAMIS: Okay. And are they still in or --

PROSPECTIVE JUROR: No.

MS. MCAMIS: -- they've served their time and out?

Were they -- are they still struggling with their --

PROSPECTIVE JUROR: One of them is and one of them is completely through.

MS. MCAMIS: Okay. Were they -- do you believe they were treated fairly by the system?

PROSPECTIVE JUROR: I mean, I think they should have gotten more than just a slap on the hand.

MS. MCAMIS: Okay. All right. Thank you.

And, Ms. Stoeppelwerth.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: I was trying to make sure I said that correctly.

We talked a little bit about your husband yesterday.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: And he does a type of law that probably myself and Mr. Boeheim have never practiced. But have you ever had the opportunity in his -- in the civil litigation part that he did, do you ever go and watch him in court or go watch him pick a jury or put on witnesses? Anything like that?

PROSPECTIVE JUROR: No, no.

MS. MCAMIS: Okay. Was he -- was he excited that you had the possibility of serving on a jury?

PROSPECTIVE JUROR: I'd say indifferent.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: You know, he asked me about it and I said, I can't talk about it.

MS. MCAMIS: Well, he should know that. And he respected that. Correct?

PROSPECTIVE JUROR: Yes, yes.

MS. MCAMIS: Absolutely.

Okay. Thank you.

Pastor Elkins, you talked about a nephew who is currently out on bond. Is that correct?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: So what type of charges does he have pending?

PROSPECTIVE JUROR: You know, I mentioned yesterday it was drug related. But he has stolen and broken into places he shouldn't be.

MS. MCAMIS: Did you in any way help in posting his bond?

PROSPECTIVE JUROR: No.

MS. MCAMIS: Are you in any way helping in his hiring a lawyer or his defense of the case? Anything like that?

PROSPECTIVE JUROR: I'm not.

MS. MCAMIS: Are you supporting him during his case, but still wanting him to be held accountable if that's what's appropriate?

PROSPECTIVE JUROR: Absolutely.

MS. MCAMIS: Okay. Is there anything about --

Is that with the Tulsa County D.A.'s office?

PROSPECTIVE JUROR: It's not. Oklahoma City.

MS. MCAMIS: Oklahoma City. Okay.

Is there anything about the fact that he has that pending situation going on -- very, very different situation than what we're here for today.

1 But is there anything about that that causes you
2 concern about sitting on a criminal jury?
3 PROSPECTIVE JUROR: No.
4 MS. MCAMIS: Thank you.
5 Ms. Dysart.
6 PROSPECTIVE JUROR: Yes.
7 MS. MCAMIS: You said that you are an
8 unemployed chemistry teacher. Is that correct?
9 PROSPECTIVE JUROR: Correct.
10 MS. MCAMIS: Do you choose to be unemployed?
11 PROSPECTIVE JUROR: My husband's company is
12 going through bankruptcy so I didn't think it was fair
13 to the school system until I knew we were going to be
14 able to stay.
15 I love teaching, so --
16 MS. MCAMIS: At some point you might like to
17 go back to --
18 PROSPECTIVE JUROR: Yes.
19 MS. MCAMIS: -- teaching.
20 And chemistry. That's a difficult subject
21 for most, so --
22 PROSPECTIVE JUROR: Someone has to do it.
23 MS. MCAMIS: You must have a lot of patience.
24 I first want to talk about your nephews.
25 Same kind of questions that I've asked. Do you feel

1 like they were treated fairly by the system?
2 PROSPECTIVE JUROR: Seems to be. One lives
3 in Dallas. They're my husband's side of the family.
4 And one is in Oklahoma City.
5 MS. MCAMIS: Okay. And they're out now?
6 PROSPECTIVE JUROR: Correct.
7 MS. MCAMIS: Okay. And there was -- was
8 there a sense within the family that they were, in
9 fact, guilty and should have been held accountable?
10 PROSPECTIVE JUROR: Absolutely, yeah.
11 MS. MCAMIS: The situation with your
12 daughter. First of all, was that when she was an
13 adult?
14 PROSPECTIVE JUROR: She was 25.
15 MS. MCAMIS: Okay. And I believe that you
16 said that the perpetrator has fled the country?
17 PROSPECTIVE JUROR: That's correct. He was
18 out on bail.
19 MS. MCAMIS: Okay. And so as far as you know
20 is the case still pending unless and until he can be
21 brought back or --
22 PROSPECTIVE JUROR: I don't know the status.
23 It's in Oklahoma City. Oklahoma County.
24 MS. MCAMIS: Did she know the perpetrator?
25 PROSPECTIVE JUROR: No. Well, besides

(inaudible) --

MS. MCAMIS: Okay. All right.

How long has he been gone? How long did he --

PROSPECTIVE JUROR: They had set up some sting operation and -- there was a series of other -- a number of victims, I guess. So this happened three years ago. Took a little while to get to that point was my understanding. And then the officer had kept her kind of in the loop of what was going on is my understanding.

So he's been -- this has been probably six months he's been gone, at least to my knowledge.

MS. MCAMIS: So did they ever make it through preliminary hearing before he fled? Or did your daughter have to testify first?

PROSPECTIVE JUROR: She did not testify.

MS. MCAMIS: All right. Obviously that's an incredibly difficult situation to remain in limbo for your daughter.

PROSPECTIVE JUROR: Sure.

MS. MCAMIS: But, again, a very different situation than what we're here for this week.

PROSPECTIVE JUROR: Sure.

MS. MCAMIS: So given the fact that that

1 situation has occurred in your family, can you -- you
2 know, we don't expect everybody to, you know, set
3 aside everything, but we do expect and want everyone
4 to only judge the facts of this case based on the
5 facts of this case.
6 PROSPECTIVE JUROR: Sure.
7 MS. MCAMIS: So can you do that?
8 PROSPECTIVE JUROR: Sure.
9 MS. MCAMIS: Okay. Thank you.
10 Ms. Nelson, you have had some difficult
11 circumstances. And you talked about the -- the
12 mugging that you experienced and the fact that no one
13 had been prosecuted for that.
14 How long ago was that?
15 PROSPECTIVE JUROR: 2003 or 2004.
16 MS. MCAMIS: Okay. And ever since then I
17 have been handling child abuse cases so I wouldn't
18 have handled any type of case like that. But it's
19 understandable why you would have negative feelings
20 about the fact that something hadn't been done in your
21 case.
22 And I guess my question is, if you listen to
23 the facts and evidence in this case, if you listen to
24 officers testify or Child Crisis detectives testify or
25 DHS investigators testify, can you judge them based on

1 their training, their background, their involvement in
2 this case, or will you have some kind of negative
3 lingering feelings toward them because of your
4 negative experiences?
5 PROSPECTIVE JUROR: No. I feel like since
6 it's gotten to this point it must be pretty serious.
7 Because the incidents I've -- the incidences that I
8 had, I felt like it was pretty black and white and
9 they didn't get prosecuted, so this is probably pretty
10 serious that it got this far.
11 MS. MCAMIS: And when you talk about how
12 serious this is, obviously you couldn't get a whole
13 lot more serious than felony crimes and particularly
14 the type of felony crimes that we're talking about.
15 And do you understand that this case is very, very
16 important to the State of Oklahoma? Does that make
17 sense to you?
18 PROSPECTIVE JUROR: What do you mean by very
19 important?
20 MS. MCAMIS: Well, the State of Oklahoma
21 alleges that there's a victim here.
22 PROSPECTIVE JUROR: Right.
23 MS. MCAMIS: Ultimately, if you're selected
24 on the jury you'll get to hear about that during
25 the -- during the case. But can you understand and

appreciate that the State of Oklahoma believes -- I have to be careful in what I can say, but that this is very, very important to the State of Oklahoma?

PROSPECTIVE JUROR: Okay. Yes. I was trying to understand if you meant very important by, we need a conviction because of we need the number or important because you want the justice to be seen is what you're saying, right, versus --

MS. MCAMIS: And to follow up on that. You would agree and appreciate and understand that what happens in this courtroom -- I mean, we're talking about -- we're talking about potentially taking someone's liberty from them. We're talking about convicting them of something very, very serious. And so you would agree with me, that should never be about a number or a notch on a belt or something like that, that it -- it has to be about justice.

PROSPECTIVE JUROR: I totally agree. But that does happen. But I agree that should happen -- or that the number shouldn't happen. It should be just about what's going on in a case and that person and decisions, actions, consequences --

MS. MCAMIS: Absolutely.

PROSPECTIVE JUROR: -- and whatnot.

MS. MCAMIS: And you would agree when we talk

about how important this is to the State of Oklahoma, it's also very important to the defendant in this case?

PROSPECTIVE JUROR: Right.

MS. MCAMIS: And so would you agree then that we need jurors who can be fair to both sides?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: And, ultimately, can you be fair to both sides?

PROSPECTIVE JUROR: I believe I can. I feel like in some of the cases that happened that -- you know, some of them were drug related. I don't know if that's where we're going because you've asked a lot of those questions. And if those would have been prosecuted, maybe it wouldn't have got to -- kind of like those people may eventually do things that are worse.

And so, you know, I feel like maybe -- not the system failed things, but it's just how it is.

MS. MCAMIS: And we're going to talk about this more as the -- as we progress. But, ultimately, I think that we all have some ideas about other cases we've heard about or other issues in society, if you will.

But can you agree that you have to only

1 consider the facts that happened in this case and make
2 a decision based on this case, not maybe what other
3 things you think are going on in society? Does that
4 make sense? It has to be based on the facts and the
5 evidence in here, this courtroom, this week?
6 PROSPECTIVE JUROR: Yes.
7 MS. MCAMIS: And --
8 PROSPECTIVE JUROR: I may agree but that
9 doesn't mean that we can all not deal with our biases.
10 Even if we consciously say that we agree to that, I
11 mean, there's some unconscious stuff about that. But
12 I do agree with that.
13 MS. MCAMIS: And, ultimately, you're saying
14 that you can be fair?
15 PROSPECTIVE JUROR: Yes.
16 MS. MCAMIS: Okay. Thank you.
17 Ms. Francis, you talked about your husband
18 and the work that he does for the Army. Is that
19 right?
20 PROSPECTIVE JUROR: (Prospective juror nods
21 head.)
22 MS. MCAMIS: My oldest son is in the Army.
23 He's currently stations in Hawaii, which is a pretty
24 good gig. So thank your husband for his service.
25 You talked about a cousin who has been

incarcerated for drugs.

PROSPECTIVE JUROR: (Prospective juror nods head.)

MS. MCAMIS: And is he still incarcerated?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: And do you believe he was treated fairly by the system?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Thank you.

Mr. Riddlebarger, you do not have any children.

PROSPECTIVE JUROR: No.

MS. MCAMIS: Are you comfortable around kids?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Do you have nieces, nephews, cousins, that type of thing?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: I could ask you to babysit, you'd be good?

PROSPECTIVE JUROR: Yeah, for a while.

MS. MCAMIS: No diaper changing?

PROSPECTIVE JUROR: Oh, I don't know about that.

MS. MCAMIS: You talked about the fact that your father has some history with drug use.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: What type of drugs?

PROSPECTIVE JUROR: Well, he had a knee surgery that went bad and he had to rely on opiates for that.

MS. MCAMIS: And did he just stay on opiates? Or did that move to any type of --

PROSPECTIVE JUROR: He stayed on opiates.

MS. MCAMIS: Okay. And was he actually incarcerated for that?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: But he's out now?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: And is -- now he's recovering?

PROSPECTIVE JUROR: Yes. He's taking opiates under prescription.

MS. MCAMIS: Okay. And do you believe he was treated fairly?

PROSPECTIVE JUROR: I believe he was treated fairly, yes.

MS. MCAMIS: Okay. Thank you.

Ms. Richardville, you talked --

Well, first of all, what grade do you teach?

PROSPECTIVE JUROR: I teach 3, 4, 5 and 6-year-old children.

MS. MCAMIS: So you must have a lot of patience --

PROSPECTIVE JUROR: Yeah.

MS. MCAMIS: -- and a lot of understanding.

And are you a little bit glad you're not there today when they're all sugared up and --

PROSPECTIVE JUROR: No, I'd rather be there.

MS. MCAMIS: Probably it's telling that you would rather be with 3-year-olds than with us.

PROSPECTIVE JUROR: I'm sorry.

MS. MCAMIS: No, I understand.

You talked about the situation involving your daughter and domestic violence.

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: Is she still in the situation?

PROSPECTIVE JUROR: No.

MS. MCAMIS: Was it an ongoing situation or one instance or --

PROSPECTIVE JUROR: Two instances.

MS. MCAMIS: No kids were involved?

PROSPECTIVE JUROR: No.

MS. MCAMIS: Was the -- was this her husband, a boyfriend, or --

PROSPECTIVE JUROR: Boyfriend.

MS. MCAMIS: Was he -- did law enforcement

1 become involved?
2 PROSPECTIVE JUROR: Yes.
3 MS. MCAMIS: Because she called law
4 enforcement?
5 PROSPECTIVE JUROR: Yes.
6 MS. MCAMIS: Did she follow through with
7 that?
8 PROSPECTIVE JUROR: Yes.
9 MS. MCAMIS: And then did he suffer a
10 consequence as a result?
11 PROSPECTIVE JUROR: Yes.
12 MS. MCAMIS: Did you help her in that
13 process?
14 PROSPECTIVE JUROR: Yes.
15 MS. MCAMIS: Did she also -- was she able to
16 get any help from, like, domestic violence
17 intervention services, that type of thing?
18 PROSPECTIVE JUROR: (Prospective juror nods
19 head.)
20 MS. MCAMIS: Do you have concerns about her
21 in the future getting into another type of
22 relationship like that?
23 PROSPECTIVE JUROR: No. I think it was more
24 about the boyfriend than it was her.
25 MS. MCAMIS: Okay. All right. Thank you.

1 Mr. Oakley. First of all, you -- when you
2 talked about being a truck driver, are you a city
3 driver, over-the-road? What do you --
4 PROSPECTIVE JUROR: 48 states.
5 MS. MCAMIS: Okay. Are you -- do you usually
6 drive at day? At night? Are you supposed to be
7 sleeping right now, or --
8 PROSPECTIVE JUROR: No, no.
9 MS. MCAMIS: Okay. You're good?
10 PROSPECTIVE JUROR: I'm just bored.
11 MS. MCAMIS: Okay. See, they don't show this
12 part on TV. That's why.
13 You also talked about your wife being a
14 personal health assistant. And what does that mean?
15 PROSPECTIVE JUROR: She works part-time
16 helping an older couple.
17 MS. MCAMIS: Okay. You -- yesterday when the
18 Judge was asking the question about whether or not
19 anyone had formed an opinion yet, and I thought that
20 maybe I saw you kind of hesitate on that question.
21 Was I incorrect?
22 PROSPECTIVE JUROR: You were not incorrect.
23 MS. MCAMIS: Okay. As we sit here now, and
24 basically as the Judge was explaining, do you
25 understand that there has been no facts, there have

1 been no evidence presented? And so as we sit here
2 now, the defendant is absolutely not guilty. Correct?
3 PROSPECTIVE JUROR: That's correct.
4 MS. MCAMIS: Do you understand that it is
5 absolutely incumbent upon the State of Oklahoma -- we
6 have to prove our case to you beyond a reasonable
7 doubt? And we should. As we talked a little bit
8 about, this is not a game we're playing, this is not
9 about a number, this is about someone's life. If
10 we're going to accuse someone of this and come to this
11 point, we better darn well be able to prove it.
12 Right?
13 PROSPECTIVE JUROR: Yes.
14 MS. MCAMIS: But unless and until we do, the
15 presumption of innocence stays with the defendant.
16 PROSPECTIVE JUROR: That's correct.
17 MS. MCAMIS: So can you at this point in time
18 presume the defendant innocent?
19 PROSPECTIVE JUROR: Yes.
20 MS. MCAMIS: And then can you listen to the
21 facts and the evidence? And if the State proves its
22 case beyond a reasonable doubt, then can you make a
23 determination as to the defendant's guilt?
24 PROSPECTIVE JUROR: Yes.
25 MS. MCAMIS: So having kind of asked you

1 those follow-up questions, do you continue to have
2 concerns about being called upon to serve on this
3 jury?
4 PROSPECTIVE JUROR: Yes.
5 MS. MCAMIS: Can you share those with us?
6 PROSPECTIVE JUROR: Without getting
7 emotional, I have defective tear ducts. I believe
8 that abuse against children is a moral sin and that --
9 I am a very religious person and that there is a
10 special place -- not literally, but a special place in
11 hell for people that abuse innocents.
12 And I'm not talking about just children or
13 infants or even adults. I had guardianship of a
14 mentally handicapped sister during the last six years
15 of her life. And the opportunities (inaudible) --
16 just wanted to beat the tar out of her at times, where
17 that never ever happened, but -- because of, more than
18 anything, kind, patient, loving wife.
19 But I just know that people that abuse us are
20 going to have to answer for it, whether through the
21 justice system or eternally.
22 MS. MCAMIS: And I appreciate your candor
23 with all of us. And I'm sorry, again, to have to kind
24 of ask these personal questions.
25 But as -- as the Judge reads the charges out

1 to all of you, I kind of try to look at everybody's
2 faces and I kind of gauge everybody's response.
3 Because I think it's pretty safe to assume most people
4 feel very strongly about the issue of child abuse.
5 Most people would probably have rather, you know, been
6 called for a car wreck case or medical malpractice or
7 something.
8 PROSPECTIVE JUROR: I feel strong about car
9 wreck cases too.
10 MS. MCAMIS: Okay. But I think it's a
11 difficult subject matter for most people.
12 PROSPECTIVE JUROR: Yes.
13 MS. MCAMIS: But when you talk about
14 selecting a jury and you talk about selecting a jury
15 of peers to decide a case, would you agree with me
16 that if we kicked off everyone who thought child abuse
17 was a bad thing, or we kicked off anyone who had had
18 personal circumstances with their own children, or who
19 had children, or who had been around children, we
20 really wouldn't have a representative group left?
21 PROSPECTIVE JUROR: Difficult to get a jury.
22 MS. MCAMIS: But having said all of that, I
23 can tell you that this will be an emotional case.
24 There will be some really, really disturbing
25 photographs that you're going to have to look at if

1 you're called upon to serve.
2 So knowing how emotional you are about the
3 situation, the question is, can you reserve judgment
4 until -- unless and until the State proves its case
5 beyond a reasonable doubt? And can you decide the
6 facts of this case based upon the facts of this case?
7 PROSPECTIVE JUROR: And knowing myself well
8 enough, yes, I can.
9 MS. MCAMIS: I appreciate your candor.
10 And I hate to ask you one more question about
11 your daughter though. But did law enforcement become
12 involved in that situation?
13 PROSPECTIVE JUROR: We didn't know about it
14 until several years later.
15 MS. MCAMIS: Okay. I'll move on from you
16 now. Thank you.
17 PROSPECTIVE JUROR: Thank you.
18 MS. MCAMIS: Mr. Rebollar, you talked a
19 little bit yesterday about your -- English is your
20 second language. Is that correct?
21 PROSPECTIVE JUROR: Yes, yes.
22 MS. MCAMIS: And the Judge asked you some
23 questions. But have you been able to understand most
24 of what has been going on? Or how much have you been
25 able to understand?

1 PROSPECTIVE JUROR: The simple things I can
2 understand pretty well. But, you know, some of those
3 big words, I don't know. I understand because I can
4 pick up what they mean, you know. But I think I can
5 get by and I can understand.
6 MS. MCAMIS: Well, please -- it's no
7 criticism whatsoever. I think most of us would
8 struggle with sitting on a jury in a second language.
9 And the question is, really, because this is
10 such an important case to both sides, do you believe
11 that you will be able to understand enough of it to
12 make an informed decision at the end?
13 PROSPECTIVE JUROR: It depends. I mean, I
14 don't know. If it's something I can understand the
15 issue, yes, you know.
16 MS. MCAMIS: Just knowing what you know now,
17 do you have reservations about being asked to serve?
18 Or are you willing to serve at this point?
19 PROSPECTIVE JUROR: I'm willing to serve.
20 MS. MCAMIS: Okay. Thank you. I appreciate
21 it.
22 Ms. Deleon, you talked about your son's
23 criminal case that's pending right now. Is that
24 correct?
25 PROSPECTIVE JUROR: (Prospective juror nods

head.)

MS. MCAMIS: And is it pending in Tulsa County?

PROSPECTIVE JUROR: I don't know if it's Tulsa or Wagoner.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: Because they took him way over there.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: I'm not for sure.

MS. MCAMIS: But you talked about that you -- did you bond him out?

PROSPECTIVE JUROR: No.

MS. MCAMIS: Is he still in?

PROSPECTIVE JUROR: No, he's at home.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: I mean, he didn't get -- you know, like they took him, but they called and he got out. But right now, we got an attorney so the attorney is taking care of that.

MS. MCAMIS: All right. Did you help hire the lawyer for him?

PROSPECTIVE JUROR: He found the one. But he'll give me the money and I went and paid the attorney because he didn't have time to get off of

work to do it.

MS. MCAMIS: So do you believe that -- do you believe the attorney should be fighting to make him not guilty or the attorney should be fighting to get him the best deal and the best representation.

PROSPECTIVE JUROR: The best representation and deal after they view the evidence and go from there. I wasn't there so I don't know --

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: -- kind of like what has happened, so -- I believe in our system.

MS. MCAMIS: Okay. Have you talked to your son about it?

PROSPECTIVE JUROR: He doesn't like to talk. He tells me it's none of my business. So I'm, like, all right.

MS. MCAMIS: All right. Is there anything about that -- and, again, I don't handle those type of cases, and it may be Wagoner County anyway. But is there anything about the fact that that's pending right now that causes you concern about sitting on a jury.

PROSPECTIVE JUROR: No.

MS. MCAMIS: You also talked about the fact that you're divorced. How long have you been

divorced?

PROSPECTIVE JUROR: Oh, my goodness.

MS. MCAMIS: A long time?

PROSPECTIVE JUROR: Over 15 years, yes.

MS. MCAMIS: Okay. So you were -- your children were still children at the time?

PROSPECTIVE JUROR: Yes, yes.

MS. MCAMIS: Did you then raise the children on your own or did you have a relationship where you shared custody, that type of thing?

PROSPECTIVE JUROR: I've got 100 percent custody. But now that we're divorced, we get along better now that he's not there, you know.

MS. MCAMIS: Good. Thank you.

What type of work does he do, your ex-husband?

PROSPECTIVE JUROR: His own landscaping-type business.

MS. MCAMIS: Okay. All right.

Ms. -- is it Doerr?

PROSPECTIVE JUROR: Doerr.

MS. MCAMIS: Doerr. I'm sorry.

PROSPECTIVE JUROR: That's all right.

MS. MCAMIS: I'll try to remember that.

I'm sorry for the loss of your husband and

bringing that up again. But we're --

How long ago was that?

PROSPECTIVE JUROR: He died in 2009.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: Seven years.

MS. MCAMIS: So your child was an adult by that time?

PROSPECTIVE JUROR: Yes. Oh, yes.

MS. MCAMIS: What type of work did he do?

PROSPECTIVE JUROR: He was an electrical draftsman for Mapco and Williams.

MS. MCAMIS: Okay. Thank you.

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: Ms. Howard, the situation that you talked about with your mom and your grandfather and the other children --

PROSPECTIVE JUROR: Her grandfather.

MS. MCAMIS: Oh, your mom and her grandfather and the other children who were involved, was law enforcement involved in that or was that a family-type --

PROSPECTIVE JUROR: No, it was a family secret. 1960s.

MS. MCAMIS: Okay. So perhaps would have been handled very differently today --

PROSPECTIVE JUROR: Hopefully.

MS. MCAMIS: -- in this day and time?

All right. How about your kids? What did they go for Halloween as?

PROSPECTIVE JUROR: Two of them were Ninjas, one was a Ninja Turtle, and one was a princess.

MS. MCAMIS: Okay. Very cute.

Ms. Steinle, you talked about the part-time work that your husband does now. So I'm assuming he's retired his full-time job as well?

PROSPECTIVE JUROR: Semi-retired.

MS. MCAMIS: Okay. What did he previously do?

PROSPECTIVE JUROR: He's been in technical positions. But he's done various things. You know, when you get laid off in your 50s, you know -- he has worked for Radio Shack, he's worked for a windows company doing things.

MS. MCAMIS: Okay. All right. You also talked about a circumstance when he was a child and denial of medical care based upon religious circumstances.

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: You probably didn't know him at the time.

PROSPECTIVE JUROR: No.

MS. MCAMIS: Okay. So this is something that he has told you about in your relationship.

PROSPECTIVE JUROR: Actually, I'm sorry, I did know him.

MS. MCAMIS: You did?

PROSPECTIVE JUROR: I met him when I was 6 --

MS. MCAMIS: Oh, gosh. Okay.

PROSPECTIVE JUROR: -- and this happened about a year later maybe.

MS. MCAMIS: Okay. What type of medical condition was he suffering from?

PROSPECTIVE JUROR: A broken arm.

MS. MCAMIS: Okay. And, ultimately, he had to -- it had to heal itself and he never had it set or casted or --

PROSPECTIVE JUROR: That's right. It didn't heal properly.

MS. MCAMIS: Does he believe in the same things that his parents believed in?

PROSPECTIVE JUROR: No.

MS. MCAMIS: All right. So when you had your four children, obviously if there was any type of medical need or situation you provided them medical care?

PROSPECTIVE JUROR: That's right.

MS. MCAMIS: Okay. Thank you.

And, Ms. Lance.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: You talked about the situation with your wife and her brother. Was law enforcement ever involved in that?

PROSPECTIVE JUROR: No. Dark family secret.

MS. MCAMIS: Okay. Does she continue to have any contact with her brother?

PROSPECTIVE JUROR: Occasionally.

MS. MCAMIS: Okay. And is that by choice or circumstances within the family?

PROSPECTIVE JUROR: Last time she really saw him was when her mother died a couple of years ago.

MS. MCAMIS: All right. And, again, that's a different-type situation than what we're dealing with here. That's sexual abuse and we're talking about physical abuse and permitting physical abuse and neglect.

But is there anything about being close to that type of situation that causes you concern about sitting on a case involving a child as a victim?

PROSPECTIVE JUROR: No.

MS. MCAMIS: You can be fair to both sides?

PROSPECTIVE JUROR: Absolutely.

MS. MCAMIS: Okay. Thank you.

So I just want to follow up and ask, because I was a little bit surprised yesterday at the -- at, I guess, the make up of this jury when the Judge asked if anyone had been arrested before and we only had a couple of hands. And I just want to make sure, even if you weren't charged, even if you got a deferred, other than what we've talked about, is there anyone who's had that type of contact with law enforcement that they didn't tell us about yesterday?

Okay. Well, good.

Is there anyone who has had any type of experience with the Department of Human Services, either having been investigated yourself as a family or having had to participate in an investigation? Foster child, adoption, any type of circumstance like that with the Department of Human Services?

Okay. I'll start in the back row first.

Mr. Worden, what type of circumstance?

PROSPECTIVE JUROR: My wife was operating a home daycare --

MS. MCAMIS: Uh-huh.

PROSPECTIVE JUROR: -- and they -- a couple alleged that we were -- that she had abused a child.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: It went nowhere. It just came out and went nowhere.

MS. MCAMIS: Okay. Did law enforcement ever get involved or just DHS?

PROSPECTIVE JUROR: Just DHS.

MS. MCAMIS: And so, ultimately, the DHS came out and they said that there's -- you know DHS has to investigate everything?

PROSPECTIVE JUROR: Right.

MS. MCAMIS: And so, ultimately, do you believe that the system worked?

PROSPECTIVE JUROR: Yeah.

MS. MCAMIS: They said there was nothing there?

PROSPECTIVE JUROR: A complaint was made and they came out to investigate.

MS. MCAMIS: Okay. So no problems or concerns with DHS because of that?

PROSPECTIVE JUROR: No.

MS. MCAMIS: They did a good job?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Okay. Thank you.

And then, Ms. Steinle, was it you? Did you raise your hand?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Okay. What?

PROSPECTIVE JUROR: We have a son with mental illness and we are his guardians. And someone asked -- complained that we were not taking him to the doctor, medication. It was all fabricated, so --

MS. MCAMIS: And so was that a circumstance where it was just DHS or was law enforcement involved as well?

PROSPECTIVE JUROR: Before that, the same doctor had called the sheriff to have our son taken in. Said that he was psychotic, wasn't taking his medication. So he was forcibly taken in. And the doctor at the other end said there was no reason for it.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: Then when we got home from that situation, DHS had come to visit and a lot of it was negative.

MS. MCAMIS: When you say negative, did DHS rule it out, unsubstantiated, or --

PROSPECTIVE JUROR: Right.

MS. MCAMIS: Okay. So did you have misgivings about how DHS handled it or did you think DHS handled it correctly?

PROSPECTIVE JUROR: I think they did fine. I think the doctor should be disciplined for making false accusations. And nothing was ever done there, but that's --

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: First of all, it's -- we assume we know who it was.

MS. MCAMIS: Right. They can't tell you. Right?

PROSPECTIVE JUROR: (Prospective juror nods head.)

MS. MCAMIS: And you appreciate and respect that DHS has to investigate --

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: -- whatever is called into them.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Anyone else?

Okay. I'm sorry. Mr. Oakley.

PROSPECTIVE JUROR: Just, again, my sister, when we were her guardian she had a friend give her some pills that she shouldn't have had. And while we were on vacation she fell down a flight of stairs, which, of course, sent her to the hospital. But it never got beyond that, once we figured out what had happened.

1 MS. MCAMIS: All right.
2 PROSPECTIVE JUROR: We got rid of the pills.
3 MS. MCAMIS: Okay. And they understood it
4 was from a fall down the stairs, that type of thing?
5 PROSPECTIVE JUROR: Uh-huh, uh-huh. When
6 you're all (inaudible) it kind of was a give away,
7 so --
8 MS. MCAMIS: Okay. Well, speaking of that
9 type of situation, has anyone had a situation where
10 their child has become injured in some way or had a
11 medical emergency in some way where you've had to rush
12 your child off to the hospital or to the doctor?
13 That's several of you. So I'm going to start
14 in -- I'm going to start in the back row.
15 Mr. Worden, what type of situation?
16 PROSPECTIVE JUROR: My daughter fell out of
17 the second story window.
18 MS. MCAMIS: Second or seventh?
19 PROSPECTIVE JUROR: Second story.
20 THE REPORTER: Could everybody speak up for
21 me please? Thank you.
22 PROSPECTIVE JUROR: She fell out of the
23 second story window.
24 MS. MCAMIS: Were you there?
25 PROSPECTIVE JUROR: She was in the window

sill, she leaned back and --

MS. MCAMIS: Were you there when it happened?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: And just scoop her up and go kind of thing?

PROSPECTIVE JUROR: Actually she got up, walked around, and came in the back door.

MS. MCAMIS: Wow.

And so when you went, was she okay or --

PROSPECTIVE JUROR: She didn't speak for, oh, about an hour or two when we were in the ER. We took her immediately to the ER to get checked out. And she walked away with nothing.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: No bruises, no broken bones.

MS. MCAMIS: And she started speaking again?

PROSPECTIVE JUROR: Oh, yeah. Oh, readily, after about two hours, though.

MS. MCAMIS: Okay. Thank you.

Ms. Clark, did you raise your hand too?

PROSPECTIVE JUROR: Yes. I mean -- yes. Do you want me to start?

MS. MCAMIS: Sure.

PROSPECTIVE JUROR: My daughter tore her ACL

when she was, like, 13, and --

MS. MCAMIS: Sports?

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: And then my youngest, he's fallen, cut his head open, fallen, cut his chin open, and has broken his leg.

MS. MCAMIS: Okay. And in any of those circumstances did you have any kind of hesitation or did you know something bad was wrong and you went for medical care?

PROSPECTIVE JUROR: Oh, immediately.

MS. MCAMIS: Okay. Everybody recover?

PROSPECTIVE JUROR: Well, I take that back. On my daughter, we didn't take her immediately.

MS. MCAMIS: You waited to see whether it swelled or --

PROSPECTIVE JUROR: We waited. It didn't swell.

MS. MCAMIS: So she kept telling you that it was bothering her?

PROSPECTIVE JUROR: She didn't really tell us. She kind of -- she's a little toughie. So she told us after about a week and a half. And she started crying when she stubbed her toe. And we were,

like, What are you crying about? She was, like, My leg. So then we knew because she never cries.

MS. MCAMIS: She probably didn't want to sit out of sports. Right?

PROSPECTIVE JUROR: Right.

MS. MCAMIS: All right.

PROSPECTIVE JUROR: But my boy, there was blood everywhere and --

MS. MCAMIS: No question.

PROSPECTIVE JUROR: No question.

MS. MCAMIS: Who else raised their hand on the back row?

Let's see, Mr. Taylor.

PROSPECTIVE JUROR: My daughter had a seizure at school, went to the ER. And then my son had an allergic reaction in school, went to the ER.

MS. MCAMIS: With your daughter having a seizure, does she have a seizure disorder or just --

PROSPECTIVE JUROR: No, it was --

MS. MCAMIS: -- one time?

PROSPECTIVE JUROR: -- a one-time event, so --

MS. MCAMIS: Okay. They're very scary, though --

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: -- I would imagine.

And then the allergic reaction. What type of --

PROSPECTIVE JUROR: He's allergic to peanuts and he got something at school that -- at the cafeteria that we didn't ever figure out what it was. But he had a allergic reaction and was bright red and stuff.

MS. MCAMIS: There was something on the news this morning about new -- they're going to start kids wearing a patch who are allergic to peanuts.

PROSPECTIVE JUROR: Yeah. There are whole new treatments out right now, so we're waiting to see.

MS. MCAMIS: All right. Who else on the back row?

What about this middle row here?

Okay. We'll start with you, Ms. Nelson.

PROSPECTIVE JUROR: Was the question if you've ever been to the ER?

MS. MCAMIS: Well, if you've had to rush a child for any type of medical --

PROSPECTIVE JUROR: Yeah. My youngest son, we were at my sister's having a family gathering and he fell and hit the hearth and had to get a staple.

MS. MCAMIS: Any hesitation or you scooped

him up and you went?

PROSPECTIVE JUROR: No. We went.

MS. MCAMIS: All right. Thank you.

PROSPECTIVE JUROR: Well, I mean, we were, like, (inaudible) -- I mean, there was a little bit of, Could we super glue it? But we went.

And then my other son, he subluxed his elbow. We were actually swinging him in a blanket and he got it caught and he subluxed it when he was, like, 18 months. And then it's -- and then they taught us how to fix it. But one time we couldn't, so we had to take him another time after he had been in a -- doing gymnastics on our couch.

MS. MCAMIS: Doesn't it give you the heebies a little bit to fix it?

PROSPECTIVE JUROR: Yeah. I'm a physical therapist, actually --

MS. MCAMIS: Yeah.

PROSPECTIVE JUROR: -- so it's not too bad.

MS. MCAMIS: Well, I'm glad you can do that.

Ms. Dysart.

PROSPECTIVE JUROR: My oldest has always been very active and accident prone. He still is, so there have been several. Stomach pumped at not quite 2. Got some astringent from the back counter with those

1 rubber arms, you know. Stitches in the chin. Fell in
2 the bathtub. Stitches on the side of his face. Fell
3 outside.
4 And then our other son, we were unloading the
5 moving van and the bicycles came out. And,
6 unfortunately, we said, Okay, you can ride the bike
7 without the helmet, which was stupid, and he falls and
8 stitches before the van was even unloaded.
9 MS. MCAMIS: Lots of stitches. Well, I bet
10 that put quite --
11 PROSPECTIVE JUROR: Yes.
12 MS. MCAMIS: -- a damper in your moving and
13 getting unloaded.
14 But everybody is okay now?
15 PROSPECTIVE JUROR: Oh, yes.
16 MS. MCAMIS: Okay. Good.
17 Who else? Pastor Elkins.
18 PROSPECTIVE JUROR: Same thing. A lot of
19 active girls so a lot of trips to the ER. And
20 mattress surfing down the stairs, baseball, stitches,
21 just countless normal stuff, but --
22 MS. MCAMIS: When you know your children have
23 been hurt, you have taken them for medical care?
24 PROSPECTIVE JUROR: Yeah. We overdo it
25 probably.

1 MS. MCAMIS: Okay. And what about you
2 Ms. Stoeppelwerth?
3 PROSPECTIVE JUROR: Our daughter was playing
4 in the swimming pool and another child threw a plastic
5 gun, hit her in the head, it was a great big goose
6 egg. And so we to take her to the ER.
7 MS. MCAMIS: Was she okay?
8 PROSPECTIVE JUROR: Oh, she was fine.
9 MS. MCAMIS: Did she have a concussion or
10 anything like that?
11 PROSPECTIVE JUROR: No, not anything.
12 MS. MCAMIS: Better to have her checked out
13 that way?
14 PROSPECTIVE JUROR: Yes.
15 MS. MCAMIS: You, also, Ms. Kuykendall?
16 PROSPECTIVE JUROR: Both of my kids, same
17 age, did the same thing. Fell off the back of the
18 couch -- or off the couch backwards and split their
19 head, had to have stitches. I took them both.
20 And then my daughter had meningococcemia --
21 MS. MCAMIS: Oh, wow.
22 PROSPECTIVE JUROR: -- so we rushed her to
23 the hospital for that.
24 MS. MCAMIS: And she recovered?
25 PROSPECTIVE JUROR: Fully.

1 MS. MCAMIS: Okay. And everybody recovered
2 from the couch surfing I guess you could call that
3 too?
4 PROSPECTIVE JUROR: Yeah.
5 MS. MCAMIS: Okay. Mr. Taylor.
6 PROSPECTIVE JUROR: Yeah. Okay. So my
7 oldest has had pinky issues. Both of his pinkies have
8 been broken at different times. So both times we've
9 gone to the doctor, got them set. And the last time
10 he had to have pins.
11 My second oldest son, probably he was 6 or 7,
12 slipped at a YMCA pool, you know, cut his head open,
13 had to get stitches, so that was in the emergency
14 room.
15 6-year-old boy got a rollie pollie stuck in
16 his ear at child care and so that was an Urgent Care
17 thing and --
18 MS. MCAMIS: And did they have to dig it out?
19 PROSPECTIVE JUROR: Yeah.
20 Okay. And then our youngest girl, when she
21 was just short of eight weeks, she had really bad RSV
22 and we rushed her in for that. It was really bad.
23 And she stayed six nights at St. Francis Childrens
24 Hospital.
25 MS. MCAMIS: That's scary.

PROSPECTIVE JUROR: Yeah.

MS. MCAMIS: Fully recovered?

PROSPECTIVE JUROR: Fully recovered.

MS. MCAMIS: Okay. And no more rollie pollies in the ear?

PROSPECTIVE JUROR: No more rollie pollies.

MS. MCAMIS: Did he, like, shove it down in there?

PROSPECTIVE JUROR: No. Another kid dropped it in there thinking it would be cool.

MS. MCAMIS: Yeah.

PROSPECTIVE JUROR: Rushed from work and got a rollie pollie from his ear. All is well.

MS. MCAMIS: Okay. Who can top that on the middle row?

PROSPECTIVE JUROR: I can't top that, but --

MS. MCAMIS: Ms. Bogle.

PROSPECTIVE JUROR: We've been a couple of times to the emergency room with my son, his forehead and his chin. And then my daughter's -- at the zoo she busted it on the bench, her eyebrow, and she busted (inaudible.) And they just glued them all.

MS. MCAMIS: Okay. All right. Thank you.

All right. Now what about the front row?

Okay. We'll start with you,

1 Ms. Richardville.
2 PROSPECTIVE JUROR: Took my daughter to the
3 hospital after the domestic violence incident.
4 MS. MCAMIS: Okay. Bruises.
5 PROSPECTIVE JUROR: She -- they did an X-ray
6 to see if she had a fractured cheek. She had stitches
7 on the top of her head. And then they checked her
8 throat.
9 MS. MCAMIS: There were allegations of
10 choking?
11 PROSPECTIVE JUROR: Yes.
12 MS. MCAMIS: Okay. All right. What about
13 you, Mr. Oakley?
14 PROSPECTIVE JUROR: Me, again. But I'm just
15 amazed sitting here, with four children, we only had
16 one that got it all. Started out with respiratory
17 failure when he was two weeks old, which necessitated
18 the emergency room visit. He put his thumb in a light
19 socket which required plastic surgery after the
20 emergency room visit. He ran ear first into the
21 corner of a table, which of course required stitches.
22 He pulled four beads out of his nostril. I
23 had forgotten about that. He just pushed them back in
24 there. Thought it was interesting.
25 Those were all of the emergency room visits

with him.

MS. MCAMIS: And he's an adult now?

PROSPECTIVE JUROR: He's very much alive at 25.

MS. MCAMIS: Doing well? No more beads shoving up his nose?

PROSPECTIVE JUROR: No. I'm just waiting for his children to do that.

MS. MCAMIS: Mr. Rebollar, did you raise your hand?

PROSPECTIVE JUROR: No. But I did take mine to the clinic. He put, like, a bean in the nose.

MS. MCAMIS: We just need to stay away from noses and ears.

Yeah. Okay, Ms. Deleon.

PROSPECTIVE JUROR: My son at the daycare when he was little, I guess, fell off one of the jungles -- the stuff outside. And he was -- they said, I think we need to do something. Your son might need stitches on the back.

MS. MCAMIS: And did he?

PROSPECTIVE JUROR: Yeah. They did a staple on him.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: And then my daughter when

she was little was carrying a cup and she dropped it and -- on her big toe. Broke the glass. So I had to take her to make sure that there was no glass in there. And when they put that injection to numb her, she said she could still feel that when they were --

And then she was on the swing sets and hurt her arm. So just to be sure that nothing was broken we took her. And everything was okay.

MS. MCAMIS: It was okay?

PROSPECTIVE JUROR: Yeah, yeah.

MS. MCAMIS: All right. Ms. Doerr, did you raise your hand?

PROSPECTIVE JUROR: Uh-huh. Basically, my daughter, it was mainly emergency room visits due to extremely high fever or strep throat or she would get migraines as a young girl. So sometimes we couldn't get those controlled. We would have to take her for a shot or whatever, so -- but nothing --

MS. MCAMIS: No beads up the nose or --

PROSPECTIVE JUROR: No problems with beads or rollie pollies.

MS. MCAMIS: And who else raised their hand?

Ms. Howard.

PROSPECTIVE JUROR: When my oldest was about 13 months old, he was at a daycare and he was having

ear infections -- chronic ear infections. And they gave him the medication, the antibiotic, and he had -- I guess he's allergic, he developed an allergy to that one. So they called us -- they called my husband to pick him up because they just said he wasn't feeling well.

And then my husband got there and they, like, had him -- they self-diagnosed him and stuck him in the corner because they thought that he had -- something about developing fetuses (sic) or something. But he was, like, wheezing and swelling and everything.

And he called me and he was, like, I'm taking him to the emergency room right now. So then we rushed to the emergency room for that.

MS. MCAMIS: Did it turn out okay?

PROSPECTIVE JUROR: Yeah. Then, like, we sat in the emergency room for six hours and then it went away. They told us to give him Benadryl.

My second one fell on a jungle gym and had to get stitches in his chin. He also -- the second one kicked the fourth one in the face and busted his lip, so we had -- you know, it was -- blood was going everywhere. We had, like, to get stitches and stuff.

And then the fourth one, I had to call poison

control last Monday because he drank defuser oil.

MS. MCAMIS: Did that turn out okay?

PROSPECTIVE JUROR: (Prospective juror nods head.)

MS. MCAMIS: Ms. Steinle, did you raise your hand?

PROSPECTIVE JUROR: No. But I did take one to the emergency room with asthma when he was about 3.

MS. MCAMIS: Ms. Lance, did you raise your hand?

PROSPECTIVE JUROR: Yes. We had just moved here and he was 6 years old. And all of the neighborhood kids were playing in the ditch, throwing rocks, and he ran in front of one of them. It hit him in the back of the head, planted his face in the mud, and two staples later, so --

MS. MCAMIS: Well, that's a way to make a first impression with your new friends.

PROSPECTIVE JUROR: Yes. Welcome to the neighborhood.

MS. MCAMIS: Okay. Other than what we've talked about with Ms. Richardville, has anyone had any experience with domestic violence? Either been in a domestic violence relationship or had family members in a domestic violence-type relationship.

1 Ms. Foster, I want to follow up and ask a
2 question about domestic violence relationships.
3 Would you agree with me that as a parent you
4 have a duty and an obligation to protect your child
5 from harm?
6 PROSPECTIVE JUROR: Yes.
7 MS. MCAMIS: Okay. Mr. Taylor, do you agree
8 with that as well?
9 PROSPECTIVE JUROR: Yes.
10 MS. MCAMIS: Okay. Ms. Kuykendall, do you
11 agree with that?
12 PROSPECTIVE JUROR: Yes.
13 MS. MCAMIS: Does everyone agree with that,
14 that parents have a duty and an obligation to protect
15 their children?
16 I want to talk a little bit about how the
17 State of Oklahoma has to prove its case to you.
18 And, Ms. Ducummon, when we talk about how the
19 State can prove its case, have you ever seen any of
20 those shows on TV -- my son watches one, I think it's
21 called, like, World's Dumbest Criminals, where it's
22 all on -- it's, like, caught on tape and they do
23 really stupid stuff.
24 Would you agree with me that in those type of
25 circumstances, if it's caught on tape, it's really not

1 a hard job for a Prosecutor. We wheel the TV in, we
2 push play, the jury sees it, we mic drop, and then we
3 leave. And so it's easy because it's all caught on
4 tape. Right?
5 PROSPECTIVE JUROR: Right.
6 MS. MCAMIS: And would you agree with me that
7 there are certain crimes that you would anticipate
8 being caught on tape? Like, every QuikTrip has
9 surveillance cameras. I think every Wal-Mart, Target,
10 banks. I mean, if you go in and commit a robbery in
11 one of those locations, chances are you're going to be
12 on tape. Right?
13 PROSPECTIVE JUROR: Yes.
14 MS. MCAMIS: But would you also agree with me
15 that there are certain crimes that you would not
16 anticipate being caught on tape?
17 PROSPECTIVE JUROR: Right.
18 MS. MCAMIS: When we talk about the crime of
19 child abuse or permitting child abuse or child
20 neglect, would you expect that most of those types of
21 crimes happen within the family, within the home?
22 PROSPECTIVE JUROR: Yes.
23 MS. MCAMIS: And would you expect that most
24 families don't have surveillance cameras capturing
25 everything that happens in their home?

PROSPECTIVE JUROR: Right.

MS. MCAMIS: And so do you understand that even if it's not caught on tape, as the majority of crimes are not, that the State of Oklahoma still can and should be allowed other ways to be able to prove its case?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: We can bring in doctors, we can bring in photos, we can bring in witnesses, we can bring in police officers. There's lots of different ways to prove our case other than pushing play and walking away. Does that make sense to you?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Does that seem fair to you?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Ms. McCoy, does that seem fair to you?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: When we talk about certain crimes that you wouldn't expect to be caught on tape, would you agree that most instances of child abuse, permitting child abuse, child neglect, are not actually caught on tape?

PROSPECTIVE JUROR: Yeah.

MS. MCAMIS: Have you ever actually seen a

1 child being abused?
2 PROSPECTIVE JUROR: No, no.
3 MS. MCAMIS: Even though you haven't ever
4 actually seen a child being abused, do you understand
5 and appreciate that unfortunately child abuse, it
6 happens?
7 PROSPECTIVE JUROR: Yes.
8 MS. MCAMIS: If you saw a child being abused,
9 you would do whatever was necessary to intervene.
10 Correct?
11 PROSPECTIVE JUROR: Correct.
12 MS. MCAMIS: So can you and will you listen
13 to the other ways that the State of Oklahoma can prove
14 its case, even if it's not actually caught on tape?
15 PROSPECTIVE JUROR: Yes.
16 MS. MCAMIS: Ms. Welch, can you do that?
17 PROSPECTIVE JUROR: Yes.
18 MS. MCAMIS: Are you in any way the kind of
19 person who thinks, if I can't see it for myself, don't
20 ask me to make a decision on it?
21 PROSPECTIVE JUROR: No. I think you could
22 prove it different ways.
23 MS. MCAMIS: Okay. You understand and
24 appreciate that if you had seen a crime for yourself,
25 you wouldn't be able to be on the jury. Right?

PROSPECTIVE JUROR: Right.

MS. MCAMIS: Okay. If I -- if I took out a gun right now and I shot Mr. Boeheim -- I'm not going to do that. But if I -- if I did that, you would see it for yourself and you would know what I did. And then, ultimately, when I went to trial, you understand you couldn't be on a jury because we want people who know nothing about the case to be on the jury. Right?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: And you understand that even though this is an incredibly important thing that we're asking you to do, an incredibly big thing that we're asking you to do, can you do that based upon the facts and the evidence as presented?

PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: Ms. Dysart, how do you feel about that?

PROSPECTIVE JUROR: I think it can be proved without having a photo.

MS. MCAMIS: Ms. Dysart, when we're talking about the significance of the State bringing a criminal case, and particularly this type of criminal case, do you appreciate and respect that we absolutely -- if we're going to do this, we better be able to prove it?

PROSPECTIVE JUROR: I agree with that.

MS. MCAMIS: Can you and will you make us prove our case?

PROSPECTIVE JUROR: The burden of proof is on you.

MS. MCAMIS: Absolutely. And will you hold us to that?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Do you agree that it should be?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: You understand the Defense doesn't have to do anything at all? That the burden completely lies with me --

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: -- on behalf of the State?

Mr. Murphy, does that make sense to you as well?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Mr. Murphy, when we talk what the State of Oklahoma has to prove -- and the Judge has already told you and we've already talked about that the State of Oklahoma has to prove its case beyond a reasonable doubt. Does it in any way -- or would it in any way surprise you that when we talk so much about beyond a reasonable doubt, nobody is ever

1 going to tell you what that means?
2 PROSPECTIVE JUROR: No, I guess -- no, I
3 guess not.
4 MS. MCAMIS: You understand that that's up to
5 you to determine what is beyond a reasonable doubt and
6 what is reasonable when someone is arguing reasonable
7 doubt. Does that make sense to you?
8 PROSPECTIVE JUROR: Yes.
9 MS. MCAMIS: Mr. Murphy, when we talk about
10 all of the different lawyer shows and Law & Orders and
11 talking news heads that are on TV every night, do you
12 have -- have you ever heard them talk about what it
13 means to be beyond a reasonable doubt? Or have you
14 ever heard them talk about it in terms of different
15 terminology than that?
16 PROSPECTIVE JUROR: I've heard reasonable
17 doubt, being on those shows, the jury, you know.
18 MS. MCAMIS: Yeah.
19 And so one of the reasons that I don't watch
20 those shows every night is because they make you crazy
21 because it's all Hollywood. And I wish I had looked
22 like those actresses and got paid like those
23 actresses.
24 But can you agree that TV is not real life
25 and that this is real life and so you have to go by

1 what the Judge tells you?
2 PROSPECTIVE JUROR: Yeah, absolutely.
3 MS. MCAMIS: Okay. Ms. Francis, when we talk
4 about what they say on TV, have you ever -- and the
5 fact that we can't tell you what it means to be beyond
6 a reasonable doubt, we can tell you some things it
7 doesn't mean.
8 Have you ever heard the talking heads on TV
9 talk about beyond all doubt or beyond a shadow of a
10 doubt?
11 PROSPECTIVE JUROR: Yes.
12 MS. MCAMIS: Can you see where that's
13 different than beyond a reasonable doubt?
14 PROSPECTIVE JUROR: Yes.
15 MS. MCAMIS: Okay. If I did shoot Mr.
16 Boeheim and you saw that happen and you witnessed it
17 for yourself, you would be beyond any doubt, beyond a
18 shadow of a doubt, beyond all doubt, because you
19 actually saw it for yourself. Right?
20 PROSPECTIVE JUROR: Yes.
21 MS. MCAMIS: But if you were on the jury and
22 you hadn't seen it for yourself, but you got to hear
23 from witnesses who described what they saw. And if
24 you believe those witnesses, do you understand then
25 you could determine that beyond a reasonable doubt

1 based upon what you did or didn't believe of the
2 witnesses involved?
3 PROSPECTIVE JUROR: Yes.
4 MS. MCAMIS: And do you understand that it's
5 up to you to decide what is reasonable?
6 PROSPECTIVE JUROR: Yes.
7 MS. MCAMIS: Okay. Mr. Riddlebarger, when we
8 talk about, again, how the State of Oklahoma can prove
9 its case and what the State of Oklahoma can prove to
10 you, have you ever heard on those shows when they talk
11 about circumstantial evidence?
12 PROSPECTIVE JUROR: Yes.
13 MS. MCAMIS: And sometimes on those shows
14 have you heard when they talk about circumstantial
15 evidence in a -- in a bad way or a negative way?
16 They'll say all the state has is circumstantial
17 evidence or the State's case is purely circumstantial,
18 something like that.
19 PROSPECTIVE JUROR: Yes.
20 MS. MCAMIS: Would it surprise you at all if
21 the Judge instructs you that circumstantial evidence
22 is just as good as, just the same as, any other type
23 of evidence?
24 PROSPECTIVE JUROR: It wouldn't surprise me.
25 MS. MCAMIS: Okay. Because, you would agree

with me that we all use circumstantial evidence every day in our lives to make decisions? It's common sense. Right?

PROSPECTIVE JUROR: (Prospective juror nods head.)

MS. MCAMIS: Okay. Ms. Spellman, does that make sense to you as well?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: And, Ms. Clark, does that make sense to you?

PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: When we talk about circumstantial evidence and -- and what that means --

How long have you lived here in Tulsa County?

PROSPECTIVE JUROR: I moved here when I was three months old.

MS. MCAMIS: Okay. So quite a while.

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: I think it was in 2011, I think, when we had that huge snow storm that shut down the whole city.

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: We were picking a jury on a Monday, and all of the -- I don't know if you remember it the same way I do. But all of the forecasters were

1 saying, you know, blah, blah, storm of the century.
2 And I was thinking, it's stupid, they always say stuff
3 like that, it's not really going to happen.
4 And so we were picking a jury on Monday, and
5 the judge had taken down everybody's names and phone
6 numbers just in case. And then I went home that night
7 and I went to bed that night. And it had not started
8 snowing. There was nothing.
9 And I woke up the next morning and the first
10 thing I did was I turned on my TV, and holy moly, like
11 the entire city was crazy town. And then I went and
12 looked outside my house and I couldn't even get my
13 garage door up or down. It was just, like,
14 snowmageddon out there.
15 I never saw it snow. I don't know exactly
16 what time it started. I don't know exactly what time
17 it stopped. I don't know if it snowed steady all
18 night or little bursts. I don't know what the wind
19 speed was. I don't know what the wind barometer was.
20 I don't know any of that. I just know that I went to
21 bed, there was no snow on the ground. I woke up, and
22 it was crazy town.
23 So can I decide beyond a reasonable doubt,
24 using circumstantial evidence, that it snowed during
25 the night? And it's just common sense. Right?

1 And you could have somebody come in and argue
2 to you that you can't decide that beyond a reasonable
3 doubt. There's a reasonable doubt because, how do you
4 know -- how do you know your neighbors didn't rent a
5 snow blower and blow it all in your yard? Or how do
6 you know that the government didn't, you know, dump
7 some snow on your yard?
8 But it's up to you to decide what's
9 reasonable. Does that make sense to you?
10 PROSPECTIVE JUROR: Yes.
11 MS. MCAMIS: Does that make sense to
12 everybody, that you can and you should use common
13 sense in this courtroom to make decisions?
14 Mr. Taylor, when we talk about circumstantial
15 evidence, do you agree that we use circumstantial
16 evidence all the time?
17 PROSPECTIVE JUROR: Yes, I do. I do. If
18 you're talking to me, James Taylor.
19 MS. MCAMIS: Oh, I'm sorry. I forgot. I
20 forgot. Both of you -- both of you agree.
21 But, James Taylor, when we talk about
22 circumstantial evidence, then can you see that it is
23 not a negative thing or it's not a bad thing, it's
24 just a common sense practical thing?
25 PROSPECTIVE JUROR: Correct, yes.

MS. MCAMIS: Were you living here during that snow storm?

PROSPECTIVE JUROR: I was in -- that was what year again?

MS. MCAMIS: I think it was 2011.

PROSPECTIVE JUROR: No, it was just prior to me coming back. I was in the Kansas City area.

MS. MCAMIS: Well, it was probably bad in Kansas City, yeah. So the rest of -- the court house was shut down the rest of the week. Our jury got canceled. And I don't think that's ever happened again or will happen again. It's not going to happen this week, so -- it's 80 degrees or whatever outside.

PROSPECTIVE JUROR: It's Oklahoma though.

MS. MCAMIS: It is Oklahoma. That's true.

Mr. Carl Taylor.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: I'll ask you now, can you also -- do you use circumstantial evidence all the time to decide when you have one person telling you something and another person telling you something else and then you use your common sense and you use circumstantial evidence to figure out who and what is telling you the truth and what the real answer is?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: I mean, that's just something we all do.

You -- your kids, a son and a daughter. I don't know if you -- maybe your kids are much more perfect than mine are. But have you ever had a circumstance where your kids lied to you?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: My youngest son last night, after I had told him, no more candy, that's it, you're done, because he was as high as a kite off of candy, I had went to -- I had gone to change into my bed clothes and I came back out and when I did he was -- he was in his Halloween bag and he turned around and I looked straight at him and I'm, like, Did you eat more candy? And, you know, he looks at me, like, hum. So he was lying straight to my face.

I didn't see him eat the candy. I don't know if he shoved in one piece or three pieces while I was gone. But can I decide beyond a reasonable doubt, using circumstantial evidence, that my son is lying to me and that he ate the candy?

PROSPECTIVE JUROR: Yes, you can.

MS. MCAMIS: And when we talk about that, Ms. Steele, that's -- obviously my son eating the candy is one thing and probably expected on Halloween

1 that he's going to sneak it. And so there's --
2 there's little lies in life and there's big lies in
3 life. Right?
4 PROSPECTIVE JUROR: Right.
5 MS. MCAMIS: You know, if I tell my colleague
6 that I -- you know, I like her new haircut when I
7 really don't, I'm just trying to be polite. Or if my
8 son snuck some candy, that's one thing.
9 But if we're talking about criminal
10 circumstances and somebody trying to get themselves
11 out of trouble or stay out of trouble or make
12 themselves look a certain way, that's a whole
13 different level. Right?
14 PROSPECTIVE JUROR: Yes.
15 MS. MCAMIS: But are you the kind of person
16 who can use circumstantial evidence and use your
17 common sense and call it like it is and, you know,
18 look my son in the eye, who's looking right at you and
19 lying, and saying, you know, Bull, this is -- I'm not
20 falling for it?
21 PROSPECTIVE JUROR: Yes.
22 MS. MCAMIS: Can you do that?
23 PROSPECTIVE JUROR: Yes.
24 MS. MCAMIS: Ms. Bogle, what about you?
25 PROSPECTIVE JUROR: Same thing.

1 MS. MCAMIS: Even if it's people you don't
2 know? I mean, we're talking about my son in this
3 circumstance. But if you're -- if you're called upon
4 to sit in a criminal case and you listen to the facts
5 and you listen to the evidence from that witness
6 stand, are you the kind of person who can call it and
7 say --
8 PROSPECTIVE JUROR: A spade is a spade.
9 MS. MCAMIS: -- a spade is a spade and here's
10 what we're going to do about it?
11 PROSPECTIVE JUROR: Yes.
12 MS. MCAMIS: Okay. Ms. Dorzab, can you do
13 it?
14 PROSPECTIVE JUROR: Yes.
15 MS. MCAMIS: Can everybody do that? Does
16 anybody have any concern about using their common
17 sense, about using circumstantial evidence to decide
18 who and what is the truth in this case?
19 When we talk about, again, what the State of
20 Oklahoma has to prove and how the State of Oklahoma
21 has to prove its case, Ms. Stoeppelwerth, would it
22 surprise you in any way to know that every single
23 crime in the State of Oklahoma, whether it's writing a
24 hot check or stealing a car or killing somebody or
25 anything in between, every single crime has a

1 different set of elements that we have to prove to
2 you? Okay?
3 So some crimes might have three different
4 elements. Some crimes might have five different
5 elements. Some crimes might have seven different
6 elements. But do you understand, regardless -- you
7 don't get to know what those elements are until the
8 end. Does that seem fair to you?
9 PROSPECTIVE JUROR: Seems kind of different,
10 but --
11 MS. MCAMIS: Well, if -- if I tell you, you
12 don't get to know what those are until the end and
13 that's the rules that we're all playing by, does it
14 make sense to you that at some point in this case you
15 will be told, Here's what the elements are?
16 PROSPECTIVE JUROR: It does.
17 MS. MCAMIS: Okay. So let's say -- in this
18 particular case let's say there's five elements. You
19 understand that the State has to prove each of those
20 five elements to you beyond a reasonable doubt, and if
21 we do, the defendant is guilty, and if we don't the
22 defendant is not guilty.
23 PROSPECTIVE JUROR: Okay.
24 MS. MCAMIS: So if we prove four out of five,
25 the defendant is what?

PROSPECTIVE JUROR: Not guilty.

MS. MCAMIS: Okay. Ms. Kuykendall.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: When we talk about the elements of the particular crime and the fact that you don't know them as you sit here, do you understand, though, that we all do? The attorneys know what the elements are. The Judge knows what the elements are. Because coming into this, we all -- we all know the rules.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: And so would you expect us to play by those rules, to focus on those rules, if you will?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Okay. Does that make sense to everyone?

Mr. Worden, when we talk about, again, the elements that the State has to prove, can you see where, at the end of the day, once you get to find out what those elements are, you might be surprised? You might think, Well, gosh, I thought there would be more that they would have to prove? Or I didn't realize they would have to prove number two? Or I think they should add a sixth element and have to prove that? Does that make sense?

But you understand that we're not in charge of the rules. We're not in charge of the elements. That our legislature is. And so going into this, you can't change the rules for us.

Okay. Does that make sense for everybody, that you can't change the rules going into this?

Mr. Gaylord, when we talk about, again, what the State of Oklahoma has to prove to you, can you see where at the end of all of this you might have some unanswered questions?

PROSPECTIVE JUROR: Uh-huh. Yes.

MS. MCAMIS: Okay. Maybe you're wondering why we didn't talk about something that you thought was important. And at the end of all of this, do you understand, once it's all done and over with, we can talk about those unanswered questions? But while it's going on we can't. Does that make sense?

Maybe -- maybe there's a reason we can't talk about whatever it is over here you're wondering about. Or maybe it never even occurred to me that you would be wondering about this because I'm focused on the things that I know I have to prove.

PROSPECTIVE JUROR: Yes. That makes sense.

MS. MCAMIS: Okay. So if the State of Oklahoma proves its case to you beyond a reasonable

1 doubt, will you hold us to that? Will you make us
2 prove each element to you, but nothing more and
3 nothing less?
4 PROSPECTIVE JUROR: Yes.
5 MS. MCAMIS: Okay. Can you do that as well,
6 Ms. Lance?
7 PROSPECTIVE JUROR: Yes.
8 MS. MCAMIS: You know, when we talk about the
9 list, the rules that we have to follow, I don't know
10 if you cook or bake at all.
11 PROSPECTIVE JUROR: Uh-huh.
12 MS. MCAMIS: I don't. I'm awful.
13 I have twins and both of them had an
14 assignment at school. They had to write, My favorite
15 thing my mom cooks is. And they're in separate
16 classes and they each individually wrote cereal. Very
17 proud moment.
18 So when I bake a cake, I get the box that
19 is -- it has a picture on it of you put the cake mix
20 in, you put, I think, some eggs in, and maybe some oil
21 or butter and water maybe. So I follow exactly what
22 it says on there and then I have my cake. Right?
23 PROSPECTIVE JUROR: Right.
24 MS. MCAMIS: If you're better at baking, you
25 may know different ways to spice that up a little bit.

1 I think you can substitute, like, apple sauce or
2 something for eggs. Or you can -- I don't know, maybe
3 you think if you put nuts or sprinkles or something in
4 it it's going to make it better. Or maybe you think
5 if you put frosting on it it would make it better.
6 But then you're changing what I know I have to do.
7 Right?
8 PROSPECTIVE JUROR: Right.
9 MS. MCAMIS: So can you just hold me to this
10 list that I know I have to prove to you and that's
11 what I'm focused on and legally that's what I'm
12 focused on? Can you hold me to that, nothing more,
13 nothing less?
14 PROSPECTIVE JUROR: Yes, I can.
15 MS. MCAMIS: Can everyone do that? Will
16 everyone agree to do that?
17 Ms. Francis, when we, again, talked about the
18 nature of this case -- and at this point in time you
19 don't know anything about it and we can't really tell
20 you anything about the case at this point. But I am
21 going to let you know that there are some really,
22 really difficult photographs that you're going to have
23 to look at, and some really, really difficult language
24 that you're going to have to listen to.
25 Obviously that's not going to be easy for

anybody involved. But you can see why it's so important, that you can't just look away. The victim in this case deserves you to look. The defendant deserves you to look. So can you and will you be able to do that?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Okay. Will everyone be able to do that? Is there anyone who already is just so uncomfortable that they just don't want to be put in that position?

And, Ms. Richardville, I'll come -- and I appreciate that and I respect that. And ultimately the question is, if you are put in that position, can you, will you, even though it's uncomfortable?

PROSPECTIVE JUROR: I just don't want to (inaudible) -- and it's still very fresh.

MS. MCAMIS: And I appreciate and respect that, and particularly the circumstances that you have gone through and I think we all appreciate your honesty.

Ultimately, my question is, because nobody is expecting you to keep it all together, if you will. But you -- you have to be able to be fair and impartial to both sides. And if, based on your life experience, you don't think that you can be fair and

1 impartial to both sides, then that's just what we need
2 to know.
3 PROSPECTIVE JUROR: To be honest with you, I
4 think the combination of me working with children and
5 the experience that I had with my daughter, I feel
6 like I'm not the best candidate.
7 MS. MCAMIS: And I appreciate and respect
8 that very much. And I apologize for putting you in
9 that position.
10 Did Your Honor want to address that now or
11 wait until later?
12 THE COURT: Go ahead and approach the bench.
13 *(A conference was held at the bench outside the hearing*
14 *of the jury.)*
15 THE COURT: Yes, State.
16 MS. MCAMIS: Unfortunately, although I would
17 like to keep her, I do think she has expressed that
18 she can't be or wouldn't be fair or couldn't be placed
19 in that position.
20 MR. BOEHEIM: At this point what she's saying
21 is she's going to be very uncomfortable. And I -- but
22 because of her experience in this particular issue I
23 think I would like an opportunity to rehabilitate her.
24 And at that point if she clearly can't, you know, hold
25 a clear opinion, then I think I will agree with the

1 State. But at this point I'd like an opportunity.
2 THE COURT: Have you all been watching her
3 during your questions to the panel?
4 MS. MCAMIS: Yes.
5 THE COURT: So you've observed sort of some
6 facial features and the flinching.
7 MR. BOEHEIM: She's twitching.
8 MS. MCAMIS: And she's actually teared up
9 several times.
10 THE COURT: All right. I'll give you an
11 opportunity to do that. Once we've done that,
12 depending on the outcome of that, we'll probably go
13 ahead and give everybody a real short morning break.
14 They've been in the chair about an hour and a half and
15 they may be getting a little uncomfortable, so --
16 MS. MCAMIS: So you want him to address it
17 now or after I --
18 THE COURT: Yes, yes.
19 MR. BOEHEIM: I guess I would prefer to
20 address it in my voir dire, if that's --
21 THE COURT: Well, she may be asking to excuse
22 for cause, which is what I hear you say.
23 MR. BOEHEIM: Well, and I won't argue that.
24 I want to rehabilitate her in my voir dire.
25 THE COURT: Okay.

1 MS. MCAMIS: Then could I reserve that, I
2 guess, until after his. So if I make an announcement
3 on the record passing the jury for cause, can I
4 reserve that?
5 THE COURT: I don't know that you can do
6 that. Once you've passed the panel for cause, I'm not
7 sure you can.
8 MS. MCAMIS: Would it be acceptable if we
9 went ahead right now and took a short break? And then
10 I could --
11 THE COURT: Yes, yes. Because I really think
12 if you intend to rehabilitate her, you need to do it
13 now.
14 MR. BOEHEIM: Okay. That's fine.
15 THE COURT: Okay. We'll take a short break.
16 *(The following transpired in open court.)*
17 THE COURT: Ladies and gentlemen, we're going
18 to have a very short morning break. I still think
19 it's best that you take your break on the third floor,
20 given the congestion in the hallways this morning. It
21 will be about 15 minutes.
22 So you'll really have just enough time to get
23 down there, maybe hit the restrooms, get something to
24 drink if you need to. I'll ask Ms. Upton to bring you
25 back up here at -- let's just go ahead and make it ten

after 11:00. Have you back outside the door at ten after 11:00.

You remain under the Court's admonishment, so please follow that during the break. And we'll see you back at ten after 11:00. Ms. Upton will bring you up from the third floor.

If you cannot use the stairways, you know where the elevators are. But if the stairs are accessible to you, please use them. And we'll see you back in 20 minutes.

You're under the Court's admonishment.

All rise.

(A break was taken.)

THE COURT: We are back on the record in CF-2015-242. Sarah McAmis is present for the State, Mr. Boeheim is present for the Defense, Ms. Lalehparvaran is present in the courtroom. The jury panel has returned to the courtroom following the morning break.

Was the panel able to abide by the Court's admonishment during the break?

All right. Thank you.

At this point I believe there may be some additional questions for Ms. Richardville.

Mr. Boeheim.

1 MR. BOEHEIM: Good morning, Ms. Richardville.
2 PROSPECTIVE JUROR: Good morning.
3 MS. MCAMIS: My name is Brian Boeheim. And I
4 will introduce myself again when my turn comes.
5 But I just want to touch on a few things
6 because you brought up some concerns.
7 PROSPECTIVE JUROR: Uh-huh.
8 MR. BOEHEIM: And I understand obviously
9 you've gone through a lot with your daughter in your
10 daughter's situation. So I'm going to ask some
11 questions. If at any point you would prefer to take
12 it up in front of the Judge and privately, just say
13 so. All right?
14 PROSPECTIVE JUROR: All right.
15 MR. BOEHEIM: And I don't think anybody wants
16 to put themselves through looking at photos or hearing
17 testimony about abuse in any form. But I guess my
18 question is -- because based on what you've said and
19 the answers to Ms. McAmis you seem uniquely qualified
20 in terms of your experience on that.
21 So I guess my question is, is it a discomfort
22 with seeing that and obviously the risk of, as you
23 say, breaking down and crying and being upset by it,
24 or do you believe there's just no way you could be
25 fair to the State or to my client, Ms. Lalehparvaran,

1 when you look at those things?
2 PROSPECTIVE JUROR: I would say it's a
3 combination of both.
4 MR. BOEHEIM: Okay. So let's talk about that
5 fairness -- the fairness thing.
6 PROSPECTIVE JUROR: Okay.
7 MR. BOEHEIM: Are you -- just based on the
8 conversation we've already had with Ms. McAmis and
9 just what you've heard so far, do you feel that my
10 client is more or less guilty as she sits there right
11 now?
12 PROSPECTIVE JUROR: No, I don't know that.
13 MR. BOEHEIM: Okay. Good. So you believe
14 you could take a look at the evidence, albeit shocking
15 possibly, and will you judge that evidence in an
16 objective way even though it's going to emotionally
17 trigger for you?
18 PROSPECTIVE JUROR: What I foresee happening
19 is if the pictures are similar to what occurred to the
20 abuse that my daughter incurred, that I would have
21 very conflicting feelings knowing that the abuse that
22 was given to my daughter, this man's guilty.
23 MR. BOEHEIM: Okay. And so I guess the
24 question is, so if you see pictures of a child that's
25 abused, that's going to push you towards a belief that

1 the person is guilty?
2 PROSPECTIVE JUROR: Possibly.
3 MR. BOEHEIM: Okay. Well, do you see -- you
4 see, my concern is that actually in my -- from my
5 position, Ms. Lalehparvaran, makes you very qualified
6 in this particular case because you have a sense of
7 what it is to be abused by the conversations you've
8 had with your daughter.
9 Did you -- were you physically in the
10 presence when she was abused?
11 PROSPECTIVE JUROR: No.
12 MR. BOEHEIM: Okay. Was she abused just once
13 or multiple times?
14 PROSPECTIVE JUROR: Twice.
15 MR. BOEHEIM: Twice.
16 Okay. And did you know about the first one?
17 PROSPECTIVE JUROR: Yes.
18 MR. BOEHEIM: Okay. And she stayed with the
19 boyfriend after the first one?
20 PROSPECTIVE JUROR: She moved out. He owed
21 her some money so she met with him to get that money
22 back. So, I mean --
23 THE REPORTER: Ma'am, could you speak up just
24 a little bit for me, please?
25 PROSPECTIVE JUROR: So she moved out. He

1 owed her some money. They met at a park for him to
2 pay her back. And that --
3 Oh, actually, I'm sorry. Take that back.
4 They met at an apartment to pay her back. And that's
5 when he locked the door and she almost lost her life.
6 MR. BOEHEIM: Okay. So from her
7 perspective -- and obviously you're speaking for her,
8 obviously, because she's not here. But from her
9 perspective, she felt reasonably safe to go there and
10 get the money?
11 PROSPECTIVE JUROR: He had won her trust
12 back.
13 MR. BOEHEIM: Okay. But you feel that if you
14 saw photos that showed abuse, you would immediately
15 jump to the conclusion that the abuse occurred?
16 PROSPECTIVE JUROR: Likely.
17 MR. BOEHEIM: Likely?
18 Okay. And do you -- can -- would you be able
19 to, though, take a look at the elements that the Judge
20 is going to provide you? There's going to be, as Ms.
21 McAmis said, sort of the recipe. Do you believe
22 you'll be able to look at that recipe and discern
23 those and say, Ms. McAmis did show us those -- those
24 elements, those parts of the recipe, or, no, she's
25 missing one of those, even if you saw those pictures?

1 Do you believe you'll be able to be objective enough
2 to be able to do that?
3 PROSPECTIVE JUROR: I can't say with
4 certainly that I can.
5 MR. BOEHEIM: Okay. And it's because of the
6 trauma that you've incurred through your daughter's
7 obvious upset and physical issues?
8 PROSPECTIVE JUROR: That, coupled with the
9 fact that I teach 3, 4, 5, and 6-year-old children
10 and --
11 MR. BOEHEIM: Okay.
12 PROSPECTIVE JUROR: Yeah.
13 MR. BOEHEIM: All right.
14 THE COURT: I have a question, ma'am.
15 Are you concerned about seeing pictures of a
16 battered woman?
17 PROSPECTIVE JUROR: No.
18 THE COURT: All right. You're concerned
19 about pictures of children?
20 PROSPECTIVE JUROR: Yes.
21 THE COURT: All right. I wanted to make the
22 record very clear.
23 Mr. Boeheim, do you have follow-up questions
24 based on the Court's questions?
25 MR. BOEHEIM: Yes.

1 So following that line of questioning, if you
2 saw pictures of a -- of a battered child and pictures
3 of a battered woman, are either of those going to hold
4 more weight for you?
5 PROSPECTIVE JUROR: Because my daughter is my
6 child, seeing pictures of battered children would
7 really disturb me.
8 MR. BOEHEIM: Understood.
9 THE COURT: State, do you have follow-up
10 questions?
11 MS. MCAMIS: I don't have follow-up
12 questions.
13 THE COURT: All right. Do you all wish to
14 approach the bench?
15 MR. BOEHEIM: Yes.
16 *(A conference was held at the bench outside the hearing*
17 *of the jury.)*
18 THE COURT: Yes.
19 MS. MCAMIS: One of the things that I would
20 like the record to reflect that the witness doesn't
21 know now is that the photographs involve a little girl
22 who had just turned 4. And she doesn't know that now.
23 But she has pointed out at least twice that she
24 teaches 3, 4, and 5 year olds.
25 THE COURT: And that's why I was trying to

1 get clarification about what types of pictures
2 specifically would be concerning to her or whether
3 it's both.
4 MS. MCAMIS: The State maintains its position
5 that she --
6 MR. BOEHEIM: And I have no objection, Your
7 Honor, based on her physical reaction to my questions.
8 That's enough for me.
9 THE COURT: All right. Thank you.
10 *(The following transpired in open court.)*
11 THE COURT: Ms. Richardville, we thank you
12 very much for your patience and your attention over
13 the last day or so. And at this point I'm going to
14 excuse you and ask that you return to the jury room in
15 the basement for further instruction.
16 All rise for Ms. Richardville.
17 I'll ask the clerk to call an additional
18 name, please.
19 MR. STILES: Ardyth Alexander. Ardyth
20 spelled A-R-D-Y-T-H. Alexander, common spelling.
21 THE COURT: Good morning, Ms. Alexander.
22 PROSPECTIVE JUROR: Good morning.
23 THE COURT: How are you?
24 You've been present during the voir dire and
25 I'm going to ask just a few questions of you before I

1 turn it back over to the State.
2 Ma'am, do you know either of the lawyers at
3 counsel table? You know Ms. McAmis?
4 PROSPECTIVE JUROR: Yeah.
5 THE COURT: How do you know her?
6 PROSPECTIVE JUROR: Could I approach the
7 bench?
8 THE COURT: Yes.
9 *(A conference was held at the bench outside the hearing*
10 *of the jury.)*
11 THE COURT: Ma'am, if you'll speak quietly,
12 please.
13 PROSPECTIVE JUROR: My son is being
14 prosecuted for a child abuse murder.
15 THE COURT: By her?
16 PROSPECTIVE JUROR: Uh-huh.
17 THE COURT: Is that correct?
18 MS. MCAMIS: I apologize for not knowing --
19 who is your son?
20 PROSPECTIVE JUROR: John (inaudible.)
21 MS. MCAMIS: Yes.
22 THE COURT: All right. I think I'll need to
23 excuse Ms. Alexander at this time. All right?
24 I'm going to excuse you. But I'll do it when
25 we continue to address the jury. So just go ahead and

1 go back to your chair and I'll excuse you.
2 *(The following transpired in open court.)*
3 THE COURT: At this time the Court excuses
4 Ms. Alexander with our thanks.
5 And thank you for your patience over the last
6 day. Please return to the jury room for further
7 instructions. Thank you.
8 All rise for Ms. Alexander.
9 And I'll ask the clerk to call an additional
10 name.
11 MR. STILES: Bradley Glenn. Bradley, common
12 spelling. Glenn, G-L-E-N-N.
13 THE COURT: And Glenn is the last name. Is
14 that correct?
15 MR. STILES: Yes.
16 THE COURT: All right. Thank you. Please be
17 seated.
18 Good morning, Mr. Glenn.
19 Do you know either of the lawyers at counsel
20 table, sir?
21 PROSPECTIVE JUROR: No.
22 THE COURT: Do you happen to know the
23 defendant?
24 PROSPECTIVE JUROR: No.
25 THE COURT: All right. Thank you.

What do you for a living, sir?

PROSPECTIVE JUROR: Construction management. I'm a project manager, Manhattan Construction.

THE COURT: All right. And what is your marital status?

PROSPECTIVE JUROR: Married.

THE COURT: To whom.

PROSPECTIVE JUROR: Heather Glenn.

THE COURT: And what does Heather Glenn do for a living?

PROSPECTIVE JUROR: Human resources for BizJet.

THE COURT: Okay. Do you all have children?

PROSPECTIVE JUROR: Five.

THE COURT: How old are they, sir?

PROSPECTIVE JUROR: Boys are 13 and 10. Girls are 8, 5, and three weeks.

THE COURT: Okay. Very busy household, once again.

What part of the our county do you live in?

PROSPECTIVE JUROR: South.

THE COURT: And you, in fact, live in Tulsa County?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. Have you ever been

1 charged with a crime, sir? You've heard us asking
2 very personal questions of the other panel members and
3 it is your turn as well.
4 PROSPECTIVE JUROR: No.
5 THE COURT: Thank you very much.
6 Ever been a victim of a crime?
7 PROSPECTIVE JUROR: No.
8 THE COURT: Do you have family members who
9 have been?
10 PROSPECTIVE JUROR: No.
11 THE COURT: Okay. Do you have any family
12 members who have ever been to prison, sir?
13 PROSPECTIVE JUROR: No.
14 THE COURT: Have you ever worked in law
15 enforcement?
16 PROSPECTIVE JUROR: No.
17 THE COURT: Do you have family or close
18 friends who do? And by that I mean State or Federal?
19 PROSPECTIVE JUROR: No.
20 THE COURT: Have you ever worked in the legal
21 field?
22 PROSPECTIVE JUROR: No.
23 THE COURT: Do you have family members who
24 do? Law clerks, lawyers, paralegals.
25 PROSPECTIVE JUROR: Yes. My older brother is

1 a lawyer in Virginia.
2 THE COURT: And do you know what kind of
3 practice he has?
4 PROSPECTIVE JUROR: It is real estate
5 acquisitions and company mergers and company
6 acquisitions.
7 THE COURT: All right. And is that the only
8 family or close friends you have in the legal field,
9 sir?
10 PROSPECTIVE JUROR: Yes.
11 THE COURT: Okay. Do you have prior jury
12 service where you've actually been seated on a jury?
13 PROSPECTIVE JUROR: No.
14 THE COURT: Any physical issues that make it
15 difficult for you to serve this week, sir?
16 PROSPECTIVE JUROR: No.
17 THE COURT: Any extreme life circumstances
18 going on in your life that would be very distracting
19 or prevent your jury service.
20 PROSPECTIVE JUROR: No.
21 THE COURT: Thank you.
22 You may hear from law enforcement in this
23 case. Do you have any prior experiences that leave
24 you with bad feelings or attitudes toward police
25 officers or law enforcement?

PROSPECTIVE JUROR: No.

THE COURT: Have you read or heard anything about the facts of this case?

PROSPECTIVE JUROR: No.

THE COURT: Have you discussed it with anyone?

PROSPECTIVE JUROR: No.

THE COURT: Have you formulated an opinion about this case already?

PROSPECTIVE JUROR: No.

THE COURT: If you are seated as a juror in this case, once the instructions are read to you at the end of the trial that contain the law and the rules which the jury must follow to reach a verdict, will you accept and follow the law as included in those instructions?

PROSPECTIVE JUROR: Yes.

THE COURT: One of the instructions is that a defendant is presumed innocent of the crimes charged. And this presumption continues unless after consideration of all of the evidence you are convinced of her guilt beyond a reasonable doubt. That is the State's burden.

If you are selected as a juror, will you presume the defendant innocent unless proven guilty

1 beyond a reasonable doubt?
2 PROSPECTIVE JUROR: Yes.
3 THE COURT: If you are seated as a juror and
4 you deliberate and find the defendant guilty you will
5 have the duty to assess punishment. Will you follow
6 the range of punishment as set out in the
7 instructions, even if it includes a possibility of
8 life in prison?
9 PROSPECTIVE JUROR: Yes.
10 THE COURT: State, you may resume your voir
11 dire.
12 MS. MCAMIS: Thank you.
13 Mr. Glenn, I'm not sure if you should rush
14 out this afternoon and buy a lottery ticket or --
15 THE COURT: Oh, yes, ma'am. Ms. Clark, you
16 have your hand raised.
17 PROSPECTIVE JUROR: I was going to say,
18 yesterday I forgot to mention that my niece is in the
19 FBI.
20 THE COURT: Okay. And where is she
21 stationed?
22 PROSPECTIVE JUROR: In Virginia.
23 THE COURT: Okay. Any other family members
24 in law enforcement of any type?
25 PROSPECTIVE JUROR: (Prospective juror shakes

1 head.)
2 THE COURT: Does Ms. Clark's commentary about
3 the FBI make someone else think the same thing, Oh, by
4 golly, I've got a close friend or a relative in the
5 FBI? All right. Thank you. I see no further hands
6 at that question.
7 Thank you, Ms. Clark.
8 And if for some reason we pass you by on a
9 question or a series of answers and you think of it,
10 it is important that you raise it before the lawyer
11 sits down. So please do that, if you will.
12 Thank you. You may proceed.
13 MS. MCAMIS: Ms. Clark, the FBI agent in
14 Virginia, is she busy looking at emails right now?
15 PROSPECTIVE JUROR: We always ask her what
16 she does and she's, like, I'd have to kill you if I
17 told you. So we don't know.
18 MS. MCAMIS: Back to you, Mr. Glenn. And I
19 don't know if you are the most lucky person or the
20 most unlucky person. You were close to not making it
21 up here. So welcome to our panel.
22 As we have been sitting here talking and as
23 you have listened to all of these questions, was there
24 anything that jumped out to you that you thought, if I
25 was up here and if I was being asked that, I would

need to disclose information or answer it a certain way?

PROSPECTIVE JUROR: No.

THE COURT: Okay. Have you ever --

And congratulations on the three-week-old baby. You're probably not getting a lot of sleep right now.

PROSPECTIVE JUROR: No.

MS. MCAMIS: Have you ever had to -- had a medical emergency with any of your children?

PROSPECTIVE JUROR: Oh, sure. Lots of bumps and bruises, cuts. I mean nothing out of the ordinary.

MS. MCAMIS: When your children have been hurt, you have sought medical attention for them and not had a problem doing that?

PROSPECTIVE JUROR: Correct.

MS. MCAMIS: Do you believe that's part of your duty and obligation as a parent to, not only protect your children, but if your children become hurt then to do what is necessary to help your children?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: You've heard a little bit of the discussion -- or I hope all of the discussion, about

1 the burden being on the State of Oklahoma. And do you
2 agree that that's appropriate, that it is and should
3 be the State of Oklahoma's burden? If we're going to
4 bring this case we better be able to prove it to you?
5 PROSPECTIVE JUROR: Yes.
6 THE COURT: Can you and will you hold me to
7 that burden?
8 PROSPECTIVE JUROR: Yes.
9 THE COURT: You heard the discussion about
10 what that burden means and what it doesn't mean. It
11 means beyond a reasonable doubt, but it doesn't mean
12 beyond all doubt or beyond a shadow of a doubt. Does
13 that make sense to you?
14 PROSPECTIVE JUROR: Yes, it does.
15 THE COURT: And can you hold me to that very
16 high burden but nothing more and nothing less?
17 PROSPECTIVE JUROR: Yes.
18 MS. MCAMIS: Do you understand that at the
19 end of this you may, in fact, have unanswered
20 questions?
21 PROSPECTIVE JUROR: Yes.
22 MS. MCAMIS: And is that okay with you?
23 PROSPECTIVE JUROR: Yeah, that's fine.
24 MS. MCAMIS: Okay. As long as the elements
25 have been met and as long as the State has proven its

elements to you, can you -- if you still have unanswered questions, can you set those aside, make your decision, and then if you still want to talk about it after it's all said and done, then we can talk about it?

PROSPECTIVE JUROR: Yeah, that's fine.

MS. MCAMIS: Okay. Can you use common sense? Will you use common sense?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Circumstantial evidence.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Do you have any problems or concerns about the little that you've heard about this case? You haven't heard any of the facts or evidence, but you've heard what the charges are, you've heard what some of the evidence is going to be. Do you have any difficulty or concerns about sitting on this type of case?

PROSPECTIVE JUROR: No.

MS. MCAMIS: Thank you. And, again, welcome to the panel.

Ms. McCoy, when we talk about particular crimes, can you see where there could be more than one person? There could be two people involved in a particular crime. For instance, two people could rob

a bank together or two people could, you know, rob a QuikTrip together. There could be different circumstances involved.

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: Okay. Do you have any difficulty in if you hear about more than one person to decide on what the level of culpability is of a particular person and whether or not -- how each of those persons factor into the crime? Does that make sense to you?

PROSPECTIVE JUROR: Yes. But are you saying that there's only one person being held accountable or are they both being held accountable? Both being, like, evidence being presented for both of them?

MS. MCAMIS: Let me ask you this. If a situation were that, let's say, two people held up a bank. And one of them actually approached the cashier with a gun and the other was responsible for the get-away car.

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: Okay. Let's say you were on the trial that was only for the person that was the get-away car, if you will.

PROSPECTIVE JUROR: Uh-huh.

MS. MCAMIS: And let's say you never got to

1 hear about what happened or what should happen to the
2 person who held up the teller with the gun.
3 PROSPECTIVE JUROR: Uh-huh.
4 MS. MCAMIS: Can you see where in a
5 particular trial with a particular person, all that
6 you would be asked as a jury is to decide is this
7 person guilty and should this person be held
8 accountable?
9 PROSPECTIVE JUROR: Yeah.
10 MS. MCAMIS: But that may be for another day,
11 another jury, another question. That may be an
12 unanswered question that you have.
13 PROSPECTIVE JUROR: Uh-huh.
14 MS. MCAMIS: Okay.
15 PROSPECTIVE JUROR: Okay.
16 MS. MCAMIS: Can you see where both of those
17 people are entitled to a fair trial?
18 PROSPECTIVE JUROR: Yes.
19 MS. MCAMIS: And where the State is entitled
20 to -- if the proof and if the evidence is there, to
21 hold both of those people accountable?
22 PROSPECTIVE JUROR: Yes.
23 MS. MCAMIS: So can you do that and will you
24 do that?
25 PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Okay. Ms. Welch, does that make sense to you?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Does that make sense to everyone?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: And can everyone and will everyone listen to the facts of this case as they relate to this defendant and the crimes that she is charged with?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Okay. Ms. Foster, if you are asked to be on this jury and go back and deliberate with this jury, are you the kind of person who can stand up for your opinions and also listen to and consider the opinions of your fellow jurors?

PROSPECTIVE JUROR: Yes.

THE COURT: Are you the kind of person who listening to, respecting, considering the opinions of your other jurors, and also if you believe what you know, can you and will you stand up for that and not just surrender to what other people are asking you to do?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Ms. Bogle, can you do that?

PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: I'm sorry. Ms. Bogle, can you do that? Yeah -- yes.

PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: And, Ms. Steel, can you as well?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Mr. Gaylord, can you do it?

PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: I'm not saying that it's going to be. But what if it's, you know, Friday night and it's late and you're trying to get to the football game or a date or otherwise and you're ready to just get out of here? Do you understand and appreciate that this is too, too, too important for that?

PROSPECTIVE JUROR: Of course.

MS. MCAMIS: Okay. So regardless of how short it takes, regardless of how long it takes, can you and will you stand up for what you believe?

PROSPECTIVE JUROR: Absolutely.

MS. MCAMIS: Ms. Lance, can you do that?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: If there's 12 people on the jury and if 11 people are voting for guilty and you believe not guilty, can you and will you stand your ground on behalf of the defendant?

PROSPECTIVE JUROR: Yes, I will.

MS. MCAMIS: If there's 11 people voting for not guilty and you are voting for guilty, can you and will you stand your ground on behalf of the State of Oklahoma?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Do you agree that this case is just as important to the State of Oklahoma as it is to the defendant?

PROSPECTIVE JUROR: Absolutely.

MS. MCAMIS: Does anyone have any concerns about doing that? Does anyone -- is anyone not willing to put in the time and the effort that is necessary to come to the right conclusion in this case?

Pastor Elkins, I want to talk just a minute about punishment. And we're way putting the cart ahead of the horse. Okay? Because we never talk punishment unless and until the State of Oklahoma has proven beyond a reasonable doubt its case. Okay?

I have always been raised and always been taught not to sit in judgment of other people. That's not my job. And ultimately there is a judge, but that's not my job.

But do you understand that in a criminal

1 case, when we're talking about the here and now and
2 the laws of our society, that it is exactly what we
3 ask you to do, to sit in judgment of another person
4 and to determine for the here and now how they should
5 be judged and ultimately whether they should be
6 punished and how?
7 PROSPECTIVE JUROR: Yes.
8 MS. MCAMIS: Do you have any problems or any
9 concerns about doing that?
10 PROSPECTIVE JUROR: No.
11 MS. MCAMIS: Okay. When we talk about
12 punishment, would you agree that we've already heard
13 about certain circumstances today where people are
14 entitled to a second chance, maybe even a third
15 chance, because of the circumstances that they find
16 themselves in. Would you agree with that?
17 PROSPECTIVE JUROR: Yes.
18 MS. MCAMIS: Would you also agree with me
19 that there are some circumstances that are so bad and
20 some crimes that are so wrong and some circumstances
21 where such damage is done, that the person has to be
22 held accountable for it?
23 PROSPECTIVE JUROR: Yes.
24 MS. MCAMIS: And would you agree with me that
25 the -- ultimately the punishment has to fit the facts

of the case?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: So if the facts are -- are bad enough that someone needs to be incarcerated for a long period of time, do you have any problem or any concern about that?

PROSPECTIVE JUROR: No.

MS. MCAMIS: Okay.

PROSPECTIVE JUROR: My hesitation is, I'm into helping people. Incarceration doesn't always help people. But I do understand consequences. Even my own nephew is experiencing consequences from his crime.

MS. MCAMIS: And when you talk about helping people, and I think that, ultimately, that's one of the things that we're all called upon to do, but do you see a distinction between circumstances where someone is needing and deserving of help versus circumstances where someone is needing and deserving of punishment?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Can you and will you consider the entire range of punishment and make the punishment fit the facts of the case.

PROSPECTIVE JUROR: Yes.

1 MS. MCAMIS: Ultimately, after I sit down, as
2 the Judge explained, this is my one and only
3 opportunity to speak with each of you. And so that's
4 why if I see you in the hallway or coming in and out
5 of court, I just immediately look down and look at the
6 ground because I don't want to have any kind of --
7 we're just not -- you can understand why. We're just
8 not supposed to have any type of contact with you.
9 So sometimes after you've gone through this
10 whole process, just like has happened with Ms. Clark,
11 you remember something or think of something, is there
12 anybody that gets to this point and thinks, she didn't
13 ask me, maybe I should have said this, or if I end up
14 on this jury she really needs to know this?
15 I promise that I am almost done with you.
16 But I want to individually ask you one final question.
17 And I'll start with you Ms. Ducummon. Kind
18 of the same line of questioning that I was talking to
19 Pastor Elkins about. Do you agree that the punishment
20 should fit the crime?
21 PROSPECTIVE JUROR: Yes.
22 MS. MCAMIS: And do you agree that there are
23 circumstances for which help is not an option, but
24 accountability and punishment is the only option based
25 upon the nature of the crime and the circumstances of

the crime?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Do you agree that the facts -- when you have a range of punishment that the facts dictate where in that range of punishment it should fall?

PROSPECTIVE JUROR: Right. Yes.

MS. MCAMIS: And can you use the facts to determine a punishment, even if that means a very, very long time in prison?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Ms. Dorzab, what about you?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Do you think the punishment should fit the crime?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Can you -- if the State of Oklahoma proves its case to you beyond a reasonable doubt and if the facts warrant substantial punishment, can you do that?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Ms. Williams, how do you feel about that?

PROSPECTIVE JUROR: Yes. I think it should fit the crime.

1 MS. MCAMIS: You need to hear the facts. You
2 need to hear the evidence.
3 PROSPECTIVE JUROR: Yes, yes.
4 MS. MCAMIS: But you ultimately -- if the
5 State has proven its case beyond a reasonable doubt
6 and if you're called upon to do that, you can do it?
7 PROSPECTIVE JUROR: Yes.
8 MS. MCAMIS: What about you, Mr. Carl Taylor?
9 Can you do it?
10 PROSPECTIVE JUROR: Yes.
11 MS. MCAMIS: Ms. Spellman?
12 PROSPECTIVE JUROR: Yes.
13 MS. MCAMIS: Ms. Clark, what about you?
14 PROSPECTIVE JUROR: Yes, ma'am.
15 MS. MCAMIS: Mr. Worden, can you do it?
16 PROSPECTIVE JUROR: Yes, I can.
17 MS. MCAMIS: Ms. McCoy?
18 PROSPECTIVE JUROR: Yes.
19 MS. MCAMIS: Do you have any hesitations?
20 PROSPECTIVE JUROR: A little bit just because
21 it's somebody's life.
22 MS. MCAMIS: Absolutely.
23 And when we talk about that, that's why
24 everything about this should be so serious. Right?
25 PROSPECTIVE JUROR: Yes.

1 MS. MCAMIS: And that's why the State has to
2 first prove its case beyond a reasonable doubt.
3 Correct?
4 PROSPECTIVE JUROR: Yes. Correct.
5 MS. MCAMIS: And if the State does that, then
6 can you consider the appropriate punishment?
7 PROSPECTIVE JUROR: Yes.
8 MS. MCAMIS: Ms. Welch, can you?
9 PROSPECTIVE JUROR: Yes.
10 MS. MCAMIS: Mr. Murphy, can you do it?
11 PROSPECTIVE JUROR: Yes.
12 MS. MCAMIS: What about you, Ms. Nelson?
13 PROSPECTIVE JUROR: I can. I do have -- I'll
14 back up a little bit. You mentioned if we had
15 anything. As far as when you were talking about the
16 jury, like once you're deliberating, I get the
17 elements and if I'm very scientific, if you've met all
18 of those, I have no problem. But then once everybody
19 is talking and they present arguments and I see things
20 from every side, it may be hard to stick with -- you
21 know, you may form a different opinion.
22 MS. MCAMIS: Sure.
23 PROSPECTIVE JUROR: So I'm just not that
24 decisive of a person, so -- well, and I don't worry --
25 that's always concerned me. Back when I got the jury

1 thing, that concerned me.
2 MS. MCAMIS: Well, and I think we can all
3 agree that the purpose of our system and the purpose
4 of having 12 people in there is so that you can take
5 12 different viewpoints and 12 different perspectives
6 and all discuss it and all come to the fair and just
7 conclusion. Right?
8 PROSPECTIVE JUROR: Right.
9 MS. MCAMIS: So I certainly didn't mean to
10 imply that you have to not have an opinion or that you
11 can't consider the opinions of the others.
12 But can you see where I'm asking that if you
13 feel strongly one way or the other, I just want to
14 know can you be a voice in that jury room for the
15 position that you believe strongly in?
16 PROSPECTIVE JUROR: Yes. I'm not sure I
17 would feel strongly. But, I mean, I haven't heard
18 everything.
19 MS. MCAMIS: And, ultimately, if the State
20 proves its case to you beyond a reasonable doubt and
21 if the facts and the evidence are such that this is a
22 case wherein substantial punishment is warranted, do
23 you have any problem or any concern about doing that?
24 PROSPECTIVE JUROR: No.
25 MS. MCAMIS: What about you Ms. Dysart?

PROSPECTIVE JUROR: Do we answer the way you phrased it to her or the way you phrased it to --

No, I don't have any problem with that.

MS. MCAMIS: Okay. And I appreciate that. I don't mean to phrase it any differently. Ultimately, you know what I'm asking.

PROSPECTIVE JUROR: Right.

MS. MCAMIS: Do you have concerns at this point? Can you ultimately -- if we prove our case to you, can you decide the appropriate punishment?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: And, Pastor Elkins, can you do it?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Ms. Stoeppelwerth, can you do it?

PROSPECTIVE JUROR: Yes, I can.

MS. MCAMIS: Ms. Kuykendall?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: What about you, Mr. Taylor.

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Ms. Foster, can you do it?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Ms. Steele, can you?

PROSPECTIVE JUROR: Yes, I can.

MS. MCAMIS: Ms. Bogle?
PROSPECTIVE JUROR: Yes, ma'am.
MS. MCAMIS: Mr. Gaylord, can you?
PROSPECTIVE JUROR: Yes.
MS. MCAMIS: Ms. Lance, can you do it?
PROSPECTIVE JUROR: Yes, ma'am.
MS. MCAMIS: Ms. Steinle.
PROSPECTIVE JUROR: I have a question.
It's not up to the jury to decide the punishment.
MS. MCAMIS: Actually, it is.
PROSPECTIVE JUROR: Oh, it is?
MS. MCAMIS: It is.
PROSPECTIVE JUROR: Okay.
MS. MCAMIS: But let me be very clear. You never get to a question of punishment unless and until you find the defendant guilty. So if the State does not prove its case to you beyond a reasonable doubt and the defendant is not guilty, that's it, you're done.
But if the State proves its case to you beyond a reasonable doubt and the Judge gives you a range of punishment and says it's up to you to decide what's appropriate, can you do that?
PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: Even if the facts and the evidence warrant a very significant punishment?

PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: Thank you.

Ms. Howard, can you do it?

PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: Ms. Doerr?

PROSPECTIVE JUROR: Uh-huh. Yes.

MS. MCAMIS: Ms. Deleon?

PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: What but you, Mr. Rebollar?

PROSPECTIVE JUROR: Yes, ma'am.

MS. MCAMIS: Mr. Oakley?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Mr. Glenn?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: Mr. Riddlebarger?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: And, Ms. Francis, can you?

PROSPECTIVE JUROR: Yes.

MS. MCAMIS: I sincerely thank you very much for your time and your patience and your attention.

And, Your Honor, at this time the State of Oklahoma passes the jury for cause.

THE COURT: Thank you, Counsel.

1 I'll ask both counsel to approach the bench
2 for some scheduling.
3 Off the record.
4 *(An off-the-record discussion was held.)*
5 THE COURT: Ladies and gentlemen, it's
6 appropriate that we go ahead and take a lunch break at
7 this point. When we return we will begin with voir
8 dire from the Defense.
9 I will remind you that you are under the
10 Court's admonishment during the lunch break not to
11 discuss the case with anyone, not -- and you may not
12 discuss it with each other as well, nor may you allow
13 anybody to discuss it with you.
14 I'll ask that you be outside the courtroom
15 door. Don't come in. But outside the courtroom door
16 at 1:25. We anticipate a 1:30 start.
17 We do have a preliminary matter that the
18 lawyers and the Court must address over the lunch
19 break. That's why we're going to give you about an
20 hour and a half for your lunch break today.
21 I would ask that you go ahead and take your
22 things with you, if you would, please.
23 So we'll have you back outside the courtroom
24 door. Ms. Upton will assist you in lining up. Be
25 back at 1:25.

We'll be in lunch recess.

All rise.

(A break was taken.)

THE COURT: We'll be on the record in CF-2015-242. State vs. Lalehparvaran. Both lawyers are present. Ms. Lalehparvaran is present.

Ma'am, please raise your right hand to be sworn.

OFFICER SAMANTHA RAMSEY,

called as a witness on behalf of the State, being of lawful age and after having been first duly sworn, testified as follows:

THE COURT: Thank you.

All right. This is our Jackson-Denno hearing. And, State, I will allow you to proceed first.

MS. MCAMIS: Thank you.

DIRECT EXAMINATION

BY MS. MCAMIS:

Q Officer Ramsey, can you tell us how you're employed?

A For the Tulsa Police Department.

Q In what capacity?

A As a police officer.

Q How long have you been a law enforcement

officer?
A Nine years.
Q Were you specifically working on January 9th of 2015?
A Yes, ma'am.
Q And on that day were you dispatched to 1437 North Joplin Avenue?
A Yes, ma'am.
Q Is that in Tulsa County?
A Yes, ma'am.
Q At the time that you were dispatched, did you have a full understanding as to what it even was that you were being dispatched to?
A No, ma'am.
Q At the time that you arrived at the home, did you make contact with the defendant in this case, Kerry Lalehparvaran?
A Yes, ma'am.
Q Ultimately, did you determine that you were investigating a case involving a 4-year-old child, Lilah.
A Yes, ma'am.
Q What did you determine was the relationship between Lilah and the defendant in this case?
A Lilah was her daughter.

1 Q Again, at that point in time, though, did you
2 have any knowledge or understanding as to what the
3 defendant's involvement, if any, was or whether or not
4 she was a suspect in the case?
5 A Not really, no.
6 Q Where did this defendant tell you that Lilah
7 was in the house after you arrived?
8 A In one of the back bedrooms.
9 Q And did she tell you how -- how Lilah was
10 secured in the back bedroom?
11 A Yes, ma'am.
12 Q How did she tell you?
13 A That she was locked in the back bedroom.
14 Q Who did she tell you had locked Lilah in the
15 back bedroom?
16 A She referred to him as Blade.
17 Q Ultimately then, were you able to find Lilah
18 and remove her from the bedroom and ultimately from
19 the house?
20 A Yes, ma'am.
21 Q While you were still there at the scene then,
22 did you talk to the defendant about what had happened
23 with Lilah?
24 A Yes, ma'am.
25 Q At the point in time that you spoke with her,

1 was she under arrest in any way?
2 A No, ma'am.
3 Q Was she free to leave?
4 A Yes, ma'am.
5 Q Did you threaten her or harass her in any
6 way?
7 A No, ma'am.
8 Q Were you dressed in a patrol uniform?
9 A Yes, ma'am.
10 Q Did you ever unholster your weapon or
11 brandish it in any way?
12 A When we were clearing the house I did have my
13 weapon unholstered, before we took Purdy into custody.
14 Q As you --
15 This is also who you referred to as Blade.
16 Is that correct?
17 A Yes.
18 Q As you were speaking to the defendant, were
19 you brandishing your weapon?
20 A No, ma'am.
21 Q Did you offer her anything or promise her
22 anything in exchange for speaking with you?
23 A No, ma'am.
24 Q After you interviewed the defendant at the
25 residence that day, was she placed under arrest?

1 A Not that day.
2 **Q And that day at all times did she remain free**
3 **to leave?**
4 A Yes, ma'am.
5 **Q Ultimately, did she accompany you to the**
6 **Children's Advocacy Center with her daughter, Lilah?**
7 A Yes, ma'am. Her other daughter was also with
8 her.
9 **Q Trinity?**
10 A Yes, ma'am.
11 MS. MCAMIS: Your Honor, may I inquire at
12 this point if Your Honor wants me to go into the
13 specific statements or did you just want me to
14 establish that she was not in custody at the time that
15 she was interviewed?
16 THE COURT: Do you have a preference, Counsel
17 for the Defense?
18 MR. BOEHEIM: May we approach, Your Honor?
19 I'm having a concern and I don't know how to voice it
20 without -- in front of the witness.
21 THE COURT: All right. You may.
22 *(A conference was held at the bench outside the hearing*
23 *of the witness.)*
24 MR. BOEHEIM: And I may be completely off
25 base and confused here. I thought this was regarding

1 the interview that --
2 THE COURT: The custodial interview?
3 MR. BOEHEIM: Correct.
4 THE COURT: Counsel had also said that there
5 were statements given to law enforcement outside of
6 the custodial interview. That they were, in fact, the
7 custodial interview and then noncustodial there, too.
8 MS. MCAMIS: That's correct.
9 MR. BOEHEIM: Okay. I misunderstood that.
10 THE COURT: No. That's what I believe the
11 situation to be.
12 MR. BOEHEIM: That's fine.
13 THE COURT: And do you -- are you arguing
14 that Jackson-Denno requires me to make findings for a
15 noncustodial interrogation?
16 MR. BOEHEIM: Yes.
17 THE COURT: Okay.
18 MS. MCAMIS: So do I need go into the
19 statements, Your Honor?
20 MR. BOEHEIM: Not necessarily about this.
21 But the other particular -- I'm not clear on what it
22 is, so, yes, I -- the answer is yes to this.
23 THE COURT: Okay. So you want me to make
24 findings of voluntariness with --
25 MR. BOEHEIM: Yes.

1 THE COURT: -- regard to the statements that
2 were non-custodial?
3 MR. BOEHEIM: Yes.
4 THE COURT: Okay.
5 MS. MCAMIS: And just to be clear for the
6 record, all of the statements that the defendant made
7 to this officer are clearly detailed in her report
8 that has -- I provided in discovery, so I did want the
9 record to reflect that.
10 THE COURT: Just so I'll know, there are two
11 individuals who are questioning the --
12 Ms. Lalehparvaran in the interrogation room. I can
13 very clearly see the fair-haired officer with short
14 hair who did a lot of the questioning. But there was
15 another person in the room sitting a little bit
16 outside of camera range. I can't identify whether
17 that was Officer Ramsey or not. Was it?
18 MS. MCAMIS: No. These are two different
19 officers.
20 THE COURT: Okay. Thank you. I just wanted
21 to be very clear about who all we're talking about
22 today.
23 MR. BOEHEIM: That's where I'm confused, too.
24 THE COURT: Thank you very much.
25 *(The following transpired in open court.)*

1 Q (By Ms. Mcamis) Officer Ramsey, I'll ask you
2 one final question. Is the defendant who you
3 encountered that day at the residence and who made
4 statements to you that day at the residence about the
5 situation involving her daughter, is she here in the
6 courtroom today?
7 A Yes, ma'am.
8 Q Could you tell us which one she is?
9 A She's over there in the purple shirt.
10 MS. MCAMIS: Your Honor, the State would ask
11 that the record reflect that the witness has
12 identified the defendant.
13 THE COURT: Record will so reflect.
14 MS. MCAMIS: Thank you.
15 I have no further questions.
16 THE COURT: Do you wish to go ahead and go
17 into the --
18 One moment, ma'am.
19 THE WITNESS: Oh, I'm sorry.
20 THE COURT: Do you wish to go ahead and go
21 into the non-custodial statements made, if any, to
22 this witness?
23 MS. MCAMIS: If Your Honor is requesting that
24 I do that.
25 THE COURT: Yes, please. I believe that that

1 was the end product of the side bar as well.
2 MS. MCAMIS: All right. I apologize.
3 THE COURT: Thank you.
4 **Q (By Ms. Mcamis) What did this defendant tell**
5 **you was her relationship with John Purdy or Blade?**
6 A That that was her boyfriend and the father of
7 her seven-month-old, I believe.
8 **Q Who did she tell you and what did she tell**
9 **you about Lilah's biological father?**
10 A That it was her ex-husband and he was in
11 prison.
12 **Q What did she tell you had happened the night**
13 **before?**
14 A She stated she woke up around midnight and
15 went looking for Blade.
16 **Q Where did she tell you that she found Blade?**
17 A She found him in a bedroom with Lilah.
18 **Q What did she tell you that he was doing to**
19 **Lilah?**
20 A That he was hitting and choking her.
21 **Q Did she say why she thought that Blade had**
22 **been hitting Lilah?**
23 A Because the little girl made a mess on the
24 floor and he was punishing her for making that mess.
25 **Q Did she -- what did she tell you -- how did**

1 she tell you she responded to Blade at that point?
2 A She was hitting him, trying to get him off of
3 Lilah.
4 Q Did she say whether or not she asked anything
5 of Blade?
6 A I don't recall what she asked.
7 Q Did she tell you whether or not Blade made
8 any statements to her about what he was doing to Lilah
9 and why?
10 A Yeah. She stated that he said he was
11 punishing her for making a mess.
12 Q Did she tell you specifically what Blade was
13 hitting Lilah with?
14 A Yes, ma'am. That he had a paddle.
15 MS. MCAMIS: That's all of the questions that
16 I have, Your Honor.
17 THE COURT: Thank you.
18 Is there cross examination?
19 *CROSS-EXAMINATION*
20 *BY MR. BOEHEIM:*
21 Q Is it Officer or Detective Ramsey?
22 A Officer.
23 Q Officer Ramsey, what time was this that you
24 were at the home and having this conversation with
25 Ms. Lalehparvaran?

1 A It was somewhere around 3:00 in the
2 afternoon.
3 **Q 3:00 in the afternoon.**
4 **And at any point did you ask -- did you ask**
5 **her if she was under the influence of alcohol?**
6 A No, sir.
7 **Q Did you ask her if she was under the**
8 **influence of any drugs or medication?**
9 A I don't believe so.
10 **Q Okay. Did you at any point in the search or**
11 **clearing of the house find any drugs?**
12 A There wasn't an actual search of the house,
13 so, no, sir.
14 **Q But you went into the back bedroom?**
15 A Well, I went in and got her. But there
16 wasn't an actual room-by-room search. When you use
17 the word search to me, it means, like, a full search.
18 **Q In the plain view of moving through the house**
19 **you saw no drugs or alcohol?**
20 A I was in the living room, hallway, kitchen,
21 and bedroom, and, no, not in those areas, no, sir.
22 **Q Okay. At any point did Ms. Lalehparvaran**
23 **speak to you regarding Blade or Mr. Purdy's use of**
24 **drugs?**
25 A I don't believe so.

1 MR. BOEHEIM: Pass the witness, Your Honor.
2 THE COURT: Is there redirect for Officer
3 Ramsey?
4 MS. MCAMIS: Very briefly.
5 *REDIRECT EXAMINATION*
6 *BY MS. MCAMIS:*
7 **Q Counsel asked you about whether or not the**
8 **defendant made any statements about being under the**
9 **influence. As a law enforcement officer, are you**
10 **trained in detecting whether or not a person is, in**
11 **fact, under the influence of an intoxicating**
12 **substance?**
13 A Yes, ma'am.
14 **Q Did you form an opinion as to whether or not**
15 **the defendant was under the influence of anything?**
16 A Yes, ma'am.
17 **Q And what was that opinion?**
18 A That she was, which is one of the reasons why
19 I transported her and the children in my own car to
20 the Victim Witness Center.
21 **Q Did you have any difficulty in communicating**
22 **with her or talking with her?**
23 A Yes. She was -- it was hard to get
24 information out of her. It seemed that her mind would
25 kind of wander. It was hard to keep her focused on

1 what we were talking about.
2 **Q Based upon your training and experience, what**
3 **did you -- what type of substance did you -- were you**
4 **concerned that she was under the influence of?**
5 A I don't have exact, like, DRE training, but I
6 felt like it was drugs, pills, something along those
7 lines. I didn't feel like it was alcohol.
8 **Q Did you feel like -- or did you form an**
9 **opinion based on your training and experience that she**
10 **was knowingly and voluntarily speaking with you and**
11 **communicating with you?**
12 A Yes, ma'am.
13 **Q In other words, did you form an opinion as to**
14 **whether or not her being under the influence was**
15 **impacting your conversation or her ability to relate**
16 **the information to you in any way?**
17 A It did a little bit because it -- it was hard
18 to keep her thoughts jointed, like, sequenced from the
19 beginning to the end.
20 **Q Did it cause you any concern about the truth**
21 **or veracity of what it was she was explaining or**
22 **telling you?**
23 A I was concerned that she wasn't remembering
24 correctly. I don't know that I would say that I felt
25 like she was outright lying. I just wasn't sure

1 that -- there were gaps in time that were hard to
2 figure out what had happened during that time.
3 **Q Were your concerns about her being under the**
4 **influence, were those concerns about allowing her to**
5 **operate a motor vehicle?**
6 A Yes, ma'am.
7 **Q Were you concerned about continuing to talk**
8 **to her about what had happened with her daughter?**
9 A No.
10 **Q Why not?**
11 A Because in my mind at that point she was also
12 a victim and the mother of these children. We were
13 trying to find out as much information about their
14 condition so that they could get the help that they
15 needed.
16 **Q And you talked about at that point in your**
17 **investigation. And do you know if subsequently at**
18 **some point that opinion or designation of the**
19 **defendant changed with law enforcement?**
20 A Yes.
21 MR. BOEHEIM: Objection. Outside the scope.
22 THE COURT: I'll allow it for purposes of
23 this hearing.
24 **Q (By Ms. Mcamis) But, ultimately, that was not**
25 **during the course of your conversation with her?**

1 A No, ma'am.
2 MS. MCAMIS: Okay. Thank you. I have no
3 further questions.
4 THE COURT: Is there any recross?
5 MR. BOEHEIM: No recross from the Defense,
6 Your Honor.
7 THE COURT: May Officer Ramsey step down and
8 be excused for purposes of this hearing?
9 MS. MCAMIS: Yes, Your Honor.
10 THE COURT: All right. Officer, you may step
11 down and be excused. Thank you.
12 Please come forward to be sworn.
13 **DETECTIVE JEANNE MACKENZIE,**
14 **called as a witness on behalf of the State, being of**
15 **lawful age and after having been first duly sworn,**
16 **testified as follows:**
17 THE COURT: Thank you. You may be seated.
18 And if you'll spell your name for our record
19 today, that would be helpful.
20 THE WITNESS: Jeanne Mackenzie. J-E-A-N-N-E,
21 M-A-C-K-E-N-Z-I-E.
22 THE COURT: Thank you.
23 Counsel, you may inquire.
24 ***DIRECT EXAMINATION***
25 ***BY MS. MCAMIS:***

1 Q Detective MacKenzie, how are you employed,
2 please?
3 A I'm a police officer with the Tulsa Police
4 Department.
5 Q How long have you been a law enforcement
6 officer?
7 A Almost 12 years.
8 Q Specifically on June 16th of 2015, were you
9 a detective with the Child Crisis Unit on that date?
10 A Yes, I was.
11 Q And on that date did you have the opportunity
12 to become involved in a case involving a victim by the
13 name of Lilah Lalehparvaran?
14 A Yes, I was.
15 Q On that date did you participate in an
16 interview with the defendant in this case, Kerry
17 Lalehparvaran?
18 A Yes.
19 Q Who else was -- participated in that
20 interview?
21 A It was myself and Detective Paula Maker.
22 Q Where did that interview take place?
23 A At the Downtown Detective Division.
24 Q And was it just the two of you who are
25 involved in that particular interview?

A Yes, it was.

Q At the point in time that that interview took place, had the defendant been placed under arrest?

A Yes, she had.

Q So she was in custody at the time. Is that correct?

A That is correct.

Q At the -- was the entire interview recorded, from start to finish?

A Yes, it was.

Q And at the beginning of the interview, was the defendant advised of her Miranda Rights?

A Yes, she was.

Q How was she advised of those?

A She was given -- shown our Miranda Rights waiver form and it was read to her.

MS. MCAMIS: May I approach, Your Honor?

THE COURT: You may.

Q (By Ms. Mcamis) I'll hand you what I've previously marked for the purposes of admission at jury trial as State's Exhibit No. 19. Is that the Miranda waiver form that was given to the defendant on that day?

A Yes, it is.

Q And were each of those rights gone over with

her?

A Yes, they were.

Q And did she initial each of those rights?

A Yes, she did.

Q And then did Detective Maker sign and acknowledge at the bottom after the defendant signed and acknowledged at the bottom?

A Yes.

MS. MCAMIS: Your Honor, for the purposes of this hearing, the State would move for admission of State's Exhibit No. 19.

MR. BOEHEIM: For the purpose of the hearing, Your Honor, no objection.

THE COURT: All right. State's 19 is admitted for purposes of the Jackson-Denno hearing.

Q (By Ms. Mcamis) You've stated that the entire interview was recorded from start to finish. Is that correct?

A That's correct.

Q I'll hand you what has been marked for the purpose of jury trial admission as State's Exhibit No. 20. And is that a copy of the interview that you conducted that day?

A Yes, it is.

MS. MCAMIS: Your Honor, at this time for the

1 purposes of this hearing the State moves for admission
2 of State's Exhibit No. 20.
3 THE COURT: Response.
4 MR. BOEHEIM: No objection for the purposes
5 of this hearing.
6 THE COURT: All right. It will be admitted
7 for purposes of this hearing.
8 Q (By Ms. Mcamis) At any point in time in your
9 interview, did either yourself or Detective Maker
10 threaten or harass the defendant in any manner?
11 A No.
12 Q At any point in time did either of you
13 unholster or brandish your weapons?
14 A No.
15 Q At any point in time did either of you offer
16 her anything, promise her anything in exchange for
17 speaking with you?
18 A No.
19 Q As a law enforcement officer did you -- are
20 you trained in determining whether or not a person is
21 under the influence of an intoxicating substance?
22 A Yes, I am.
23 Q And did you form an opinion as to whether or
24 not the defendant was?
25 A She did not appear to be under the influence

1 of anything.
2 **Q Did you have any difficulty in speaking with**
3 **her?**
4 A No, I did not.
5 **Q The defendant that you interviewed on that**
6 **day, is she here in the courtroom?**
7 A Yes, she is.
8 **Q Could you identify her, please?**
9 A She's sitting at the second table with the
10 purple jacket.
11 MS. MCAMIS: Your Honor, the State would
12 request that the record reflect that the witness has
13 identified the defendant.
14 THE COURT: The record will so reflect.
15 MS. MCAMIS: Your Honor, because you have had
16 the opportunity to review the video, I did not intend
17 to go into the specific statements, if that's
18 acceptable to Your Honor.
19 THE COURT: It is acceptable.
20 MS. MCAMIS: Thank you.
21 I have no further questions.
22 THE COURT: Cross examination.
23 ***CROSS-EXAMINATION***
24 ***BY MR. BOEHEIM:***
25 **Q Hi, Detective.**

1 A Hello.
2 Q Nice to see you again.
3 So it's my understanding you had
4 Ms. Lalehparvaran in custody. Correct?
5 A Yes.
6 Q And when you took her into the interview
7 room, she was handcuffed, wasn't she?
8 A Yes, she was.
9 Q You sat her down and then took the handcuffs
10 off?
11 A Yes.
12 Q And there were -- there was a short
13 discussion that led up to the reading of Miranda.
14 Correct?
15 A She made a brief statement to Detective Maker
16 that she remembered some additional stuff. And
17 Detective Maker stopped her and told her she needed to
18 read her her rights first.
19 Q Didn't Detective Maker actually ask her
20 several questions just prior to Miranda?
21 A I don't recall that.
22 MR. BOEHEIM: Pass the witness, Your Honor.
23 THE COURT: Redirect.
24 MS. MCAMIS: I have no further questions.
25 THE COURT: And may Detective step down and

1 be excused?
2 MS. MCAMIS: Yes.
3 THE COURT: Thank you, ma'am. You may be
4 excused.
5 MS. MCAMIS: Your Honor, we have no further
6 law enforcement officers to call for the purposes of
7 Jackson-Denno and we would rest.
8 THE COURT: All right. Thank you.
9 And does the Defendant wish to introduce any
10 rebuttal evidence?
11 MR. BOEHEIM: We have no rebuttal evidence
12 other than the video that's already in evidence. And
13 prepared for argument.
14 THE COURT: All right. I'll allow the State
15 to proceed first, if you wish to make argument.
16 MS. MCAMIS: Yes, Your Honor. With respect
17 to the statements that were made to Officer Ramsey,
18 very clearly Officer Ramsey testified that the
19 defendant was not in custody and she was free to leave
20 at all times. In fact, she accompanied and went to
21 the Child Crises -- the Child Advocacy Center after
22 they left the residence.
23 Officer Ramsey testified that she did not
24 threaten or harass in any manner, that she did not
25 offer or promise anything in exchange for the

1 defendant speaking with her.
2 Although Officer Ramsey formed an opinion
3 that the defendant should not be operating a motor
4 vehicle with her injured 4-year-old child in the car,
5 that does not in any way negate the statements or
6 invalidate the statements that the defendant made to
7 Officer Ramsey.
8 In fact, Officer Ramsey at the time was, in
9 essence, interviewing the defendant as a victim,
10 herself. And although the -- it appeared that the
11 defendant was having some gaps in time frames and that
12 she was a little bit scattered in what she was telling
13 her, that does not, again, negate the statement and
14 does not make the statement inadmissible for the
15 purposes of Jackson-Denno criteria.
16 Then with respect to Detective Jeanne
17 MacKenzie, the defendant was, in fact, in custody at
18 the time. When she was brought into the interview
19 room, as Your Honor is aware from Your Honor's review
20 of the tape, the defendant began to make spontaneous
21 statements on her own. However, she was, in fact,
22 stopped and cautioned by the detective and advised of
23 her Miranda Rights.
24 She offered and indicated, not only verbally,
25 but also in writing, that she understood each of her

1 Miranda Rights and that she waived each of her Miranda
2 Rights, and then she continued to make a statement.
3 All of the contents of the statement should,
4 therefore, be admissible.
5 And, specifically, also with respect to
6 Detective MacKenzie, there was no offer or promise,
7 there was no threat or harassment, and the defendant's
8 statements were knowingly and voluntarily given.
9 THE COURT: Thank you.
10 Argument from the Defense.
11 MR. BOEHEIM: As to statements made to
12 Officer Ramsey, Officer Ramsey, to quote her, said
13 Ms. Lalehparvaran remembered -- had a difficult time
14 remembering correctly. She was clearly under the
15 influence, not anywhere near capable of driving,
16 didn't remember, and was not focused.
17 And, arguably, yes, we could say that she was
18 free to leave. But when your house is full of police
19 officers and you're standing there amongst them, I
20 don't believe anybody would have a reasonable belief
21 that they could just get up and walk out.
22 So at the point when this conversation is
23 happening, my client is under the influence, has no
24 belief she can leave, and is not remembering
25 accurately. So we would move to have the statements

1 made by my client to Officer Ramsey excluded.
2 As to the video, we have no particular
3 argument once Miranda is given. But it's our
4 contention that upon entering the interview room my
5 client is clearly in custody, she is handcuffed.
6 She's unhandcuffed and as she's unhandcuffed
7 there's a -- there's a discussion that occurs. And
8 Detective Maker, in particular, encourages discussion.
9 She has follow-up questions and encourages that
10 answer, if you will. And I don't believe that lends
11 itself to a voluntary statement, given that she was
12 clearly in custody at that time.
13 Then and only then, after those statements
14 were made, did Detective Maker then go, Oh, okay,
15 let's do Miranda. So I believe the statements prior
16 to Miranda should be excluded.
17 MS. MCAMIS: Your Honor, the only response
18 that I have with respect to Counsel's argument about
19 Officer Ramsey, is he states that -- apparently he
20 wants Your Honor to assume that she believes she
21 couldn't leave because there was officers in her home.
22 However, there's no evidence of that,
23 whatsoever. There is no evidence that has been
24 presented that the defendant in any way, shape, or
25 form did not believe she could leave or did not

1 understand or know that she was free to leave. And so
2 you cannot just assume that just because Defense
3 counsel makes that argument.
4 Your Honor is to decide this based only on
5 the evidence that was presented during the course of
6 the Jackson-Denno hearing. And, as such, the State
7 would argue that the statements to both Officer Ramsey
8 and Detective MacKenzie are, in fact, admissible.
9 THE COURT: All right. Anything further from
10 either side?
11 MR. BOEHEIM: Not from the Defense, Your
12 Honor.
13 THE COURT: Thank you.
14 I did review State's Exhibit 20 last night
15 and finished it up early this morning. I did make a
16 number of notes, including the point at which
17 Ms. Lalehparvaran was Mirandized.
18 I want to take just moment to review that
19 portion of the CD of the interview that's pre-Miranda
20 just to make sure I didn't miss anything. I made my
21 notes about what the content was but I want to
22 double-check that. And when we come back at 1:25,
23 I'll be prepared to make just a real quick ruling on
24 what the Court's rulings are with regard to the
25 admissibility of these two items.

1 All right. We'll be off the record.
2 *(The lunch recess was taken.)*
3 THE COURT: We'll be on the record in
4 CF-2015-242, State vs. Lalehparvaran. Both counsel
5 are present, defendant is present. Jury panel is not
6 present in the courtroom.
7 During the lunch break the Court had the
8 opportunity to consider the evidence and arguments of
9 counsel concerning the Jackson-Denno hearing. And, as
10 such, the Court really has three decisions to make.
11 No. 1, whether the statements made to Officer
12 Ramsey were custodial and/or otherwise admissible.
13 No. 2, whether the pre-Miranda questions and answers
14 on State's 20 are admissible. And No. 3, whether the
15 post-Miranda custodial interrogation is admissible.
16 The Court makes the following findings:
17 With regard to the statements given by
18 Ms. Lalehparvaran to Officer Ramsey, Court does not
19 find that it was a custodial interrogation. Based on
20 the evidence presented it appears to be general
21 on-scene questioning which isn't subject to Miranda.
22 And, in fact, the officer testified that she viewed
23 Ms. Lalehparvaran as a victim witness at that point in
24 time, not necessarily a suspect or someone that she
25 was going to arrest. There was no evidence that

1 Ms. Lalehparvaran was deprived of her freedom.
2 However, the Court does have to look at the
3 voluntariness of the statements made to Officer
4 Ramsey. And under the totality of circumstances I'm
5 to look -- I'm to look at the totality of the
6 circumstances when law enforcement officials obtain
7 evidence statements from someone. I'm to look at the
8 location of the questioning. And this is under the
9 authority set out in United States vs. Lugo Guerrero,
10 524 F.3d 5, as well as U.S. V Oehne, O-E-H-N-E, 698 F.
11 3d 119, to look at whether Miranda warnings were, in
12 fact, given, whether the person initiated the contact
13 with law enforcement, to look at an accused personal
14 characteristic such as youth, drug problems, physical
15 condition, experience with the criminal justice
16 system, as factors in determining the voluntariness of
17 the confession.
18 Court has serious concerns over
19 Ms. Lalehparvaran's ability to voluntarily make any
20 statement, even if it wasn't custodial. The officer
21 testified that her appearance was intoxicated, not by
22 alcohol, but by other substances perhaps, that she
23 appeared to have trouble remembering things. And the
24 officer was so concerned that she would not let
25 Ms. Lalehparvaran drive. As a result I find the

1 statements to Officer Ramsey were not voluntarily made
2 and are inadmissible.
3 As far as the pre-Miranda custodial
4 interrogation, Court noted that at position 12.19 on
5 the DVD, there was some chitchat. The defendant was
6 being uncuffed. There were complaints about it being
7 stuck. They discussed the origins of her last name.
8 She indicated, "There's more stuff I
9 remember. I put it in my protective order."
10 At 12.23, the officer says, "I need to inform
11 you of your rights," but then does not do it at that
12 point. She discusses Ms. Lalehparvaran's education,
13 whether she was under the influence, whether she had
14 used any drugs or prescriptions.
15 And at 12 -- and these were all questions and
16 Ms. Lalehparvaran gave answers in response
17 specifically to those questions to the officers.
18 At 12.25.11, the officer began reading Ms.
19 Lalehparvaran her rights, and that was concluded at
20 12.26.
21 I find that the pre-Miranda interrogations
22 were -- the answers were given specifically in
23 response to questions by the police. Even though
24 there was a reference to, "I need to review your
25 rights with you," that wasn't done until noted in the

1 record. So the portion that's pre-Miranda will not be
2 admissible.
3 As to the third decision that the Court is
4 making today, the Court finds that all of the
5 post-Miranda custodial interrogation is admissible.
6 Court finds after reviewing the videotape,
7 State's 20, that Ms. Lalehparvaran was -- I think she
8 was approximately 28 years old, certainly in her late
9 20s at the time of the interview. She did not appear
10 to be under the influence at the time of the
11 interview.
12 The length of the interview was appropriate.
13 The methodology used in the interview was appropriate.
14 She didn't appear to have any problems understanding
15 the questions or ability to understand the questions.
16 So under the totality of the circumstances and by a
17 preponderance of the evidence I find that her
18 statements after the Miranda rights were reviewed with
19 her are all admissible, as they were knowingly,
20 voluntarily, and intelligently and freely given and
21 that she knowingly and intelligently waived her
22 Miranda warnings at that point.
23 So, with that, I think we're ready to proceed
24 with the remainder of jury selection.
25 MS. MCAMIS: Your Honor, the State is

1 respectfully requesting, in light your ruling with
2 respect to Officer Ramsey, that after such time as we
3 resume jury selection, but before such time as we
4 begin with opening statements, the State is
5 respectfully requesting that Your Honor review two
6 different cases from the Court of Criminal Appeals.
7 That being the Smith vs. State case, which is
8 cited at 157 P.3d 1155, and also the Coddington vs.
9 State case, which is cited at 142 P.3d 437, both of
10 which stand for the proposition that a self-induced
11 intoxication does not render a confession or statement
12 invalid and does not mean that it should be suppressed
13 or not entered before the jury. So --
14 THE COURT: I will review those. I certainly
15 wish I'd had them before the lunch hour when I spent
16 the bulk of my time reviewing these arguments.
17 Does the Defense have any case law or
18 authority that it wishes the Court to consider as
19 well?
20 MR. BOEHEIM: No case law. But we just make
21 the reference that there is no testimony or evidence
22 that it was self-induced.
23 THE COURT: All right. I will reserve my
24 rulings for further reading of the cases proffered by
25 the State. I will not have an opportunity to review

1 those until after defense's voir dire, whereupon we
2 will take another break and I will look at those
3 cases.
4 Anything further?
5 MS. MCAMIS: No, Your Honor.
6 THE COURT: Thank you.
7 Is everyone ready for the jury panel?
8 *(The prospective jury panel returned to the courtroom.)*
9 THE COURT: We have just concluded the
10 State's voir dire. At this point Defendant's voir
11 dire is now in order.
12 MR. BOEHEIM: Hello, everyone. My name is
13 Brian Boeheim and I represent Ms. Lalehparvaran.
14 Just to be polite, I know you all had to say
15 where you're from and if you're married or not, I live
16 out in Broken Arrow with my wife, Vickie. We've been
17 married 36 years. We don't have any kids and don't
18 have any dogs. That was a point of conversation
19 earlier.
20 Did have somewhere in the range of 120 kids
21 pop by the door yesterday for --
22 There's this thing -- there's this thing
23 where I live where they bring them in. I guess who
24 gives the biggest and best candy bars. I don't know.
25 So Ms. McAmis did an outstanding job talking

1 to all of you and got a whole bunch of stuff that I
2 would have asked. So I'm going to save us that effort
3 in having to go over that again. And the Judge
4 obviously went through and asked a bunch of questions
5 as well, so I'm going to try to make this as lean and
6 as mean as possible.
7 I have the -- I was lucky and unlucky in two
8 senses. One, I was lucky that we actually got to take
9 a lunch break. Usually I'm right before lunch. I'm
10 the last thing before lunch, so --
11 But, then again, you just ate lunch. So
12 we'll try to keep this light and see if we can power
13 through this and get to the other side.
14 Voir dire is my favorite part. I know a lot
15 of attorneys, they're all about speeches and all about
16 doing their thing, their cross examination. I like
17 the opportunity of getting to talk to 30 new people
18 that I've never met.
19 So some of the conversations we're going to
20 have are going to be very light and sort of generic.
21 Some of them are going to dive down in some of the
22 same topics Ms. McAmis asked and the Judge asked
23 because this is a very, very specific type of case.
24 And there is no harm and no foul if you
25 aren't the right person for this particular jury. You

1 might be a perfect person for another type of case.
2 But what we want -- Ms. McAmis and I, and she said it
3 to you herself, we want somebody who is objective and
4 takes into consideration all of the evidence, does it
5 in such a way that they use their common sense and
6 justice is served. I believe we both want that. And
7 that's all we're asking of you and that's the purpose
8 of all of these questions.
9 So something Ms. McAmis said that I want
10 to -- I want to sort of backtrack on just a little bit
11 here. Up until recently there has never been a TV
12 show that dealt with voir dire, but there is now. Has
13 anybody seen the show Bull. No? Got a couple of
14 people.
15 So, Ms. Steele. Right? Ms. Steele, what is
16 the show Bull about?
17 PROSPECTIVE JUROR: Well, I've just seen a
18 couple of episodes. But, basically, it is a guy who
19 studies the people that are possibly going to be
20 chosen for the jury.
21 MR. BOEHEIM: Yeah.
22 PROSPECTIVE JUROR: And finds people that are
23 replicas of those people and how they're going to
24 vote.
25 MR. BOEHEIM: Yeah, doppelgangers, for all

1 intents and purposes. Literally he goes and he finds
2 exact matches of each one of you, puts them in a
3 separate room, and then somehow can interpret what's
4 going to happen.
5 I want to be clear. I don't have those kinds
6 of resources. And in Tulsa, Oklahoma, I doubt we're
7 going to find your doppelgangers. Okay? So we have
8 to go the old fashioned way and we're going to do it
9 through the questions.
10 So let's start -- and I'm going to dive right
11 into things. I'm going to talk to the ladies in the
12 room first.
13 How many of you had a really crappy
14 boyfriend? Okay. Lots of hands. The first hand that
15 shot up was Ms. Francis.
16 So, Ms. Francis, when you say -- you know, I
17 said crappy boyfriend. How was your boyfriend crappy?
18 PROSPECTIVE JUROR: How he treated me.
19 MR. BOEHEIM: Okay. So he didn't treat you
20 in the way you should have been treated?
21 PROSPECTIVE JUROR: (Prospective juror nods
22 head.)
23 MR. BOEHEIM: Okay. And we don't have to go
24 down any big rat hole on that.
25 And can I ask how long you stayed with him?

PROSPECTIVE JUROR: Well, I was young, so --

MR. BOEHEIM: Understood.

PROSPECTIVE JUROR: All the way through high school.

MR. BOEHEIM: In high school?

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: So did you recognize right away that he treated you poorly?

PROSPECTIVE JUROR: No.

MR. BOEHEIM: No?

Did friends have to sort of point it out to you or did you just sort of come to the conclusion over a period of time?

PROSPECTIVE JUROR: Came to the conclusion.

MR. BOEHEIM: Came to the conclusion?

Okay. Let's see. Who else here had crappy boyfriends?

Okay. Ms. Foster.

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Okay. What -- what do you mean by a crappy boyfriend?

PROSPECTIVE JUROR: Controlling, selfish, rude.

MR. BOEHEIM: The trifecta.

So -- so did he -- did he start out that way?

PROSPECTIVE JUROR: No.

MR. BOEHEIM: No?

How did he start out?

PROSPECTIVE JUROR: Nice, caring.

MR. BOEHEIM: Holding doors open?

PROSPECTIVE JUROR: Yeah.

MR. BOEHEIM: Being sweet? And then sort of developed that way over a period of time?

PROSPECTIVE JUROR: Right.

MR. BOEHEIM: Okay. And how long did you stay with him, may I ask?

PROSPECTIVE JUROR: Four years.

MR. BOEHEIM: How long?

PROSPECTIVE JUROR: Four years.

MR. BOEHEIM: Okay. So over that period of time there was a point -- there were points at which you started going, you know, this ain't all it's cracked up to be. Is that a fair assessment?

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Okay. And how many of those sort of a-ha moments would you say you had before you finally went, okay, enough is enough?

PROSPECTIVE JUROR: A lot.

MR. BOEHEIM: A lot?

Okay. All right. I'm going to let you off

1 the hook now. Thank you on that.
2 I'm sorry. Ms. Spellman. Did I see --
3 Ms. Spellman, so did you have -- are we talking a
4 similar situation or is it different?
5 PROSPECTIVE JUROR: Well, there's been a
6 couple.
7 MR. BOEHEIM: There's been a couple of them?
8 Okay.
9 PROSPECTIVE JUROR: One I dated then he broke
10 up with me, then we got back together, he broke up
11 with me, we got back together constantly, and I didn't
12 realize it for, like, three years.
13 MR. BOEHEIM: When you got back together with
14 him, why did you get back together with him?
15 PROSPECTIVE JUROR: I don't know.
16 MR. BOEHEIM: You don't know?
17 And that's a valid answer. That's a valid
18 answer.
19 Anybody know why you could sit there -- why
20 Ms. Spellman is sitting there going, I don't know?
21 And this is strictly to females. Guys you don't get
22 to vote on this one yet. Any of the -- any of the
23 ladies in the room go, I don't know? Why does that
24 ring a bell?
25 PROSPECTIVE JUROR: Hindsight is 20/20.

1 MR. BOEHEIM: Yeah. Hindsight is 20/20. And
2 in the moment, you're looking at it from a different
3 perspective, aren't you?
4 PROSPECTIVE JUROR: Right.
5 MR. BOEHEIM: Who here thinks it's because
6 you want to think -- you want to think and look at the
7 positives? Is that fair?
8 PROSPECTIVE JUROR: Yes.
9 MR. BOEHEIM: And, Ms. -- Ms. Foster raised
10 her hand on that and acknowledged that.
11 Okay. Now, we're going to go -- go to the
12 guys. Now we've got the guys' attention.
13 So guys -- and I want to talk to the guys who
14 have daughters -- who have daughters. Okay? So guys
15 who have daughters, how many of your daughters, in the
16 ones that are old enough, dated a crappy boyfriend?
17 No? They were all winners?
18 Okay. We've got one choice. Mr. Worden
19 raised his hand. Mr. Warden, did your daughter date a
20 crappy boyfriend?
21 PROSPECTIVE JUROR: Yeah. I think one of
22 them was gay, so that didn't work out at all.
23 MR. BOEHEIM: Okay. So they weren't
24 compatible?
25 PROSPECTIVE JUROR: No.

1 MR. BOEHEIM: Okay. That's fair.
2 Did -- did any others -- did your daughters
3 date somebody that wasn't as polite or nice or caring
4 as you would have liked him to be? Well, I see no
5 hands.
6 Okay. Let's spread it out then. How
7 about -- for the guys, how about your -- if you have
8 sisters or cousins, female relatives? Any of them
9 date somebody that was maybe not as nice or polite or
10 as good as they should have been for them? Okay.
11 There's a nodding head.
12 Mr. Oakley.
13 PROSPECTIVE JUROR: Yes.
14 MR. BOEHEIM: Yes. So describe that for me.
15 PROSPECTIVE JUROR: Interesting extenuating
16 circumstances. I mentioned before I had a handicapped
17 sister.
18 MR. BOEHEIM: Right.
19 PROSPECTIVE JUROR: And not mentioned was the
20 fact that my father was actually a very wealthy man.
21 And so because of my sister's handicaps a young man
22 wormed his way into her life, they fell in love, and
23 eventually ending up with her insisting on getting
24 married. And then we had to deal with the fallout of
25 that because he was just basically flat out no good.

1 And to try and keep the problem at bay, my
2 dad basically just threw money at it, which was his
3 way of coping. And when he passed away it ended all
4 up in my lap. And anyway --
5 MR. BOEHEIM: Well, I'm sorry to hear that.
6 PROSPECTIVE JUROR: -- we dealt with it.
7 MR. BOEHEIM: That's what has to happen. You
8 end up dealing with it. Right?
9 PROSPECTIVE JUROR: Yeah.
10 MR. BOEHEIM: So would you say in this
11 particular case he was obviously using your sister --
12 PROSPECTIVE JUROR: Oh, yeah.
13 MR. BOEHEIM: -- to get to an end?
14 PROSPECTIVE JUROR: He was a lazy bum and
15 being handed money was exactly what he liked.
16 MR. BOEHEIM: Right. Right.
17 And he manipulated her. And in her case
18 because of --
19 PROSPECTIVE JUROR: Of the handicap. It was
20 very easy to do.
21 MR. BOEHEIM: Okay. Now, as I say, in her
22 case it was a little easier to do. But does anybody
23 know of anybody that you've seen, a friend or a
24 relative where you've seen the individual manipulated
25 or taken advantage of? No?

1 I'm going to go back to you, Ms. Foster. You
2 looked like you nodded your head just a little bit.
3 Did I -- did I misread that?
4 PROSPECTIVE JUROR: Oh, no.
5 MR. BOEHEIM: No?
6 PROSPECTIVE JUROR: I was thinking, too,
7 so --
8 MR. BOEHEIM: Oh, you were thinking?
9 PROSPECTIVE JUROR: Yeah.
10 MR. BOEHEIM: Okay.
11 PROSPECTIVE JUROR: Yeah. I've seen
12 situations like that.
13 MR. BOEHEIM: You have seen situations like
14 that?
15 PROSPECTIVE JUROR: Yes.
16 MR. BOEHEIM: Okay. How about you,
17 Ms. Williams? Do guys take advantage sometimes?
18 PROSPECTIVE JUROR: Yes.
19 MR. BOEHEIM: Yeah?
20 And do they -- do they have the ability to do
21 that in certain circumstances?
22 PROSPECTIVE JUROR: Yes.
23 MR. BOEHEIM: What would be the circumstances
24 from your perspective where they would -- a guy would
25 be able to take advantage?

1 PROSPECTIVE JUROR: Well, my niece's
2 boyfriend, you know, he takes advantage of her because
3 she's younger than he is. So I guess he feels like
4 he's -- you know, can do that. Because she -- she
5 really, really loves him so she just kind of, like,
6 does whatever he wants her to do. So he takes
7 advantage of her.
8 MR. BOEHEIM: So you're -- I'm going to --
9 I'm going to extrapolate just a little bit off of
10 that.
11 PROSPECTIVE JUROR: Okay.
12 MR. BOEHEIM: In that, would you say,
13 Ms. Williams, that, you know, love blinds?
14 PROSPECTIVE JUROR: Yeah.
15 MR. BOEHEIM: Yeah?
16 There's a big smile. I see several other
17 head nods.
18 Mr. Taylor, I saw your head nod on that, love
19 blind?
20 PROSPECTIVE JUROR: Yes. Obviously
21 (inaudible) --
22 MR. BOEHEIM: Yeah. Okay. How so?
23 PROSPECTIVE JUROR: I can't think of any
24 personal experiences, but I've seen, you know, a lot
25 of people close to me who have been in that type of

bad relationship that you can see it's not a good fit for either person, you know, and it's not going to end well, but they're still involved because they're in love with the person, so --

MR. BOEHEIM: Right. And it creates all sorts of issues and problems --

PROSPECTIVE JUROR: Chaos.

MR. BOEHEIM: -- but they just go any ways.

Mr. -- is it Rebollar or Rebollar?

PROSPECTIVE JUROR: Rebollar.

MR. BOEHEIM: Rebollar.

Mr. Rebollar, how about you? Have you got any --

I'm sorry. How many children do you have, again?

PROSPECTIVE JUROR: Four. There will be five soon.

MR. BOEHEIM: Okay. And how many daughters?

PROSPECTIVE JUROR: Just one, little.

MR. BOEHEIM: One little daughter.

PROSPECTIVE JUROR: Yeah. She's 4.

MR. BOEHEIM: Okay. So I'm going to ask you to think into the future.

PROSPECTIVE JUROR: Yeah.

MR. BOEHEIM: Okay. So she's 17 years old,

1 and the guy comes knocking on the door. What are you
2 going to do in terms of judging and assessing this
3 poor boy before you let him date your daughter?
4 PROSPECTIVE JUROR: Well, first of all, I
5 just need to talk to my daughter, you know, try to
6 give her principals and all of that and then go from
7 that.
8 MR. BOEHEIM: Okay.
9 PROSPECTIVE JUROR: If she wants, I guess,
10 better for the guy.
11 MR. BOEHEIM: Okay. So you want -- and I'm
12 going to try to summarize that. You want him to
13 respect your daughter.
14 PROSPECTIVE JUROR: Yeah.
15 MR. BOEHEIM: And have some morals and
16 ethics. Is that fair?
17 PROSPECTIVE JUROR: Yes.
18 MR. BOEHEIM: Okay. Ms. Nelson, how about
19 you? If I remember you have a daughter.
20 PROSPECTIVE JUROR: Two boys.
21 MR. BOEHEIM: Two boys?
22 PROSPECTIVE JUROR: Uh-huh.
23 MR. BOEHEIM: Okay. Well, let's flip it
24 around then. Two boys. How do you want your two boys
25 to treat girls when they start dating?

PROSPECTIVE JUROR: With respect.

MR. BOEHEIM: Okay. Well why?

PROSPECTIVE JUROR: Because that's how I was treated and that's what I expect of them.

MR. BOEHEIM: But we've just heard a number of little stories here and thoughts that the bad guys actually win.

PROSPECTIVE JUROR: I don't think anyone said they won.

MR. BOEHEIM: Well, we had a couple of people that had long-term relationships with guys that treated them poorly.

PROSPECTIVE JUROR: That doesn't mean they're winning.

MR. BOEHEIM: Okay. So how so?

PROSPECTIVE JUROR: Well, they're not necessarily in a relationship where it's a -- there's a mutual respect or -- there may be love, but it may not be -- it's not in the definition of what God calls love.

MR. BOEHEIM: Okay.

PROSPECTIVE JUROR: Love is kind. Love is patient.

MR. BOEHEIM: Okay. So -- and that's what you would want your two sons to provide?

PROSPECTIVE JUROR: Right.

MR. BOEHEIM: Love, patience, consideration, the ability to have empathy for the other person. Is that correct.

PROSPECTIVE JUROR: Right. And my love for my sons is blind even worse than my love for my husband. So it may not have been blind at first, but when you have kids, it blinds you.

MR. BOEHEIM: Fair enough. Fair enough.

So let's shift gears a little bit. Talk about common sense.

Ms. McAmis went on for quite a while about common sense. Is there anybody here that doesn't believe -- by a show of hands, doesn't believe they have common sense? Okay. There's no hands raised.

Now, I know that sounds like a funny question. But, honestly, I know a couple of people. My sister-in-law, no common sense, whatsoever, and she'll be the first to admit it. Book smart, oh, my God. But thank -- you know, thank goodness for her husband that keeps her in between the lines on everything else.

And one of the things, if we're talking about common sense, as Ms. McAmis said, there's going to be circumstantial evidence. There's going to be spots

1 that you're going to have to do some connecting the
2 dots.
3 Now, we're in the middle of a political
4 campaign right now. Right? The president -- you
5 know, political thing for a presidency and all of
6 that. Please let this be over soon. And then I --
7 for no other reason, it's just gone on too long. I'm
8 not even taking sides. I just want to say, please,
9 it's gone too long.
10 But we've heard both candidates talk about,
11 use your common sense when you go to the ballet box.
12 And then they describe to you what your common sense
13 looks like. Is that a fair assessment of some of the
14 things they've said? I see a lot of nodding heads.
15 Mr. Riddlebarger.
16 PROSPECTIVE JUROR: Yes.
17 MR. BOEHEIM: Is that a -- is that a fair
18 assessment, it's they're sort of telling you what your
19 common sense looks like?
20 PROSPECTIVE JUROR: As they kind of define
21 what their common sense is, too.
22 MR. BOEHEIM: Right.
23 And so they're saying, this is what -- if you
24 were going to think with common sense, this is what it
25 would look like?

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Okay. How does that make you feel?

PROSPECTIVE JUROR: Like you can't make the decisions your own, in a way.

MR. BOEHEIM: Okay. What would you prefer?

PROSPECTIVE JUROR: That you would make up your own mind and not tell you what the decision is.

MR. BOEHEIM: Okay. How about you, Mr. Murphy? How do you feel about that? Do you -- do you feel like you should use your own common sense or that common sense should be mapped out for you?

PROSPECTIVE JUROR: Yeah. You should definitely just be able to decide for yourself, to make decisions.

MR. BOEHEIM: Okay.

PROSPECTIVE JUROR: What good are you if you can't make your own decisions?

MR. BOEHEIM: Okay. And should you suspend all of your knowledge and general common sense to the common sense that's portrayed to you? So -- and I see a shaking head.

Mrs. Stoeppelwerth.

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Okay. Good.

1 Ms. Stoeppelwerth, so you shook your head,
2 no. What do you -- explain that.
3 PROSPECTIVE JUROR: I don't think you should
4 suspend your common sense just because someone else is
5 telling you that this is -- that this is common sense.
6 I think you have to come to your own conclusions.
7 MR. BOEHEIM: Of even what common sense is?
8 PROSPECTIVE JUROR: Yes.
9 MR. BOEHEIM: Because everybody sees the
10 world through a different set of lenses, don't they?
11 PROSPECTIVE JUROR: Yes.
12 MR. BOEHEIM: And you have to look at it from
13 that perspective.
14 Now, the political world and this world we're
15 in, this little environment, as Ms. McAmis said very
16 clearly, there's a little different rules. Because in
17 here the Judge is going to tell you what the elements
18 are and you're going to get a very clear set of jury
19 instructions on how you can make the decision. And
20 there's even a jury instruction that references
21 circumstantial evidence and common sense. But nowhere
22 in there does it suggest you should suspend yours for
23 somebody else's.
24 So, Ms. Howard, would -- would you be
25 comfortable if you're chosen to be on the jury, that

1 when you go back in the jury room to deliberate that
2 you're going to take your common sense, as you brought
3 it in here in the first place, apply it to the
4 evidence and the testimony to make your decision?
5 PROSPECTIVE JUROR: Yes.
6 MR. BOEHEIM: Okay. Thank you.
7 Would anybody have a different opinion than
8 Ms. Howard's? I see no hands. Great.
9 So let's move on. There's going to be
10 witnesses called. Some of those are going to be lay
11 witnesses. Some of those are going to be government
12 workers. Some of those are going to be police
13 officers.
14 Now, many of you -- I shouldn't say many.
15 Some of you have relationships with law enforcement.
16 I guess my question is --
17 And I'll ask you specifically, Mr. Gaylord.
18 If a police officer is sitting up on that stand and
19 they're testifying, would you believe them any more or
20 less because they're wearing a badge and uniform?
21 PROSPECTIVE JUROR: I mean, I think it
22 depends on the circumstance. But just, like, why is
23 that -- that's the only difference, is the badge,
24 then, no.
25 MR. BOEHEIM: No.

1 Why?
2 PROSPECTIVE JUROR: Because they're a person.
3 MR. BOEHEIM: Okay.
4 PROSPECTIVE JUROR: And, yeah, I mean that --
5 it doesn't make them different than other people in
6 the circumstance. I mean, unless there's some --
7 again, some other reason that I should believe them
8 more or less.
9 MR. BOEHEIM: Okay. Because they're wearing
10 a uniform, would you assume right away they're lying?
11 PROSPECTIVE JUROR: No.
12 MR. BOEHEIM: Okay. So you wouldn't
13 automatically blow up their credibility because
14 they're wearing a uniform?
15 PROSPECTIVE JUROR: No.
16 MR. BOEHEIM: And you wouldn't automatically
17 think they're definitely telling the truth because
18 they're wearing a uniform?
19 PROSPECTIVE JUROR: Correct.
20 MR. BOEHEIM: Who here agrees with
21 Mr. Gaylord? I see almost all hands. There's a few
22 that don't and I want to focus on that. Because,
23 honestly, I don't know if I agree with that.
24 So, Mr. Oakley, you didn't raise your hand.
25 PROSPECTIVE JUROR: I didn't raise my hand.

1 MR. BOEHEIM: So why?
2 PROSPECTIVE JUROR: Because I believe that a
3 law enforcement officer is held to a higher standard
4 so they should be given more trust and more belief.
5 Now, they can prove themselves wrong.
6 MR. BOEHEIM: Okay.
7 PROSPECTIVE JUROR: But, inherently -- and
8 that may be because my relationship with law
9 enforcement has been very positive during my life.
10 MR. BOEHEIM: Uh-huh. Yes.
11 PROSPECTIVE JUROR: And I do have a lot of
12 relationships with law enforcement because I'm out on
13 the road all the time and subject to a lot more
14 regulation than most people are.
15 MR. BOEHEIM: Right.
16 PROSPECTIVE JUROR: But, generally, my
17 relationship with law enforcement has -- has been
18 excellent and I trust them as a group more than I
19 would an average civilian, truthfully.
20 MR. BOEHEIM: Good. Fair enough.
21 Ms. McCoy.
22 PROSPECTIVE JUROR: Yes.
23 MR. BOEHEIM: Is there a difference between
24 credibility and reliability?
25 PROSPECTIVE JUROR: I would think that they

1 would have to go hand-in-hand.
2 MR. BOEHEIM: Okay. Well, let me ask it --
3 let me ask it a little different way.
4 Do you -- when we see an officer on the
5 stand, would you -- would it be more possible in your
6 mind that they were telling a lie or they were
7 mistaken?
8 PROSPECTIVE JUROR: Mistaken.
9 MR. BOEHEIM: Mistaken.
10 So let me come back to Mr. Oakley then. So
11 would you acknowledge that a police officer is a human
12 being like everyone else?
13 PROSPECTIVE JUROR: Absolutely.
14 MR. BOEHEIM: And even though you are -- you
15 are saying straight out that you believe they're more
16 credible than a lay person?
17 PROSPECTIVE JUROR: I would believe on
18 average, yes.
19 MR. BOEHEIM: Okay. But would you suggest
20 that they're more reliable than a lay person?
21 PROSPECTIVE JUROR: I am not an expert. But
22 I would have to assume that somewhere in the training
23 they are taught how to observe things differently
24 than -- than a lay person would. I suppose if we went
25 to this officer that's sitting here in the court and

1 someone came to the door and they asked how tall was
2 that person, and the -- everyone in this room said,
3 Oh, they're -- you would get everything from five feet
4 to six feet eight. And if we ask the officer, and he
5 said, it was probably about six foot two, probably you
6 might find he was about six foot two.
7 MR. BOEHEIM: Okay.
8 PROSPECTIVE JUROR: Because my assumption
9 would be that the officer was trained to observe those
10 kind of things.
11 MR. BOEHEIM: Okay. So based on what you're
12 saying, a police officer on that stand would hold more
13 weight to you than any other witness regarding
14 credibility and reliability?
15 PROSPECTIVE JUROR: Than any other witness?
16 Like, say, a doctor or something?
17 MR. BOEHEIM: A lay -- a lay witness.
18 PROSPECTIVE JUROR: A lay witness? Yes, to
19 me it would.
20 MR. BOEHEIM: Okay. Would you agree with
21 that, Ms. Nelson?
22 PROSPECTIVE JUROR: That they hold as much
23 credibility and reliability as a lay witness?
24 MR. BOEHEIM: That they hold more.
25 PROSPECTIVE JUROR: More?

MR. BOEHEIM: They're more honest and more reliable than a lay witness.

PROSPECTIVE JUROR: I think I agree with what he's saying about the training. They may be more reliable.

MR. BOEHEIM: Okay.

PROSPECTIVE JUROR: More observant to what is necessary in a criminal circumstance or something, you know, kind of seeing when they're maybe used to versus somebody who is not used to that kind of environment.

MR. BOEHEIM: All right. Ms. Ducummon.

PROSPECTIVE JUROR: Uh-huh.

MR. BOEHEIM: Do you have any concern that a person who's trained very specifically may look at things through different lenses than someone who would just be a generic or a general observer?

PROSPECTIVE JUROR: Yes, they may.

MR. BOEHEIM: Okay. So they'd be looking for something rather specific, wouldn't they?

PROSPECTIVE JUROR: They could be.

MS. MCAMIS: Okay. Do you think that might skew their view?

PROSPECTIVE JUROR: Yeah, it might to some other things.

MR. BOEHEIM: Okay. Is it possible and --

from your perspective that they may jump to conclusions?

PROSPECTIVE JUROR: Possibly could.

MR. BOEHEIM: Okay. Does anybody disagree with Ms. Ducummon? I see no hands.

Mr. Taylor, what do you think of that conversation?

THE COURT: Which Mr. Taylor?

MR. BOEHEIM: Oh, I'm sorry. James Taylor. Sorry about that. That's right we have Carl. Sorry about that. James Taylor.

So, you know, how do you feel about that?

PROSPECTIVE JUROR: About their inability to -- I mean, their ability to make a wrong conclusion?

MR. BOEHEIM: Does a specialization potentially give the possibility of skewing one's view?

PROSPECTIVE JUROR: Yeah, I think it could. I can imagine probably all of the elements, whatever, of that said scenario, might be -- could be very fluid, a lot of moving parts, a lot of -- I'm sure officers are trained to probably act very quick, reactionary.

MR. BOEHEIM: Okay.

1 PROSPECTIVE JUROR: You know, they can make
2 mistakes, so --
3 MR. BOEHEIM: Okay. How about doctors?
4 Let's flip it from officers to doctors.
5 Ms. Dysart.
6 PROSPECTIVE JUROR: I think any person,
7 depending on their training, their background, their
8 environment, can be influenced, and their perspective
9 could be skewed. I think that's true for anyone under
10 any circumstance.
11 MR. BOEHEIM: Okay. So how are you -- as a
12 juror, someone sitting there, whether it be an officer
13 or a doctor or a lay person, a DHS worker, how are you
14 going to discern whether they have allowed their
15 specialty and their expertise to influence their
16 perspective and maybe skew their reliability?
17 PROSPECTIVE JUROR: I think that's a
18 difficult thing. Maybe on a case-by-case basis. But
19 that's why you don't depend on one witness, I wouldn't
20 think. I mean, I'm not -- you know, being I have not
21 done this before, but I would --
22 MR. BOEHEIM: Good, yeah.
23 PROSPECTIVE JUROR: -- assume that you'd have
24 to take everything into consideration because there
25 could be someone who has and probably will be someone

at some point that will have a skewed -- I mean, we all do, I think.

MR. BOEHEIM: Okay. We all do.

Ms. Welch, how are you going to -- how are you going to discern the witnesses? How are you going to look at a witness who's a doctor or a DHS worker who's going to make statements and claims, how are you going to judge whether their statements are reliable?

PROSPECTIVE JUROR: Well, I'm kind of with her on about how everyone, you know, had their own (inaudible) -- how do you say, everyone sees out of a lens differently. But with doctors and stuff, yeah, I understand that they have more experience and stuff, you know. But I think I would probably just think about how everyone puts it and what they all see and then just go by that, I guess.

MR. BOEHEIM: Okay. So sort of a -- if you will, a totality of the evidence? You're going to compare testimony of one witness against the testimony of another?

PROSPECTIVE JUROR: Yeah, I guess so.

MR. BOEHEIM: Okay. How about you, Ms. McCoy?

PROSPECTIVE JUROR: How am I going to --

MR. BOEHEIM: How are you going to tell

1 what's --
2 PROSPECTIVE JUROR: Common sense.
3 MR. BOEHEIM: -- right on target and what's
4 not?
5 PROSPECTIVE JUROR: I guess just what they're
6 saying lines up -- lines up with the facts, evidence
7 that's presented.
8 MR. BOEHEIM: Okay. So you're going to use
9 your common sense?
10 PROSPECTIVE JUROR: Yes.
11 MR. BOEHEIM: Okay. Ms. Spellman, I see you
12 nodding your head. So you're going to -- you know,
13 you're going to use your common sense?
14 PROSPECTIVE JUROR: Correct.
15 MR. BOEHEIM: Okay. And you're going to use
16 your experience in dealing with people?
17 PROSPECTIVE JUROR: Correct.
18 MR. BOEHEIM: Is -- Mr. Taylor, Carl, you've
19 dealt with a lot of people over the years and you've
20 got some kids. Can you tell when they're telling the
21 truth?
22 PROSPECTIVE JUROR: My kids, yes.
23 MR. BOEHEIM: Kids, yes.
24 PROSPECTIVE JUROR: Yes.
25 MR. BOEHEIM: How can you tell when your kids

are telling the truth versus they're lying?

PROSPECTIVE JUROR: Just by their actions and their reactions.

MR. BOEHEIM: Okay. Give me some examples.

PROSPECTIVE JUROR: Well, my daughter --

MR. BOEHEIM: What are their tells?

PROSPECTIVE JUROR: My daughter's first tell is how she's always looks to the right whenever she's thinking of the correct answer.

MR. BOEHEIM: There you go.

PROSPECTIVE JUROR: And then --

MR. BOEHEIM: Now, you're using a little neurology there. Good. I like that.

PROSPECTIVE JUROR: And my son is always avoiding eyes whenever -- whenever he's not telling the truth.

MR. BOEHEIM: Okay. So eye contact is one way?

PROSPECTIVE JUROR: Right.

MR. BOEHEIM: Ms. Dorzab.

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: How do you -- how do you tell when somebody is telling the truth or lying or just making stuff up?

PROSPECTIVE JUROR: Because it's -- just

listening to them and how they act and their body motions and their -- you know, just listening.

MR. BOEHEIM: Okay. So listening to their tone of voice?

PROSPECTIVE JUROR: Uh-huh.

MR. BOEHEIM: Their rate of speech?

Mr. Elkins.

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: You deal with a lot of people, don't you, on a daily basis?

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Do any of those people maybe hedge the truth when talking to you?

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Now, how do you know and what tools do you have to sort of discern that?

PROSPECTIVE JUROR: Just experience.

MR. BOEHEIM: Okay.

PROSPECTIVE JUROR: Because I've been lied to a lot. And then just kind of gathering the truth around the conversation or the situation. And I can kind of cut through that pretty -- pretty easily.

MR. BOEHEIM: Good.

PROSPECTIVE JUROR: With several years of experience on that.

1 MR. BOEHEIM: Good. I like that.
2 So do you find more often than not people
3 just blatantly lie or do they skirt the truth?
4 PROSPECTIVE JUROR: Now, I'm not talking
5 about the perfect parishioners at First Baptist
6 Church. I'm talking about --
7 MR. BOEHEIM: Well, just the general
8 population. You know, just people you meet randomly.
9 PROSPECTIVE JUROR: I do work downtown and
10 I'm met on the street all the time.
11 MR. BOEHEIM: Right.
12 PROSPECTIVE JUROR: I know most of the street
13 folks downtown.
14 MR. BOEHEIM: Good for you.
15 PROSPECTIVE JUROR: And I know when they're
16 telling the truth. I know who to give a dollar to. I
17 know who not to give any money to. It just takes some
18 experience just to kind of get to the bottom of the
19 story.
20 MR. BOEHEIM: Okay. That's fair.
21 Now, there's going to be people that are
22 going to get up on that stand, that they're not like
23 Ms. McAmis and I who stand up in front of people all
24 day long. And they're going to get up there and
25 they're going to sit there. Does that make it more

1 difficult to read some of these things?
2 Is it Bogle or Bogle?
3 PROSPECTIVE JUROR: Bogle.
4 MR. BOEHEIM: Bogle.
5 Ms. Bogle, does that make it more difficult?
6 PROSPECTIVE JUROR: Well, I know if I was
7 personally up there, I'm not used to speaking in
8 groups and I would get a little nervous.
9 MR. BOEHEIM: Okay.
10 PROSPECTIVE JUROR: You know, just nervous
11 tendencies and voice.
12 MR. BOEHEIM: So you might -- you might show
13 some signs of discomfort and nervousness?
14 PROSPECTIVE JUROR: Absolutely.
15 MR. BOEHEIM: Would you be concerned that
16 that might be considered or might be judged as you not
17 telling the truth or being unreliable?
18 PROSPECTIVE JUROR: Would I be concerned?
19 Maybe.
20 MR. BOEHEIM: Okay. If I -- if I happen to
21 be the one having to cross examine you, would you be
22 concerned about how that might turn out for you?
23 PROSPECTIVE JUROR: Possibly so.
24 MR. BOEHEIM: Possibly.
25 Thank you. For your honesty.

PROSPECTIVE JUROR: Uh-huh.

MR. BOEHEIM: Let's shift gears a little bit. Drug use. There's a lot of it. Across the country, there's -- and Tulsa has its fair share. Would everybody agree with that? All sorts of nodding heads and yeses.

Ms. Lance, do you think marijuana should be legalized?

PROSPECTIVE JUROR: You're putting me on the --

You know, I -- I don't. I mean, I don't because I have a 14-year-old son and I've just seen what drugs can do to kids. And maybe in certain controlled circumstances maybe. But for the most part I don't think so. I don't think it should be.

MR. BOEHEIM: Okay. So you're -- you're concerned about its impact?

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Especially on our -- in our youth?

PROSPECTIVE JUROR: Absolutely.

MR. BOEHEIM: And its usage?

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Is it Steinle?

PROSPECTIVE JUROR: Steinle.

1 MR. BOEHEIM: Steinle.
2 Ms. Steinle, what's your feelings on that?
3 Do you have the same concerns Ms. Lance has?
4 PROSPECTIVE JUROR: I don't feel it should be
5 legalized.
6 MR. BOEHEIM: Okay. And can I ask why?
7 PROSPECTIVE JUROR: Well, it impairs your
8 ability to drive well.
9 MR. BOEHEIM: Okay.
10 PROSPECTIVE JUROR: And it can lead to you
11 taking other drugs that are worse. There's just a lot
12 of reasons.
13 MR. BOEHEIM: Okay. And it changes -- would
14 you agree that marijuana, like a lot of other drugs,
15 changes the way somebody thinks, reacts, and makes
16 decisions?
17 PROSPECTIVE JUROR: I assume that. I haven't
18 had any experience so I don't, you know --
19 MR. BOEHEIM: Would anybody -- would anybody
20 want to jump in on that? I know -- I'm not asking for
21 your personal experience, but you must have -- many
22 you've might know somebody who smokes.
23 Ms. Williams.
24 PROSPECTIVE JUROR: I think that for people
25 that are really, really sick -- you know, because I'm

1 in the healthcare field.
2 MR. BOEHEIM: Right.
3 PROSPECTIVE JUROR: People that have cancer,
4 people that have, you know, a certain ailment, certain
5 sickness, if it helps them with their stomach to eat
6 better, then I think they should be -- it should be
7 legalized for them.
8 MR. BOEHEIM: Okay. So for prescription
9 purposes or medication purposes, you're in?
10 PROSPECTIVE JUROR: Yes, yes.
11 MR. BOEHEIM: Okay. Fair enough.
12 And so what about drugs? And let's slide up
13 the scale. So instead of marijuana, let's talk about
14 meth. What about meth? Methamphetamine.
15 Some of you have raised your hand and said,
16 I've had -- I've got family, friends, nephews,
17 children, that have had some drug problems. Does it
18 change one's ability to decide and make decisions?
19 And, Mr. Taylor, James, I see you nodding
20 your head.
21 PROSPECTIVE JUROR: Well, yeah. I had a
22 second cousin that got into meth. And he had a wife
23 and children he wound up destroying. And his kids
24 disowned him. Went to prison. So, sure, it led to --
25 down a dark path.

MR. BOEHEIM: Okay. And it creates an environment of making less than effective decisions?

PROSPECTIVE JUROR: Poor decisions. Very poor decisions, yeah.

MR. BOEHEIM: Okay. Does -- does a person who is doing drugs, are they a criminal or are they sick?

Let's see. Who haven't we talked in a little bit?

How about Mr. Worden?

PROSPECTIVE JUROR: Okay.

MR. BOEHEIM: So is someone who is using drugs, are they sick or are they a criminal?

PROSPECTIVE JUROR: Sick. It's an addiction.

MR. BOEHEIM: It's an addiction?

Okay. Does anybody disagree with Mr. Worden?

PROSPECTIVE JUROR: That's it's solely -- it's only a sickness?

MS. MCAMIS: I'm -- I just asked the question. I'm -- I guess I don't --

PROSPECTIVE JUROR: Reask --

MR. BOEHEIM: So, for the court reporter, so we're speaking with Mr. Oakley.

PROSPECTIVE JUROR: Reask the question.

MR. BOEHEIM: So someone who is using drugs,

1 their use of drugs, is it an illness or is it a
2 criminal -- are they a criminal? Are they sick or are
3 they a criminal?
4 PROSPECTIVE JUROR: I think it's both.
5 MR. BOEHEIM: Okay.
6 PROSPECTIVE JUROR: Because all of my
7 experience with it, only on the periphery, I've seen
8 that sickness leads to criminal behavior because it is
9 so incredibly addicting that a person will do
10 anything. They lose their sense of -- they lose their
11 common sense and they end up doing things that are
12 completely illegal in order to supply the habit.
13 MR. BOEHEIM: Okay. So people under the
14 influence of certain drugs will do things that just
15 allay common sense?
16 PROSPECTIVE JUROR: Absolutely.
17 MR. BOEHEIM: Okay. Does -- is there anybody
18 that disagrees with Mr. Oakley on that? I see no
19 hands.
20 Okay. I had a couple that raised their hand
21 and instead of me just moving on, I want to make sure
22 you get an opportunity to voice.
23 Ms. Francis, you know, you raised your hand.
24 Did you want to say anything to add to that?
25 PROSPECTIVE JUROR: No. I was just going to

say, as far as a criminal thing, just from using it, it's illegal, so that makes them be criminals just from that prospective.

MR. BOEHEIM: Just from using it.

Okay. How about you, Ms. Nelson? Did you want to --

PROSPECTIVE JUROR: No. My --

MR. BOEHEIM: -- voice anything on that? Same thing?

PROSPECTIVE JUROR: Yeah. It's kind of the chicken and the egg.

MR. BOEHEIM: Okay. Fair enough.

Anybody have a diametrically opposed view of that, that it's really more of an illness and it's not really a criminal issue? And I bring this up in part -- you know, we're voting on this in a couple of days in some ways. But the whole idea is, does anybody believe that this is strictly -- drug use is an illness and a sickness and the criminality of it -- you're not comfortable with the criminality of it?

PROSPECTIVE JUROR: I think it depends on what type of drugs. Because pharmaceuticals, you know, you end up getting addicted to them after being hurt, so that becomes a sickness. But once you're -- if you're just doing weed or meth or anything that I

1 can make at home, you're being a criminal because you
2 shouldn't be making it anyway.
3 MR. BOEHEIM: Okay. Cool. Thank you.
4 Anybody else have any thought on that? I don't want
5 to shut anybody down since --
6 THE REPORTER: And that was Ms. Faster. Is
7 that right?
8 PROSPECTIVE JUROR: Yes.
9 MR. BOEHEIM: I'm sorry. I'll do better.
10 Okay. Well, let's shift gears, once again.
11 So Ms. McAmis was talking about the burden
12 before. That the State has the responsibility and the
13 burden of proving each and every element of the crimes
14 that Ms. Lalehparvaran is charged with.
15 And you're going to find out what those are
16 later. The Judge is going to explain them very
17 clearly.
18 But -- and she -- Ms. McAmis went through
19 this whole conversation about beyond a reasonable
20 doubt.
21 Now, someone -- I believe someone in here was
22 on a civil jury. Did I catch that? No? No civil
23 juries?
24 Anybody ever sue anybody?
25 Wow, you guys just aren't litigators. I've

1 never had so few hands on some of these questions.
2 It's amazing.
3 Thank you for staying out of trouble. I know
4 I'm a Defense attorney. But thank you for everybody
5 staying out of trouble. I appreciate it as a tax
6 payer.
7 Okay. So there are -- there is different
8 burdens in different courts. In here, it's beyond a
9 reasonable doubt. Because in the criminal -- in a
10 criminal case we're taking away someone's liberty.
11 In a civil court, though, it's different.
12 Does anybody know what the burden of proof is in a
13 civil court? I don't see any hands. I'll help you
14 here. It's a preponderance of evidence. 49/51.
15 Right?
16 Why is it 49/51, and in here it's beyond a
17 reasonable doubt?
18 Thoughts, Ms. Doerr.
19 PROSPECTIVE JUROR: I don't know.
20 MR. BOEHEIM: Oh, okay.
21 Anybody else?
22 I'm sorry. I've got -- Mr. Lance.
23 PROSPECTIVE JUROR: Well, I mean, it's
24 somebody's life you're talking about. Putting them
25 away, it's not just settling up a dispute over

1 damages -- physical damages to, say, property. I
2 mean, it's somebody's life, so it's -- it's got to be
3 to a higher standard of fact in a case to decide.
4 MR. BOEHEIM: Right. It's not about money.
5 Right? I mean, you can get more money. Criminal is a
6 decision on taking somebody's liberty away. Taking
7 their ability to walk in -- you know, in an open field
8 away from them.
9 Now, there's another set of burdens here and
10 that's -- that is for children and in Family Court.
11 And that is called clear and convincing.
12 So you've got a preponderance of evidence,
13 clear and convincing, and beyond a reasonable doubt.
14 And as Ms. McAmis said, there's no definition of
15 beyond a reasonable doubt. That's for each of you to
16 decide what that is and what a reasonable doubt means.
17 But that burden lies right here on this table.
18 So let me ask you a question. What if right
19 now we suspend all rationality and the Judge looks and
20 goes, You know what, no more time, that's it. You 12,
21 go back there and decide, guilty -- guilty or not
22 guilty for Ms. Lalehparvaran.
23 Ms. Stoeppelwerth, do you vote guilty or not
24 guilty?
25 PROSPECTIVE JUROR: Not guilty.

1 MR. BOEHEIM: Why?
2 PROSPECTIVE JUROR: Because I -- she's
3 presumed innocent and I haven't heard any of the
4 evidence.
5 MR. BOEHEIM: Right.
6 PROSPECTIVE JUROR: I know nothing about the
7 case.
8 MR. BOEHEIM: So at this point right here,
9 the only option is not guilty because the State hasn't
10 put any evidence forward and hasn't met any of the
11 elements.
12 Does anybody have a problem with that? I see
13 a few shaking heads.
14 How about you, Ms. McCoy? You got a problem
15 with that thought or are you good with that?
16 PROSPECTIVE JUROR: Nope, it's good.
17 MR. BOEHEIM: It's good? All right.
18 So what if we finish this process? You're
19 selected on the jury. Ms. McAmis gets up here and
20 does her opening. The Judge looks at me and says, Mr.
21 Boeheim, opening? Nah, we're okay. We're good. Ms.
22 McAmis starts calling witnesses. She calls a witness.
23 The Judge looks at me and says, Mr. Boeheim, would you
24 like to cross examine that witness? Nah, I'm busy.
25 And this continues all the way to closing. Ms. McAmis

1 does a wonderful closing. Judge turns to me and says,
2 Mr. Boeheim, would you like to close, and I go, Nope,
3 I'm good.
4 If the State hasn't shown their elements, has
5 not shown every element of the crimes that my client
6 is charged with, will you hold her -- hold it against
7 her if I do an unbelievably crappy job?
8 Ms. Nelson.
9 PROSPECTIVE JUROR: No.
10 Are you appointed or are you hired?
11 THE COURT: Ms. Nelson, I don't believe
12 that's a question that you get to ask.
13 PROSPECTIVE JUROR: Sorry.
14 MR. BOEHEIM: That's okay.
15 So, beyond that -- beyond that point, if I
16 for all intents and purposes in your minds don't do my
17 job properly, will you hold that against my client,
18 even if the State doesn't prove all of its elements?
19 I see some shaking heads.
20 Okay. Kuykendall?
21 PROSPECTIVE JUROR: Kuykendall.
22 MR. BOEHEIM: Kuykendall. I was close.
23 PROSPECTIVE JUROR: I figured it was me.
24 MR. BOEHEIM: Yeah. Ms. Kuykendall, you
25 shook your head no. Explain that to me.

1 PROSPECTIVE JUROR: If she didn't prove
2 everything or -- beyond a shadow of a doubt, if she
3 didn't set the elements, what you were talking
4 about --
5 MR. BOEHEIM: Right.
6 PROSPECTIVE JUROR: -- if she hasn't provided
7 all of those elements and the facts, you really don't
8 need to do anything. She didn't satisfy what needed
9 to happen.
10 MR. BOEHEIM: Wouldn't that be so nice for me
11 if it was that easy?
12 Ms. McAmis is good at her job.
13 So does anybody have a problem with the
14 thought that Ms. Lalehparvaran has to be proven beyond
15 a -- beyond a reasonable doubt on every element of the
16 charges by this table over here, by Ms. McAmis, no
17 matter how good or bad a job I do? Does everybody
18 understand that? I see all nodding heads.
19 Okay. We're almost there. We're in the home
20 stretch, I promise.
21 A derivation of that last question. Are you
22 going to hold it against Ms. Lalehparvaran if she
23 doesn't get up and testify on her own behalf?
24 Ms. Spellman, how do you feel about that?
25 PROSPECTIVE JUROR: I'm not really sure about

1 that.
2 MR. BOEHEIM: I'm sorry. Could you speak up
3 just a little bit for the court reporter.
4 PROSPECTIVE JUROR: I think she should get up
5 there and testify on her own behalf.
6 MR. BOEHEIM: Okay. But if she doesn't, are
7 you going to hold it against her if this table hasn't
8 proved all of the elements?
9 PROSPECTIVE JUROR: Oh, if the table has not
10 proved all of the elements, then, no, I would not hold
11 it against her.
12 MR. BOEHEIM: Okay.
13 PROSPECTIVE JUROR: But if they did, then
14 yes.
15 MR. BOEHEIM: Are you going to hold it
16 against Ms. Lalehparvaran and possibly draw
17 conclusions from that, from her not testifying?
18 PROSPECTIVE JUROR: No.
19 MR. BOEHEIM: Okay. How about you,
20 Ms. Clark? Does my client have to testify?
21 PROSPECTIVE JUROR: No.
22 MR. BOEHEIM: No?
23 Why might she not want to testify?
24 PROSPECTIVE JUROR: I'm not sure about that.
25 MR. BOEHEIM: Not sure about that?

PROSPECTIVE JUROR: I just know she doesn't have to. It's her choice. Right?

MR. BOEHEIM: That's right.

PROSPECTIVE JUROR: She doesn't have to get up there and do it.

MR. BOEHEIM: The Judge is going to give you instructions on that.

PROSPECTIVE JUROR: Right.

MR. BOEHEIM: Ms. Spellman, you seemed like you wanted to say something else.

PROSPECTIVE JUROR: Just nerves.

MR. BOEHEIM: Nerves.

PROSPECTIVE JUROR: I know I'm a very nervous person speaking, so that's why.

MR. BOEHEIM: You're pointing to your hands as if they were sweating.

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Okay. And why would nerves be an issue?

And let me go back to Ms. Bogle. Why would nerves be an issue.

PROSPECTIVE JUROR: You could possibly give people the wrong idea.

MR. BOEHEIM: Okay. So it's a risk, isn't it?

PROSPECTIVE JUROR: Slightly.

MR. BOEHEIM: I see a lot of nodding heads.

Okay. I've got one more thing. And, actually, Ms. McAmis covered it so I'm going to do it very briefly.

I'm a big believer in the First Amendment. Anybody here -- is there anybody here that doesn't agree with the First Amendment? No? So I see no hands.

Anybody here -- everybody here believe in the right to free speech? I see all sorts of nodding heads.

The right to free speech carries into that back room.

Ms. Nelson.

PROSPECTIVE JUROR: Yeah.

MR. BOEHEIM: Do you have a right to your opinion?

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Do you believe that anyone has the right to take that -- your opinion away from you?

PROSPECTIVE JUROR: No.

MR. BOEHEIM: Okay. Ms. Welch, how about you? Does anybody have the right to take your opinion away from you?

PROSPECTIVE JUROR: No.

MR. BOEHEIM: I'm sorry. Could you say that a little louder for the court reporter?

PROSPECTIVE JUROR: No, sir.

MR. BOEHEIM: Okay. How about you, Mr. Murphy?

PROSPECTIVE JUROR: No.

MR. BOEHEIM: No?

Mr. Taylor, Carl, how about you? How do you feel about somebody taking your right to free speech away?

PROSPECTIVE JUROR: No.

MR. BOEHEIM: Should you have an opinion when you go back into that -- into that room?

PROSPECTIVE JUROR: I'll have to.

MR. BOEHEIM: Should anybody be able to shut you up?

PROSPECTIVE JUROR: No.

MR. BOEHEIM: And are you going to fight for that?

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Are you going to say your piece?

PROSPECTIVE JUROR: Yes.

MR. BOEHEIM: Now, you're going to do it --

1 you're going to do it constructively and you're going
2 to do it politely, but you're going to -- you're going
3 to make sure that your thought and your beliefs are --
4 are heard, aren't you?
5 PROSPECTIVE JUROR: Yes.
6 MR. BOEHEIM: Okay. Are you also going to
7 make sure that Ms. Welch's -- what she's got to say,
8 is she going to -- are you going to make sure she gets
9 to say it too?
10 PROSPECTIVE JUROR: Yes.
11 MR. BOEHEIM: Even if somebody goes to shout
12 her down?
13 PROSPECTIVE JUROR: Yes.
14 MR. BOEHEIM: Okay. Is -- can I ask
15 everyone, will you promise me that when you get back
16 in that room -- if you're chosen for this jury, that
17 you're going to go back in that room and you are going
18 to say your piece? You're going to let your opinion
19 be heard and you're going to defend everybody else's
20 right to their opinion? Unanimous yes.
21 I thank you for your time. Time is the only
22 finite thing in the universe, so that you're giving it
23 to us and you allow me to ask you these questions, I'm
24 forever grateful and so is my client. Thank you.
25 And we'll pass the jury for cause, Your

1 Honor.
2 THE COURT: Thank you.
3 Ladies and gentlemen, we're going to have an
4 afternoon break at this point, during which the
5 lawyers will exercise their challenges. So please
6 take all of your things with you on the break.
7 When you come back in you will be seated in
8 the gallery in any order you choose out there, just
9 like you did when you first came in this room. You do
10 remain under the Court's admonishment.
11 We will seat our jury after that. And the
12 Court anticipates that you will hear opening
13 statements when you come back in. We will do one and
14 then the other, so there may not be a break in between
15 the two, so please use your time during the break
16 accordingly and plan to be seated for a little bit
17 when you come back in.
18 Again, you'll sit in the gallery on the
19 benches.
20 And we will be in about a 20-minute recess,
21 ladies and gentlemen. Thank you.
22 All rise.
23 *(A break was taken.)*
24 THE COURT: We'll be on the record in
25 CF-2015-242, State vs. Lalehparvaran. Both counsel

are present, as is the defendant. The jury panel is not present. They're taking their afternoon recess while the lawyers were preparing to exercise their strikes.

And as indicated before we finished voir dire today, the Court was considering two legal authorities proffered by the State in support of its argument. Those cases being Smith vs. State, 2007 OK.CR 16, and the Coddington case, which is found at 2006 OK.CR 34.

And the Court will stand by its previous ruling as to the custodial interrogation on January 16th, 2015, with regard to the pre-Miranda and post-Miranda content.

With regard to the statements given by the defendant to Officer Ramsey at the residence, I looked at the Smith case and I find it distinguishable in that in the Smith case the defendant was not high at the time of the statement at issue. He appeared coherent, although he had admitted using drugs three days -- at least three days before the interview.

The Court, however, does find the Coddington case persuasive, particularly Paragraphs No. 36 through 38, wherein the Court of Criminal Appeals indicates that the relevant inquiry is whether the suspect understands the rights at stake and

1 consequences of waiving them.
2 In the Coddington case, the officers who
3 testified at that Jackson-Denno hearing both indicated
4 that Mr. Coddington appeared coherent and rational and
5 neither thought he was under the influence of
6 intoxicants. However, the Trial Court in that case
7 didn't agree and specifically found that Coddington
8 appeared to be in some heightened state of
9 intoxication and Coddington had admitted that he had
10 been using cocaine for several days and had not eaten
11 or slept.
12 The Court there -- the reviewing court notes
13 in Paragraph 37, "Still his fatigue and hunger from
14 drug usage do not render his waiver of Miranda
15 involuntary."
16 Paragraph 38, however, sets out that, "This
17 court is to apply the following standard.
18 Self-induced intoxication short of mania or such an
19 impairment of the will and mind as to make the person
20 confessing unconscious of the meaning of his words
21 will not render a confession inadmissible but goes
22 only to the weight to be accorded it."
23 Court finds this particular paragraph
24 especially applicable and persuasive here.
25 The statements specifically at issue, Officer

1 Ramsey testified at the Jackson-Denno hearing that the
2 minor child was in a back bedroom locked in by Blade.
3 That really isn't a statement necessarily made to --
4 that's particularly pertinent here.
5 What the Court finds is particularly
6 pertinent is that Ms. Lalehparvaran told Officer
7 Ramsey that she found Blade with the minor child
8 hitting and choking the minor child because the child
9 was making a mess and hitting with a paddle.
10 And, importantly, the post-Miranda statements
11 of the defendant given during the custodial
12 interrogation also address those particular facts and
13 the defendant does so in essentially the same type of
14 wording. I don't find that at the time she gave the
15 statement to Officer Ramsey that she was suffering
16 from such an impairment of the will or mind as to make
17 her unconscious of the meaning of her words,
18 particularly when the same or similar words were given
19 to the officers in the custodial interrogation.
20 So I will find that the -- and I do continue
21 to find that Miranda was not required as it was an
22 on-scene investigation, not custodial interrogation.
23 So we will find that the statements to Officer
24 Ramsey -- statement to Officer Ramsey is admissible
25 and that the jury will get to determine the weight to

be accorded to it.

The remainder of the Court's ruling regarding Jackson-Denno will stand.

With that we need to go ahead and have each side exercise their peremptory challenges if they are -- if you all are ready.

Is the State ready?

MS. MCAMIS: Yes.

THE COURT: Is the Defense ready?

MR. BOEHEIM: Yes, Your Honor.

THE COURT: All right. Thank you.

All right. State, your first peremptory challenge.

MS. MCAMIS: May I remain seated, Your Honor?

THE COURT: Oh, of course. Yes.

MS. MCAMIS: No. 11, Ms. Nelson.

THE COURT: No. 11, Ms. Nelson.

Defense, your first peremptory challenge.

MR. BOEHEIM: No. 24, Mr. Oakley.

THE COURT: State, your second peremptory challenge.

MS. MCAMIS: No. 17, Ms. Foster.

THE COURT: 17, Foster.

Defense, your second peremptory challenge.

MR. BOEHEIM: No. 18, Ms. Steele.

THE COURT: State, your third peremptory challenge.

MS. MCAMIS: No. 4, Mr. Worden.

THE COURT: Defense, your third peremptory challenge.

MR. BOEHEIM: No. 14, Ms. Stoeppelwerth.

THE COURT: State, your fourth peremptory challenge.

MS. MCAMIS: No. 3, Ms. McCoy.

THE COURT: Defense, your fourth peremptory challenge.

MR. BOEHEIM: No. 20, Mr. Gaylord.

THE COURT: 20, Gaylord.

State your fifth peremptory challenge.

MS. MCAMIS: One moment, Your Honor.

THE COURT: Of course.

MS. MCAMIS: Your Honor, the state would waive.

THE COURT: Waive?

MS. MCAMIS: Yes.

THE COURT: All right. Thank you.

Defense, your fifth peremptory challenge.

MR. BOEHEIM: No. 25, Mr. Rebollar.

THE COURT: All right. One moment.

All right. So by my math that means our 12

jurors are Paul Murphy -- and if at any point you disagree, please speak up -- Jade Welch, Alicia -- we struck No. 3, excuse me. Deana Clark, Misty Spellman, Carl Taylor, Louise Williams, Wendy Dorzab, Jessica Ducummon, Judith Dysart, Lorrie Kuykendall, James Taylor, and Amanda Bogle.

Do you all agree?

MS. MCAMIS: The State does, yes.

THE COURT: Okay.

MR. BOEHEIM: Defense, as well, Your Honor.

THE COURT: All right. So that means that our four potential alternates would be Brenda Francis, John Riddlebarger, Rosamaria Deleon, and Karen Doerr.

So you may each exercise one strike among the four.

MS. MCAMIS: Your Honor, the State strikes Ms. Deleon.

THE COURT: No. 26, Ms. Deleon.

And, Defense.

MR. BOEHEIM: We'll strike Ms. Doerr.

THE COURT: All right. No. 27, Ms. Doerr.

Which leaves us with our alternates being Ms. Brenda Francis and Mr. John Riddlebarger.

Give us just one moment, please, while the clerk prints out the list for everyone and we'll be

ready to go.

(A break was taken.)

THE COURT: We're on the record in CF-2015-242, State of Oklahoma vs. Kerry Lalehparvaran. Sarah McAmis is present for the State, Brian Boeheim is present for the Defense, Ms. Lalehparvaran is present in the courtroom. The jury panel has returned to the courtroom following an afternoon recess.

Please ensure that your cell phones and electronics are powered all the way off and put away if you haven't already done so.

And I'll ask whether the panel was able to abide by the Court's admonishment during the break?

All right. Thank you very much, ladies and gentlemen.

I will instruct those of you whose names are not called to serve on the jury to please return to the jury room in the basement for further instruction. I'll remind you of that again, but I want to just let you know ahead of time that that's where you're going to be going when you are excused from this room.

And, ladies and gentlemen, I'd like to thank you for your time and attention yesterday and today.

If your name is called, please come forward

to take a seat in the jury box. And, as we did before, start with the back row, far left, and file in accordingly. Back row, far left. If your name is not called you are excused to the jury room in the basement with our sincere thanks.

I'll ask the clerk to now call the names of our jury.

MR. STILES: Paul Murphy, Jade Welch, Deana Clark, Misty Spellman, Carl Taylor, Louise Williams, Wendy Dorzab, Jessica Ducummon, Judith Dysart, Lorrie Kuykendall, James Taylor, Amanda Bogle, Brenda Francis, John Riddlebarger.

THE COURT: Thank you very much.

At this point I will ask the jury to please stand, raise your right hand to receive your oath.

And I'll ask the clerk to administer the oath.

MR. STILES: Do you and each of you solemnly swear or affirm that you will well and truly try the issues submitted to in the case now on trial and reach a true verdict according to the law and evidence presented to you? This you do affirm under the penalties of perjury.

THE COURT: Thank you.

Please remain standing. At this time we'll

1 excuse the remaining panel members with our sincerest
2 thanks.
3 You may be excused to the basement to the
4 jury room.
5 Thank you. And please be seated.
6 Ladies and gentlemen, you'll notice there are
7 packets beneath your chairs. And I'd like to let you
8 know that notepads and pens have been made available
9 to you. You may take notes during the presentation of
10 evidence in this case. In that regard please remember
11 the following:
12 No. 1, note taking is permitted but it is not
13 required. No. 2, please take notes sparingly. Do not
14 try to write down all of the testimony. Your notes
15 will only be used for the purpose of refreshing your
16 memory. They are helpful, however, when dealing with
17 measurements, times, distances, identities, and
18 relationships. Please be brief in your note taking.
19 It is for you to determine the credibility of the
20 witnesses and in order to do so you must observe them.
21 Do not let note taking distract you from this duty.
22 And, lastly, your notes are for your private
23 use only. In recess and overnight you'll leave them
24 either on or underneath your chair. Do not share your
25 notes with any other juror during the presentation of

1 this case. You may discuss the contents of your notes
2 only after all sides have rested and you have
3 commenced your deliberations.
4 Ladies and gentlemen of the jury, you have
5 been selected and sworn as the jury to try the case of
6 the State of Oklahoma against Kerry Lalehparvaran.
7 Defendant is charged with the crimes of Count A,
8 Permitting Child Abuse by Injury, and Count B, Child
9 Neglect, by an Information filed by the State.
10 As earlier indicated, the Information is not
11 evidence and you should not allow yourselves to be
12 influenced because the information has been filed.
13 The defendant has pled not guilty. A plea of
14 not guilty puts in issue each element of the crime
15 with which the defendant is charged. A plea of not
16 guilty requires the State to prove each element of the
17 crime beyond a reasonable doubt.
18 The defendant is presumed to be innocent of
19 the crime and the presumption continues unless, after
20 considering all of the evidence, you are convinced of
21 her guilt beyond a reasonable doubt. The state has
22 the burden of presenting evidence that establishes
23 guilt beyond a reasonable doubt. The defendant must
24 be found not guilty unless the state produces evidence
25 which convinces you beyond a reasonable doubt of each

element of the crime.

Evidence is the testimony received from the witnesses under oath, agreements as to facts made by the attorneys, and exhibits admitted during the trial. As jurors, it is your responsibility to determine the facts from the evidence, to follow the law that I give to you, and to reach a verdict of not guilty or guilty based upon the evidence and the law.

It is also your responsibility as jurors to determine the credibility of each witness and the weight to give each witness' testimony. In doing this you may consider the overall reaction of the witness while testifying, his frankness, his interest and bias, the means and opportunity he had to know what he testified to, and the reasonableness of the testimony in light of all of the testimony in the case.

You are not required to believe the testimony of any witnesses simply because he or she is under oath. You may believe or disbelieve all or part of the testimony of any witness and determine what testimony is worthy of belief and what testimony is not.

As judge, I have the responsibility to ensure that the evidence is presented according to the law, to instruct you on the law, and to rule on objections

raised by the attorneys. My statements and rulings do not indicate any opinion concerning the facts or the evidence.

The attorneys have the duty to present evidence, to examine and cross examine witnesses, and to argue evidence. No statement or argument of any of the attorneys is evidence.

Also, when the attorneys raise an objection during the trial, you should not speculate on the reason why it is made. When an objection is approved or sustained by me, you should not speculate on what might have occurred or what might have been said had it not been sustained.

Throughout the trial you should remain alert and attentive. Do not form or express an opinion on the case until it is submitted to you for your decision. Do not discuss the case among yourselves until that time. Do not discuss this case with anyone else or permit anyone else to discuss the case in your presence. Do not talk to the attorneys, the defendant, or the witnesses.

If anyone should attempt to discuss this case with you, report the incident to me or to the bailiff immediately. Do not read, view, or listen to any news report of this trial. This case must be decided

solely upon the evidence presented to you in this court, free from any outside influence.

At this point in the trial the Assistant D.A. will read the Information and the defendant's plea of not guilty and give an opening statement. The Defendant's attorney may then give an opening statement or he may elect to give it later in the trial or he may elect not to give one at all. Opening statements are not evidence but serve merely as guides to help you better understand and evaluate the evidence presented.

Following opening statements, the evidence will begin. Witnesses will be sworn, examined, and cross examined by the attorneys. Exhibits and stipulations may also be introduced.

After the evidence is completed, I will instruct you on the law applying to this case.

The attorneys will then give closing arguments. Closing arguments are not evidence but are presented for purposes of persuasion only. When closing arguments are completed the case will be submitted to you. You will then retire to consider your verdict.

The attorney for the State may proceed.

MS. MCAMIS: Thank you, Your Honor.

1 As the Judge just told you, the first thing I
2 am to do is read you the felony information so that
3 you'll know exactly how the defendant is charged and
4 what her plea is. After that, I can talk about the
5 facts of the case.
6 In the District Court of the 14th Judicial
7 District of the State of Oklahoma, sitting in and for
8 Tulsa County, case No. CF-2015-242, State of Oklahoma,
9 Plaintiff, versus, Kerry Elizabeth Lalehparvaran,
10 Defendant.
11 Information: Be it remembered that Steve
12 Kunzweiler, the duly elected and qualified district
13 attorney for Tulsa County, Oklahoma, who prosecutes in
14 the name and by the authority of the State of Oklahoma
15 comes now into the District Court of Tulsa County,
16 State of Oklahoma, and gives the Court to understand
17 and be informed that:
18 Count (A), Kerry Elizabeth Lalehparvaran on
19 or about between January 2nd, 2015, and January 9th,
20 2015, in Tulsa County, State of Oklahoma, and within
21 the jurisdiction of this court, did commit the crime
22 of Permitting Child Abuse by Injury, a felony, by
23 willfully or maliciously allowing defendant, John
24 Skylar Purdy, to continue to have access to LL, a
25 4-year-old child, when she knew or reasonably should

1 have known that doing so would put LL at risk of harm,
2 and as a result LL sustained injury to her head, face,
3 neck, chest, abdomen, back, arms, legs, and intraoral
4 injury. Defendant Kerry Elizabeth Lalehparvaran is
5 the mother of LL, and therefore a person responsible
6 for her care.
7 Count (B), Kerry Elizabeth Lalehparvaran, on
8 or about between January 2nd, 2015, and
9 January 9th, 2015, in Tulsa County, State of
10 Oklahoma, and within the jurisdiction of this court,
11 did commit the crime of Child Neglect, a felony, by
12 willfully or maliciously failing to obtain timely
13 and/or appropriate medical care for LL, a 4-year-old
14 child, during such time as she was in need of medical
15 care. The defendant, Kerry Elizabeth Lalehparvaran,
16 is the mother of LL and therefore a person responsible
17 for her care.
18 Contrary to the form of such statutes in such
19 cases made and provided and against the peace and
20 dignity of the State, Steve Kunzweiler, District
21 Attorney.
22 To these charges the defendant pleads not
23 guilty which puts the burden of proving each and every
24 element beyond a reasonable doubt upon the State of
25 Oklahoma. And that's a burden of proof which we

gladly accept.

On January 9th, 2015, Lilah Lalehparvaran had just turned 4 years old. She should have been like any other 4-year-old child. She should have been laughing and playing and singing. She should have been playing with dolls and playing dress up. But Lilah was locked in a bedroom. Lilah was locked in a bedroom very, very injured.

You will see pictures of Lilah's injuries and they will be shocking. Nearly every area of Lilah's body is covered in massive bruises and injuries. Lilah's face is covered in injuries. Her forehead, her cheeks, her eye, her chin, everything.

Lilah's ears were bruised. Lilah's head was bruised and chunks of hair were missing. Lilah's neck was bruised. Lilah's shoulders were bruised. Her arms were bruised. Her hands were bruised. Her entire abdomen was bruised.

Lilah's legs were bruised. Her feet were bruised. And Lilah's back. Layers and layers of bruises and whip marks that cut into her back in a V-shaped pattern.

Lilah was alone in that room, Lilah was scared in that room, and Lilah was hurt in that room.

There's no telling how long Lilah would have

1 been locked in that room in that condition. But
2 through an incredible stroke of good luck the City of
3 Tulsa had actually arranged for some workers to go out
4 to the property on that particular day. And a
5 particular worker, who's a subcontractor for the City
6 of Tulsa, minding his own business, just trying to do
7 his job, showed up, Brian Homberger. And you will get
8 to hear from him.
9 He just showed up to do his job on the
10 outside of this home, having absolutely no idea what
11 had gone on, what was going on in that home. And as
12 he was there working, a lady came outside the home and
13 was smoking a cigarette, and, ultimately, asked him if
14 he would call 9-1-1, and, ultimately, he did. And
15 thank goodness that he did.
16 Officer Samantha Ramsey from the Tulsa Police
17 Department was the patrol officer who was dispatched
18 to the scene that day. And she will be here to
19 testify. And she will tell you that, just like most
20 calls that the patrol officers are sent to, she really
21 had absolutely no idea what she was walking into and
22 what the situation was.
23 But she will tell you that she arrived on the
24 scene and she made contact with an adult female by the
25 name of Sheila Field. She was ultimately the woman

1 who had been smoking and who had asked Brian to call
2 9-1-1. And then she made her way into the home and
3 that's where she encountered this defendant.
4 Officer Ramsey will tell you that ultimately
5 she determined that this defendant was Lilah's mother.
6 Ultimately this defendant told her that Lilah was
7 locked in the back bedroom. And Officer Ramsey will
8 tell you that she could hear a child crying in the
9 back of the house.
10 Officer Ramsey will tell you that, again, she
11 really had no idea what she was walking into, but she
12 hears a child crying and she begins to make her way
13 into the back of the house, and that's when she
14 encounters John "Blade" Purdy, the defendant's live-in
15 boyfriend and the father of her youngest daughter.
16 Again, Officer Ramsey has no idea what she's
17 walking into. But she has encountered now this man
18 and there are backing officers with her and so she
19 immediately makes sure that he is taken out of the
20 home so she can figure out who is crying and where
21 this crying is coming from.
22 And she makes her way to the back of the
23 house and she can hear the crying behind the bedroom
24 door. The door is locked. Officer Ramsey puts her
25 weight into the door and ultimately breaks into the

room to find Lilah on the bed, hysterically crying.

Officer Ramsey will tell you that as she encountered this child, Lilah -- and Lilah was fully dressed at that point so all Officer Ramsey could really see was her head and her face. But Lilah was holding her head and telling her that it hurt. Lilah was telling her that Blade had hit her. And Officer Ramsey did everything she could to comfort Lilah in this situation.

Officer Ramsey will tell you that she made contact then with the detectives from the Child Crisis Unit of the Tulsa Police Department to figure out -- again, she knew she had a hurt child, but she didn't know what was going on here. And so they told her, Get Lilah and bring her to the Children's Advocacy Center here in Tulsa so that she can have a medical exam so that she can be interviewed so that we can figure out what's going on here.

And Officer Ramsey did just that. She loaded up 4-year-old Lilah and took her to the Children's Advocacy Center. And when Lilah got there -- again, she's now still fully dressed. As she comes into the center, the bruising and the injury to her face can be seen, but really no one knows at that point what is lying beneath her clothing.

1 And the normal procedure at the Children's
2 Advocacy Center is that when a child is brought in the
3 first thing that will happen is that the child is
4 forensically interviewed to find out what happened.
5 And then after the forensic interview, the child
6 receives a medical examination.
7 That process normally makes sense because if
8 the child doesn't disclose any abuse or if there is a
9 reasonable explanation for the injuries, then there
10 really is no need for the medical examination, so
11 that's the procedure that normally makes sense. And
12 so Lilah was taken and forensically interviewed. And
13 from the forensic interview she was taken for her
14 medical exam.
15 As the nurse takes her into the examination
16 room, just like in any medical examination, the nurse
17 begins to unclothe Lilah to put her medical gown on
18 her. And that's when the situation dramatically
19 turned. That's when the nurse immediately went to get
20 the medical doctor to come in and see this poor child.
21 You will hear from Dr. Michael Baxter. Dr.
22 Baxter is a physician who is board certified in both
23 Pediatrics and in the subspecialty of Child Abuse and
24 Neglect. He is the doctor who is called in when there
25 is a suspicion of abuse and neglect. And he is many,

many times able to say, no, this is not abuse, there is some other type of explanation or this is an accident. And many, many times he's able to say it's not abuse and he's able to rule it out. But, unfortunately, on some occasions he also is in the circumstance where he has to say, this is abuse.

Dr. Baxter will tell you in no uncertain terms, without any hesitation, without any question, whatsoever, that Lilah was the victim of horrific abuse.

Dr. Baxter will tell you that he was so concerned about Lilah once he saw the injuries to her body that he immediately asked that she be transported to St. Francis Children's Hospital for a full trauma workup. And he will tell you that as she was being attend to by the doctors at St. Francis Hospital and as they were having to X-ray her and do CT scans on her of that nature, that Lilah continued to cry and to tell the doctors that she would just be good.

In the meantime, since Lilah had been brought to the Children's Advocacy Center, and Lilah, while she was being interviewed and while she was being attended to, the defendant was also brought to the Children's Advocacy Center.

Officer Ramsey will tell you about her

1 conversations with the defendant at the scene. And
2 she will tell you that from the beginning of this,
3 again, she didn't really know what was going on. She
4 didn't now if the defendant was a victim herself. She
5 didn't know what -- if the defendant was a suspect.
6 And she spoke to this defendant. And you will hear
7 what this defendant told Officer Ramsey had happened.
8 She told Officer Ramsey that Blade had gotten
9 mad at Lilah for spilling some things, for making a
10 mess, and that he had taken a paddle to her. She told
11 Officer Ramsey that when she woke up in the middle of
12 the night and she couldn't find Blade, that she went
13 looking for him and she had found him in Lilah's room
14 choking her. And she told Officer Ramsey that it was
15 Blade who had locked her in the room.
16 Once this defendant was at the Children's
17 Advocacy Center, she was interviewed by Kristi Simpson
18 from the Department of Human Services. And you will
19 get to hear about that interview as well.
20 The defendant told Ms. Simpson that she had
21 gone to bed that night and woke up at about midnight.
22 And that she couldn't find Blade when she woke up.
23 And that she had gone down the hall and looked in
24 Lilah's room and that's where she found Blade choking
25 her daughter.

1 The defendant told Ms. Simpson that she had
2 tried to fight Blade a little bit, that he had pulled
3 her hair and that he had pulled Lilah's hair. And, in
4 fact, she told Ms. Simpson, If you go to the house
5 you'll find chunks of our hair.
6 Ms. Simpson asked the defendant, Well, how
7 does Blade normally discipline Lilah?
8 And the defendant told Ms. Simpson that
9 normally Blade would spank her on the bottom, but that
10 the night before he had used a belt and he had used a
11 brush and he had used it on Lilah's back.
12 Ms. Simpson was still in the process of
13 talking to the defendant when, actually, Dr. Baxter
14 came in and said, I'm sorry to interrupt, but we've
15 got to get Lilah to the hospital. Ms. Simpson, on
16 behalf of the Department of Human Services, was
17 responsible for being with Lilah at the hospital, so
18 the interview had to be concluded for that day.
19 But the very next day while Lilah was still
20 in the hospital, Ms. Simpson went to the defendant's
21 home to talk to her there. And you will get to hear
22 about that interview.
23 The next day the defendant told Ms. Simpson
24 about her relationship with Blade. She told Ms.
25 Simpson that she had been dating him for about two

1 years and that he was, in fact, the father --
2 biological father of her youngest daughter.
3 She told Ms. Simpson that Blade had been
4 living with them ever since she bonded him out of
5 jail. She said that Blade had been arrested in Rogers
6 County for some robberies and for some drug charges,
7 and that she was aware of all of that and yet she
8 bonded him out and moved him into their home.
9 She told Ms. Simpson that as soon as she
10 bonded him out of jail, he became the primary
11 caretaker for her children while she went to work.
12 And Ms. Simpson asked the defendant, Well, is there
13 any problem or concern about domestic violence between
14 you and Blade? And the defendant said, Oh, yeah.
15 The defendant described multiple different
16 times when she said that Blade had attacked her,
17 starting when she was pregnant with their daughter.
18 The defendant described that he had slapped her, that
19 he had given her a black eye. The defendant described
20 that -- different occasions when he had drug her by
21 her hair, different occasions when he had choked her.
22 And Ms. Simpson asked the defendant, Okay,
23 well, is there any concern about Blade using drugs?
24 And the defendant said, Oh, yeah, yeah, he uses
25 heroin. I see the track marks on his arms.

1 And yet Ms. Simpson said, but you -- He's the
2 primary caretaker for your children?
3 Ms. Simpson asked, Is there any concern about
4 him being violent toward Lilah?
5 And you will hear, the day that Lilah was
6 found in the locked room and the day she was
7 ultimately brought to the Advocacy Center and then to
8 the hospital was on a Friday.
9 And at this point while Ms. -- the defendant
10 is talking to Ms. Simpson, she said, Well, on the
11 Tuesday before -- on the Tuesday before Lilah ended up
12 in this condition she had been giving Lilah a bath and
13 she saw that there were bruises and injuries to Lilah.
14 And she asked Lilah about it, and Lilah told her that,
15 yeah, Blade had done it. And the defendant says she
16 went and asked Blade and he wouldn't say yes or he
17 wouldn't say no.
18 The defendant said that she knew -- she knew
19 that Blade was mean to her daughter, she knew that
20 Blade messed with her daughter, she knew that Blade
21 picked on her daughter. And the defendant described a
22 paddle that they had at their house that she described
23 as ridiculously big. And she said that she knew that
24 Blade would use that paddle to scare her daughter.
25 And, in fact, she said she had hidden the paddle

1 because she didn't want him to use it on her daughter.
2 And Ms. Simpson asked, Well, what about the
3 other kids?
4 And the defendant said, Yeah, the other kids
5 say he's mean. The other kids say he picks on them.
6 The other kids say he messes with him. The other kids
7 call him stupid. But he's the primary caretaker for
8 my kids.
9 While Ms. Simpson was there at the home, she
10 also observed and will tell you about it and you will
11 see pictures of, there are bullet holes all over the
12 house. There's bullet holes in the walls. There's
13 bullet holes in the ceiling. There's bullet holes in
14 the doors.
15 And Ms. Simpson asked the defendant, Why are
16 there bullet holes all over your house?
17 You will hear that the defendant explained,
18 well, that was her ex-husband. She explained that her
19 ex-husband had taken on AK-47 and shot up the place
20 and then taken the gun and pistol whipped her with it,
21 all while the kids were there. But the defendant said
22 he went to prison for that and she said that she had
23 gone, maybe once, she said, to have some domestic
24 violence services, but that she didn't really think
25 that she needed it.

1 You will also hear about the interview that
2 Child Crisis detectives did with this defendant.
3 Detectives Jeanne MacKenzie and Detective Paula Maker
4 from the Child Crisis Unit of the Tulsa Police
5 Department interviewed her. And you will actually see
6 that interview. It was recorded from start to finish
7 and you will get to see that.
8 Detective Jeanne MacKenzie will talk to you
9 about, in her role as a Child Crisis detective, how
10 very, very different it is to investigate these types
11 of cases. Cases of child abuse, to cases of
12 permitting child abuse, cases of child neglect.
13 It's very, very different investigating these
14 type of cases than it is any other type of case, like
15 a -- stealing a car or writing a hot check or
16 whatever, because of the nature of the injuries
17 involved and because of how difficult it is for a
18 parent or caretaker to admit to their conduct when it
19 comes to their child.
20 And Detective MacKenzie will tell you,
21 because of that, that it is very, very common in her
22 training and experience for suspects to deny, for
23 suspects to try to minimize their behavior, for
24 suspects to try to minimize their role in it. And she
25 will also tell you that because of her training and

1 experience she knows how to talk to these kind of
2 suspects. That, you know, you can't get in their face
3 and call them a bad guy. You have to put them at ease
4 and say, We know you didn't do anything wrong, we know
5 this was an accident, whatever, so that the suspect
6 will feel comfortable and will talk.
7 And you will hear during this interview, as
8 the defendant now says, that on the Saturday or the
9 Sunday before Lilah is ultimately discovered on
10 Friday, on that Saturday or Sunday she had seen
11 bruises and she had seen injuries to Lilah. And she
12 asked Blade about it and Blade told her that Lilah had
13 fell and that's how she got the injuries.
14 And then she describes the Tuesday incident
15 where she sees the injuries to Lilah, gives her a bath
16 and Lilah tells her and Blade won't tell her one way
17 or the other.
18 And you will hear as this defendant describes
19 the events of that particular night. You will hear as
20 the defendant describes walking in on her daughter
21 being choked again and then you will hear as she
22 describes that she tried to intervene and that she
23 tried to help her daughter but that Blade was hurting
24 her, too.
25 But you will also hear, as the defendant

1 describes, that during this beating, this brutality
2 that she says lasted all night long, that initially in
3 the beginning Blade took a little break and he went to
4 get a belt to use on Lilah. And that when he came
5 back with the belt, this defendant held her daughter
6 down.
7 She shows how she did it. She held her down
8 by the shoulders so that Blade could hit Lilah with
9 the belt. And she watched as Blade hit Lilah with the
10 belt. And she describes she knew it was way too hard,
11 she knew that it was causing injuries. She describes
12 the look in Blade's eyes and her concern that he
13 wasn't going to stop.
14 The defendant then talks about how at one
15 point in this attack Blade had taken her and kicked
16 her, the defendant, out of the room. And she
17 describes that she was locked out of the room for
18 about eight to ten minutes.
19 And the defendant describes as she was locked
20 out of that room that she was listening to her
21 daughter behind that door. And she describes that it
22 was as if Lilah was being tortured.
23 The defendant describes that she could hear
24 the breath going out of Lilah each and every time she
25 was hit. The defendant describes that she could hear

1 her 4-year-old daughter begging her mommy to save her.
2 The defendant talks about a particular time
3 period in this when, again, the -- Blade took a break
4 and she had access to the phone, because she claimed
5 that she didn't have access to the phone during this
6 and that's why she hadn't called 9-1-1. Although,
7 you'll hear that when she was at the medical interview
8 that she had her phone and had access to it and was
9 using it. She claimed during all of this she hadn't
10 had access to her phone.
11 But you will hear as she describes that, in
12 fact, she did during the break in all of this have
13 access to the phone, but that she did not call 9-1-1,
14 she did not call for help. Instead she texted her
15 mother.
16 And when the detective said, Well, you could
17 have called 9-1-1, you should have called 9-1-1, she
18 admitted that she could have and she should have but
19 she didn't.
20 The defendant also describes what happened
21 the rest of that night. The defendant describes that
22 after her daughter had been so horrifically beaten
23 that Blade made her daughter stand up all night.
24 And when you see the pictures it will amaze
25 you. But what will amaze you more is what the

1 defendant said she did.
2 As her beaten 4-year-old daughter was being
3 forced to stand all night, the defendant said she was
4 really tired. The defendant was. And she tried not
5 to fall asleep but she did. She slept as her beaten
6 daughter was being forced to stand all night.
7 The defendant then describes what she did the
8 next morning after she woke up. The defendant says
9 that she tried to tend to Lilah and that she tried to
10 give her a bath and that she tried to have her sit at
11 the table by herself to eat some breakfast. And once
12 you see the pictures you will be able to decide for
13 yourselves whether or not Lilah wanted or needed a
14 bath or wanted or needed to sit at the table for some
15 breakfast.
16 And you will hear this defendant tell these
17 detectives over and over she's so sorry, she did her
18 best, she tried to protect her daughter. She's done
19 with men. All she wants to do is get her kids back.
20 She just wants another chance. She's so sorry.
21 But you will also hear other recordings.
22 Because after this defendant was interviewed by the
23 detectives, she was arrested and she bonded out of
24 jail.
25 Blade was in jail. And Blade began to make

phone calls to this defendant. Phone calls from jail are recorded.

After this defendant knew what Blade had done to her daughter, after she had witnessed her daughter being tortured, after she had seen her daughter in the condition that she saw her daughter in, you'll hear the phone calls that she has with Blade.

You will hear as this defendant tells Blade how much she loves him. You will hear as this defendant tells Blade that he is her soulmate. You will hear as this defendant explains that they will get married, not right now while everybody is watching, but when this is all over.

You will hear that when all of this is over they will leave the State of Oklahoma together. You will hear that she wants Blade to put another baby in her belly. Not just one. Because as she explains, she doesn't want to have on odd number of babies so she wants him to ultimately put two babies in her belly.

You will hear as the defendant says on these jail phone calls that she knows she shouldn't be talking to him and that she is afraid that we're going to listen to the phone calls and we're going to use the phone calls against her because she wants to be

1 seen as a victim.
2 I anticipate that during the course of this
3 case you will, in fact, hear a defense of this
4 defendant is a victim and so she should not be held
5 accountable for her complete failure of her daughter.
6 I just simply ask you to listen very
7 carefully to all of the facts and the testimony and
8 the evidence that is presented. You will also hear
9 about past investigations involving this defendant.
10 At the end of this trial I will come back
11 before you and I will ask you to find this defendant
12 guilty, to hold her accountable for what happened to
13 Lilah. And at the end of this trial you will have all
14 of the evidence that you need to do just that.
15 Thank you.
16 THE COURT: Opening statement from the
17 Defense.
18 MR. BOEHEIM: Yes, Your Honor. Thank you.
19 Tell me you love me, baby. Come on, tell me
20 you love me. Come on, I love you. We're soulmates.
21 Come on, tell me you love me. Tell me you love me.
22 Come on, I've got to hear it. I've got to hear it.
23 Tell me you love me.
24 When I get out of here I'm going to drop kick
25 you. I'm going to kick your teeth in.

I'm just kidding, baby. I'm just kidding. Tell me you love me. You want to marry me. Come on, just go run down to the courthouse and you can marry me. You can marry me. Come on, we're soulmates. Tell me you love me. I've got to hear you love me.

I'll carve your face. I'll carve my initials in your face.

Come on, you know I'm just joking, baby. You know I loves you. I love you. Come on, we're soulmates. I need to hear you tell me. Come on, you've got to tell me. You've got to tell me you love me.

You've got to put money on my books. Come on, you've got to put money on my books.

You've got to love me. You've got to tell me you love me.

I'm going to kick you. I want to drop kick you. I can't wait to get out of here so I can kick your ass.

I love you, baby. Come on, tell me you love me. Tell me you love me.

That's the jail calls you're going to hear. You're going to hear that over and over and over again. Call after call after call.

And you're going to hear the response of a

1 woman who was victimized. Ms. McAmis is right. I'm
2 going to sit here and say it. That woman right there
3 was a victim. A victim of domestic violence.
4 Ms. McAmis actually even told you, it didn't
5 even start with Mr. Purdy. Blade. Such a bad ass.
6 It started with her previous husband, Ali
7 Lalehparvaran, who controlled her every move. If she
8 didn't wear the right pants, the right blouse, the
9 right shirt, she didn't wear exactly what -- if she
10 even talked to somebody else, he would go nuts.
11 He went so nuts one night he pulled out an
12 AK-47 and shot up the entire house. That's the bullet
13 holes we're talking about. And he took a separate gun
14 and pistol whipped her.
15 Then she meets Mr. Purdy. Blade. He's cool.
16 He's smooth. You'll hear him. You'll hear him. I
17 don't have to even tell you about him. You will hear
18 him. He's smooth. He knows just what to say.
19 And he was sweet. You're going to hear
20 testimony. He was sweet. He was loveable. He said
21 all of the right things, made all of the right moves.
22 A far cry from her previous husband.
23 Did he have stuff, yes. But he had that
24 charisma, that certain something you just can't -- you
25 just can't get away from if you're Ms. Lalehparvaran.

1 And the Prosecution is going to go, oh, yes,
2 you should have been able to run away from that. You
3 should know better. You should know better,
4 Ms. Lalehparvaran.
5 That's just not the way it works.
6 You will hear testimony about how on that
7 particular night, and previous to that, Mr. Purdy was
8 taking care of the kids as Ms. Lalehparvaran was
9 working. But you're going to hear a different set of
10 stories.
11 You're going to hear the officers picking and
12 choosing bits and pieces. You're also going to hear
13 Kerry Lalehparvaran get up on that stand and tell you
14 the story as it happened in her experience of it.
15 She's going to tell you how both children
16 were sleeping. And Trinity, Blade's daughter, just a
17 bitty thing, she's sleeping in the crib. And how
18 Lilah is sleeping in her room.
19 You're going to hear her tell the story about
20 how on that night Mr. Purdy brought over a friend.
21 Well, you always bring over a friend about midnight.
22 Why did he bring over that friend? Because that
23 person could inject him with heroin.
24 But that wasn't enough. He then told that
25 friend to inject Kerry, boom, with a shot of heroin.

1 Prosecution, officers -- you're probably
2 going to hear statements of she -- oh, she should have
3 had a choice. You're going to hear her own statement,
4 a woman who was pistol whipped by her previous
5 husband, who is now being directed and driven by this
6 same man who's sitting here begging her to marry him.
7 Did she have a choice?
8 She wakes up at 2:00 in the morning. Where
9 did he go? There was no thought -- she's going to
10 testify, there was no thought of violence to the kids,
11 to Lilah.
12 She goes in and see sees him in the room with
13 his hands on her child, on her -- on her shoulders.
14 And she goes at him. Boom, she hits him. And what do
15 you think this wonderful smooth guy does? He gets up,
16 grabs her by the hair, and throws her against the
17 wall. He punches her. He pounds on her. He throws
18 her out of room and drags her down the hall. That's
19 what she's going to testify to. That's where the
20 clumps of hair come from.
21 She follows him back even though she's
22 threatened because he's going to go back and beat on
23 Lilah. And she fights with him.
24 Well, at a certain point he looks at her and
25 says, Let me just whip her a couple of times and this

1 will be over. She's going to testify she was
2 thinking, how do I get out of this, how do I get
3 there, how do I make this stop. And so she holds
4 Lilah down, figuring a couple of straps and it's over.
5 This insanity is over.
6 And he winds up and, boom, she looks up and
7 says, You can't hit her that hard, you can't hit her
8 that hard, you can't. She will testify to that.
9 And you know what? He winds up to hit her --
10 hit her again. And he does. And at that point she
11 just covers her child. She covered her child and she
12 takes multiple straps across her own back and arms.
13 And you will see pictures of that. You will
14 see the strap marks on her arms and her back. And
15 that's what the Prosecution -- the State, the officers
16 took those pictures. You will see those.
17 Yes, she had the phone at one point. And
18 she'll testify she texted her mother. You'll also
19 hear testimony that the area code on that phone is
20 312. It's a Chicago phone. She thought if she dialed
21 9-1-1, she was going to get Chicago 9-1-1.
22 All of this time, don't forget, she was
23 forcibly given a shot of heroin. And she kept going
24 back for more. She was locked out. She was thrown
25 against the wall. She was threatened -- her life was

1 threatened.
2 Could she have run at some point? Could she
3 have dashed out? Maybe. Could have, should have.
4 Great Monday morning quarterbacking is always a
5 beautiful thing.
6 But she's going to testify that it was all a
7 haze. It was all happening so fast and she just was
8 trying to defend her child as best she could.
9 You'll hear testimony about Sheila coming
10 home at a certain point. And you'll hear
11 contradictory evidence on that one, on how that all
12 occurred that morning.
13 But I will agree with Ms. McAmis. Thank God
14 for that person that came to the door. Thank God for
15 the person who was going to be fixing -- the city
16 worker. Because, without that, who knows how long
17 Mr. Purdy, Blade, would have kept them all captive,
18 would have kept this up. Who knows. So thank God for
19 that person showing up. We are in complete agreement
20 on that.
21 But how we got there and my client's
22 efforts -- and, by the way, once the police got there,
23 once that was under control, first thing was they went
24 to the hospital.
25 Ms. Lalehparvaran and myself, all we're

1 asking you to do is listen to the evidence very
2 closely. Realize that there is more to this story
3 than just point A to point B to point C. There is a
4 victimization of that young woman over there.
5 And you're going to hear some things that are
6 going to make you scratch your head. But realize
7 victimization doesn't just happen from a slap in the
8 face or a punch that splits a lip. It comes from the
9 psychological -- constant psychological abuse.
10 Tell me you love me, baby. Tell me you love
11 me. Come on, marry me. We're soulmates.
12 At the end of this trial, my client and I are
13 going to ask you to find Ms. Lalehparvaran not guilty
14 on all counts.
15 Thank you.
16 THE COURT: Thank you.
17 I'll ask counsel to approach the bench for
18 some scheduling.
19 Off the record.
20 *(An off-the-record discussion was held.)*
21 THE COURT: State's case in chief is now in
22 order.
23 MS. MCAMIS: Thank you, your Honor. The
24 State calls Brian Homberger.
25 THE COURT: Sir, please raise your right hand

1 to be sworn.
2 BRIAN HOMBERGER,
3 called as a witness on behalf of the State, being of
4 lawful age and after having been first duly sworn,
5 testified as follows:
6 THE COURT: Thank you. You may be seated.
7 And if you'll scoot the microphone over so
8 that it's a little bit closer to your face, we would
9 appreciate that.
10 And how do you spell your last name, sir?
11 THE WITNESS: H-O-M-B-E-R-G-E-R.
12 THE COURT: Thank you.
13 Counsel, you may inquire.
14 MS. MCAMIS: Thank you.
15 *DIRECT EXAMINATION*
16 *BY MS. MCAMIS:*
17 Q Sir, could you tell us how you're employed?
18 A Through Momentum Services.
19 Q What is that? What do you do?
20 A They're a contractor for the City of Tulsa.
21 Q How long have you been a contractor for the
22 City of Tulsa?
23 A Eight years.
24 Q I want to specifically direct your attention
25 to January 9th of 2015. On that day what had you

1 been asked to do for the City of Tulsa?
2 A Clean properties.
3 Q What did that entail?
4 A Trash, limbs, mowing.
5 Q And, specifically, where in the city did --
6 where did the City send you that day?
7 A One of the addresses was 1437 North Joplin.
8 Q Okay. And is that in the City of Tulsa?
9 A Yes, ma'am.
10 Q And is that in Tulsa County?
11 A Yes, ma'am.
12 Q After you had arrived at that particular
13 residence that day and as you were cleaning, did you
14 come into contact with a female person?
15 A Yes.
16 Q Can you describe her?
17 A She was older.
18 Q Can you -- first of all, had you ever met her
19 before? Had you ever had contact with her?
20 A No, ma'am.
21 Q What was she doing when you actually came
22 into contact with her?
23 A She was smoking a cigarette in the driveway.
24 Q Did you talk to her about anything of
25 importance?

1 A No.
2 Q Not at that point in time?
3 A No, ma'am.
4 Q And then did she go back inside the home?
5 A Yes.
6 Q After she went back inside the home, at some
7 point in time did she come back out of the house
8 again?
9 A Yes, ma'am.
10 Q When she came back out of the house, based
11 upon what she told you at that point, what did you do?
12 A I called 9-1-1.
13 Q At the time that you called 9-1-1, were you
14 acting upon what she had told you?
15 A Yes, ma'am.
16 Q Did you know that a child was involved?
17 A By what she told me, yes.
18 Q Had you seen the child?
19 A No, ma'am.
20 Q At the time that you called 9-1-1, what did
21 you think or assume was her relationship to the child?
22 A I -- she told me she was the --
23 MR. BOEHEIM: Objection. Speculation.
24 THE COURT: One moment.
25 What is your objection.

1 MR. BOEHEIM: Objection. Requires
2 speculation.
3 THE COURT: Your response.
4 MS. MCAMIS: I'll back up for just a moment.
5 THE COURT: Thank you.
6 Q (By Ms. Mcamis) On the 9-1-1 call, how did you
7 refer to the particular person who asked you to call
8 9-1-1?
9 A I referred to her as the grandmother.
10 Q Why did you refer to her in that manner?
11 A Because that's what she had told me she was.
12 Q And is that what you assumed was her
13 relationship to the child based upon what she told
14 you?
15 A Yes, ma'am.
16 Q Have you had an opportunity to listen to your
17 9-1-1 call since that day?
18 A Yes, ma'am.
19 MS. MCAMIS: May I approach, Your Honor?
20 THE COURT: You may.
21 Q (By Ms. Mcamis) I'll show you what has been
22 marked as State's Exhibit No. 1. And is that your
23 initials on that?
24 A Yes, ma'am.
25 Q And is this the 9-1-1 call that you placed

1 **that day?**
2 A Yes, ma'am.
3 MS. MCAMIS: Your Honor, at this time the
4 State moves for admission of State's Exhibit No. 1 and
5 asks to publish to the jury.
6 THE COURT: Response.
7 MR. BOEHEIM: No objection from the Defense,
8 Your Honor.
9 THE COURT: State's 1 will be admitted
10 without objection.
11 One moment, please.
12 Permission to publish is granted.
13 Counsel, do you waive the reporting of the
14 playing of the 9-1-1 call?
15 State?
16 MS. MCAMIS: The State does.
17 THE COURT: Defense?
18 MR. BOEHEIM: The Defense waives.
19 THE COURT: All right. Thank you.
20 *(State's Exhibit 1 was played for the jury off the*
21 *written record.)*
22 THE COURT: Back on the record.
23 **Q (By Ms. Mcamis) After the 9-1-1 call, were you**
24 **contacted by the police?**
25 A Yes.

1 Q And did you cooperate and tell them
2 everything that you knew that you have just described
3 for us?
4 A Yes, ma'am.
5 Q After that day did you have any further
6 involvement in the case?
7 A No, ma'am.
8 Q And, just to be clear, still to this day
9 you've never met Lilah, the 4-year-old child in this
10 case, and you've never had any further involvement?
11 A That's correct.
12 MS. MCAMIS: Thank you.
13 I have no further questions.
14 THE COURT: Cross examination.
15 *CROSS-EXAMINATION*
16 *BY MR. BOEHEIM:*
17 Q Is it Mr. Homberger? Is that correct?
18 A Yes, sir.
19 Q Very briefly. This older woman was in the
20 driveway smoking when you arrived?
21 A Yes, sir.
22 Q Okay. And did you interact with her at that
23 point?
24 A Yes, sir.
25 Q Okay. And she then went back into the house.

1 Correct?
2 A Yes, sir.
3 Q And when she came back out of the house, she
4 then told you what you then communicated on the 9-1-1
5 call?
6 A Yes, sir.
7 Q Okay. And did you happen to notice the large
8 wound on her right arm?
9 A Yes.
10 MR. BOEHEIM: Pass the witness, Your Honor.
11 THE COURT: Redirect.
12 MS. MCAMIS: No further questions.
13 THE COURT: May this witness step down and be
14 excused?
15 MS. MCAMIS: Yes, Your Honor.
16 THE COURT: Sir, you may step down and be
17 excused. Thank you for your testimony.
18 State's next witness.
19 MS. MCAMIS: Thank you, Your Honor. The
20 State calls Officer Samantha Ramsey.
21 THE COURT: Officer Ramsey, please come
22 forward to be sworn. Please raise your right hand.
23 OFFICER SAMANTHA RAMSEY,
24 called as a witness on behalf of the State, being of
25 lawful age and after having been first duly sworn,

1 **testified as follows:**
2 THE COURT: Thank you.
3 You may be seated. And if you'll adjust the
4 mic so that it's close to your face.
5 Counsel, when you're ready, you may inquire.
6 *DIRECT EXAMINATION*
7 *BY MS. MCAMIS:*
8 **Q Can you tell us how you're employed?**
9 A For the Tulsa Police Department.
10 **Q In what capacity?**
11 A As a police officer.
12 **Q How long have you been a law enforcement**
13 **officer?**
14 A For nine years.
15 **Q Can you tell us a little bit about the**
16 **training and experience that you had to have to become**
17 **a police officer for the City of Tulsa?**
18 A Yes, ma'am. First I had to have a four-year
19 college degree and then an additional six months of
20 classroom training, with four months of field training
21 after that.
22 **Q Can you tell us a little bit about your**
23 **duties and responsibilities as a patrol officer?**
24 A My major responsibility is to answer the
25 9-1-1 calls for service from citizens.

1 **Q How are your duties and responsibilities as a**
2 **patrol officer different from those of a detective?**
3 A The main difference is that we don't
4 investigate a lot of things beyond the initial call at
5 the house. We don't do follow-ups and that kind of
6 stuff. And then we're in a patrol car answering calls
7 and doing car stops and things like that.
8 **Q When you talked about you don't do**
9 **investigations beyond the initial call, so when you**
10 **respond to a scene and there is an additional**
11 **investigation needed, is that turned over to**
12 **detectives?**
13 A Yes, ma'am.
14 **Q And is it common in your training and**
15 **experience for you to initially arrive at a scene,**
16 **perhaps think there is one set of circumstances**
17 **involved, but then ultimately, through an**
18 **investigation, detectives determine another set of**
19 **facts and circumstances involved?**
20 MR. BOEHEIM: Objection. Leading.
21 THE COURT: Response.
22 MS. MCAMIS: Your Honor, I don't believe that
23 was leading. I was simply asking her and allowing her
24 the opportunity to explain her answer.
25 THE COURT: Objection is overruled.

1 You may answer the question.
2 PROSPECTIVE JUROR: Yes, ma'am, it's happened
3 several times.
4 Q (By Ms. Mcamis) Have you had any specific
5 training with respect to child abuse investigations or
6 investigating cases of permitting child abuse or child
7 neglect?
8 A Yes, ma'am.
9 Q You are not a detective in the Child Crisis
10 Unit. Is that correct?
11 A Yes.
12 Q But you have had the opportunity to respond
13 on those types of calls before?
14 A Yes, ma'am.
15 Q Were you working as a patrol officer on
16 January 9th of 2015?
17 A Yes, ma'am.
18 Q And on that day were you dispatched to 1437
19 North Joplin Avenue?
20 A Yes, I was.
21 Q Is that in the city of Tulsa?
22 A Yes, ma'am.
23 Q And is that in Tulsa County?
24 A Yes, ma'am.
25 Q Approximately what time that day were you

1 **dispatched?**
2 A It was between 2:00 and 3:00 in the
3 afternoon, I believe.
4 **Q 2:00 and 3:00 p.m., in the afternoon?**
5 A Yes, ma'am.
6 **Q When you arrived at the scene -- first of**
7 **all, did you -- did you know what you were walking**
8 **into? What did you think you were walking into?**
9 A The initial information that we had from the
10 9-1-1 caller was that he was flagged down about a
11 separate party who stated that there was some sort of
12 assault going on in a house and that the occupants of
13 the house hadn't been allowed to leave for several
14 days.
15 **Q So as you arrived at the scene, who did you**
16 **first make contact with?**
17 A I believe her first name was Sheila.
18 **Q Did you determine, was she a resident of the**
19 **home?**
20 A Yes, ma'am, that's what she stated.
21 **Q Was she an adult?**
22 A Yes.
23 **Q Approximately how old was she?**
24 A She was probably in her 60s.
25 **Q Did you find out who the child in question**

1 was?
2 A Yes. She stated that the child belonged to
3 the lady there that lived in the house.
4 Q And what was the child's name?
5 A Lilah.
6 Q Did you figure out approximately how old
7 Lilah was?
8 A She told me she was around 3 or 4 years old.
9 Q You said that she belonged to the woman who
10 lived in the home. Ultimately, did you determine who
11 Lilah's mother is?
12 A Yes, ma'am.
13 Q And who is that?
14 A Kerry.
15 Q Lalehparvaran?
16 A Lalehparvaran, yes.
17 Q Who, ultimately, let you into the home?
18 A Sheila did.
19 Q Why did you think it was important, based on
20 the information that you had, to actually go into the
21 home?
22 A I felt that the child's life was in danger.
23 Q What other officers were there with you?
24 A Officer Lime and Officer Gillert.
25 Q And is that normal, when you're responding to

1 a 9-1-1 call, to have backing officers like that?
2 A Yes, ma'am. In Tulsa we don't go anywhere by
3 ourself.
4 Q What information did you have once you
5 entered the home about where Lilah was in the house?
6 A I was told that she was in a back bedroom
7 down the hallway off of the main part of the house
8 that we were in.
9 Q And what did you -- what were you told
10 specifically about how and why she was in that
11 bedroom?
12 A I was told that she was placed in the bedroom
13 by the male adult that lived in the house and that she
14 was locked in there.
15 Q Who told you that?
16 A I believe the mother and Sheila told me,
17 both.
18 Q And when you're talking about the mother,
19 specifically you're talking about the defendant in
20 this case. Is that correct?
21 A Yes, ma'am.
22 Q At that point in time you've now spoken with
23 Ms. Fields, you've spoken with the defendant. Where
24 did you think that the male who lived in the home --
25 where did you think he was at that point?

1 A I could actually see him through the opening,
2 so I knew he was in the additional living area that
3 was kind of downstairs from where we were standing.
4 **Q Where was he when you entered the home in**
5 **relation to where this defendant was?**
6 A Down the hall and in another section of the
7 house.
8 **Q When you entered the home, did this defendant**
9 **jump out and beg for your help or tell you she had**
10 **been held down and shot up with heroin or anything of**
11 **that nature?**
12 A No, ma'am.
13 **Q When you saw the male defendant -- the**
14 **male -- and, ultimately, was he identified as John**
15 **"Blade" Purdy?**
16 A Yes, ma'am.
17 **Q When you saw him, what did you do?**
18 A The other two officers that were there
19 actually took him in custody.
20 **Q Why was it important for you to take him into**
21 **custody at that point?**
22 A Because we had to make sure that the scene
23 was safe before we could enter and check on the
24 children that were in the house.
25 **Q So what did you do to try to find Lilah then?**

A I just followed her voice down the hallway to the bedroom.

Q When you said that you followed her voice, could you describe for us what you were hearing at that point?

A Yeah. She was hysterically screaming and crying.

Q Could you tell that something very wrong -- that there was something very wrong?

A Yes, ma'am.

Q Could you tell it was a child?

A Yes. You could tell by the octave of the voice.

Q And so as you followed her hysterical cries down the hall, ultimately, did you come to a room where she was?

A Yes, ma'am.

Q Were you able to immediately open that door?

A No.

Q Why not?

A It was locked.

Q So what did you do?

A I forced entry into the bedroom.

Q Why was it important that you force entry at that point?

A Because I felt like she was injured.

Q Once you forced entry, were you able to see Lilah?

A Yes, ma'am.

Q Where was she within the room?

A She was on the bed, immediately across the wall, like across from the doorway.

Q Could you describe for us what you saw?

A She was laying on the bed. She had visible injuries from her neckline, all the way up to her hairline.

Q Was she clothed?

A Yes, ma'am.

Q And what type of clothing did she have on?

A I believe she had, like, just a T-shirt and some pants on. I can't -- I don't remember exactly what she was wearing.

Q So the injuries that you could see were to her neckline and all the way to the top of her head?

A Yes, ma'am.

Q How was Lilah acting at that point?

A She was crying and she was complaining of pain. She was grimacing any time she moved too fast.

Q Where did she tell you that it hurt?

A Her head.

1 Q And what did she tell you happened to her?
2 A That Blade had hit her and pulled her hair.
3 Q At that point in time did you take off any of
4 her clothing or look at the rest of her body?
5 A No, I did not.
6 Q What did you do at that point?
7 A We called Child Crisis detectives.
8 Q Why?
9 A Because it was immediately obvious that child
10 abuse had occurred. And any time we have something
11 like that we have to call a detective to get -- to
12 kind of tell them what's going on, get permission.
13 And because of the hours that we were there, they were
14 at work still so they would actually be able to come
15 to the scene and respond with us.
16 Q What were you instructed to do at that point?
17 A To take her, her sister, and her mother to
18 the Justice Center.
19 Q Is the Justice Center also known as the
20 Children's Advocacy Center?
21 A Yes, ma'am. Sorry.
22 Q If you -- let me jump ahead for a minute.
23 Later on, did you become aware of more
24 injuries to Lilah?
25 A I wasn't informed of those injuries until

1 January of this year.
2 Q If you had known about those injuries at the
3 time, would you have handled the situation
4 differently?
5 A Absolutely.
6 Q What would you have done?
7 A We would have had her go by EMSA to the
8 hospital.
9 Q But you -- did you know at the time that
10 there were medical doctors at the Children's Advocacy
11 Center waiting for Lilah?
12 A Yes, ma'am. I was told that they were
13 getting ready to leave. That was one of the reasons
14 why we kind of sped up the process and got them to the
15 Justice Center when we did.
16 Q While you were still there at the scene, did
17 you speak with Lilah's mom, the defendant in this
18 case, about what had happened?
19 A Yes, ma'am.
20 Q And -- and let me ask you this. At this
21 point in time was she under arrest?
22 A No, ma'am.
23 Q Was she free to leave?
24 A Yes.
25 Q At this point in time was she even a suspect?

1 A No. I thought she was a victim as well.
2 **Q At this point in time when you were speaking**
3 **to her did you threaten her or harass her in any way?**
4 A No, ma'am.
5 **Q Did you offer her anything or promise her**
6 **anything in exchange for speaking with you?**
7 A No, ma'am.
8 **Q Are you, as a law enforcement officer,**
9 **trained in detecting whether or not someone is under**
10 **the influence of an intoxicating substance?**
11 A Yes, ma'am.
12 **Q When you were speaking with this defendant,**
13 **did you form an opinion about whether or not she was?**
14 A Yes, ma'am.
15 **Q What was your opinion?**
16 A That she was under some sort of intoxicating
17 substance. I didn't think it was alcohol because I
18 couldn't smell anything.
19 **Q When you say you don't think it was alcohol**
20 **because you couldn't smell anything, so what then did**
21 **you think it was?**
22 A It was either some illicit drug or pills.
23 **Q What gave you the impression that she was**
24 **somehow under the influence?**
25 A Her behavior, her irregular speech, and her

1 inability to kind of stay focused on what we were
2 talking about and move from one point to the other.
3 **Q As you were talking to her, what did she tell**
4 **you was her relationship to the man who had been in**
5 **the residence, John "Blade" Purdy?**
6 A That he was her boyfriend and the father of
7 her seven-month-old daughter.
8 **Q Did she tell you that her seven-month-old**
9 **daughter's name was Trinity?**
10 A Yes, ma'am.
11 **Q And did she specifically tell you that**
12 **everyone in the home called him Blade?**
13 A Yes, ma'am.
14 **Q What did she tell you about Lilah's**
15 **biological father?**
16 A That it was her ex-husband and he was in
17 prison.
18 **Q Did she tell you about what time she had**
19 **awakened the night before?**
20 A Yeah, she said it was around midnight.
21 **Q What did she tell you happened when she woke**
22 **up around midnight?**
23 A She went to look for Blade.
24 **Q Where did she say that she found Blade?**
25 A In a bedroom with Lilah.

1 Q What did she tell you that she found Blade
2 doing to her daughter, Lilah?
3 A That he was choking and striking the child.
4 Q Did she tell you why she thought Blade was
5 doing that to Lilah?
6 A The little girl made a mess and he stated
7 that he was punishing for -- punishing her for that.
8 Q She said that he told her he was punishing
9 Lilah for making a mess?
10 A Yes, ma'am.
11 Q What did she say that she did when she found
12 Blade choking and striking her daughter?
13 A I believe she tried to verbally get him to
14 stop. And when that didn't happen, she physically got
15 him to stop.
16 Q Did she tell you what Blade was hitting Lilah
17 with at that point?
18 A Yeah. She stated he had a paddle.
19 Q You've told us that, ultimately, you loaded
20 everybody up, Lilah, Trinity, and this defendant, and
21 you went to the Children's Advocacy Center. Is that
22 correct?
23 A Yes, ma'am.
24 Q Can you describe for us how Lilah was
25 responding to you?

1 A Lilah was very receptive to me. She actually
2 wouldn't -- she didn't want to let go of me because
3 she was hurting and scared, I assumed. And she went
4 with me very -- like, she didn't have a problem with
5 it. She was able to get in the car once we got the
6 car seats loaded up for her.
7 **Q And she was clinging and holding on to you?**
8 A Yes, ma'am.
9 **Q Once you arrived at the Child Advocacy**
10 **Center, what happened?**
11 A We waited around for the doctor to come out
12 to examine both children. And I sat out in the
13 waiting room with the defendant and both kids while
14 that was going on.
15 **Q Can you tell us, as you were waiting and**
16 **during this process, how was Lilah responding to you?**
17 A We were down in the floor playing the whole
18 time.
19 **Q What was Lilah's interaction with her mother**
20 **during this process?**
21 A She didn't really go over by her. I don't
22 remember there being any negative interaction, but
23 there just wasn't much interaction at all.
24 **Q What was the defendant's interaction at this**
25 **point?**

A She was -- I believe she was filling out paperwork and kind of off to the side doing that stuff.

Q Ultimately, then, when did your involvement end that day?

A I guess it was once they determined that the -- Lilah needed to go to the hospital. And my job was done at that point.

Q Okay. After that day then, was the case turned over to the Child Crisis detectives?

A That's my assumption, yes, ma'am.

Q Did you have any further involvement in the ongoing investigation?

A Other than when I had to testify earlier this year, no, ma'am.

Q The individual that you told us about, Kerry Lalehparvaran, that you talked to that day, is she here in the courtroom?

A Yes, ma'am.

Q Could you identify her for us, please?

A She's sitting to my left in a purple shirt.

MS. MCAMIS: Your Honor, the State would request that the record reflect that the witness has identified the defendant.

THE COURT: The record will so reflect.

1 MS. MCAMIS: Thank you.
2 I have no further questions.
3 THE COURT: Cross examination.
4 *CROSS-EXAMINATION*
5 *BY MR. BOEHEIM:*
6 Q Hello, Officer Ramsey.
7 A Hello.
8 Q So on January 9th, you responded to a 9-1-1
9 call. Is that correct?
10 A Yes, sir.
11 Q Okay. And the first point of contact was a
12 woman named Sheila?
13 A Yes, sir.
14 Q And Sheila was in her 60s?
15 A I believe.
16 Q And how was she acting?
17 A She was frantic, scared.
18 Q Okay. Did she seem out of sorts at all?
19 A No. She was just -- she was concerned. And
20 she also had, like, a small injury to her arm that she
21 was concerned about.
22 Q Was that injury bleeding?
23 A Yes, a little bit.
24 Q Okay. And in your opinion and having dealt
25 with individuals in the field, would you suggest that

she was under the influence of any intoxicants?
A To be honest with you, I didn't have much contact with her except for the initial opening the door.
Q Okay. But you did have contact with her -- if I remember your testimony, you said that she also indicated that Lilah was in the back bedroom?
A It was either her or Kerry that indicated that she was in the back bedroom.
Q Okay. When you first encountered Ms. Lalehparvaran, did you notice any bruises or injuries?
A Yes, sir.
Q Did you see one bruise? Multiple bruises?
A There were several.
Q Several?
A If I remember correctly, she had on, like, a tank top and either short pants or sweat pants pulled up to her knees. And all of her visible arms and legs, there were bruises all over.
Q And were there photos taken of Ms. Lalehparvaran?
A I believe so. I wasn't the one that took them. But I believe, yes, there were.
Q Okay. Do you know who took those photos?

A It was a supervisor. But I don't recall what supervisor was there.

Q Did you happen to ask Sheila why she didn't call 9-1-1 herself?

A I believe she stated that Blade wouldn't let her.

MR. BOEHEIM: Pass the witness, Your Honor.

THE COURT: Redirect.

MS. MCAMIS: Nothing further.

THE COURT: May Officer Ramsey step down and be excused?

MS. MCAMIS: Yes.

THE COURT: Ma'am, you may step down and be excused.

Does the State have other witnesses at this time or might this be an appropriate time for the evening recess?

MS. MCAMIS: We do have another witness, however I think she will be much longer.

THE COURT: All right. Ladies and gentlemen, we're going to take our evening recess at this point in time. I'll ask that you put your notes back into the envelopes and leave them either on or under your chair.

You will be in recess until tomorrow morning.

We anticipate a 9:00 start, so if you'll be back in the building at 8:30, and, again, meet Ms. Upton on the third floor by the escalators at 8:45, like you did today. We anticipate a 9:00 start tomorrow morning.

As before, remember the parking situation around this building is not ideal. You absolutely do not want to park at a parking meter. You now have seen that it is nigh on impossible to find time to plug a parking meter.

Again, bring your drinks with you, a snack, or if you wish -- it is entirely possible tomorrow may be a bit of a longer day than today. You'll definitely be hearing evidence and we intend to try to get through as much of it as we possibly can, time permitting.

So you may not end at 5:00 or 5:30 tomorrow. We just won't know how the evidence will go. This is a very human process and each side will be given ample opportunity to examine and cross examine the witnesses. But please make arrangements to be here past 5:00 tomorrow if need be.

Are there any further instructions requested by either side?

MS. MCAMIS: Not by the State.

1 MR. BOEHEIM: Not by the Defense, Your Honor.
2 THE COURT: Ms. Upton, did I cover
3 everything?
4 MS. UPTON: I think you did, Judge.
5 THE COURT: All right. We'll be in evening
6 recess. You are under the Court's admonishment.
7 We'll see you tomorrow morning.
8 *(An off-the-record discussion was held.)*
9 THE COURT: We'll be back on the record in
10 CF-2015-242, State vs. Lalehparvaran. Both lawyers
11 are present, the defendant is present. The jury is
12 not present, having been excused for the overnight
13 recess.
14 We've addressed a little bit of scheduling
15 for tomorrow. We've also asked for clarification on
16 what parts of State's Exhibit 20 may need to be
17 redacted based on the Court's Jackson-Denno ruling.
18 And then the latest topic has to do with a
19 young lady who has appeared at Defense counsel table
20 just in time for opening argument. She was wearing a
21 badge. The Court asked her to come forward and asked
22 her to remove the badge because it was prominently
23 displayed.
24 And Ms. McAmis was inquiring further about
25 the identity of this individual and what the intent is

1 for her to be at counsel table.
2 MS. MCAMIS: Your Honor, I, first of all,
3 appreciate Your Honor asking her to remove the badge,
4 although -- and, Your Honor, did so certainly in a
5 timely manner. But I had just noticed it and I'm
6 concerned whether or not any jurors saw it or not.
7 But Your Honor did properly ask her to remove it.
8 But I would state that, first of all, Counsel
9 should have asked Your Honor's permission before
10 asking anyone, whether a member of the bar or not, to
11 sit at table with him. But that it would not be
12 proper, in any event, for a private investigator to be
13 sitting at counsel table with him, although there is
14 an exception to the Rule of Sequestration involving a
15 State's agent and --
16 THE COURT: A case agent.
17 MS. MCAMIS: -- a case agent --
18 THE COURT: Yes.
19 MS. MCAMIS: -- sitting at counsel table.
20 The state is certainly unaware of any
21 provision that would allow a private investigator
22 hired on behalf of the Defense to sit before the bar
23 and to sit at counsel table with the Defense in a jury
24 trial.
25 THE COURT: Mr. Boeheim.

1 MR. BOEHEIM: I agree.
2 THE COURT: All right. I agree as well.
3 MR. BOEHEIM: Well, and, just to be fair,
4 what occurred was, that when they came in she was in
5 the back.
6 THE COURT: And would you identify the lady
7 by name?
8 MR. BOEHEIM: Wendi Schmidt.
9 THE COURT: She's not been identified by name
10 for the record yet.
11 MR. BOEHEIM: Wendi Schmidt. W-E-N-D-I,
12 Schmidt, S-C-H-M-I-D-T.
13 THE COURT: Thank you.
14 MR. BOEHEIM: The intention was, she was
15 sitting in the back. Ms. Freeman, as I said to you,
16 is actually not in town and so we are very
17 shorthanded. Ms. Schmidt is sort of acting as a bit
18 of a go-between between my office, and trying to do it
19 as very, you know, inconspicuously as possible. She
20 was sitting in the back.
21 THE COURT: Yes, she was.
22 MR. BOEHEIM: But she got -- when they came
23 and loaded them up --
24 THE COURT: With all 40 folks --
25 MR. BOEHEIM: -- with all 40 --

THE COURT: -- sitting in gallery?

MR. BOEHEIM: -- I had her move up here and then she got caught by the -- by the TV. So I didn't want to make it a big deal moving her around.

Yeah, the badge -- she wears the badge because it gets her in and out of the front gate -- you know, front without having to go through the line. She just didn't take it off.

THE COURT: All right.

MR. BOEHEIM: It's our apologies, Your Honor.

THE COURT: And what is your intention with regard to the rest of the trial and her seated at counsel table?

MR. BOEHEIM: No. We'll have her seated in the back, Your Honor.

THE COURT: All right. Thank you. That is appropriate. We'll ask that she go ahead and return to the gallery in the morning.

MR. BOEHEIM: Yes.

THE COURT: I don't want the jury to wonder who this person is and why she was seated with you and not having been introduced as everyone else was in the room when we got started. And she'll need to make sure that her badge is not displayed when she's in here.

1 During breaks, she's welcome to hand you
2 things or do whatever it is you need her to do as long
3 as it's not disruptive of the process. But it sounds
4 like we have that issue resolved.
5 MR. BOEHEIM: Understood, Your Honor.
6 THE COURT: Is that to your satisfaction, Ms.
7 McAmis?
8 MS. MCAMIS: Yes.
9 THE COURT: All right. Is there anything
10 else we need to talk about on the record before we
11 break for the evening?
12 MS. MCAMIS: Not by the State, Your Honor.
13 THE COURT: All right.
14 MR. BOEHEIM: Not by the Defense, Your Honor.
15 PROSPECTIVE JUROR: Thank you very much.
16 *(The evening recess was taken.)*
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IN THE DISTRICT COURT OF TULSA COUNTY
THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, Plaintiff,	)	
vs.	)	CASE NO. CF-2015-242
KERRY ELIZABETH LALEHPARVARAN, Defendant,	)	

* * * * *

TRANSCRIPT OF PROCEEDINGS

JURY TRIAL

TULSA, OKLAHOMA

NOVEMBER 2, 2016

* * * * *

HONORABLE KELLY GREENOUGH, JUDGE

* * * * *

APPEARANCES:

MS. SARAH MCAMIS, Attorney at Law, 500 South Denver Avenue, Tulsa, OK, 74103, appeared on behalf of the State.

MR. BRIAN BOEHEIM, Attorney at Law, 616 South Boston Avenue, Ste. 307, Tulsa, OK, 74119, appeared on behalf of the Defendant.

REPORTED BY:

D. ANN FITE, C.S.R., R.P.R No. 1108
Official Court Reporter
Tulsa District Court
500 South Denver
Tulsa, Oklahoma 74103

PROCEEDINGS

THE COURT: Please make sure that your cell phones and electronics are powered off and put away.

We'll be back on the record in CF-2015-242, State of Oklahoma vs. Kerry Lalehparvaran. Sarah McAmis is present for the State, Brian Boeheim is present with his client, Kerry Lalehparvaran. The jury has returned to the jury box following the overnight recess.

I'll ask whether the jury was able to abide by the Court's admonishment during the overnight recess.

All right. Thank you very much.

We are still in the State's case in chief.

State, when you are ready you may call your next witness.

MS. MCAMIS: Thank you, Your Honor. The state calls Kristi Simpson.

THE COURT: Good morning. Please come forward to be sworn.

Please raise your right hand.

KRISTI SIMPSON,

called as a witness on behalf of the State, being of lawful age and after having been first duly sworn, testified as follows:

THE COURT: Thank you. Please be seated.

And is it Kristi, K-R-I-S-T-I?

THE WITNESS: Yes.

THE COURT: All right. And Simpson, common spelling?

PROSPECTIVE JUROR: Yes.

THE COURT: All right. Thank you very much.

And, ma'am, I think we've made sure that the mic is appropriately adjusted, but if you'll make sure it's close to your face. We want to be able to hear you this morning.

And if you would kindly avoid the use of uh-huh, huh-uh, or nods of the head to answer a question, my court reporter and I would certainly appreciate it. It makes it very difficult for her to take down those responses.

THE WITNESS: Certainly.

THE COURT: And one of the other things is that I'll ask that we try not to talk over each other. And so if you'll wait until the lawyer finishes the question before you start your answer, I'll make sure that the lawyers wait until you're finished before they begin their next question. It keeps our record nice and clear when we're not talking over each other. All right?

1 THE WITNESS: Yes.
2 THE COURT: Thank you very much.
3 Counsel, you may inquire.
4 MS. MCAMIS: Thank you.
5 *DIRECT EXAMINATION*
6 *BY MS. MCAMIS:*
7 **Q Ms. Simpson, how are you employed?**
8 A I am a Child Welfare investigator for the
9 Department of Human Services.
10 **Q How long have you worked for the Department**
11 **of Human Services?**
12 A I've worked there about five years.
13 **Q Can you tell us a little bit about your**
14 **educational background?**
15 A Yes. I have a Bachelor's degree in Liberal
16 Arts from Rogers State University, and I also have
17 over half of a Master's degree from Phillips
18 Theological Seminary.
19 **Q Before you became an investigator for the**
20 **Department of Human Services, what type of training**
21 **did you have to go through?**
22 A There is an initial training that everyone
23 who works for the department attends and they call
24 that Core. It lasts about five weeks and that happens
25 when you first come on board. And then, after that,

1 depending on your particular role in the agency you
2 complete a track of training based on your position.
3 So in my case we are required to maintain
4 between 30 and 45 training hours each year in addition
5 to that initial training we receive.
6 **Q When you first started working for DHS, after**
7 **you completed Core, what were your duties and where**
8 **were you assigned?**
9 A I was assigned to what they call the Skyline
10 office here in Tulsa. I was assigned as a Child
11 Welfare specialist. My job was to receive referrals
12 of abuse and neglect and to investigate those
13 allegations to determine whether children were safe in
14 their current situations.
15 **Q When did you move to your office at the**
16 **Children's Advocacy Center?**
17 A I moved there in July of 2014.
18 **Q What is the difference in the cases that the**
19 **unit at the Children's Advocacy Center investigates**
20 **versus units that other units investigate, like units**
21 **at Skyline?**
22 A So I'm at the Children's Advocacy Center and
23 we call that the Justice Center for short. My unit is
24 referred to in that way. And the difference is that
25 we -- there are five of us there and we investigate

1 the shocking and heinous allegations of abuse and
2 neglect. So the more serious cases. They're often
3 the ones that you might see on the news.
4 Also any deaths or near deaths, we
5 investigate.
6 **Q As part of your investigations at the**
7 **Children's Advocacy Center, do you participate in**
8 **joint investigations with law enforcement?**
9 A Yes, regularly.
10 **Q Under what circumstances?**
11 A Any time we receive an allegation that could
12 be -- could include a criminal allegation such as
13 sexual abuse or physical abuse that's severe, or even
14 child neglect, we coordinate with the appropriate law
15 enforcement agency and we work side by side.
16 **Q What is the purpose of you working side by**
17 **side that way?**
18 A There are multiple reasons that we do that.
19 The first one is, obviously, for the sake of the
20 children and the family involved. It's so that two
21 sets or three sets of people don't have to ask the
22 same questions of a child or of a family.
23 Also, it's so that we can share information
24 because sometimes DHS gathers information that's
25 pertinent to law enforcement and vice versa. So we

1 don't -- we like to work closely together.
2 **Q When you're working a joint investigation**
3 **with law enforcement, how is your role different than**
4 **that of law format?**
5 A Law enforcement is specifically involved to
6 investigate whether or not a crime has been committed,
7 and that is the extent of their involvement. DHS is a
8 much more global approach to the situation. We're in
9 charge of making sure that the children are safe in
10 the home, looking at the whole picture, not just the
11 incident that occurred in this situation.
12 **Q Are there circumstances or times during the**
13 **course of an investigation when you will be speaking**
14 **with a -- a suspect or a defendant alone, not with law**
15 **enforcement?**
16 A Yes.
17 **Q Under what type of circumstances?**
18 A Lots of times law enforcement only needs to
19 interview someone regarding a specific incident, the
20 crime that they're investigating. DHS has a plethora
21 of questions that we ask beyond that.
22 And it's up to the law enforcement officer
23 whether or not they want to be involved in that
24 interview. Sometimes they don't or we just don't have
25 time to get to it when we're interviewing with law

1 enforcement so we will make a follow-up visit with the
2 family and speak to them again.
3 **Q Are you on a different time frame sometimes**
4 **because of your constraints than law enforcement is?**
5 A Yes. Law enforcement doesn't have a time
6 clock, per se, when they're doing an investigation,
7 that I know of. Our time clock is 60 days at maximum.
8 And we really try to complete cases or investigations
9 in a much shorter time frame than 60 days.
10 **Q And sometimes are you making decisions based**
11 **on placement of children and other things, like, in a**
12 **much shorter time period?**
13 A Yes. So if we identify that a child is
14 unsafe, we have to act at that time. Obviously we
15 can't wait or delay based on needs in the
16 investigation. So sometimes we will complete
17 interviews or conversations with family to try and
18 locate a placement or just to gather enough
19 information to make a responsible safety decision.
20 **Q In those circumstances when you talk to a**
21 **suspect, a defendant, without law enforcement present,**
22 **do you then report all of the information that you**
23 **gather to law enforcement?**
24 A Yes, I do.
25 **Q In your work at the Children's Advocacy**

1 **Center in your unit at the Children's Advocacy Center,**
2 **how closely do you work with the other disciplines who**
3 **are housed there? The medical doctors, the forensic**
4 **interviewers, the police, that type of thing.**
5 A We work very closely. We work as a team,
6 again, for the same reasons that we work closely with
7 law enforcement. Our job is to make the situation
8 as -- to minimize the trauma as much as we can for the
9 child. So if we work closely and we keep
10 communication with one another, that's usually the
11 most effective way to serve the needs of the family.
12 **Q You told us that the allegations that you**
13 **work are some of the most heinous. Is that correct?**
14 A Yes.
15 **Q So backing up a little bit. Anybody can call**
16 **in a referral to DHS. Correct?**
17 A That is correct.
18 **Q So when DHS receives a referral and you have**
19 **an allegation of abuse or neglect and you begin to**
20 **investigate that, are you looking for abuse or**
21 **neglect?**
22 A I wouldn't -- I would not say that we are
23 looking for abuse or neglect. My role is to
24 investigate whether or not a child is safe in an
25 environment. If there is an element of abuse or

1 neglect in place, I am to determine the extent of that
2 and whether we can remedy the situation with services
3 in the home or whether it requires a more significant
4 involvement such as a removal.
5 **Q Do you substantiate every case then that you**
6 **investigate?**
7 A My goodness, no, I do not.
8 **Q Is it -- how important is it to you to be**
9 **able to rule out or unsubstantiate cases when you do**
10 **not believe there is abuse or neglect?**
11 A It's just as important as being able to
12 substantiate abuse. Oftentimes, because anyone can
13 call the hotline, we receive bogus referrals. And
14 it's important to be able to document what we see so
15 that if someone is calling in repeatedly on the family
16 and there's nothing to the calls, we don't have to
17 keep going out. We can use a protocol to screen out
18 those unnecessary referrals.
19 **Q In your work, do you have the opportunity to**
20 **talk to -- or have you had the opportunity to talk to**
21 **hundreds of different parents who are in this**
22 **situation, suspected of some type of abuse or neglect?**
23 A Yes.
24 **Q How do you approach speaking with them?**
25 A I speak with them respectfully. I approach

1 the situation by saying, These are the allegations
2 we've received. I don't know whether or not they're
3 true. I'm sorry to have to ask you these questions.
4 I know --
5 Because lots of times when we're there,
6 people are defensive, and understandably so. So I try
7 to approach that with respect and explain my -- my
8 role in the matter.
9 **Q Well, when you're investigating something**
10 **that is shocking and heinous, do you ever, you know,**
11 **get in their face and call them a liar or accuse them**
12 **directly?**
13 A No, I don't. DHS has a different set of
14 rules than law enforcement, so it's not like what
15 you're seeing on TV when you see an angry detective
16 playing bad cop and get in someone's face. We don't
17 do that. We just ask questions. We try -- we try to
18 keep situations as calm as possible. Our goal is to
19 de-escalate any dramatic instances.
20 **Q How common is it in your experience for**
21 **parents in this type of situation to try to minimize**
22 **their role in the abuse or the neglect?**
23 A Did you say how common is it?
24 **Q Yes.**
25 A It's quite common.

1 **Q Can you explain what you mean by that?**
2 A Yes. We expect it. Any time we're dealing,
3 especially with particularly heinous allegations, it's
4 difficult for anyone to admit -- or for most people to
5 admit that they've harmed a child in a serious way.
6 More often than not we see cases where
7 someone lost their temper and they're not necessarily
8 an all over evil person but they had a moment where
9 they lost their temper, and so it's difficult for them
10 to admit that.
11 So it is common for us, across the board,
12 whether we're dealing with neglect or abuse, for
13 people when they initially talk to you to maybe only
14 give us part of the information or to minimize what's
15 happened. We expect that.
16 **Q How common is it in your experience, if there**
17 **is one parent who is trying to protect another parent,**
18 **for that permitting parent, if you will, to minimize**
19 **the role of the other parent?**
20 A Again, that's what we expect.
21 **Q I want to specifically direct your attention**
22 **to January 9th of 2015. Were you working as an**
23 **investigator for the Justice Center Unit, the**
24 **Children's Advocacy Center Unit, on that day?**
25 A Yes.

1 **Q Did you receive a referral regarding a child**
2 **by the name of Lilah Lalehparvaran?**
3 A Yes, I did.
4 **Q At the time that you became involved, what**
5 **was the nature of that referral?**
6 A I actually received the information from law
7 enforcement at the Justice Center. They received a
8 call, I guess, from officers in the field who were en
9 route to the Justice Center. And the information that
10 we had when I initially encountered the referral was
11 that a child had been injured by Mom's boyfriend. We
12 didn't know the extent of the injuries and the child
13 was en route for a medical exam.
14 **Q At that point in time when you first heard**
15 **the nature of the referral, were there allegations**
16 **that the mom had failed to protect the child from the**
17 **injuries?**
18 A I remember there being an unknown element to
19 that, that we really didn't know exactly what Mom's
20 role had been. There had been some story about
21 whether or not she had been able to protect.
22 MR. BOEHEIM: Objection. Nonresponsive, Your
23 Honor.
24 THE COURT: Response.
25 MS. MCAMIS: She's just explaining why she

1 took the actions that she took, Your Honor.
2 THE COURT: All right. Objection is
3 overruled.
4 You may answer the question.
5 THE WITNESS: I was just saying there was --
6 at that point we didn't know for sure.
7 Q (By Ms. Mcamis) Ultimately, then, at the time
8 that you became involved, had Lilah -- was she being
9 transported to the Children's Advocacy Center at that
10 time?
11 A Yes.
12 Q And, ultimately, did she arrive at the
13 center?
14 A Yes, she did.
15 Q Were you able to determine during your
16 investigation how old Lilah was at the time?
17 A She was 4.
18 Q Were you able to determine who her biological
19 mother is?
20 A Yes.
21 Q Who was that?
22 A Kerry Lalehparvaran.
23 Q Did you begin a joint investigation?
24 A Yes, we did.
25 Q With detectives from the Child Crisis Unit?

A Yes. Specifically with Detective Paula Maker.

Q Once Lilah had arrived at the Children's Advocacy Center, did her mother, the defendant, Kerry Lalehparvaran, did she arrive there with you?

A Yes.

Q Did you have an opportunity to speak with the defendant that afternoon?

A Yes. I spoke with her with Detective Maker. We interviewed her in one of the empty rooms at the Advocacy Center.

Q Where was Lilah at the time that you were speaking with the defendant?

A Lilah was receiving a medical exam.

Q So at the time that you spoke with the defendant that afternoon, who did she identify was her boyfriend, the man who had been at the residence?

A John Skylar Purdy, that she referred to as Blade.

Q And did she say what his relationship was to her youngest daughter, Trinity?

A She said that he was Trinity's natural father.

Q What did she tell you had happened that night before?

A She said that she had fallen asleep. And then when she woke up at some point in the night, she realized that Blade wasn't in bed next to her.

Q Did she say she looked for Blade?

A She did say she looked for him and she said that she saw him in Lilah's room.

Q What did she say she saw when she found Blade in Lilah's room?

A She said that she thought Blade was choking Lilah.

Q What did she say that she did in response to that?

A She said that she attacked him.

Q And how did she say that Blade responded to her attacking Blade?

A She said that he responded in kind and hit her, drug her by the hair. I think she said he threw her against the wall.

Q What did she say that Blade did with Lilah's hair?

A She said that Blade also pulled out Lilah's hair and that there was a large clump or amount of hair in the trash can that had been Lilah's.

Q Did the defendant say at that point in time why she had not called for help?

1 A She did. She said that she didn't call for
2 help because Blade had her cell phone.
3 **Q Did she say that she confronted Blade about**
4 **choking Lilah?**
5 A Yes. She said that she confronted him and he
6 said that they were pillow fighting.
7 **Q Did she say she confronted Blade about**
8 **hitting Lilah?**
9 A Yes. And she indicated that Blade told
10 her -- I mean, that Blade admitted that he was hitting
11 Lilah but he said that it was Lilah's fault and that
12 Lilah had started the fight.
13 **Q Did she say after the confrontation between**
14 **herself and Blade, did Blade continue then to hit**
15 **Lilah?**
16 MR. BOEHEIM: Objection. Leading.
17 THE COURT: Response.
18 MS. MCAMIS: I can rephrase that, Your Honor.
19 THE COURT: Thank you.
20 Objection sustained.
21 **Q (By Ms. Mcamis) What did she say happened**
22 **after the confrontation between herself and Blade?**
23 A She said that Blade continued to hit Lilah,
24 that he spanked Lilah with a belt and with a hair
25 brush. And then she said Blade threw -- threw her out

of the room or placed her out of the room.

Q Did she specifically describe the belt that she said that Blade had used?

A She said it was a brown leather belt.

Q How many times did she say she had seen Blade hit Lilah with a belt?

And, first of all, she's talking about the night before. You're talking to her Friday afternoon. Is that correct?

A That's correct.

Q And she's talking about events that started sometime Thursday night?

A Correct.

Q Into Friday morning?

A Correct.

Q And how many times did she say that she had seen Blade hit Lilah with the belt that night?

A She said that she had seen him hit Lilah two times with the belt.

Q At that point in the interview did something stop -- happen to stop your involvement?

A It did.

Q What happened?

A Lilah had been receiving a medical exam at the Justice Center. And Dr. Michael Baxter, who is

1 one of the child abuse and neglect pediatricians
2 there, actually interrupted the interview, which is
3 the only time to date that that's ever happened, and
4 informed -- asked me to step out of the room. And
5 when I did, he told me that Lilah needed to go to the
6 hospital. And either I could take her immediately or
7 he would contact an ambulance to transport her.
8 Q **And so what did you do?**
9 A I took her.
10 Q **Can you describe Lilah's demeanor?**
11 A Yes. Lilah was terrified. She was
12 devastated. She was in a state of shock. She was
13 crying. She was obviously in pain. She was moaning
14 and anytime anyone tried to approach her, she was --
15 she would become upset. She would say, I'm sorry, I'm
16 sorry. She would say, I'll be a good girl.
17 When she was receiving a CT scan -- or an
18 MRI, I'm not sure which, they have to essentially
19 strap you down to a board to -- to prevent movement
20 when they do the scan. And that was particularly
21 upsetting because she didn't -- she didn't know what
22 was happening. We were trying to explain it to her
23 but it wasn't something she could really understand.
24 And she was crying and saying, Please don't. I'll be
25 good. I'll be good. I'm sorry.

1 Myself and the medical professionals, we
2 teared up. We had not seen anything like this.
3 **Q The next day, then, on January 10th of**
4 **2015, did you go to the defendant's home?**
5 A Yes, I did.
6 **Q Why?**
7 A I went to her home because I need to see the
8 home where the children reside and because I needed to
9 follow-up with additional questions.
10 **Q Where was the home located?**
11 A 1437 North Joplin in Tulsa.
12 **Q And is that in the City of Tulsa?**
13 A Yes, it is.
14 **Q And in Tulsa County?**
15 A Yes.
16 **Q When you were -- when you first went inside**
17 **the home, was there something that immediately stood**
18 **out to you?**
19 A Yes. Immediately I noticed that there were
20 small holes in the walls of the living room, lots of
21 them. And I didn't know exactly what those were so I
22 asked.
23 **Q And who did you ask? The defendant?**
24 A I asked -- yes.
25 **Q And what did she tell you that those were?**

1 A She told me that those were bullet holes from
2 when her ex-husband shot up the house when the
3 children were in it and she was in it.
4 MS. MCAMIS: May I approach, Your Honor?
5 THE COURT: Yes.
6 **Q (By Ms. Mcamis) Ms. Simpson, I'll hand you**
7 **what have been marked as State's Exhibits 2 through**
8 **17. Can you tell us, are those photographs of the**
9 **defendant's home and do those truly and accurately**
10 **reflect the way the home looked when you did your**
11 **visit?**
12 A Yes.
13 I'll finish going through them, but, yes, so
14 far.
15 Yes, that's the home.
16 MS. MCAMIS: Your Honor, at this time the
17 State moves for admission of State's 2 through 17, and
18 asks to publish.
19 THE COURT: Response.
20 MR. BOEHEIM: If I could take a quick brief
21 look at them.
22 THE COURT: Certainly.
23 Your response.
24 MR. BOEHEIM: No objection, Your Honor.
25 THE COURT: All right. State's Exhibits 2

1 through 17 will be admitted without objection.
2 One moment, please.
3 And permission is granted to publish.
4 MS. MCAMIS: Thank you, Your Honor.
5 May Ms. Simpson leave the stand as we publish
6 these photos and she describes them?
7 THE COURT: Yes.
8 And, Counsel, if you wish to rearrange
9 yourself in the room so that you can see, you may do
10 so.
11 **Q (By Ms. Mcamis) Ms. Simpson, I'll first show**
12 **you what has been admitted as State's Exhibit No. 2.**
13 **Can you tell us what we're looking at in that photo?**
14 A That's the front of the home where the
15 children and Ms. Lalehparvaran and Blade lived.
16 **Q State's Exhibit No. 3. Can you tell us what**
17 **we're looking at there?**
18 A Yes. That's -- appears to be the living
19 room, looking into the kitchen of the home.
20 There -- can I point?
21 **Q Yes.**
22 A There are some holes in the wall there that
23 you can see, and, also, I believe over here that were
24 the bullet holes I was asking about.
25 THE COURT: Mr. Riddlebarger, you're on the

end on the front row furthest from the TV screen. Are you able to see all right, sir?

JUROR RIDDLEBARGER: Yes.

THE COURT: All right. Thank you.

Can everyone see okay?

All right. Thank you very much.

You may continue.

Q (By Ms. Mcamis) Ms. Simpson, when you talked about location of bullet holes, and I believe you pointed to this location, there's also some under this photograph and then on this wall. Is that correct?

A Yes.

Q State's Exhibit No. 4. Can you tell us what we're looking at there?

A Again, there are more bullet holes that you can see in the wall.

Q State's Exhibit No. 5. What are we looking at there?

A A close up, I believe, of the bullet holes. And then there was some writing on the wall.

Q State's Exhibit No. 6. Can you tell us what we're looking at there?

A Those are more bullet holes over here and also up here.

Q State's Exhibit No. 7. What is that?

A This is a sign in one of the bedrooms. I believe this was in Lilah's bedroom -- or the room that they told me was Lilah's room.

Q State's Exhibit No. 8. Can you tell us what we're looking at there?

A I'm honestly not sure.

Q Is there a bullet hole up above this door frame?

A Yes. I just wasn't sure that was a door.

Q State's Exhibit No. 9. Is that actually in the ceiling that we're looking at?

A Yes.

Q And is that a bullet hole as well?

A Yes.

Q State's Exhibit No. 10. Can you tell us what we're looking at above the window frame there?

A It's another bullet hole.

Q State's Exhibit No. 11. Is this an additional place in the ceiling?

A Yes. I believe that's another bullet hole.

Q State's Exhibit No. 12. Can you tell us what we're looking at there?

A That is a hole in the wall in the hallway. And I'm not clear whether that was from a fist or from a bullet. I'm not sure.

1 Q Likewise, in State's Exhibit No. 13, first of
2 all, we see some bullet holes above and below. Is
3 that correct?
4 A Yes.
5 Q But with respect to this large hole in the
6 wall, do you know what caused that?
7 A It's my understanding that Blade caused it
8 when he was upset.
9 Q And that comes from your conversation with
10 the defendant?
11 A Yes.
12 Q State's Exhibit No. 14. Can you tell us what
13 we're looking at there?
14 A More holes in the wall. Again, I believe
15 that that may be a bullet hole. But the larger ones
16 she indicated were from Blade, presumably punching or
17 kicking or both, the walls.
18 Q State's Exhibit No. 15. Can you tell us what
19 we're looking at there?
20 A Yes. It's more holes in the walls.
21 Q There's some up above over here and then down
22 here. Is that correct?
23 A Yes.
24 Q State's Exhibit No. 16. Can you tell us what
25 we're looking at there?

1 A Yes. It's more bullet holes. Those are
2 above the bed in -- in the defendant's room.
3 **Q And State's Exhibit No. 17. Is this another**
4 **hole in the wall?**
5 A Yes, it is. I believe that's one of the
6 larger ones from Blade.
7 **Q And State's Exhibit No. 18. Can you tell us**
8 **what we're looking at there?**
9 A That was a pregnancy test, opened, that was
10 found in the home. And there were also some
11 prescription bottles.
12 **Q Thank you. If you could retake the stand**
13 **now.**
14 A Yes.
15 **Q During your conversation that day in the home**
16 **with the defendant, did she tell you how long she had**
17 **been involved in a relationship with Blade?**
18 A Yes. She said that they had been together,
19 off and on, for about two years.
20 **Q When did she tell that you they had actually**
21 **started living together?**
22 A She said that they started living together in
23 November of 2014, which would have been a couple of
24 months prior to this incident with Lilah. And she
25 said that she -- that he came to live at her home

1 after she bailed him out of the Rogers County jail.
2 So I asked what charges he had that had
3 caused him to be in the Rogers County jail. And she
4 said that she thought it was robbery and maybe
5 something to do with drugs.
6 **Q When she told you that they had not started**
7 **living together until November of 2014, were you aware**
8 **of a prior DHS investigation that contradicted what**
9 **she told you?**
10 A Yes.
11 **Q Ultimately, when she told you that she had**
12 **bonded him out of jail for some drug charges and some**
13 **robbery charges, did you -- did you ask her about**
14 **that, why -- why she would have done that and allowed**
15 **him to come live with her children while he had those**
16 **charges pending?**
17 A I did. I did ask her that. I said, Why did
18 you bring him to live with your children given what
19 you knew about him? And she indicated that she
20 brought him to the home to stay because of the things
21 that he said to her. That he told her he wanted to be
22 a good father and she was convinced by what he said.
23 **Q Did you ask her if there was a history of**
24 **domestic violence between herself and Blade before she**
25 **moved him into the home?**

1 A Yes, I did.
2 **Q And what did she tell you about that?**
3 A Well, she denied a history or a pattern of
4 domestic violence. She said that there had only been
5 three total incidents of violence in her relationship
6 with him.
7 **Q What did she tell you about the first**
8 **incident of domestic violence?**
9 A She said the first time that he was violent
10 with her was when she was still pregnant.
11 **Q With Trinity?**
12 A With Trinity, his child.
13 But he apparently accused her of being
14 pregnant by someone else and he slapped her and gave
15 her a black eye.
16 **Q Where did she say that the children,**
17 **including Lilah, were during this particular incidence**
18 **of violence?**
19 A She admitted that they were in the home when
20 it happened. I believe she said that they were
21 asleep.
22 **Q What did she tell you about the second**
23 **incidence of domestic violence with Blade?**
24 A She said that the second incident was -- it
25 had been maybe a couple of weeks prior to when I was

1 speaking with her. And she indicated he accused her
2 of cheating on him. And he began choking her. He
3 slung her by the hair.
4 And so I asked, you know, Did he choke you
5 out, or something of that nature. And she said that
6 he finally stopped when she could convince him that
7 she had not been cheating.
8 **Q Where did she say that the children,**
9 **including Lilah, were during this incidence of**
10 **domestic violence?**
11 A She admitted that they were present in the
12 home when it happened.
13 **Q Did she tell you whether or not after the**
14 **first time or after the second time, had she called**
15 **9-1-1, had she asked for help, had she sought any**
16 **services, had she done anything to protect her**
17 **children?**
18 A She did not indicate that she had.
19 **Q What did she tell you was the third incidence**
20 **of domestic violence?**
21 A She said the third incident was the incident
22 that involved Lilah.
23 **Q Did you ask her whether or not she knew Blade**
24 **used drugs and used drugs in her home?**
25 A Yes. I asked her about that and she said

1 that she thought that he was injecting heroin because
2 she had seen track marks on his arms and also because
3 he had insisted that she try it as well.
4 **Q Did you ask the defendant if she believed**
5 **that Blade had been violent with Lilah in the past,**
6 **before all of this happened on the Thursday night,**
7 **Friday morning?**
8 A Yes, I did. And she said that she knew that
9 he had been.
10 **Q When did she tell you was the most recent**
11 **time before Thursday night, Friday morning, that she**
12 **had seen injuries to her daughter?**
13 A January 6th.
14 **Q So was that the Tuesday before?**
15 A Yes.
16 **Q And what did she tell you, specifically what**
17 **injuries she had seen to Lilah on Tuesday?**
18 A She said that she had seen bruises on Lilah's
19 arms and legs.
20 **Q And when she saw those bruises, did you ask**
21 **the defendant what she did?**
22 A Yes. I asked her and she said that she asked
23 Lilah what happened and Lilah didn't go into detail
24 but did tell her that Blade did it.
25 **Q Did she tell you whether or not she had**

1 **confronted Blade and asked him what he had done to her**
2 **daughter?**
3 A She did.
4 **Q What --**
5 A She did say that she asked Blade and Blade
6 said that Lilah might have peed on herself.
7 **Q Did the explanation that she was giving you,**
8 **that Lilah had bruises on her arms and her legs from**
9 **peeing on herself, make any sense whatsoever?**
10 A Well, it made sense, given the injuries I had
11 seen on Lilah when I met her. Because it was clear
12 that whoever had done that to Lilah was a very
13 violent, angry person.
14 **Q With respect to how Blade would treat Lilah,**
15 **did you ask the defendant how he would discipline her?**
16 A Yes. We ask about discipline in every
17 investigation. And I like to ask about every adult or
18 person responsible for a child in the home. Because
19 sometimes if you only ask Mom or Dad how a child is
20 disciplined, you miss the bulk of the story.
21 And so I asked, in this case, how Blade
22 disciplined Lilah. And she indicated that he spanks
23 her on the bottom.
24 **Q Did you ask the defendant about her work**
25 **schedule?**

1 A Yes.
2 **Q Where did she tell you she worked?**
3 A She said she worked at Cell Mart. And that
4 she worked five days a week, from 3:00 to 11:00 p.m.
5 So I asked, Who keeps Lilah during that time? And she
6 said that Blade kept her.
7 **Q Did she tell you when the last day she had**
8 **worked had been?**
9 A Yes. She said it was January 1st.
10 **Q So that was the Thursday. Is that correct?**
11 A Correct.
12 **Q Did she tell you why she quit her job?**
13 A Yes.
14 **Q What did she tell you about that?**
15 A She said that she quit her job after she saw
16 injuries on Lilah.
17 **Q Did she tell you then -- I'm sorry. Let me**
18 **back up and ask.**
19 **During your conversation, other than telling**
20 **you that she had seen these bruises on Lilah's arms**
21 **and legs, and the conversation that she had with Blade**
22 **about that, did the defendant make any other**
23 **allegations against Blade at that point?**
24 A She did. She said that she also suspected
25 him of sexual abuse. She didn't know specifically

1 what, but that it was, like, a gut instinct. She had
2 not seen something specific, but that she -- she had a
3 concern for that. And that also played a role in her
4 deciding to quit her job.
5 **Q And that was of Lilah?**
6 A Sexual abuse of Lilah. Correct.
7 **Q Did you ask the defendant about her older**
8 **children?**
9 A Yes, I did.
10 **Q And, specifically, does the defendant have a**
11 **child by the name of Persia?**
12 A Yes. Persia and William are her older
13 children.
14 **Q And how old are they?**
15 A Well, Persia's date of birth, I believe, is
16 6/22 of '07, and William's is 11/11 of 2008.
17 **Q What did she tell you then about Persia and**
18 **William and where they were?**
19 A She told me that they were currently staying
20 with her mother in the Chicago area and that she --
21 that they had been there since the summer -- roughly
22 since the summer. Prior to school starting. And --
23 but they were there because her mom was willing to
24 help with them during her pregnancy.
25 **Q Did you have information that, in fact, she**

1 had moved them there as a result of the violence of
2 Blade?
3 A Yes. So I had spoken with her mother by
4 phone and her mother had indicated --
5 Q Let me -- and let me just ask you. Did you
6 ask the defendant about that?
7 A Yes, I did.
8 Q And how did she respond to that?
9 A The defendant said that she did not send them
10 there because of domestic violence or violence with
11 Blade. It was simply because her mom was willing to
12 help during her pregnancy.
13 Q You had told us earlier about the gunshots to
14 the home and her -- and the defendant telling you that
15 that had happened with her ex-husband. Is her
16 ex-husband the father of the older children and Lilah?
17 A Yes.
18 Q And did she tell you during the particular
19 incident where he had shot up the home, if he had also
20 physically assaulted her that day?
21 A Yes. So I think I asked her if she had been
22 shot or if anyone had been shot when he shot up the
23 home, and she said no, but he had hit her over the
24 head with the gun.
25 Q Where were the children, including Lilah,

1 **when that happened?**
2 A They were all home when the shooting and her
3 being hit over the head occurred.
4 **Q Did she tell you after that happened what she**
5 **did to get any help?**
6 A Yes. There was a DHS investigation as a
7 result of that incident. And DHS recommended that she
8 utilize services through DVIS or Domestic Violence
9 Intervention Services. I asked if she had done that.
10 She said that she went to one session and she just
11 didn't think that she needed it.
12 **Q Did you ask the defendant then about your**
13 **pattern -- this pattern of her being in relationships**
14 **and involving her children in relationships that**
15 **included such violence?**
16 A Yes, I did.
17 **Q How did she respond to that?**
18 A She responded that she didn't want to be in
19 any more relationships and that she wanted to be alone
20 with just her children from now on.
21 **Q You had told us earlier, and in one of the**
22 **photographs there's some bottles of medication that**
23 **you had mentioned. Did you ask the defendant about**
24 **what medications she was on?**
25 A Yes.

1 Q **What did she tell you about that?**
2 A She said that she was prescribed Xanax.
3 Q **Did you ask to see the bottle of Xanax?**
4 A I did.
5 Q **And what was significant about that?**
6 A Well, I was looking to see whether or not it
7 appeared generally that she was taking the
8 prescription as it's prescribed, which is something
9 that we do any time a client tell us they're taking
10 medication that's something along the lines of
11 treating, like, a mental health issue.
12 So in looking at when her prescription was
13 filled and how many pills were left in the bottle,
14 there was only about half of it left, which did not
15 sync up with when it had been filled.
16 Q **So did you ask her about that?**
17 A Yes, I did.
18 Q **And what did she tell you?**
19 A She said she thought Blade might have taken
20 them.
21 Q **You told us, again, a little earlier about**
22 **the home and the gunshots to the home. But did you**
23 **also look at the location, the bedroom where Lilah was**
24 **found?**
25 A Yes, I did.

1 Q And was it your understanding that when Lilah
2 was found she had been locked in that room?
3 A It was.
4 Q So can you tell us about your examination of
5 that room and the door of that room?
6 A Yes. Particularly, I was looking to see if
7 there was signs of a struggle in the room. And there
8 were holes and cracks in the walls.
9 But what I noted -- I mean, what stood out to
10 me, both as an investigator and as a mother, is that
11 the door was a hollow wooden door. It did not appear
12 to be heavy or particularly steady -- I mean, a stout
13 door. And the casing around the door where the lock
14 would go in, the wooden casing, was busted.
15 Q Do you know whether, in fact, Officer Ramsey
16 is who busted that lock?
17 A I don't know.
18 Q Did you have an opinion, based on your
19 training and experience and based upon you looking at
20 that door, if you had been on -- if a child was being
21 beaten or tortured inside that room and you were on
22 the other side of that door, would you have been able
23 to hear that?
24 A Yes.
25 Q The two interviews that you have told us

1 about, one at the Children's Advocacy Center and one
2 at the home with the defendant, did you compile those
3 and put those into a report?
4 A Yes, I did.
5 Q And did you include that for law enforcement
6 or was that turned over to law enforcement?
7 A Yes, it was.
8 Q After your interview of the defendant there
9 in her home that day, did you have continuing
10 involvement in the case?
11 A Yes, I did.
12 Q Tell us what continuing involvement you had.
13 A In my investigation we're required to collect
14 what are called collaterals. They're essentially
15 references for people, family members or friends,
16 persons that have seen the parents interacting with
17 their children and can speak to their lifestyle and
18 the way they interact.
19 So I spoke with several persons involved with
20 the family. And I also spoke at length with the
21 doctors, reviewed the medical records from Lilah's
22 stay at St. Francis, and compiled all of that for my
23 report.
24 Q And was all of that, likewise, included to
25 law enforcement?

1 A Yes.
2 **Q Now, Ms. Simpson, you have told us about your**
3 **conversations with the defendant in this case, Kerry**
4 **Lalehparvaran. Is she here in the courtroom today?**
5 A Yes, she is.
6 **Q Could you tell us which one she is?**
7 A She's seated at the Defendant's table in a
8 black sweat shirt -- or a black shirt. Sorry.
9 MS. MCAMIS: Your Honor, the State would
10 request that the record reflect that the witness has
11 identified the defendant.
12 THE COURT: Record will so reflect.
13 MS. MCAMIS: Thank you, Ms. Simpson. I have
14 no further questions.
15 THE COURT: Cross examination.
16 *CROSS-EXAMINATION*
17 *BY MR. BOEHEIM:*
18 **Q Good to see you again, Ms. Simpson.**
19 A Hello.
20 **Q So when you first met my client,**
21 **Ms. Lalehparvaran, did you notice any wounds or**
22 **injuries on her person?**
23 A No, I didn't.
24 **Q And did you ask about wounds or injuries that**
25 **she may have received?**

A I'm not sure if I did or the detective did. But one of us asked if she had sustained any injuries.

Q Okay. And to your knowledge, did Ms. Lalehparvaran have wounds and injuries on that first interaction you had with her?

A She did. They were minor in comparison to Lilah's.

Q Okay. Let me ask that question again.

Let me back up. I'll just ask you a different question.

I thought just a moment ago you said you didn't see her injuries.

A I didn't see them until later. The detective or the doctor, I'm not sure who, took pictures of them and I did see them.

Q So did you see them in person or did you see them via photograph?

A Via photograph.

Q Okay. So you didn't see them in person?

A No.

Q Yet you just made a judgment that hers were a lot less than Lilah's?

A Correct.

Q Is that because -- well, strike that.

You interviewed my client regarding her

1 previous marriage to Ali Lalehparvaran, didn't you?
2 A Yes.
3 Q Okay. And in that she said it was a volatile
4 relationship, didn't she?
5 A Yes.
6 Q She told you that it was a violent
7 relationship?
8 A She indicated there were several incidents of
9 violence.
10 Q And you went through her home and saw bullet
11 hole after bullet hole after bullet hole, didn't you?
12 A Correct.
13 Q And you heard her tell a story of how she was
14 pistol whipped following that shooting rampage?
15 A She was hit over the head with a gun, yes. I
16 don't know if it was a pistol, but she was hit over
17 the head with a gun.
18 Q Okay. And you saw large dents in the -- in
19 the walls?
20 A Correct.
21 Q And you're surmising that those dents were
22 made by Mr. Purdy?
23 A I'm not surmising. I asked.
24 Q Okay. And who did you ask?
25 A I asked Ms. Lalehparvaran.

1 Q And did Ms. Lalehparvaran say, Yeah,
2 Mr. Purdy caused those?
3 A Yes.
4 Q Yes.
5 Did you ask her how he caused those?
6 A I don't recall if I asked her specifically.
7 I think that she told me that he was angry. She
8 indicated that they were from his anger.
9 Q From his anger.
10 But you didn't follow up with a secondary
11 question on that, did you?
12 A Not that I recall.
13 Q Not that you recall.
14 So you don't know if that was him punching
15 the wall with his fist or whether it was grabbing my
16 client by the hair and slamming her head against the
17 wall?
18 A That's correct.
19 Q Okay. When you were discussing with my
20 client the days prior to this horrific incident, she
21 said that she had a concern that Mr. Purdy may have
22 caused the injuries, these bruises --
23 A Yes.
24 Q -- to Lilah. Correct?
25 Okay. And didn't she also tell you that once

she had recognized that there might have been -- might have been an issue, that that was literally the day she quit her job so that she could take care of the kids at home so he wasn't the primary caregiver?

A Yes.

Q You talked with my client at length about Mr. Purdy's violence towards her. Correct?

A Yes.

Q And you also talked to her and asked her more than a few times if he had been violent with the children?

A Yes.

Q Okay. And the only incident that -- where he was violent with the children was that particular night and the possibility of several days earlier. Is that correct?

A Are you asking if he was violent in the presence of or actually violent to them?

Q Violent to the children.

A The two times that I talked about, the 1st and the 6th of January.

Q Okay. So you talked to my client in depth about the violence that she had sustained from Ali Lalehparvaran and from Mr. Purdy. And then you talked to her about what she had done in response to domestic

violence. Correct?

A Yes.

Q You asked her did she seek counsel?

A Yes.

Q And that was for the incident with Mr. Lalehparvaran. Correct?

A Yes.

Q Did you then offer her an opportunity -- did you suggest to her at that point counseling?

MS. MCAMIS: Your Honor, I'm going to object. This goes into the nature of the Juvenile case.

THE COURT: Response.

MR. BOEHEIM: I'm asking if she had offered my client counseling for her domestic violence.

THE COURT: Sustained.

MR. BOEHEIM: Pass the witness.

THE COURT: Redirect.

REDIRECT EXAMINATION

BY MS. MCAMIS:

Q Ms. Simpson, Counsel asked you about the holes in the wall and whether or not you knew if they were from Blade punching the wall himself or putting the defendant's head into the wall. Do you recall those questions?

A Yes.

1 Q When you, as a DHS investigator, are
2 determining the safety of a child in a house, does it
3 matter to you, either of those scenarios?
4 A As far as determining the child's safety, no.
5 The fact that either of them occurred in the presence
6 of the child is highly concerning.
7 Q Counsel also asked you if the defendant told
8 you that the only incident she might have possibly
9 known about was the Tuesday before where she found the
10 bruises and the injuries. Do you recall that?
11 A Yes.
12 Q Ms. Simpson, in your training and experience
13 as a DHS investigator, if a parent knows about bruises
14 and injuries to their child on a Tuesday and their
15 child tells the parent who did that, does that parent
16 have an obligation to take action?
17 A Yes.
18 Q Counsel asked you if, well, later on Thursday
19 she quit her job. Do you remember him asking you
20 that?
21 A Yes.
22 Q Is that good enough, if two days after the
23 fact she quits her job?
24 MR. BOEHEIM: Objection, Your Honor.
25 THE COURT: What is your objection?

1 MR. BOEHEIM: The objection is requiring a
2 speculation and also a legal conclusion.
3 THE COURT: Your response.
4 MS. MCAMIS: I'm asking from her perspective
5 as a DHS investigator who is assessing the safety of
6 the home.
7 THE COURT: Overruled.
8 You may answer the question.
9 THE WITNESS: It was not enough. It was a
10 good step, but it was not enough to protect Lilah.
11 Q (By Ms. Mcamis) If a mother tells you that she
12 is concerned that her boyfriend is sexually abusing
13 her daughter, is it enough for her to just say, Well,
14 I quit my job to stay home?
15 A No.
16 Q Counsel also asked you if you had seen
17 injuries to this defendant. You recall him asking you
18 that?
19 A Yes.
20 Q And, ultimately, you say photographs of her.
21 Is that correct?
22 A Yes.
23 Q Ms. Simpson, having seen Lilah in person and
24 having seen the defendant in person, can you describe
25 the difference for us?

A Yes.

MR. BOEHEIM: Objection. Lack of foundation. She's not a medical expert.

THE COURT: What is your response.

MS. MCAMIS: I'm not asking her from a medical expertise. I'm asking her from her investigator and from a human being --

THE COURT: What she observed?

MS. MCAMIS: What she observed.

THE COURT: All right. I'll allow it.

THE WITNESS: The difference between the two -- the differences were striking. I would say Lilah was visibly in pain. She was moaning. She was crying. She responded to even being touched.

MR. BOEHEIM: Objection, Your Honor. Nonresponsive. She's talking about moaning, not the physical injuries.

THE COURT: Your response.

MS. MCAMIS: She's describing what she observed and describing the result of those physical injuries.

THE COURT: Objection is overruled.

You may answer the question.

THE WITNESS: In response, when I spoke with -- with the defendant, she was -- she was okay.

She was not moaning. She did not appear to be in any pain. She was not asking for medical attention for herself.

When I saw the photographs of her injuries, and comparing those to Lilah's injuries, I mean, Lilah was literally covered in injuries. And they were deep bruising. It was one of the most disturbing things that I have seen on a child who is still living.

Ms. Lalehparvaran's injuries in comparison were -- I mean, they were red marks. They didn't appear to be severe injuries, there didn't appear to be deep bruising, and there didn't appear to be a lot of them.

MS. MCAMIS: Thank you, Ms. Simpson. I have no further questions.

THE COURT: Recross.

MR. BOEHEIM: Pass the witness, Your Honor.

THE COURT: All right. May Ms. Simpson step down and be excused?

MS. MCAMIS: Yes, Your Honor.

THE COURT: Ma'am, you may step down and be excused. Thank you for your testimony.

State, your next witness.

MS. MCAMIS: Thank you, Your Honor. The state calls Jamie Norton.

1 THE COURT: Ms. Norton, how do you spell your
2 first name?
3 THE WITNESS: J-A-M-I-E.
4 THE COURT: Ms. Norton, please raise your
5 right hand to be sworn.
6 **JAMIE NORTON,**
7 **called as a witness on behalf of the State, being of**
8 **lawful age and after having been first duly sworn,**
9 **testified as follows:**
10 THE COURT: Thank you. Please be seated.
11 If you will adjust the mic so that it's
12 appropriate to your height. And if you can kindly
13 avoid the use of uh-huh, huh-uh, or nods of the head
14 in answering the question, it will make it easier for
15 our court reporter to write down your response.
16 THE WITNESS: Yes, ma'am.
17 THE COURT: And we also want to avoid talking
18 over each other. So if you would please wait until
19 the lawyer is finished with the question before you
20 start your answer, and I'll ask the lawyers to extend
21 the same courtesy so that, again, our record is very
22 clear today.
23 THE WITNESS: Thank you.
24 THE COURT: Thank you, Ms. Norton.
25 You may require.

1 *DIRECT EXAMINATION*
2 *BY MS. MCAMIS:*
3 **Q Can you tell us how you're employed?**
4 A I was previously employed with the Oklahoma
5 Department of Human Services.
6 **Q From what time -- during what time frame?**
7 A 2007 and 2014.
8 **Q How did you work for the Department of Human**
9 **Services? What did you do?**
10 A I was a Child Welfare investigator.
11 **Q And what did that mean?**
12 A I investigated allegations of abuse or
13 neglect.
14 **Q I want to specifically direct your attention**
15 **to December 8th of 2009. On that day were you working**
16 **as an investigator for DHS?**
17 A Yes, ma'am.
18 **Q And on that date did you receive a referral**
19 **regarding children by the name of William and Persia**
20 **Lalehparvaran?**
21 A Yes, ma'am.
22 **Q At the time that you became involved, at the**
23 **time that you received the referral, what was the**
24 **nature of the referral?**
25 A Substance abuse by Ali and knowledge of

substance abuse by Kerry.

Q First of all, who was Ali Lalehparvaran?

A He is the father of the children.

Q And who was Kerry Lalehparvaran?

A The mother of the children.

Q How old was Persia at the time of this investigation?

A She was 18 months.

Q How old was William at the time of this investigation?

A He was one month.

Q On December 10th of 2009, did you interview the defendant in this case, Kerry Lalehparvaran?

A Yes.

Q Did that interview take place at her home at the time?

A Yes, ma'am.

Q When you interviewed the defendant, what did she tell you about drug usage by her then husband, Mr. Lalehparvaran?

MR. BOEHEIM: Objection. Relevance.

THE COURT: What is your response?

MS. MCAMIS: Your Honor, this was all previously dealt with by the Court in the previous motion hearing.

1 THE COURT: All right. I'll allow it.
2 You may answer the question.
3 THE WITNESS: Can you repeat the question,
4 please?
5 **Q (By Ms. Mcamis) Yes.**
6 At the time you interviewed the defendant,
7 what did she tell you about drug usage by her then
8 husband, Mr. Lalehparvaran?
9 A That he did use drugs regularly.
10 **Q What did she say at the time about her own**
11 **drug usage?**
12 A She denied drug use.
13 **Q Did you ask her or confront her with the fact**
14 **that Baby William had tested positive for drugs?**
15 A Yes.
16 **Q And what was her explanation for that?**
17 A That she was breast feeding and it must have
18 been from secondhand smoke.
19 **Q Did she tell you whether or not someone else**
20 **was also living in the home with them, another adult?**
21 A Yes. There was an aunt that was residing in
22 the home.
23 **Q Who was the aunt related to?**
24 A I believe it was Ali.
25 **Q The father's?**

1 A Yes.
2 **Q And what was her explanation about the aunt's**
3 **behavior in the home?**
4 A There was some concerns in regards to the
5 aunt. She regularly consumed pills. And there was
6 some concerns in regards to William and that she
7 possibly could have dropped the pills and maybe that's
8 why he tested positive.
9 **Q And, again, William was one month old at the**
10 **time?**
11 A Yes.
12 **Q How did she describe how William was acting**
13 **at the time that he tested positive for drugs?**
14 A She said he was fine before she put him down
15 for a nap. And then after the nap was when his
16 behavior had changed.
17 **Q So, ultimately, did he end up at the hospital**
18 **as a result?**
19 A Yes.
20 **Q And did she then give you a third explanation**
21 **as to how William could have tested positive for drugs**
22 **at that point?**
23 A Yes.
24 **Q What was her third explanation?**
25 A That Ali had come in from smoking outside and

1 placed a roach in the ashtray and that William had
2 stuck his hand in the ashtray where the roach was.
3 **Q Did you ask during the course of that**
4 **investigation how she disciplined her children?**
5 A Of course.
6 **Q And is that a normal question that you ask in**
7 **all DHS investigations?**
8 A Of course it is.
9 **Q Her children were 18 months old and one month**
10 **old at the time. Correct?**
11 A Yes.
12 **Q How did she say that she disciplined her**
13 **children?**
14 A She stated that she told them no, pulled them
15 away, spanked them on the bottom, popped them on the
16 hand. And Persia was sent to her room on occasion.
17 **Q Did -- that conversation that day, did that**
18 **end your involvement with the defendant on that day?**
19 A Yes.
20 **Q And you were not involved in the ongoing case**
21 **from 2015. Is that correct?**
22 A Correct.
23 MS. MCAMIS: Thank you.
24 I have no further questions.
25 THE COURT: Cross examination.

1 *CROSS-EXAMINATION*
2 *BY MR. BOEHEIM:*
3 Q Hi, Ms. Norton.
4 A Hi.
5 Q I'm confused about the dates. What were the
6 dates of your interaction with Ms. Lalehparvaran?
7 A It would have been December of 2009.
8 Q And do you happen to recall the birthdays of
9 Persia and William?
10 A It would have been 2007 and 2009, were the
11 dates of birth. I don't remember the exact. I'd have
12 to look at the report for that.
13 Q Based on their actual birth dates, you -- in
14 testimony you just said they were 18 months and one
15 month old?
16 A Yes.
17 Q Based on the birth dates that I have on
18 record from previous testimony, I believe it makes
19 them 2 years old and 14 months. Would you dispute
20 that?
21 A I -- I would have to look at the dates. I'm
22 sorry. I don't -- it was 2009.
23 Q Is it highly unusual for a parent to, you
24 know, spank the bottom of a -- of a 2 year old?
25 A Not necessarily.

MR. BOEHEIM: Okay. Pass the witness, Your Honor.

THE COURT: Is there redirect?

MS. MCAMIS: There is not.

THE COURT: All right. May this witness step down and be excused?

MS. MCAMIS: Yes.

THE COURT: Ma'am, you may step down and be excused.

THE WITNESS: Thank you.

THE COURT: State, your next witness.

MS. MCAMIS: Thank you, Your Honor. The State calls Keith Trujillo.

THE COURT: Sir, please raise your right hand to be sworn.

KEITH TRUJILLO,

called as a witness on behalf of the State, being of lawful age and after having been first duly sworn, testified as follows:

THE COURT: Thank you.

And how do you spell your last name, sir?

THE WITNESS: T-R-U-J-I-L-L-O.

THE COURT: All right. Thank you very much.

Counsel, you may inquire.

MS. MCAMIS: Thank you.

1 *DIRECT EXAMINATION*
2 *BY MS. MCAMIS:*
3 **Q Can you tell us how you are currently**
4 **employed?**
5 A I'm a police officer with the City of Owasso.
6 **Q How long have you been a law enforcement**
7 **office with Owasso?**
8 A Three-and-a-half years.
9 **Q Before you started your work with the city of**
10 **Owasso, how were you employed?**
11 A I was a Child Welfare investigator with the
12 Department of Human Services in Tulsa County.
13 **Q How long were you with the Department of**
14 **Human Services?**
15 A Three years.
16 **Q And during your three-year assignment with**
17 **DHS, can you tell us what you did and where you were**
18 **specifically assigned?**
19 A When I started off at DHS, I was assigned to
20 the 72G office, which is General Child Abuse and
21 Neglect cases.
22 **Q And did you complete your stay at DHS at that**
23 **same location?**
24 A I did approximately one-and-a-half years at
25 that location. Also did one-and-a-half years at the

1 Justice Center, starting in about 2011.
2 **Q And, specifically, the -- we've heard a**
3 **little bit. But at the -- your investigations that**
4 **you did while you were assigned to the Justice Center**
5 **Unit or the Children's Advocacy Center Unit, could you**
6 **describe the difference in those versus when you were**
7 **with 72G?**
8 A When I was at the Justice Center they focused
9 primarily on high profile criminal cases -- or court
10 cases, things that made the news, specifically child
11 deaths, child near deaths, any type of sexual abuse by
12 a parent or guardian, any type of children who were
13 admitted to the hospital with internal or non-normal
14 injuries that you would see in a typical child of
15 their age, as well as any type of burns and things of
16 that nature.
17 **Q I want to specifically direct your attention**
18 **to September 3rd of 2011. On that day were you**
19 **working as an investigator specifically assigned to**
20 **the Justice Center or the Child Advocacy Center?**
21 A I was.
22 **Q Did you receive a referral regarding children**
23 **by the name of Lilah, Persia, and William**
24 **Lalehparvaran?**
25 A I did.

1 **Q And at that point in time, how old was Lilah?**
2 A I don't remember the specific children's
3 ages. But there was -- the youngest child was
4 nine-and-a-half months. There was also a 2-year-old
5 and a 4-year-old in the home.
6 **Q And Lilah was, in fact, the youngest at that**
7 **time. Is that correct?**
8 A I do believe so.
9 **Q At the time that you became involved, what**
10 **was the nature of the referral?**
11 A When I received the referral, it was
12 considered a domestic violence referral. The
13 specifics of that referral were -- at the time I got
14 it, Mom was in the hospital with a head injury, Dad
15 had been arrested on several charges, and the children
16 at that time were with a neighbor.
17 **Q And at the time that you received the**
18 **referral, were you aware whether or not the children**
19 **were at home at the time that the incident had**
20 **occurred?**
21 A When I first received the referral, it was my
22 understanding based on the referral that the -- the
23 law enforcement on scene had allowed the children to
24 go to, I believe, a next door neighbor's home. And at
25 that point we determined that they were currently safe

1 at that placement while we conducted an investigation
2 for the children's safety to return back to the home.
3 **Q But had they been home at the time that the**
4 **violence had occurred?**
5 A Yes, they had been.
6 **Q All right. After she discharged from the**
7 **hospital, did you interview Kerry Lalehparvaran, the**
8 **mother, on September 9th of 2011?**
9 A I did.
10 **Q What did she tell you -- or when did she tell**
11 **you that she had married Ali Lalehparvaran?**
12 A I believe she stated it was August 30th of
13 2008.
14 **Q What did she tell you about both her history**
15 **and the history of Mr. Lalehparvaran?**
16 A She had stated that before the children were
17 born that they both had a substance abuse issue with
18 marijuana, as well as they both had a drinking
19 problem.
20 **Q What did she tell you about**
21 **Mr. Lalehparvaran's current, at the time, drug and**
22 **alcohol usage?**
23 A She stated that he was still a drug user and
24 that when he would drink he would drink to a point
25 where he would become out of the control.

1 **Q Did she tell you about whether or not there**
2 **was a history of domestic violence between herself and**
3 **Mr. Lalehparvaran?**
4 A She had stated in the interview that there
5 was a history of domestic violence. That it was --
6 the majority of it was verbal, but it had become
7 physical in the past.
8 **Q What did she tell you specifically had**
9 **happened on September 1st of 2011?**
10 A She had stated that her and her husband were
11 in the living room and the children were in their
12 bedroom. That there was an argument in reference to
13 sex and that he began comparing their sexual
14 relationship to other people that he had been sleeping
15 with.
16 **Q Did she tell you at the time whether or not**
17 **she believed Mr. Lalehparvaran was sober or**
18 **intoxicated in some way?**
19 A She believed at the time that he was
20 intoxicated.
21 **Q What did she say that she did in response to**
22 **this argument and the verbal portion of this argument?**
23 A She stated that she became angry with him for
24 what he was saying. At that point she dumped a beer
25 on top of his head.

1 **Q After she told you she poured a beer on to**
2 **Mr. Lalehparvaran, what did she say that he did at**
3 **that point in response?**
4 A She stated that he became angry, attempted --
5 or I don't remember if he actually did spit on her or
6 attempted to spit on her, and then grabbed the
7 family's car keys and took possession of those.
8 **Q Did she say whether or not he left the living**
9 **room where they were at that point?**
10 A She did. She stated that she had tried to
11 get the keys back from him. And at that point he had
12 left the living room area, went into their bedroom
13 where they keep a gun safe, and started taking guns
14 out of that safe.
15 **Q And specifically what type of gun did she say**
16 **that he took out and used at that point?**
17 A She stated that he took an AK-47 style rifle
18 out of the safe and pointed it at her head.
19 **Q What did she say happened after the AK-47 was**
20 **pointed at her head?**
21 A She stated, again, that she tried to grab the
22 keys for their vehicle out of his pocket, at which
23 point he struck her over the head with a firearm.
24 Knocked her to the ground. And then she realized at
25 that point that her head was covered in blood.

1 **Q What did she say happened after her head**
2 **became bloody?**
3 A She stated he left the bedroom and went into
4 a front room area and then began firing rounds. She
5 stated approximately 18 rounds into the residence.
6 And that some of those rounds did, in fact, enter the
7 children's bedroom.
8 **Q What did she say that she did as**
9 **Mr. Lalehparvaran was firing 18 rounds into the home**
10 **and into her children's bedroom?**
11 A She stated she was able to gather up her
12 three children and take them into her room until such
13 time that the police arrived on scene and later
14 arrested her husband.
15 **Q As a regular course of your investigation,**
16 **did you ask about discipline of the children at that**
17 **point?**
18 A I did.
19 **Q And, just to be clear, she's talking about**
20 **her house being shot up. Why are you asking about how**
21 **she disciplines the children?**
22 A During the course of our investigation there
23 are a few key questions that we have to answer for
24 every family, no matter if it's a child death or just
25 a child who has a diaper rash and someone is concerned

about that. One of the questions we always ask is about child discipline to try to determine whether or not they're using appropriate -- or what we would consider appropriate discipline inside their home.

Q Did she tell you at that point in time how she would discipline Lilah?

A She stated with the youngest child, the nine-month-old, that she was actually too young to be disciplined at that age.

Q What did she tell about Persia and William?

A With the two older children, she stated that she typically does spank them, but that she only used her hand.

Q Did you have another conversation with the defendant on September 23rd of 2011?

A I did.

Q What did she tell you on that day was the status of her relationship with Mr. Lalehparvaran?

A She had stated that she had gained a protective order against him, but that she was still unsure of the status of the relationship once he was no longer in jail.

Q At that point in time then was Mr. Lalehparvaran still in jail?

A He was.

1 Q And based on the information that the
2 defendant provided to you, were you satisfied that she
3 had received a protective order against him?
4 A We were.
5 Q Did you know subsequent to your conversation
6 that, in fact, the protective order was dismissed
7 because she failed to appear?
8 MR. BOEHEIM: Objection. Leading.
9 THE COURT: Response.
10 MS. MCAMIS: I'm asking about whether he knew
11 about subsequent information and whether that would
12 have changed the outcome of his investigation.
13 THE COURT: Objection is sustained.
14 Q (By Ms. Mcamis) Do you know what happened to
15 that protective order after your investigation?
16 A I did not. With this case, we forwarded it
17 on to our family-centered services and allowed them to
18 gain services and follow through -- or attempt to
19 follow through with those services. At that point I
20 submitted my case to the Children's District
21 Attorney's office and allowed them to review it.
22 Q As part of the services that the Department
23 of Human Services was offering to this family and to
24 this mother, would that include domestic violence
25 intervention services?

1 A That was one of the services we recommended,
2 yes.
3 **Q And did you recommend that she participate in**
4 **that and take full advantage of what was being offered**
5 **to her?**
6 A I did recommend that. And at the time I
7 believe the -- one of the conversations we had she
8 stated that she was with, I believe it was Family and
9 Children's Services going through the domestic
10 violence program that they offered.
11 **Q Do you know whether -- after your**
12 **conversation with the defendant on September 23rd of**
13 **2011, do you know whether she ever showed up to**
14 **testify against the man who had shot her home with her**
15 **children in it?**
16 A I do not know if she did or not.
17 **Q Do you know after September 23rd of 2011,**
18 **whether she continued a relationship with him while he**
19 **was in jail?**
20 A I do not.
21 **Q After your investigation in 2011, did you**
22 **have any further involvement with this defendant?**
23 A Not to my knowledge.
24 **Q You were not part of the 2015 investigation.**
25 **Is that correct?**

A That is correct.

MS. MCAMIS: Thank you. I have no further questions.

THE COURT: Cross examination of this witness.

MR. BOEHEIM: Pass the witness, Your Honor.

THE COURT: All right. May Officer Trujillo step down and be excused?

MS. MCAMIS: Yes, Your Honor.

THE COURT: Sir, you may step down and be excused.

State, your next witness.

MS. MCAMIS: Thank you, Your Honor. The State calls Heather Houdek Wheeler.

THE COURT: Ma'am, please raise your right hand to be sworn.

HEATHER WHEELER,

called as a witness on behalf of the State, being of lawful age and after having been first duly sworn, testified as follows:

THE COURT: All right. And what is your last name?

THE WITNESS: It's Wheeler.

THE COURT: Wheeler.

First name Heather?

THE WITNESS: Uh-huh.

THE COURT: All right. Ma'am, you may be seated. If you'll adjust the mic so that it's close to your face.

If you'll avoid the use of uh-huh, huh-uh, or nods of the head to answer a question, that will be much appreciated to keep our record nice and clear. And we'll also ask that you all not talk over each other, so if you'll wait until the lawyer asks her question and finishes the question before you start your answer, I'll ask the lawyers to do the same thing. All right?

Thank you.

You may inquire.

DIRECT EXAMINATION

BY MS. MCAMIS:

Q And just to be clear, in 2013 what was your last name?

A It was McDuffie at the time.

Q And did you also have a last name of Houdek?

A Yes, later. I'm divorced twice.

Q And that's okay. I wasn't trying to be personal. I was just trying to ask for the record.

How do you spell Houdek, for the record?

A H-O-U-D-E-K.

1 Q Thank you.
2 A Yes.
3 Q Can you tell us how you're currently
4 employed?
5 A I'm still with -- I'm still with DHS. I'm a
6 social worker at Laura Dester Children's Center, so
7 still employed with Child Welfare.
8 Q And you say still employed. How long have
9 you been with the Department of Human Services?
10 A Five years total. I did two in Family
11 Support doing food stamps and child care subsidies.
12 And I've been with Child Welfare for three years now.
13 Q You told us that you are currently at the
14 Laura Dester Shelter. Is that correct?
15 A Yes.
16 Q For those of us who don't know, what is the
17 Laura Dester Shelter?
18 A It's a shelter for abused and neglected
19 children.
20 Q What is your current role there?
21 A I'm a social worker.
22 Q I want to specifically direct your attention
23 back to December 22nd of 2013. On that day were you
24 involved in an investigation regarding a referral
25 regarding children by the name of Lilah, William, and

1 Persia Lalehparvaran?
2 A Yes, I was.
3 Q Can you tell us, at the time that you became
4 involved, at the time that that referral came in, what
5 was the nature of the referral?
6 A It was a referral for neglect, lack of
7 supervision. There was concern the children were left
8 home alone.
9 Q Who was the referral -- the concern of
10 neglect, lack of supervision, by whom?
11 A The mother.
12 Q Is that Kerry Lalehparvaran?
13 A Yes.
14 Q Approximately how old was Lilah at the time
15 of your investigation?
16 A She was 3 years old.
17 Q And how old was William?
18 A 5.
19 Q And Persia?
20 A 6.
21 Q On December 27th, then, of 2013, did you
22 interview with mother, the defendant, Kerry
23 Lalehparvaran?
24 A Yes, I did, with my mentor, Patricia Gragg,
25 present.

1 Q Where did that interview take place?
2 A It was in -- I'm sorry, I don't remember how
3 to pronounce her name. But it was in her home in
4 Tulsa.
5 Q Was it at 1437 North Joplin Avenue?
6 A Yes. That's correct.
7 Q What was the -- when you were interviewing
8 this defendant about, Hey, we got this referral that
9 you have left your children at home alone, lack of
10 supervision, what was her initial response to you?
11 A That this was all a mistake.
12 Q Did you ask her what she meant by that?
13 A Yes. She said that her boyfriend was home
14 the whole time.
15 Q Did she tell you whether or not she had ever
16 left the children alone?
17 A No.
18 Q In fact, she said the children were with her
19 boyfriend the whole time?
20 A Yes, that's correct, that he had been in the
21 shower.
22 Q Okay. Did she say why she -- well, first of
23 all, who did she say her boyfriend was at the time?
24 A Blade Purdy.
25 Q Blade Purdy?

A Yes.

Q And did she tell you why she thought that the referral had been made?

A She said that an oven timer went off and she thought it scared the kids. And so one of her daughter's ran to a neighbor's house because she thought she was home alone.

Q And where did she actually say that her boyfriend, Blade, was living at the time?

A In the home with the family.

Q Did she tell you whether or not Blade was there that day as you were speaking to her in her home?

A Yes.

Q Where did she tell you he was?

A She just said he was in the home and she didn't want us speaking with him.

Q Did she say why she did not want you speaking with her live-in boyfriend who was there as you were interviewing her?

A She said she didn't want to get anyone in trouble.

Q Did you ever see Blade? Did you ever see Mr. Purdy while you were there in the home?

A No.

1 Q As part of your interview, is it -- is it
2 part of DHS's policy to ask about discipline
3 regardless of what the referral is?
4 A Yes, you ask every time.
5 Q And did you ask her how she disciplined her
6 children?
7 A Yes.
8 Q And what did she tell you?
9 A She said she spanked the children.
10 Q Were you able to make observations about the
11 home?
12 A Yes.
13 Q Within the home, can you tell us what you
14 were able to see and observe?
15 A Yes. It was very messy and cluttered. There
16 were dishes all over, lots of clothing and toys.
17 Q Did you see any items of alcohol or
18 prescription medication?
19 A Yes. There were two empty bottles -- large
20 empty bottles of codeine on one of the countertops and
21 then two large bottles of vodka on top of the fridge.
22 Q Did you ask the defendant about the empty
23 bottles -- the large empty bottles of codeine that you
24 found on her countertop?
25 A Yes. She said they were her uncle's and then

she threw them in the trash.

Q Did you ask her about the condition of her home?

A Yes. She said she knew that it was messy but she was trying to get it cleaned up.

Q Did she -- during the course of your investigation then, did you ever make contact with or interview or have the opportunity to speak with Blade Purdy?

A No, I never saw him.

Q At the end of your investigation -- did your investigation end, ultimately?

A Yes.

Q And did you have any further involvement with this family or with the defendant?

A I did not, no.

Q In other words, you were not involved in the 2015 investigation at all. Is that correct?

A Yes, I was not involved.

MS. MCAMIS: Thank you. I have no further questions.

THE COURT: Cross examination.

CROSS-EXAMINATION

BY MR. BOEHEIM:

Q Hi, Ms. Wheeler.

1 A Hi.
2 **Q As a result of your investigation, were the**
3 **kids -- were these children taken out of the home?**
4 A No.
5 MS. MCAMIS: Object, Your Honor. This goes
6 to the Juvenile proceedings that we've previously
7 discussed.
8 THE COURT: Your response.
9 MR. BOEHEIM: I think the door was opened,
10 Your Honor.
11 THE COURT: Objection is sustained.
12 MR. BOEHEIM: Pass the witness then.
13 THE COURT: And may Ms. Wheeler step down and
14 be excused?
15 MS. MCAMIS: Yes, Your Honor.
16 THE COURT: Ma'am, you may step down and be
17 excused.
18 Your next witness.
19 MS. MCAMIS: May we approach, Your Honor?
20 THE COURT: Yes.
21 THE REPORTER: On the record?
22 THE COURT: Scheduling. Off the record.
23 *(An off-the-record discussion was held.)*
24 THE COURT: Ladies and gentlemen, we're going
25 take our morning break at this time before the next

1 witness. I think it's probably appropriate you go
2 ahead and have your break on the third floor to avoid
3 some of the congestion out in the hallways. Fifteen
4 minutes. I'll ask Ms. Upton on escort you down and
5 escort you up.
6 Please leave your notes in the courtroom as
7 previously instructed. And you do remain under the
8 Court's admonishment. 15-minute recess.
9 All rise.
10 *(The jury exited the courtroom.)*
11 MS. MCAMIS: In front of the next witness I
12 will be seeking to admit State's Exhibit No. 20, which
13 has now been redacted based upon the ruling by the
14 Court. So I would offer as a Court's Exhibit the
15 unredacted, if you will. And so I don't know how Your
16 Honor wishes me to mark that as a Court's Exhibit.
17 THE COURT: Do you want it to be a Court's
18 Exhibit or do you want to withdraw 20 and call that
19 one 20A.
20 MS. MCAMIS: However Your Honor wants me to
21 do it.
22 THE COURT: I would prefer that you go ahead
23 and withdraw 20, if you would, please. And then we'll
24 mark the redacted CD as 20A.
25 MS. MCAMIS: All right. That's fine, Your

1 Honor.
2 So in front of the jury all I will do is move
3 to admit 20. Correct? Because --
4 THE COURT: And 20A.
5 MS. MCAMIS: I'm sorry.
6 THE COURT: Correct?
7 MS. MCAMIS: So in front of the jury you want
8 me to move to admit the new redacted copy as 20A.
9 THE COURT: Yes.
10 MS. MCAMIS: Sorry.
11 THE COURT: Does that sound -- sound correct?
12 MR. BOEHEIM: That sounds correct to me.
13 THE COURT: All right.
14 *(A break was taken.)*
15 THE COURT: We'll be on the record. Both
16 lawyers are present. The defendant is present. The
17 jury is not present.
18 Before the morning break there was a
19 discussion as to what to do or how to handle
20 Exhibit -- State's 20 and what's been marked as 20A,
21 which is the redacted version of State's 20. And at
22 that time I was mentioning perhaps a withdrawal of
23 State's 20.
24 And I think the -- perhaps the better
25 clarification is that State's 20 was admitted in the

1 Jackson-Denno hearing. It remains admitted in the
2 Jackson-Denno hearing. And simply that State's 20A is
3 the proffered exhibit for trial.
4 Does that make everything clear for
5 everybody?
6 MS. MCAMIS: That's fine.
7 THE COURT: Does everybody find that
8 acceptable?
9 MR. BOEHEIM: Yes, for Defense, Your Honor.
10 THE COURT: All right. Very good.
11 State?
12 MS. MCAMIS: Yes.
13 THE COURT: All right. Thank you.
14 Anything else before we bring the jury back
15 in?
16 MS. MCAMIS: Not by the State.
17 THE COURT: All right. And who are the folks
18 in the courtroom?
19 MR. BOEHEIM: They are for the Defense.
20 THE COURT: All right. Very good.
21 Have you counseled them appropriately with
22 regard to the Court's instructions for the jury and
23 admonitions not to speak to the jury?
24 MR. BOEHEIM: Yes.
25 THE COURT: All right. Thank you very much.

1 *(An off-the-record discussion was held.)*
2 THE COURT: We'll show that 18 is admitted as
3 well with no objection.
4 Anything else?
5 MS. MCAMIS: No.
6 THE COURT: All right. Let's bring them in.
7 *(The jury returned to the courtroom.)*
8 THE COURT: Please ensure that unless you are
9 a lawyer at counsel table that all cell phones and
10 electronic devices are not only powered all the way
11 off, but are also put away.
12 And we'll be back on the record in
13 CF-2015-242, State vs. Lalehparvaran. Counsel for the
14 State is present, Counsel for the Defense is present
15 with his client, the defendant, Ms. Lalehparvaran, who
16 is present. The jury has returned to the jury box
17 following the morning recess.
18 Was the jury able to abide by the Court's
19 admonishment during the recess?
20 All right. Thank you very much.
21 We are still in the State's case in chief.
22 State, when you are ready you may call your
23 next witness, ma'am.
24 MS. MCAMIS: Thank you, Your Honor. The
25 state calls Detective Jeanne MacKenzie.

THE COURT: Ma'am, please come forward to be sworn. Please raise your right hand.

DETECTIVE JEANNE MACKENZIE,

called as a witness on behalf of the State, being of lawful age and after having been first duly sworn, testified as follows:

THE COURT: Thank you. Please be seated.

And would you spell your last name, please, ma'am?

THE WITNESS: M-A-C-K-E-N-Z-I-E.

THE COURT: And Jeanne, J-E-N-N --

PROSPECTIVE JUROR: J-E-A-N-N-E.

THE COURT: J-E-A-N-N-E.

Thank you very much.

Counsel, you may inquire.

MS. MCAMIS: Thank you.

DIRECT EXAMINATION

BY MS. MCAMIS:

Q Detective MacKenzie, can you tell us how you're employed?

A I'm a police officer with the Tulsa Police Department.

Q How long have you been a law enforcement officer?

A I've been with the department for 12 years.

1 **Q Before you began working for the Tulsa Police**
2 **Department, what did you have to do?**
3 A I had to go through a six-month police
4 academy training for the Tulsa Police Department.
5 **Q And can you tell us a little bit about what**
6 **your first assignment was for TPD?**
7 A My first assignment was a patrol officer,
8 routine, taking 9-1-1 calls, traffic stops, writing
9 reports. Just general police work.
10 **Q Ultimately, then, did you promote to the**
11 **position of detective?**
12 A Yes, I did.
13 **Q And for what unit were you a detective?**
14 A I was a Child Crisis detective.
15 **Q How long were you with the Child Crisis Unit.**
16 A I was in that unit for five years.
17 **Q What unit are you with now?**
18 A I am currently the public information officer
19 for the Tulsa Police Department.
20 **Q Can you tell us as of now what your duties**
21 **and responsibilities are?**
22 A As of right now, I do all media releases,
23 media inquiries, press releases, crime stoppers.
24 Anything basically involving the media that they ask
25 from the Tulsa Police Department.

1 **Q So backing up. Can you tell us a little bit**
2 **about the differences between the duties and**
3 **responsibilities of a patrol officer, who initially**
4 **arrives on a scene, and a detective, who ultimately is**
5 **assigned a case to investigate?**
6 A Well, a patrol officer is going to be your
7 first person on scene. They're going to be the person
8 that responded to that 9-1-1 call. They're going to
9 get general information about what kind of scene they
10 have and what kind of crime that could have possibly
11 been committed and they're going to write the original
12 report.
13 Once they get the information from the
14 victims, if there's a suspect, they could make an
15 arrest at that time. And then they will contact the
16 appropriate detective that would be assigned the type
17 of case that they were called to.
18 **Q Is it common and does it happen that when**
19 **patrol arrives on the scene, it may appear to be one**
20 **type of situation, but, ultimately, through a**
21 **detective's investigation it -- it, ultimately, is a**
22 **different type of situation?**
23 A Yes. I mean, we get 9-1-1 calls all the time
24 about certain types of things. And when the call will
25 come in, say it's a burglary, and then when we get

1 there it's actually a home invasion, which would be a
2 totally different crime than actual burglary.
3 **Q Can you tell us a little bit about what type**
4 **of cases you investigated while in the Child Crisis**
5 **Unit?**
6 A The Child Crisis Unit investigates crimes
7 against children, 14 and under, for physical -- 14 and
8 under for sexual abuse. And at the time I was in the
9 unit it was 18 and under for physical abuse. Child
10 neglects, any child deaths, anything -- medical
11 neglect, those types of -- any type of crime against a
12 child basically.
13 **Q Did you have specific training on how to**
14 **investigate crimes against children?**
15 A Yes. I had over 100 hours of specialized
16 training in different types of investigations for
17 crimes against children.
18 **Q While you were there at the -- well, first of**
19 **all, at the time that you were there, was the Child**
20 **Crisis Unit of the Tulsa Police Department actually**
21 **housed at the Justice Center, the Children's Advocacy**
22 **Center?**
23 A Yes, when I was there we were housed there.
24 **Q And so were you a part of that**
25 **multidisciplinary team there?**

A Yes, I was.
Q **Did you work joint investigations?**
A Yes, I did.
Q **And did that include working joint investigations with the Department of Human Services?**
A Yes, it did.
Q **Did you work closely with the pediatricians who were housed at the Children's Advocacy Center?**
A Yes, we did.
Q **Why was that important to you in your work?**
A When you have a crime against a child, it's very traumatizing obviously for that child. So what we try to do is work together to minimize the exposure for this child, to minimize more trauma that this child is exposed to. So by us getting together and doing our interviews together or getting together and getting medical information, it keeps us from having to go back and reinterview children and reinterview people time and time again just traumatizing them over and over.
Q **You told us a little bit about your training for specifically working crimes against children. How is working a crime against a child different than working other crimes that the Tulsa Police Department investigates, burglaries and car jackings and things**

1 **of that nature?**
2 A Well, obviously this is going to be a crime
3 against a person and it's a child. Sometimes these
4 children can't talk and they can't tell you what
5 happened to them. So all you have is whatever injury
6 that you have or whatever the person reporting is
7 telling you occurred.
8 So you don't have the evidence, like
9 fingerprints, and you're not going to find them
10 driving -- you know, driving the car that was stolen.
11 So you're not going to have the evidence that you
12 would with those types of crime.
13 **Q When you're talking about the family dynamics**
14 **that are involved in child abuse and investigating**
15 **cases of child abuse, how does that impact your**
16 **investigation?**
17 A How does the family dynamics?
18 **Q Correct.**
19 A You know, a lot of times there are, you know,
20 stepparents or boyfriends or girlfriends or
21 grandparents that are taking care of children, so, you
22 know, the dynamic of the family can change with each
23 case.
24 **Q In your experience as a detective with the**
25 **Child Crisis Unit, how common was it for one parent to**

1 **be protective of and try to be protective of another**
2 **parent who was perpetrating the abuse?**
3 A It's common. We see it a lot with
4 boyfriend/girlfriends, husband/wives. They don't want
5 to believe or want to protect the person that they're
6 with, that they didn't do this to their child.
7 **Q When you were investigating crimes against**
8 **children, every time you investigated a case did it**
9 **turn out to be founded, a criminal case? Or how**
10 **important was it to you to rule out when it really**
11 **wasn't abuse?**
12 A Yeah. Not every case we investigate ends
13 with a criminal charge. You know, we want to get all
14 of the information that we can to make sure that we
15 are not making any kind of false arrest or false DHS
16 reports. You know, we want to make sure that we know
17 what happened to this child is true and accurate, so
18 we do the best we can to investigate.
19 **Q During the course of your investigations,**
20 **have you had the opportunity to interview lots of**
21 **different parents, both as witnesses and as suspects?**
22 A Yes, I have.
23 **Q Can you tell us how you go about interviewing**
24 **someone?**
25 A You know, when I interview a suspect,

1 witness, parent, it doesn't matter what they are, I
2 treat them as I would treat anybody. I talk to them
3 like I am talking to you now. I just, you know, ask
4 questions. It's like a normal conversation. It's an
5 interview, it's not an interrogation.
6 **Q Do you get in their face and call them a liar**
7 **or confront them when they're saying something that is**
8 **really stupid, if you will?**
9 A No, we don't.
10 **Q Why not?**
11 A We want them to continue to talk to us. And
12 if you start yelling at someone or telling them that
13 they're liars, then they're going to shut down and
14 they're not going to want to continue to talk to us.
15 So we don't -- we don't -- those aren't practices that
16 we practice at the Tulsa Police Department.
17 **Q When you're talking to someone about**
18 **something as delicate as child abuse or permitting a**
19 **child to be abused, do you ever say things to put that**
20 **suspect at ease? Things like, you're not a bad**
21 **person, or this really isn't your fault, or things**
22 **like that?**
23 A Yes, we do say those types of things. And,
24 again, it's just to get them to continue to talk to us
25 and to continue to tell us, you know, what happened in

1 that situation so we can get the full story.
2 **Q Are you trying to trick them in any way?**
3 A No, we're not trying to trick them. We're
4 just trying to make them feel like they can continue
5 to speak with us.
6 **Q And, ultimately, is it to try to get at the**
7 **truth?**
8 A Yes.
9 **Q In your training and experience, how common**
10 **is it when you're speaking to parents in these**
11 **situations for them to try to minimize or downplay**
12 **what their actual involvement has been?**
13 A It's very common. We see it a lot in our
14 investigations. Again, nobody wants to admit that
15 they actually hurt a child or harmed a child, so they
16 tend to minimize a situation.
17 For example, if we have a child with a -- you
18 know, a severe brain bleed and we talk to the parents
19 and the parents are saying, Well, I just shook them a
20 little bit, you know, obviously that medical doesn't
21 match their story. So we know that they shook them
22 and we know they shook them more than they're saying,
23 but they minimize it to make it sound better for them.
24 **Q How significant to you is it -- is it as an**
25 **investigator if you find out during the course of an**

1 **investigation that a defendant has told different**
2 **versions of events to different people?**
3 A It's very significant. Again, the more they
4 talk, the more information they give us, and the more
5 we get little truths about the situation. We can take
6 those different interviews and compare them to see if
7 anything has changed or anything is different, if
8 anything is the same, you know, to the other witnesses
9 or what the child has said.
10 **Q I want to specifically direct your attention**
11 **to January 16th of 2015. And were you working as a**
12 **detective with the Children's Crisis Unit on that day?**
13 A Yes, I was.
14 **Q Did you have the opportunity to become**
15 **involved in a case involving a victim by the name of**
16 **Lilah Lalehparvaran?**
17 A Yes, I was.
18 **Q How did you first become involved in the**
19 **investigation?**
20 A I was asked by Detective Maker to assist her
21 in an interview.
22 **Q And in your work in the Child Crisis Unit,**
23 **how common is it for two detectives to participate in**
24 **the interview?**
25 A It's very common for that to happen. We

do -- that's a practice that we did regularly.

Q How did you first come into contact with the defendant that day?

A She was placed under arrest at her residence and I was at that location when she was arrested.

Q Ultimately, after she was arrested, where was she taken to?

A She was brought downtown to our detective division for an interview.

Q At the detective division then was she, in fact, interviewed?

A Yes, she was.

Q Where within the interview -- where within the detective division did that interview take place?

A On the second floor in our interview rooms.

Q Before that interview began, did you know -- and I'm not asking about what Detective Maker knew. But did you know about the defendant's previous interviews, either with Officer Samantha Ramsey or with Kristi Simpson from DHS?

A I knew that she had been interviewed. I didn't know many details of that interview.

Q Did you know many details of the extent of Lilah's injuries at that point?

A I knew that she had some extensive injuries.

1 And I saw some pictures prior to the interview with
2 the defendant.
3 **Q So why did you want to interview the**
4 **defendant at that point?**
5 A From my understanding, with speaking with
6 Detective Maker, that we were trying to determine,
7 since these -- there were so many injuries and they
8 were so brutal and extensive that there -- you know,
9 there was more to the story and we wanted to get the
10 rest of it.
11 **Q Once you made contact with the defendant and**
12 **then ultimately in the interview room, did you and**
13 **Detective Maker introduce yourselves?**
14 A Yes, we did.
15 **Q Do you, as detectives, dress in plain clothes**
16 **as you are today or do you wear patrol uniforms or how**
17 **do you dress?**
18 A We could do plain clothes like today. Or,
19 typically, most detectives wear a collared shirt that
20 says -- has our badge on it. Says Tulsa Police
21 Department, Detective Division on it.
22 **Q But, in any event, were you clearly**
23 **identified as law enforcement officers?**
24 A Yes.
25 **Q And you, in fact, had been the ones who had**

1 assisted in taking her under arrest?
2 A Yes.
3 Q At any point at that time in that day, did
4 either you or Detective Maker in any way threaten or
5 harass the defendant?
6 A No, we did not.
7 Q At any point that day did either you or
8 Detective Maker offer her or promise her anything in
9 exchange for speaking with you?
10 A No, we did not.
11 Q Are you, as a law enforcement officer,
12 trained in detecting whether or not an individual is
13 under the influence of an intoxicating substance?
14 A Yes, we are.
15 Q And did you form an opinion as to whether or
16 not that day the defendant was, in fact, under the
17 influence of an intoxicating substance?
18 A She did not appear to be under the influence
19 of any intoxicating substance.
20 Q Did you have any difficulty in communicating
21 with her?
22 A We did not.
23 Q In the interview, was the defendant provided
24 with and read her Miranda Rights?
25 A Yes, she was.

1 Q And with respect to Miranda Rights, are those
2 applicable when someone is actually in custody, under
3 arrest?
4 A Yes, they are.
5 Q How do you go about informing a suspect who
6 is actually in custody of their Miranda Rights?
7 A We have a Miranda Rights waiver form that we
8 have that they can read, we can read to them. We go
9 over it with them when we -- when we notify them of
10 their rights, we go over it with them and then they
11 sign it and agree.
12 MS. MCAMIS: May I approach, Your Honor?
13 THE COURT: You may.
14 Q (By Ms. Mcamis) I'll hand you what's been
15 marked as State's Exhibit No. 19. It's Bates 56 for
16 Counsel's purposes.
17 Can you tell us, is that the Miranda waiver
18 form that was gone over with the defendant on that
19 day?
20 A Yes, it is.
21 Q And were each of those rights gone over with
22 her?
23 A Individually, yes.
24 Q And did she individually initial that she
25 understood each of those rights and that she wished to

1 waive each of those rights and speak with you?
2 A Yes, she did.
3 Q Did she sign her signature at the bottom of
4 that form?
5 A Yes, she did.
6 MS. MCAMIS: Your Honor, at this time the
7 State moves for admission of State's No. 19?
8 THE COURT: Response.
9 MR. BOEHEIM: No objection from the Defense,
10 Your Honor.
11 THE COURT: State's 19 will be admitted
12 without objection.
13 One moment.
14 You may resume.
15 Q (By Ms. Mcamis) Was the interview that day
16 also recorded?
17 A Yes, it was.
18 Q And have you had the opportunity to review
19 the recording of that interview to determine if it's
20 true and accurate?
21 A Yes, I have.
22 Q I'll hand you what has been marked as State's
23 Exhibit 20A. And is that a recording of that
24 interview?
25 A Yes, it is.

MS. MCAMIS: Your Honor, at this time the State moves for admission of State's Exhibit 20A and asks to publish.

THE COURT: Response.

MR. BOEHEIM: No objection from the Defense, Your Honor.

THE COURT: State's 20A will be admitted without objection. Permission to publish is granted.

May we be off the record for the playing of the tape?

MR. BOEHEIM: Most definitely, Your Honor.

MS. MCAMIS: Yes.

THE COURT: All right. Thank you.

(The DVD was played for the jury off the written record.)

THE COURT: Ladies and gentlemen, we're going to take a lunch recess at this time. It's 12:15, so I'll ask that you be back on the third floor by 1:20, for a 1:30 start. Be back by the third floor escalators. Ms. Upton will meet you there at 1:20, and we anticipate starting at 1:30.

You do remain under the Court's admonishment. We ask that you leave your notes in the courtroom. And we'll see everyone after the lunch break.

All rise.

1 *(The lunch break was taken.)*
2 THE COURT: Please ensure that your cell
3 phones and electronics are powered off and put away.
4 We are once again on the record in
5 CF-2015-242, State of Oklahoma vs. Kerry
6 Lalehparvaran. Ms. McAmis is present for the State,
7 Mr. Boeheim is present for the Defense,
8 Ms. Lalehparvaran is present in the courtroom. The
9 jury has returned to the jury box following the lunch
10 recess.
11 Was the jury able to abide by the Court's
12 admonishment during the recess?
13 Thank you very much.
14 We are still in the State's case in chief.
15 And I believe that Detective MacKenzie is still on the
16 witness stand.
17 Ma'am, if you'll retake the witness stand, I
18 will advise you that you remain under oath at this
19 time.
20 Counsel, you may inquire.
21 MS. MCAMIS: Thank you.
22 **Q (By Ms. Mcamis) Detective MacKenzie, at the**
23 **very end of that interview tape that we were watching**
24 **there was a third female who was having a little bit**
25 **of conversation with the defendant. Who was that?**

1 A That is Officer Hasselbar. She was a patrol
2 officer who did our transport for us to David L. Moss.
3 **Q So the time periods in there and waiting when**
4 **you came in and out, that was for the purposes of them**
5 **getting the defendant transported. Is that correct?**
6 A That's correct.
7 **Q All right. Also, near the end of the**
8 **interview we heard the defendant tell you that she was**
9 **going to try to prove herself, that she was going to**
10 **prove that her kids were more important. And she told**
11 **you about a protective order she was in the process of**
12 **obtaining against Blade. Is that correct?**
13 A That is correct.
14 **Q Do you know, Detective MacKenzie, whether she**
15 **followed through and whether or not she, in fact,**
16 **obtained a protective order against Blade?**
17 A I believe that she had that protective order
18 dismissed.
19 **Q When and --**
20 MR. BOEHEIM: Objection, Your Honor. Move to
21 strike. That's a legal conclusion.
22 THE COURT: Your response.
23 MS. MCAMIS: It's not a legal conclusion if
24 the witness can obtain that information from OSCN,
25 Your Honor.

1 THE COURT: Objection is overruled. The
2 answer will stand.
3 Q (By Ms. Mcamis) Detective MacKenzie, you
4 mentioned David L. Moss. That's our detention
5 facility for inmates. Is that correct?
6 A That's correct.
7 Q The jail, if you will?
8 A The jail, yes.
9 Q While inmates are being housed at the jail
10 and while they are awaiting their trial, are they
11 allowed to make phone calls from the jail?
12 A Yes, they are.
13 Q Are there signs in the jail that notify
14 inmates that their phone calls are being recorded and
15 monitored?
16 A I've never been in the jail so I don't know
17 for sure. But I've been told, yes, that there are
18 signs.
19 Q When the inmate makes a phone call, is there
20 a recording at the beginning of each and every phone
21 call that tells the inmate and the person that the
22 inmate is calling the phone call is being recorded?
23 A Yes, there is.
24 Q And as part of your duties and
25 responsibilities as a law enforcement officer, can you

1 hold those jail phone calls and listen to particular
2 jail phone calls if you want to?
3 A Yes, we can.
4 Q And, just to be clear, two inmates cannot
5 make calls to each other. One has to be out on bond
6 and the other still in jail for the phone calls to be
7 made. Is that correct?
8 A That's correct.
9 Q Was there, in fact, a time period when --
10 after this defendant had been arrested, when Blade
11 Purdy was in jail and this defendant was out of jail?
12 A Yes.
13 Q And during that time, did Blade make phone
14 calls to the defendant?
15 A Yes, he did.
16 Q Were those phone calls recorded?
17 A Yes, they were.
18 Q And have some of those phone calls been
19 marked as exhibits for this trial?
20 A Yes, they have.
21 MS. MCAMIS: May I approach, Your Honor?
22 THE COURT: You may.
23 Q (By Ms. McAmis) I'll show you what has been
24 marked as State's Exhibit No. 21. And is this a DVD
25 of some of those phone calls that were made?

A Yes.

Q Portions of some of those phone calls?

A Yes.

MS. MCAMIS: Your Honor, at this time the State moves for admission of State's Exhibit No. 21 and asks to publish.

THE COURT: Response.

MR. BOEHEIM: No objection from the Defense, Your Honor.

THE COURT: All right. State's 21 will be admitted without objection.

One moment please.

And permission is granted to publish to the jury.

Do Counsel waive the reporting of the playing of the jail calls?

MR. BOEHEIM: The Defense does, Your Honor.

MS. MCAMIS: The State does.

THE COURT: Thank you.

(The DVD was played for the jury off the written record.)

Q (By Ms. Mcamis) Detective MacKenzie, the phone calls that we listened to, we've listened to them all together, but they were at different days and at different times. Correct?

A Correct.

Q And there were many more other than that?

A Yes, there was.

Q The phone calls, also, when we're listening to them, they automatically terminate after 20 minutes. Is that correct?

A That's correct.

Q Before lunch we watched your interview with Detective Maker and the defendant. For the purposes of the record, is that defendant, Kerry Lalehparvaran, is she here in the courtroom?

A Yes, she is.

Q Can you identify her for us?

A She's at the second table in the black shirt.

MS. MCAMIS: Your Honor, the State would request that the record reflect that the witness has identified the defendant.

THE COURT: The record will so reflect.

MS. MCAMIS: Thank you, Detective MacKenzie. I have no further.

THE COURT: Cross examination.

CROSS-EXAMINATION

BY MR. BOEHEIM:

Q Hi, Detective.

A Hello.

1 Q I'll try to make this brief.
2 There were quite a few phone calls, weren't
3 there, from the jail?
4 A Yes.
5 Q Twenty-eight in total, weren't there?
6 A Approximately, yes.
7 Q And the list of calls that we heard, how many
8 of those were consecutive?
9 A I'm not sure.
10 Q Do you know what days any of those phone
11 calls were on?
12 A I do not recall, no.
13 Q So you can't tell us if those calls were one
14 right after the other or separated by days, can you?
15 A I cannot.
16 Q But you do know from looking at the list that
17 some of those -- that some of those calls were
18 repetitive, one right after the other on the same day?
19 A I believe so, yes.
20 Q Of the 28?
21 A Yes.
22 Q And, as a matter of fact, in one particular
23 day there was seven calls, one right after the other.
24 Is that correct?
25 A I'm not 100 percent sure, but -- I haven't

1 seen the list recently, so --
2 Q To the best of your recollection?
3 A To the best of my recollection.
4 Q Okay. And those phone calls -- as Ms. McAmis
5 asked you, those terminate after 20 minutes, don't
6 they?
7 A That's correct.
8 Q And do you have any remembrance or knowledge
9 of how many of those calls where the full 20 minutes
10 versus some shortened amount?
11 A I do not.
12 Q Let's jump back to something you testified to
13 earlier.
14 You stated that Ms. Lalehparvaran had a
15 protective order dismissed. Is that correct?
16 A Yes.
17 Q Okay. How do you know that?
18 A From OSCN.
19 Q So OSCN has a statement in there, or a minute
20 as we know it, that says that Ms. Lalehparvaran had
21 the protective order dismissed? That's what it says?
22 A No, that's not what it says. It just says
23 that the protective order was dismissed.
24 Q Oh, the protective order was dismissed.
25 So you don't know why the protective order

1 was dismissed?
2 A No, I don't.
3 Q You don't know if the judge made a decision,
4 the Court made a decision, or Ms. Lalehparvaran made
5 the decision, do you?
6 A No, I do not.
7 Q But you testified that Ms. Lalehparvaran had
8 the protective order dismissed?
9 A That wasn't my intention. My intention was
10 that the protective order was dismissed, not that she
11 specifically dismissed it herself.
12 Q Okay. Fair enough. Fair enough.
13 Is it standard police procedure in
14 interviewing -- let me strike that. Let me ask it a
15 little different.
16 You've had training in how to interview?
17 A Yes.
18 Q Okay. And would you say it's extensive
19 training?
20 A Yes.
21 Q Okay. And there are actual techniques and
22 methods that you are taught in those trainings?
23 A Yes.
24 Q Okay. And you've also had a fair amount of
25 experience just because you've done it so many times?

A Yes.
Q So you have learned techniques and methodologies that work more effectively than others?
A Yes.
Q And you're good at your job?
A I think so.
Q You're a pretty good interviewer? You get to the crux of things?
A I try to.
Q Okay. So, based on that, you believe you broke down Ms. Lalehparvaran pretty well to getting to the truth?
A I feel like I got some truth. I don't feel like I got the whole truth from her.
Q Okay. So why did you stop the interview if you didn't think you got there?
A We were already in there for an hour. I didn't -- felt like we weren't getting anywhere beyond what we already had.
Q So you -- you felt Ms. Lalehparvaran was being uncooperative?
A No, I didn't say that. I just said that I felt like we weren't going to get any more from her in reference to what happened that night than what we already had. So we had been there an hour. She

1 didn't have anything else to add. We asked her, Do
2 you have anything else to add? She said she didn't
3 have anything else to add so we ended the interview.
4 **Q But at the end of the interview you were**
5 **still using techniques, weren't you?**
6 A I was just talking to her. I wasn't really
7 using a technique.
8 **Q Well, between you and Detective Maker -- who**
9 **is also a very experienced interrogator, isn't she?**
10 A I believe so, yes.
11 **Q You used -- you made phrases and used**
12 **terminology like, she's failed as a mother?**
13 A That was a personal opinion. That wasn't a
14 technique.
15 **Q Oh, so it's part of your police procedure in**
16 **interviewing just to throw out your personal opinions?**
17 A Just talking with her. It was done -- the
18 interview was over and we were just talking. And,
19 yes, I did.
20 **Q So the interview was over. You were just**
21 **talking. So none of that, in your impression, could**
22 **be used in court?**
23 A No, that's not what I said. It's -- it was a
24 recorded interview. It was still being recorded. It
25 wasn't an interview technique. I wasn't trying to

1 tell her she was a terrible mother to get her to tell
2 me anything else. I was just talking with her.
3 **Q You're a highly trained interviewer and**
4 **you're saying that the interview was over and you were**
5 **just having banter?**
6 A Yeah, that's -- that's what it was.
7 **Q Isn't one of the things they teach you, first**
8 **up, that the interview is never over?**
9 A I mean, I don't recall ever been taught that,
10 but --
11 **Q You've never had a superior or a training**
12 **officer or a training tell you that the best**
13 **information that you can get is when -- when the**
14 **individual you are interviewing thinks that the**
15 **interview is over?**
16 A No, I haven't.
17 MR. BOEHEIM: One moment, Your Honor.
18 THE COURT: Yes.
19 MR. BOEHEIM: Pass the witness. Thank you.
20 THE COURT: Is there redirect.
21 MS. MCAMIS: Very briefly.
22 ***REDIRECT EXAMINATION***
23 ***BY MS. MCAMIS:***
24 **Q Detective MacKenzie, all interviews have to**
25 **be over at some point. Correct?**

1 A That's correct.
2 Q And you wouldn't get up and leave the
3 interview room if you didn't think the interview was
4 over. Correct?
5 A That's correct.
6 Q And Counsel asked you about the protective
7 order and minutes on OSCN. If a person who has asked
8 the Court for a protective order then fails to show up
9 for the protective order, it's going to be dismissed.
10 Correct?
11 MR. BOEHEIM: Objection, Your Honor.
12 Relevance.
13 THE COURT: What is your objection?
14 MR. BOEHEIM: Relevance.
15 THE COURT: And what is your response?
16 MS. MCAMIS: He asked about it on cross exam
17 and I'm asking about it on redirect.
18 THE COURT: All right. Objection is
19 overruled. You may answer the question.
20 THE WITNESS: That's correct. If you do not
21 show up for a protective order hearing, then it is
22 dropped.
23 MS. MCAMIS: Thank you. I have no further
24 questions.
25 THE COURT: May Detective MacKenzie step down

and be excused?

MS. MCAMIS: Yes, Your Honor.

THE COURT: Ma'am, you may step down and be excused. Thank you.

Ladies and gentlemen we're going to take a short afternoon break at this point. I would ask this time that you stay on the floor and we'll keep our break just a little bit shorter, about 15 minutes. We'll try to have you back in the jury box in 15 minutes. Try to take about a 10-minute break.

Ms. Upton will meet you outside the door to help you line up. Ten minutes.

You will remain under the Court's admonishment.

(A break was taken.)

THE COURT: Please ensure that all cell phones are powered all the way off and put away.

We are back on the record in CF-2015-242, State vs. Lalehparvaran. Ms. McAmis is present for the State, Mr. Boeheim is present for the Defense, Ms. Lalehparvaran is present in the courtroom. The jury has returned to the jury box following the afternoon break.

Was the jury able to abide by the Court's admonishment during the break?

1 And thank you for your flexibility given our
2 crowded hall conditions today.
3 We are still in the State's case in chief.
4 You may call your next witness.
5 MS. MCAMIS: Thank you, Your Honor. The
6 State calls Dr. Michael Baxter.
7 THE COURT: Sir, please raise your right hand
8 to be sworn.
9 **DR. MICHAEL BAXTER,**
10 **called as a witness on behalf of the State, being of**
11 **lawful age and after having been first duly sworn,**
12 **testified as follows:**
13 THE COURT: Thank you, sir.
14 Please be seated.
15 THE WITNESS: Thank you.
16 THE COURT: Counsel, when you're ready, you
17 may inquire.
18 MS. MCAMIS: Thank you.
19 ***DIRECT EXAMINATION***
20 ***BY MS. MCAMIS:***
21 **Q Can you tell us how you're employed, please?**
22 A I'm an assistant professor of Pediatrics with
23 the University of Oklahoma in Tulsa.
24 **Q Can you tell us a little bit about your**
25 **educational background?**

1 A Yes, ma'am.
2 After completing high school in 1994, I
3 attended Southwestern Oklahoma State University in
4 Weatherford, Oklahoma. I obtained a Bachelor of
5 Science and Pharmacy from that institution in 1999.
6 And then came back and worked in the City of Tulsa at
7 some -- some of the local hospitals and retail
8 pharmacies for a few years.
9 In 2001 I was accepted in the Oklahoma State
10 University College of Osteopathic Medicine and
11 obtained a Doctor of Osteopathy from that institution
12 in 2005.
13 I then did a three-year general Pediatric
14 residency with the University of Oklahoma in Tulsa and
15 completed that in 2008. I then did an additional
16 two-year Child Abuse Pediatric fellowship, again, with
17 the University of Oklahoma in Tulsa and completed that
18 in 2010, and I've been working as faculty since.
19 **Q What is a Child Abuse and Neglect fellowship?**
20 A A fellowship is additional training within
21 your specialty. So an analogy to give would be for a
22 doctor to become a cardiologist or heart doctor, after
23 training within the general medicine, like Internal
24 Medicine or Pediatrics, they would do an additional
25 two to three years just studying the heart and the

1 diseases of the heart.
2 Child Abuse Pediatrics is similar. It has a
3 fellowship that you go in and just learn about the
4 field of Child Abuse Pediatrics. It's intense
5 training just on that part of the field.
6 **Q Are you board certified?**
7 A I am.
8 **Q In what specialties?**
9 A I am certified -- board certified by the
10 American Board of Pediatrics in both General
11 Pediatrics and Child Abuse Pediatrics.
12 **Q You said that you are an assistant professor**
13 **for the University of Oklahoma. Is that correct?**
14 A Yes, ma'am.
15 **Q Can you tell us a little bit about your**
16 **duties and responsibilities in that regard?**
17 A Yes, ma'am.
18 Primarily my duties are clinical, meaning I
19 see kids. The majority of the kids I see are as a
20 Child Abuse Pediatrician. Roughly 90 percent of my
21 work.
22 In addition to seeing children for suspected
23 child abuse/neglect, I also see children at the
24 hospital as a general hospitalist. Meaning, when kids
25 come in for flu or asthma and they need to stay in the

1 hospital for a few nights, I will be there at night to
2 take care of them along with the resident service.
3 I also teach residents, so physicians who are
4 learning to become Pediatricians or Family Medicine
5 doctors or ER doctors, about both General Pediatrics
6 and Child Abuse Pediatrics. I also teach medical
7 students, P.A. students, and nursing students as well
8 as part of my role as faculty.
9 I also have other administrative duties.
10 Within my role as a faculty member for the University,
11 as -- that would not be patient-care related.
12 **Q You told us a little bit about your teaching**
13 **responsibilities to those in the medical field through**
14 **the University of Oklahoma. Do you also teach and**
15 **make presentations to other groups about child abuse**
16 **and neglect.**
17 A I do.
18 **Q What type of groups and what type of teaching**
19 **do you do on that subject matter?**
20 A I teach some formal courses for DHS workers,
21 particularly Child Protective Services workers,
22 regarding the medical evaluation of child abuse and
23 neglect, as well as law enforcement and attorneys, as
24 well, about the medical aspects.
25 I teach social workers, as well, at

1 conferences. And I speak in trainings that are
2 statewide trainings for -- it can be -- anyone can
3 come to learn about those.
4 I also will teach individuals who volunteer
5 to be court-appointed special advocates about the
6 medical aspects of child abuse and neglect as well.
7 **Q Can you tell us what the Oklahoma State Board**
8 **of Child Abuse Examiners is and your involvement is in**
9 **that?**
10 A Yes, ma'am.
11 It's a board that I serve on as a voting
12 member that coordinates trainings for individuals,
13 physicians or nurses, who want to do medical
14 evaluations for suspected child abuse/neglect and
15 coordinate a training. That happens typically each
16 year.
17 And then we also look at the criteria for
18 what it would take for a provider to be able to
19 provide those services to children and make sure that
20 they meet standards that would -- so that they could
21 deliver the best care to the child.
22 **Q Are you a member of the American Academy of**
23 **Pediatrics?**
24 A I am.
25 **Q And are you also a member of their section on**

1 **Child Abuse and Neglect?**
2 A Yes, I am.
3 **Q What is the Ray Helfer Society and what does**
4 **it mean to be a fellow in that society?**
5 A The Ray Helfer Society is a physician honor
6 society specifically for Child Abuse Pediatrics. The
7 society has individuals from around the world who are
8 experts in the field of Child Abuse Pediatrics and do
9 some forefront research within the field.
10 And I'm a member and I've been able to
11 utilize the resources they have from past conferences
12 as research presentations, attend an annual meeting,
13 as well as be able to present at that annual meeting,
14 which I've done a few times.
15 **Q You talked about the annual meeting and**
16 **presenting at the annual meeting. Do you also attend**
17 **and keep current on national training with respect to**
18 **specifically child abuse and neglect?**
19 A I do.
20 **Q Have you actually conducted research in the**
21 **field?**
22 A I have.
23 **Q And have you been published in the field?**
24 A I have. I've published a book chapter
25 specifically on child physical abuse.

1 **Q So how many years, in total, have you spent**
2 **in the field of Pediatrics and in the field of Child**
3 **Abuse and Neglect?**
4 A Counting my residency, fellowship, and
5 faculty work, I'm in my -- started my eleventh year.
6 **Q Can you tell us a little bit about the Child**
7 **Advocacy Center and what your duties and**
8 **responsibilities are there?**
9 A Yes, ma'am.
10 The Child Advocacy Center for Tulsa County is
11 a -- essentially a building that is located at 20th
12 and Sheridan. The building houses five agencies that
13 are responsible for the -- both investigation and
14 evaluation side of suspected child abuse and neglect.
15 So there would be law enforcement from Tulsa
16 Police Department of -- the Child Crisis detectives, a
17 unit from DHS. It's a Child Protective Service unit
18 that does investigations.
19 There's also an advocacy group called CAN or
20 Child Abuse Network that does kind of two roles. They
21 do more administrative stuff that is just maintenance
22 of the building and the lands, as well as more
23 hands-on, where they have forensic interviewers that
24 will visit with the children about what's going on and
25 then also do mental health consults with the family

1 afterwards.
2 The District Attorney has an office down
3 there as well, as well as a coordinator for the
4 District Attorney's office that's housed at the
5 center. And then, finally, the University of
6 Oklahoma, for over 20 years, has supplied the medical
7 aspect, so the physicians that have been there.
8 My role is to be out there as the Child Abuse
9 Pediatrician at the center.
10 **Q You're actually the medical director at the**
11 **Child Advocacy Center. Is that correct?**
12 A I am.
13 **Q And do you supervise a Child Abuse fellowship**
14 **program so that other Child Abuse pediatricians can be**
15 **trained and brought into the field?**
16 A I am the program director for an accredited
17 Child Abuse Pediatric fellowship to take pediatricians
18 who are accepted into the fellowship for a three-year
19 training process to become trained within the field of
20 Child Abuse Pediatrics.
21 **Q Can you tell us how you get a patient**
22 **referred to you at the Children's Advocacy Center? In**
23 **other words, under what circumstances would you**
24 **actually see and examine a patient there?**
25 A Yes, ma'am.

1 The majority of our children referred to us
2 come from open DHS referrals or open police
3 investigations where there's suspected child abuse and
4 neglect. They will request a medical for suspected
5 physical abuse, suspected sexual abuse, or suspected
6 neglect, and ask for our medical opinion on what's
7 going on with the child. So the majority do come from
8 that.
9 We do get a few referrals from primary care
10 doctors that maybe have seen a child who has something
11 they're not really sure what they're looking at but
12 there's been no specific disclosure for abuse. And
13 they just ask us to look at the child. That's a small
14 handful of children we see each year.
15 And then we also do consultations for the
16 local hospitals. So if we get called in to see a
17 child in the hospital, we will often follow the
18 children up at the center once they leave the hospital
19 for a follow-up exam.
20 **Q You talked about the consultations that you**
21 **do for the local hospitals. And I want to**
22 **specifically ask you about that.**
23 **If a child is presented to the emergency room**
24 **at, say, St. Francis Children's Hospital, and she's**
25 **being attended to by ER doctors or hospitalists there,**

1 **why would they call you in to do a consultation?**
2 A So I'm often consulted because the team has a
3 question about the injuries or suspected mechanism of
4 injury to a child that they are seeing.
5 And so, again, it would be like the child
6 presented to the ER with shortness of breath and not
7 being able to breathe right. And the doctor in the ER
8 hears a murmur, and when they're admitted the
9 hospitalist hears the murmur. They may call a
10 cardiologist and ask them to come in and see the
11 patient and recommend studies and help them with their
12 diagnosis.
13 And it would be the same thing for me. If
14 there's a child that has an injury that they're
15 concerned about, they may ask myself or one of my
16 partners to come in, examine the child, obtain a
17 history, look at the studies, and then offer our
18 medical opinion back to help out in the care of the
19 child.
20 **Q Do you also have admitting privileges at St.**
21 **Francis Children's? So that if you see a child at the**
22 **Children's Advocacy Center that needs to be admitted**
23 **to the hospital, do you have the privileges to do**
24 **that?**
25 A I do have admitting privileges at St. Francis

1 Children's Hospital.
2 **Q Dr. Baxter, I want to specifically ask you**
3 **about when a child comes to you or a case comes to you**
4 **and it's a suspected case of abuse or neglect. Are**
5 **you looking for abuse? Do you always find abuse?**
6 A No, I'm not looking for abuse. I'm trying to
7 obtain the best history I can and do the best exam I
8 can and then offer, hopefully, the best medical
9 opinion I can back to a team.
10 No, I don't always find abuse. Often we see
11 kids with what we call mimics. So they may have a
12 finding that is -- you know, not a bruise. It could
13 be just a birthmark or something that looks like a
14 bruise or other medical conditions going on that we're
15 able to diagnose and then recommend treatment for.
16 **Q It has been suggested during this trial that**
17 **because of your experience in the field, because of**
18 **your specialization, that your viewpoint might be**
19 **skewed and you might be more persuaded to find abuse**
20 **than someone who is not. Do you agree or disagree**
21 **with that?**
22 A I disagree with that.
23 **Q Can you explain that?**
24 A For me in medicine the most important two
25 things -- the most important thing I can do is just

1 make the correct diagnosis. So within medicine I
2 would refer to that as finding the true positives. So
3 when we do a study or a test, we want to know how
4 likely is this test positive and reflects what
5 actually is going on with the patient. So, for me,
6 when I do that and I'm examining a child, I try to
7 find the most true positives that I can.
8 And then just as important is to look for
9 true negatives. So when you do a study or test and
10 it's negative, to know that that's absolutely a
11 negative result. For me, when I look at a child and
12 be able to say, no, this is not abuse, I want to be
13 able to keep this child in the place that they're
14 supposed to be where they're doing well.
15 So, for me, that's the important distinction,
16 is to find out -- when kids are being abused, to keep
17 them in -- to remove them from the environment, and if
18 there's no findings for abuse, to also keep them in
19 that same environment.
20 **Q In your role as a child abuse pediatrician,**
21 **can you tell us kind of what factors you're looking at**
22 **when you're evaluating a case? You've already**
23 **mentioned history. Is that one of the factors?**
24 A Yes, ma'am.
25 **Q Can you tell us about the other factors? But**

1 **also tell us, what do you mean by history?**
2 A So history, when you're going to see your
3 doctor or if you've ever taken a family member to a
4 doctor and you typically go in with what's called a
5 chief complaint. So that's what's going on.
6 Oftentimes it's a cough.
7 And then it goes on to additional history,
8 where the doctor or provider there may ask about how
9 long the cough has being going on, if you've produced
10 anything with the cough. That would all be part of
11 the -- they history of a present illness. They're
12 finding out what's going on .
13 Additionally, the provider is hopefully
14 asking you about past medical history. Particularly
15 if it's the first time you've seen him, about any past
16 illnesses, family history, social history. For
17 pediatrics we focus a lot on that, as well as
18 developmental history, birth history, to gain all of
19 that information so that we can know most what's going
20 on with the patient.
21 And the history is often -- with a thorough
22 history you're able to find the diagnosis or have the
23 most common diagnoses come to the top of your list.
24 Q **If you're able, do you attempt to obtain that**
25 **history from a parent or caregiver of the child that**

1 you're seeing?
2 A Yes. Ideally the history comes from someone
3 who is familiar with the child's medical history and
4 the reason they're presenting.
5 Q In your -- do you even know how many child
6 abuse -- or how many children you have taken care of
7 over the years?
8 A At the center we see roughly 800 children a
9 year. And I see just about 55 or 60 percent of them.
10 So it's in the thousands for me since I've been
11 faculty.
12 Q And in the thousands of children that you
13 have had the opportunity to take care of, then have
14 you also had the opportunity to speak with hundreds,
15 if not thousands, of parents?
16 A Yes, ma'am.
17 Q Can you tell us in your training and
18 experience how common is it in a parent who is being
19 accused of some type of child abuse, permitting child
20 abuse, child neglect, to try to minimize their role in
21 the entire situation?
22 A Yes, ma'am.
23 It's actually a common thing we see within
24 our field, both for me, clinically, when I am talking
25 to families who may talk about an injury and kind of

1 minimize what happened. And then it's also something
2 we see within the literature and the research. That
3 is one of those common findings we see, is the
4 minimization of the injury to the child.
5 **Q When you are speaking with a parent and**
6 **obtaining the history, if the history is not matching**
7 **the medical evidence that you are seeing, how**
8 **significant or how important is that to you?**
9 A It's very important.
10 **Q Why?**
11 A That's one of the things I look at, is when
12 I'm provided an injury or I'm asked to see a child and
13 they have a certain injury, I'm provided a mechanism
14 to that injury. I try to match up and see how those
15 could fit together.
16 And particularly when you have an injury on a
17 child that is severe and a mechanism that really
18 doesn't explain the severity of that injury, for me
19 that's very concerning because that means something
20 else probably happened to the child. And, for me, I
21 need to know what happened to the child so I can take
22 care of them in the best way.
23 **Q What if the history that the parent provides**
24 **changes depending on who the parent is talking to or**
25 **over the course of time? Is that significant or**

1 important to you?
2 A Yes, it is.
3 Q Why?
4 A Again, with -- particularly within my field
5 when we see kids that have injuries and a family
6 member or the caregiver may say one thing about what's
7 going on with the child to -- you know, on a 9-1-1
8 call or to the first responders at the scene. And
9 then as they get to the hospital, the providers there
10 may say, no, that's not what these injuries match up,
11 and they kind of change their history. And by the
12 time it gets to me it's on a third or fourth version
13 of what happened to the child, that's always very
14 concerning for those -- each of those histories to
15 figure out what's going on with the child.
16 As well, if they give out history to other
17 people within the process, like an investigator or
18 something, again, that raises red flags for me.
19 Q When you are evaluating the injuries to the
20 child, does it make a difference to you how old the
21 child is?
22 A Yes, ma'am.
23 Q In other words, do you take into
24 consideration a child's developmental abilities?
25 A Of course.

1 **Q With respect to a typical 4-year-old child,**
2 **do you -- what type of normal, usual developmental**
3 **ability should a 4-year-old child have?**
4 A An average 4-year-old is able to walk, run,
5 play, climb, and do normal childhood activities and
6 have normal childhood injuries. Typically on the
7 front part of their legs or sometimes on their elbows,
8 if they fall down while they're playing. Those are
9 the type of injuries I see pretty much every day when
10 I'm just seeing kids for routine visit.
11 **Q So when you see those normal childhood-type**
12 **play injuries, that doesn't cause you concern?**
13 A Correct.
14 **Q Can you tell us what type of injuries if you**
15 **see on a -- on a 4-year-old child, what type of**
16 **injuries would cause you concern?**
17 A So both within my clinical experience, again,
18 and within the medical literature, we know that there
19 are certain places when kids have injuries that have
20 higher likelihood of being inflicted or abusive.
21 One of those would be bruising on the ears.
22 Ears really don't bruise that easily. Bruising on the
23 soft spots of the cheek or face. Any trunk bruising,
24 so bruising on the chest wall, on the abdomen. And
25 then sometimes we do see some small bruising on the

1 back over the place where your spine kind of pokes
2 out. Those are typically tiny, not widespread
3 scattered bruising on the back. As well as, bruising
4 on the buttocks or protected areas, like the inner
5 parts of the thighs, inner parts of the arms, where
6 they're typically not falling and injuring those
7 parts.
8 **Q Would any type of pattern injury cause you**
9 **concern?**
10 A Yes, ma'am.
11 **Q What do you mean by that and why?**
12 A So pattern injuries, for me, would be things
13 where you see, like, loops. That's typically
14 indicative of some sort of instrument that's kind of
15 bent over and applied to the child with a lot of force
16 causing a loop pattern injury. Or a linear pattern,
17 like a line, particularly curving linear, flexible
18 pattern.
19 Because kids will get small little bruises
20 that kind of resemble lines if they, like, run into a
21 board with the side of their leg. Those are typically
22 small. But when it actually wraps around the
23 curvature of their body, that shows an instrument hit
24 in one place and wrapped around and struck on another.
25 So those type of pattern injuries are always

1 concerning for me as I'm evaluating a child's
2 injuries.
3 **Q When you're talking about evaluating a**
4 **child's injuries, is it considered a red flag if the**
5 **child has injuries literally all over her body on all**
6 **different planes of her body?**
7 A Yes. So the distribution as well as the
8 number of injuries is always very concerning for me.
9 Again, I see very active, playful children
10 with bruises on normal kid parts of their body, but
11 when I see them widespread and all over their body,
12 that's always another red flag for me.
13 **Q Can you tell us in your work at the**
14 **Children's Advocacy Center, during what hours of the**
15 **day is the center staffed with a pediatrician such as**
16 **yourself?**
17 A The medical staff is there, with our nurse
18 being there before 8:00, and the medical staff coming
19 in right around 8:00, until 5:00 most days, unless we
20 get called out to the hospital. So an 8:00 to 5:00,
21 in-house, and then we're on-call 2/47.
22 **Q So if you're in-house 8:00 to 5:00, and an**
23 **officer -- patrol officer calls from the field with a**
24 **concern of a child who has been injured, can they then**
25 **bring that child to the center for a full medical**

1 evaluation?
2 A Yes, ma'am.
3 Q Have there been times when a child is brought
4 in for a full medical evaluation and ultimately you
5 have to admit that child to the hospital?
6 A Yes, ma'am.
7 Q Have there been times when you have perhaps
8 received a description of the child's injuries over
9 the phone or through the patrol, but you discover that
10 there's much more to it once the child actually
11 arrives?
12 A Yes, we do.
13 Q I want to specifically direct your attention
14 to the case involving Lilah Lalehparvaran. Did you
15 have the opportunity to see her and treat her as a
16 patient?
17 A I did.
18 Q Can you tell us when and how you first heard
19 about Lilah and first heard that perhaps she was
20 coming into the center to be seen?
21 A Yes, ma'am.
22 It was on January 9th, 2015, late
23 afternoon. And we had received a call -- or a request
24 from Child Crisis detectives that had been informed by
25 uniform officers that they had a child with a facial

1 bruise that they would like to have evaluated.
2 **Q And at that point in time did you have any**
3 **idea as to the extent of her injuries other than**
4 **facial bruising?**
5 A No. The only history we had is that she had
6 a mark on her face that was concerning for a bruise.
7 **Q Typically when a child is brought into the**
8 **Children's Advocacy Center for a medical exam and that**
9 **child is old enough to be forensically interviewed, do**
10 **you typically want that forensic interview to take**
11 **place before the medical exam?**
12 A That's part of our protocol, is have a child
13 forensically interviewed first and then the medical to
14 follow afterwards, yes, ma'am.
15 **Q Why would that be your protocol?**
16 A It allows the child to talk with an
17 interviewer and tell their story in their own words.
18 And then that interviewer, along with the requesting
19 personnel, can come in and we staff the case together.
20 Oftentimes I can say whether or not the child would
21 need a medical based just off what they've talked
22 about during their interview.
23 **Q And do you know, at the point in time that**
24 **Lilah was brought to the center, was she forensically**
25 **interviewed?**

A Yes, she was.
Q Was she fully clothed at the time?
A Yes, ma'am.
Q Ultimately, after the interview then did you see her as a patient?
A I did.
Q Were you able to determine how old Lilah was at the time?
A She had just turned 4.
Q She had just turned 4 years old. Is that correct?
A Yes, ma'am.
Q And when you saw her -- or before you actually conducted your physical examination, were you able to obtain a history as to how and why Lilah was there to see you?
A I did.
Q Who did you obtain the history from?
A Detective Maker with the Child Crisis Unit, as well as visiting with Ms. Gantz who did the forensic interview.
Q Did you also have the opportunity to speak with Lilah's mother, the defendant in this case, Kerry Lalehparvaran?
A I did. And that was during the course of my

1 medical evaluation of Lilah.
2 **Q Did you also have the opportunity to speak**
3 **with Lilah? And did she make statements to you during**
4 **the course of your medical examination?**
5 A Yes, she did.
6 **Q Were each of these sources of history that**
7 **you obtained, did you use them, ultimately, part of**
8 **your medical diagnosis and treatment for Lilah?**
9 A Yes, ma'am, I did.
10 **Q Can you tell us, first, what history you were**
11 **able to obtain from Detective Maker?**
12 A Yes, ma'am.
13 Detective Maker -- excuse me. Detective
14 Maker had reported to me that Lilah and her mom were
15 in a house where officers responded to a domestic
16 dispute between Mom and her boyfriend. Upon arriving,
17 they -- officers noted that Lilah had an injury to her
18 face.
19 MR. BOEHEIM: Objection, Your Honor.
20 THE COURT: What is your objection?
21 MR. BOEHEIM: Hearsay.
22 MS. MCAMIS: It's a specific exception to the
23 hearsay rule. Statements --
24 THE COURT: What is -- what is the exception?
25 MS. MCAMIS: Statements made for the purposes

1 of medical diagnosis and treatment.
2 THE COURT: Objection is overruled.
3 You may continue.
4 THE WITNESS: Thank you.
5 She had been in the home during the course of
6 a domestic dispute and officers had noted a bruise on
7 her face and they would like -- they requested to have
8 her evaluated based off of that.
9 **Q (By Ms. Mcamis) The fact that you were given a**
10 **history that there had been a domestic dispute at the**
11 **house, was that, in and of itself, concerning to you?**
12 A Yes, ma'am.
13 **Q Dr. Baxter, in your training and experience**
14 **as a Child Abuse Pediatrician, what link or concern do**
15 **you see between domestic violence between adult**
16 **partners and the -- and then the children who are**
17 **residing in that home?**
18 A So we do have a link. And there's been
19 multiple studies showing domestic violence -- or what
20 I will refer to as intimate partner violence, when
21 it's between a caregiver and another partner, there's
22 a -- about a 50 to 60 percent chance that a child in
23 that home is also having abusive injury happening to
24 them. And vice versa. If a child is being abused,
25 there's a decent chance for intimate partner violence

1 to be happening as well.
2 **Q You told us about the history you obtained**
3 **from Detective Maker. What history did you obtain**
4 **from Ms. Gantz, who had conducted the forensic**
5 **interview?**
6 A She reported that Lilah disclosed that Daddy
7 did it and that --
8 **Q Did she say what instrument he had used?**
9 A Yes.
10 **Q What?**
11 A It was with a paddle.
12 **Q You said you also were able to speak with**
13 **the -- the defendant in this case, Lilah's mother?**
14 A Yes, ma'am.
15 **Q What history did she tell you about what had**
16 **happened earlier that morning?**
17 A Yes, ma'am.
18 Lilah's mom informed me that that morning she
19 had found her -- Lilah being choked and hit with a
20 pillow by her boyfriend. And she informed me that she
21 had also, herself, been hit with the pillow and pushed
22 down by the boyfriend, over that morning, particularly
23 for that day.
24 She also informed me that she had seen
25 bruising on Lilah earlier in the week. This was on a

1 Friday, but she had seen bruises on Sunday. And that
2 she had been concerned about leaving Lilah with her
3 boyfriend and so she had quit her job to stay home
4 with her.
5 **Q And specifically with respect to the bruising**
6 **that she told you she had seen on Lilah on the**
7 **previous Sunday, where on Lilah's body did she say**
8 **that she had seen browsing?**
9 A On her back and buttocks area.
10 **Q Did she tell you -- when she was describing**
11 **the incidents that had occurred on Thursday and**
12 **Friday, did she tell you whether or not she had done**
13 **anything to help Lilah during that particular attack?**
14 A I asked her what she did when she saw the
15 injuries. And she reported that she had not done
16 anything for Lilah.
17 **Q Did she -- did you -- did she tell you**
18 **anything about the cell phone, her use -- her ability**
19 **to access a cell phone during the course of the**
20 **attack?**
21 A Yes, ma'am.
22 The reason she said she had not done anything
23 for Lilah is because she stated that her cell phone
24 had been taken by the boyfriend and she wasn't --
25 that's why she didn't leave the home to go seek help

1 for Lilah.
2 Q During the course of your medical exam, did
3 the defendant have a cell phone?
4 A Yes, she did.
5 Q And did she, in fact, use her cell phone
6 during the course of the medical exam?
7 A Yes, she did.
8 Q You told us that when the mom told you that
9 she saw the bruising to Lilah's back and buttocks on
10 Sunday that she had quit her job. But did she say
11 whether or not she had sought any medical attention or
12 any help at that point in time?
13 A She denied seeking any help or medical
14 attention for Lilah.
15 Q Did you ask the mom, the defendant in this
16 case, about any potential injury to her four-month-old
17 baby Trinity?
18 A I did.
19 Q And what did she tell you about that?
20 A She denied that there was any injury to
21 Trinity. And specifically said it was because it was
22 her boyfriend's baby, that he wouldn't hurt the baby.
23 Q In your training and experience as a Child
24 Abuse Pediatrician, how concerning is it to you when a
25 parent differentiates between his baby and not his

1 **baby?**
2 A It's very concerning for me. When we see
3 multiple siblings or multiple children in the home
4 there can often be an index child that is -- that is
5 kind of a target of the violence, receives a lot of
6 the violence. And oftentimes that child may be
7 non-related to the perpetrator.
8 **Q Did you ask the defendant how long she had**
9 **been in a relationship with this boyfriend and what**
10 **she knew about his past history?**
11 A I did.
12 **Q And what did she tell you about that?**
13 A It had been several months. She had bonded
14 him out of jail back in November, 2014. And she
15 was -- when I asked what he had been in jail for, she
16 wasn't quite sure. Thought it might be assault or a
17 robbery.
18 **Q Did you also specifically ask her how Lilah**
19 **got all of the bruises and injuries to her body?**
20 A I did.
21 **Q And what did she tell you about that?**
22 A She reported that she had been choked and hit
23 by her boyfriend.
24 **Q Did she describe -- when she was telling you**
25 **what -- about the bruising to the body, did she say**

1 **what instrument her boyfriend had used to hit Lilah**
2 **with?**
3 A The paddle.
4 **Q When you were -- also in the course of your**
5 **examination you said that Lilah made statements to**
6 **you. Is that correct?**
7 A Yes, ma'am.
8 **Q Basically, how did you approach that with**
9 **Lilah?**
10 A I -- when I saw the injuries on her I just
11 asked her, How did you get this owie? And for several
12 of the owies she said, Daddy did it. And then after I
13 had asked about several different areas of her
14 injuries, she stopped answering me and just started
15 crying.
16 **Q Can you describe her demeanor as you**
17 **conducted your physical examination?**
18 A Yes, ma'am.
19 She was very fussy and irritable, tearful and
20 crying through much of the exam.
21 **Q During your examination did you complete a**
22 **diagram as to all of the different locations of**
23 **injuries on Lilah's body?**
24 A After my exam was completed, I did sit down
25 and draw something called a trauma gram. Just kind of

1 a visual representation of the areas of injury on
2 Lilah.
3 MS. MCAMIS: May I approach, Your Honor?
4 THE COURT: You may.
5 **Q (By Ms. Mcamis) Dr. Baxter, I'll hand you what**
6 **have been marked as State's Exhibits 22 through 25.**
7 **Are those the trauma diagrams that you completed**
8 **during the course of your examinations?**
9 THE WITNESS: If I may have a minute, Your
10 Honor.
11 THE COURT: Absolutely.
12 THE WITNESS: Thank you.
13 Yes, ma'am, they are.
14 MS. MCAMIS: Your Honor, at this time the
15 State moves for admission of State's Exhibits 24
16 through -- I'm sorry, 22 through 25, and ask that I be
17 allowed to publish.
18 THE COURT: Response.
19 MR. BOEHEIM: No objection from the Defense,
20 Your Honor.
21 THE COURT: State's 22 through 25 will be
22 admitted without objection.
23 One moment, please.
24 **Q (By Ms. Mcamis) Dr. Baxter, I'll first hand**
25 **you a blow-up of what you have already admitted as**

1 **State's Exhibit No. 22. And can you tell us what you**
2 **diagrammed on that particular portion of the trauma**
3 **gram?**
4 A Can you hear me okay if I'm sitting like
5 this?
6 This would be the trauma gram that I did for
7 the front part of Lilah showing the different injuries
8 that were noted on her. At the top would be the date
9 and -- that I saw her and her chart number.
10 This is kind of a closeup of her face on the
11 right side, with each number indicating what type of
12 injury I saw. And then the whole frontal part of her
13 body, the different areas of injury that I saw on the
14 front part of her body, or medically referred to as
15 the anterior portion of her body.
16 **Q Now I'll show you State's Exhibit No. 23.**
17 **And is that a blow-up of State's Exhibit No. 23?**
18 A Yes, ma'am, it is.
19 **Q Can you tell us what you were diagramming on**
20 **that portion of the trauma gram?**
21 A Again, this would be her -- a trauma gram
22 showing her neck and jaw area. Kind of lifts the neck
23 up to show the different areas there. And then it
24 shows the areas in the mouth where I saw some injury
25 back on the pallet or the part of her mouth where you

1 can push up on it with your tongue, and the bruising
2 on each of her ears that I noted.
3 **Q State's Exhibit No. 24. Is this the -- a**
4 **blow-up of that trauma gram?**
5 A Yes, ma'am, it is.
6 **Q And can you tell us what you documenting on**
7 **State's Exhibit No. 24?**
8 A This is the posterior or backside injuries
9 that I saw, particularly the bruising -- extensive
10 bruising on her back as well as the linear bruising on
11 her buttocks. An area of hair missing on the back of
12 her head, as well as some of the bruising that was
13 noted actually behind the ear on the scalp.
14 **Q And State's Exhibit No. 26. Is that a**
15 **blow-up of that particular exhibit?**
16 A Yes, ma'am.
17 **Q And can you tell us what --**
18 A No, this is State's Exhibit 25, if I may
19 clarify that.
20 **Q I'm sorry. State's Exhibit 25. What were**
21 **you trying to document on that trauma gram?**
22 A This would be, again, the trauma gram showing
23 the lateral and medial sides of -- there the body's
24 kind of standing sideways so that you can see the side
25 of one half of the body, and then the medial or

1 anterior part of the other part. Again, documenting
2 the injuries -- extensive injuries she had on the
3 right side of her body and the left side of her body.
4 And, again, showing the bruising on the left and right
5 side of the patient's scalp, going down to the thorax
6 and all the way down to the feet.
7 **Q Dr. Baxter, is it safe to say that Lilah had**
8 **so many injuries it was difficult to actually document**
9 **them all?**
10 A Correct. There are so many injuries that
11 this is the best representation I can do by just kind
12 of writing -- or drawing them out on the trauma gram.
13 **Q Were photographs also taken of all of her**
14 **injuries?**
15 A Yes, ma'am.
16 MS. MCAMIS: May I approach again, Your
17 Honor?
18 THE COURT: Yes, ma'am.
19 **Q (By Ms. Mcamis) Dr. Baxter, I'll hand you what**
20 **have been marked as State's Exhibits 26 through 69.**
21 **Can you tell us, are those the photographs that were**
22 **taken to attempt to document Lilah's injuries? And**
23 **did those photographs truly and accurately reflect how**
24 **her injuries looked on that day?**
25 THE WITNESS: Your Honor, if I may just have

a moment.

THE COURT: Yes, sir.

THE WITNESS: And I'll try to be quick.

THE COURT: Take your time, sir.

THE WITNESS: Thank you.

Yes, ma'am, they are.

MS. MCAMIS: Your Honor, the State moves for the admission of State's Exhibits 26 through 69, and ask to publish to the jury.

THE COURT: Response.

MR. BOEHEIM: No objection from the Defense, Your Honor.

THE COURT: Thank you. State's 26 through 69 will be admitted without objection.

One moment.

MS. MCAMIS: Your Honor, may Dr. Baxter leave the stand as we do so? And may we dim the lights as we do so?

THE COURT: Yes.

Q (By Ms. Mcamis) Dr. Baxter, I'll start by showing you what has been admitted as State's Exhibit No. 26. And can you describe for us what we're looking at here?

A This is Lilah's face. I take it -- one of every child I see when I'm documenting a case just so

1 I can recall what they look like. But it also shows
2 several injuries that are on her face, including some
3 of the bruising on her cheeks. You can see bruising
4 on her chest and on her arm, as well as on her
5 forehead with this photo.
6 **Q And at the time that Lilah was initially**
7 **brought to the center, is it safe to say that it was**
8 **just her face that could be observed at that point in**
9 **time?**
10 A When she was brought she was clothed, so the
11 only injuries that were noted were the -- the one that
12 was of concern was the bruise on, I believe, the right
13 side of her face.
14 **Q State's Exhibit No. 27. Can you first tell**
15 **us what this is and why you have that in the picture?**
16 A The black and white L-shaped device is called
17 a standard from the American Board of Forensic
18 Odontologists. It's used -- I use it to help when I
19 take photos for a few reasons. One, it tells me
20 what's black, white, and gray, so it provides that
21 scale for me. And also provides sizing for injury for
22 me and gives -- so that when I go back, I can actually
23 measure the size of injuries that I saw on the child.
24 And this one is -- particularly has
25 centimeters, which is metric, as well, at the top --

1 well, actually it's just all centimeters looks like.
2 **Q And with respect to State's Exhibit No. 27,**
3 **we can see what appears to be a large Band-Aid in that**
4 **picture. Did you put that Band-Aid there?**
5 A I don't recall. But I think it was put on
6 perhaps by my nurse or after she arrived.
7 **Q All right. And with respect to State's**
8 **Exhibit No. 27, is there a pattern injury that you can**
9 **see to the right-hand side of Lilah's forehead?**
10 A Just kind of several scattered petechial
11 injury on her forehead, little tiny dots of injury, as
12 well as kind of scabbing almost.
13 **Q State's Exhibit No. 28. Is that a closeup of**
14 **the left-hand side of her forehead, if you will?**
15 A Yes, ma'am.
16 **Q And what was concerning about the left-hand**
17 **side of her forehead?**
18 A Again, had that similar pattern injury with
19 the cluseclected (phonetic) petechialer small bruise
20 injury and the -- then small little abraded areas.
21 **Q State's Exhibit No. 29. Does that also show,**
22 **now without the Band-Aid, the area of skin that you**
23 **were talking about?**
24 A Yes, ma'am.
25 **Q And State's Exhibit No. 30. Is that a**

1 closeup of that same type of injury to the left-hand
2 side of her face?
3 A Yes, ma'am.
4 Q Do you have an opinion, Dr. Baxter, as to
5 whether or not the pattern injury that we see across
6 her forehead and across her face is consistent with
7 her being struck with force with the bristle side of a
8 hair brush?
9 A Based off of the injury pattern, I think that
10 would be a plausible mechanism of injury for the
11 injury we're seeing on that.
12 Q And going back to State's Exhibit No. 29.
13 Can you tell us what is concerning about her eye --
14 her right eye in this photograph?
15 A There's bruising. There's a small laceration
16 on the inside part of her upper eyelid, as well as
17 some bruising on her upper eyelid.
18 Q State's Exhibit No. 31. Can you tell us what
19 we're looking at there and what the significance is?
20 A Significant bruising on her cheek on the left
21 side on that kind of soft part of the cheek that
22 always raises concern with me.
23 Q When you say raises concern, is this in any
24 way consistent with normal, typical childhood
25 activity?

1 A Not typically. Again, the soft part of the
2 cheek is not that easy to bruise. You know, where you
3 have the hard bone on your cheek, some kids can run
4 into stuff and get a small contusion there. But this
5 is actually on that softer part. So that's always an
6 area of concern for me when I see it.
7 **Q And we're looking at the left-hand side of**
8 **her cheek now. And State's Exhibit No. 32, does that**
9 **show the right-hand portion of her cheek?**
10 A Yes, ma'am.
11 **Q And what is concerning about the fact that**
12 **she has these injuries to both sides of her cheeks**
13 **instead of just one side?**
14 A For me that implies two impact or forces of
15 mechanism of injury. So she's impacted on both the
16 right and left side and not just a one-time event.
17 **Q Are you even able to tell by looking**
18 **specifically at the injuries to her face how many**
19 **times she was struck in the face?**
20 A I can't.
21 **Q And describe for us why you cannot.**
22 A There's just so many bruising -- areas of
23 bruising on her face. And the different areas on her
24 face, I don't know how many times those would have
25 happened.

1 Q I'm going to show you a series of photographs
2 of her ears now. And I'll start with State's Exhibit
3 No. 33. This is showing the exterior of her right
4 ear.
5 You told us a little bit about ear bruising
6 earlier. But why is this so significant to you, the
7 location and the different bruises that she has on her
8 ear?
9 A So this is concerning for me because the ears
10 are basically skin over cartilage. They don't have a
11 very high blood supply so we don't often see bruises.
12 When I see them on accidents stuff, it's on wrestlers
13 or something who get injuries on their ears. That's
14 actually why they wear this. So when I see children
15 with bruising on their ears, it's typically some high
16 impact injury that has happened to those ears.
17 On hers -- on Lilah's ear detection, the
18 upper part going towards the inner part towards the
19 canal, so for me this is some sort of impact injury to
20 her ear. The reason it concerns me when I see ear
21 bruises, is the ears are connected to the head and
22 that could indicate internal injury or intracranial
23 injury.
24 Q And, also, in addition to the ear bruising
25 that we see in State's Exhibit No. 33, you see more

1 extensive bruising coming back to her ear and on the
2 bottom of her cheek and face. Is that correct?
3 A Correct.
4 Q When you're talking about that many bruises
5 to the head of a 4-year-old child, her size and her
6 height, is that, in and of itself, concerning to you?
7 A Yes, it's very concerning for me. The reason
8 I was concerned enough for her -- to eventually send
9 her on for further care.
10 Q Some of the bruises and injuries that we see
11 to her cheek and her face, such as that one that I'm
12 pointing to, are those in any way consistent with her
13 being forcefully grabbed across her face and cheeks?
14 A The smaller kind of just roundish bruises,
15 are things we see when kids are grabbed or squeezed on
16 the neck and kind of leave almost a thumbprint or
17 fingerprint-type injury.
18 Q State's Exhibit No. 34. Are we looking at
19 behind her right ear, in essence?
20 A Correct. So I always fold the ear back and
21 look at the back of the ear as well, as well as the --
22 the bone that's back there, the mastoid, and going up
23 towards the parietal and the rest of the scalp for
24 other injuries.
25 Q And what is significant about what we see in

1 State's Exhibit 34?
2 A That there's bruising back on that bone back
3 behind her ear on the scalp.
4 Q Does that also indicate the level of force
5 that was inflicted upon her?
6 A Yes, ma'am, it does.
7 Q State's Exhibit No. 35. Now we're looking at
8 Lilah's left ear. Is that correct?
9 A Correct.
10 Q And can you tell us what is significant about
11 that?
12 A Again, there's bruising on that upper inner
13 part of her ear and significant for a high impact
14 injury to cause the bruising.
15 Q And does this indicate the fact that she has
16 such significant bruising on both ears that she has
17 been struck more than once on both sides of her head?
18 A This would be consistent with two impact
19 sites having -- being both on the right and left ear.
20 Q State's Exhibit No. 36. Is that another view
21 of a different bruising injury to her -- her left ear?
22 A Yes. It's actually -- we're now looking at
23 kind of the top part of the ear, more external, that
24 you can see, a little bit towards the back.
25 Q And State's Exhibit No. 37. Does that also

1 **document the injuries to her left ear?**
2 A Yes, it does.
3 **Q State's Exhibit No. 38. Did you look, again,**
4 **behind her left ear as you told us you did on the**
5 **right?**
6 A Correct.
7 **Q And what was significant about that?**
8 A Again, it -- just concern for some bruising
9 back on that part of her scalp.
10 **Q State's Exhibit No. 39. Can you tell us the**
11 **significance of what we're looking at there?**
12 A These are the bruises -- I was concerned
13 about bruising on her neck -- or her jawline, those
14 round-type bruises that could be from a grab or a hold
15 of a child.
16 **Q And I'm going to -- well, I'll show you a**
17 **couple more of her neck and chest. State's Exhibit**
18 **No. 40. Can you tell us what we're looking at there?**
19 A This is more of the left side, again, showing
20 the bruises on the jawline, neck, and a little bit
21 lower on the -- where the -- your collarbone is,
22 bruising on the left.
23 **Q And State's Exhibit No. 41.**
24 A This is a closeup showing kind of several
25 scattered round bruises on the left side.

1 **Q Are these injuries that we've seen in these**
2 **photographs consistent with Lilah being choked?**
3 A These would be injuries I do see in children
4 that have a strangulation or choking-type mechanism,
5 as the fingers kind of grab around the neck. So, yes,
6 I would say that's a consistent history.
7 **Q What is the danger, what is the concern, with**
8 **a child of Lilah's age and size being choked, her**
9 **airway being restricted in any manner?**
10 A Any child being choked or having an airway
11 constricted is very concerning. If they lose the
12 ability to transmit oxygen to their brain, then their
13 brain can receive injury and have what's called an
14 (inaudible) --
15 THE REPORTER: I didn't hear that. I'm
16 sorry.
17 THE WITNESS: Anoxic ischemic injury. And
18 that can cause a lot of problems for children,
19 including that.
20 **Q (By Ms. McAmis) With respect to a child**
21 **being actually choked, do you have an opinion as to**
22 **whether that act, in and of itself, can cause**
23 **psychological trauma or damage to the child?**
24 A I do.
25 **Q And what is that?**

1 A Yes, that's psychologically traumatic to --
2 to anyone to be choked, and particularly a child -- a
3 4-year-old child.
4 **Q State's Exhibit No. 42. Now we're looking at**
5 **her chest area, almost between her nipples, a little**
6 **bit above. Is that correct?**
7 A Correct.
8 **Q What is the significance of that particular**
9 **injury?**
10 A Again, for me, this is bruising on the chest
11 wall, on the sternum or the breast plate that's there.
12 It's concerning for me because it's not a normal
13 location and there's also very important organs
14 underneath there, like your lungs and heart that could
15 be traumatized if they have that impact there and the
16 force is transmitted more internally.
17 **Q State's Exhibit No. 43. What are we looking**
18 **at there?**
19 A It's similar bruises on the right side, now,
20 on her upper chest wall, kind of the round bruises
21 that we saw.
22 **Q State's Exhibit No. 44. Now are we looking**
23 **at the top of Lilah's right shoulder?**
24 A Yes.
25 **Q And what is significant about that?**

1 A It's not a normal location for bruising.
2 It's kind of a line-type bruise from some sort of grab
3 or hold and then small little bruises that we could
4 see again from fingerprints.
5 **Q When you talk about some type of grab or**
6 **hold, are you able to tell us how -- whether this**
7 **would be a reasonable, normal parenting grab or hold,**
8 **or some type of extremely forceful grab or hold?**
9 A For me, this type of injury shouldn't occur
10 with normal childhood handling or just holding your
11 child. This is -- caused tissue injury, so it's
12 excessive.
13 **Q State's Exhibit No. 45. Now we're looking at**
14 **a different location on her left shoulder. Is that**
15 **correct?**
16 A Correct.
17 **Q And what's the significance of that injury?**
18 A Again, bruising in an unusual location for a
19 child. A rather large bruise at the top of the left
20 shoulder and other small bruises lower down on her
21 arm.
22 **Q And when you're talking about the smaller**
23 **bruising, we're talking about -- you can see some on**
24 **the back and then going all the way down here. Is**
25 **that correct?**

A Correct.

Q State's Exhibit No. 46. Now we're looking at this part of Lilah's left arm. Is that correct?

A This is actually the right arm. It's upper part of her right arm.

Q I was all messed up on my picture. I apologize.

A That's okay.

Q So it's actually -- she's laying down, I'm sorry, and her shoulder is here?

A Yes, ma'am.

Q And then her elbow and her hand would be up here at the top of the --

A Correct.

Q Is that correct? I apologize.

Can you tell us -- describe the significance of those injuries that we're seeing in State's Exhibit No. 46.

A So this injury is concerning to me on her upper right arm, again, location, the pattern, the line. And it's also in an area where I see defensive injuries. We can see more going down the rest of her arm.

So when kids are being hit and they're trying to protect themselves, they may raise their arm to

1 protect the blow, particularly from their head or
2 their belly, and get injuries on their arms and their
3 forearms during that event.
4 Q When you talk about injuries to her arms and
5 forearms and protective injuries, in State's Exhibit
6 No. 47, again, now we're going down her arm. This is
7 her shoulder -- her right shoulder and we're going
8 down her arm. Is that correct?
9 A Correct.
10 Q And what is the significance, first, of the
11 injuries that you're measuring here in State's Exhibit
12 No. 47?
13 A So these are more on her forearm. They're
14 not in a normal place I see bruises on kids' forearms.
15 Those would be more kind of the elbow or just right
16 underneath it if they fall. These are on the outside
17 parts, where, again, those defensive-type injuries if
18 they raise their arm to protect themselves.
19 I mean, just the number of injuries and the
20 different type of injuries. Where some look like more
21 lines and some look like small little tiny dots of
22 injury. Extend all the way down to her hands, as
23 well.
24 Q And as we extend down to her hand, first of
25 all, she's -- in both her hands she's holding

1 **something here. Can you tell us what that is she's**
2 **holding?**
3 A This is just something we use to kind of
4 distract kids to kind of help them calm down if
5 they're upset. It has some sort of fluid in there,
6 kind of like water, and several things, moon shaped
7 different colors.
8 I actually use it to help me establish
9 rapport with children. I can hand it to them and ask
10 them how many different shapes they see, different
11 colors they see. And sometimes it's just kind of a
12 comforting thing for them to hold something during the
13 course of their exam.
14 **Q State's Exhibit No. 48. Again, we're moving**
15 **down her right arm. Is that correct?**
16 A Right.
17 **Q And what were you documenting there?**
18 A The bruises closer to her wrist, the
19 contusions there, and the small little petechial
20 injury on her wrist. And then, again, you can see the
21 hand as well.
22 **Q With respect to the hands, State's Exhibit**
23 **No. 49, you were measuring the location of those**
24 **particular injuries. Is that correct?**
25 A Correct.

1 Q And then in State's Exhibit No. 50, now this
2 is the back of that same right arm. Is that correct?
3 A Correct.
4 Q State's Exhibit No. 51. Now we're on her
5 left arm. Is that correct?
6 A Correct.
7 Q And just to orient, her left shoulder is up
8 here, her elbow, and then her hand is up here across
9 her chest as it was before?
10 A Correct.
11 Q And can you tell us the significance of what
12 we're looking at in State's Exhibit No. 51?
13 A So this is her left arm, again, showing a
14 pattern injury of -- a rather diffuse pattern injury
15 of that line going down her arm, fairly extensive in
16 that defensive part where we can see children kind of
17 raise their arm to protect themselves.
18 Q State's Exhibit No. 52. Again, this is her
19 left arm. Is that correct?
20 A Correct.
21 Q And what were you documenting here?
22 A Again, past the elbow on the forearm in an
23 area we normally don't see bruising. This could be
24 from the defensive or a grab or hold of the arm.
25 Q State's Exhibit No. 53. And, first, just to

1 **orient us, Lilah's head is up here and her legs are**
2 **down here. Is that correct?**
3 A Correct. And her chest is at the top.
4 **Q Okay. Tell us the significance and what you**
5 **were documenting in this particular injury.**
6 A This was a large injury I saw on her right
7 flank. Extensive bruising going from just past where
8 her ribs would be, extending all the way to her back.
9 This injury is concerning for me. Again, it's not a
10 normal location, the extensiveness of it.
11 And then very concerning to me would be the
12 organs underneath this, kidneys and livers -- kidney
13 and the liver, excuse me, as well as you could
14 actually get into some colon injury as well with an
15 impact injury at the site.
16 **Q Are you even able to tell layers upon layers**
17 **of injury here? Are you even able to tell how many**
18 **times she was struck in this location?**
19 A I can't. There's just so many -- so many
20 injuries on that part.
21 **Q Are you able to tell, is this consistent with**
22 **a punch, with a kick, with a throw? Do you know the**
23 **mechanism of injury here?**
24 A I don't know exactly how the injury happened.
25 **Q To be very clear, is this in any way**

1 **consistent with her being hit with a pillow?**
2 A No, ma'am. I don't think a pillow would
3 cause this type of injury.
4 **Q State's Exhibit No. 54. And, now, again, to**
5 **orient where -- this is still on her left side. This**
6 **is what we were just looking at. And this is more**
7 **toward her hip area. Is that correct?**
8 A Yes.
9 **Q Can you tell us what we're looking at in**
10 **State's Exhibit 54?**
11 A It is more bruising going down from that
12 right side down towards her hip area, a little bit on
13 the abdomen coming down towards her leg.
14 **Q And State's Exhibit No. 55. Can you orient**
15 **us and tell us what we're looking at there?**
16 A We've now stretched to the left side of her
17 body where she had a -- what I call a left lower
18 quadrant or down on the left side of her belly just
19 above the hip, a large contusion and bruise extending
20 towards her back as well. So you're looking at her
21 left side with her leg on my side and her arm on the
22 other side of the photo.
23 **Q When you're talking about the danger to her**
24 **underlying organs and the fact that this -- now we've**
25 **seen her left side and her right side, how significant**

1 **is it that it's that extensive all across her body?**
2 A So, for me, again, this shows that she's had
3 impact on multiple sides of her body. This wasn't
4 just where she fell once and did some -- she has the
5 bruising on parts of her body that I don't expect
6 bruises to happen with normal childhood activity.
7 **Q State's Exhibit No. 56. Can you tell us what**
8 **we're looking at now?**
9 A Yes, ma'am.
10 This is just kind of a general picture of her
11 back showing the extensive amount of round contusions
12 all the way from her shoulders, extending all the way
13 down to her buttocks. And you can also see some
14 linear pattern bruises extending from her buttocks on
15 both sides, particularly on the right, coming up
16 towards her right hip.
17 **Q And I want to ask you more about the linear**
18 **marks that you're talking about in just a moment.**
19 **But, with respect to the overall condition of**
20 **her back and the number of injuries and the**
21 **distribution of those injuries, how concerning is that**
22 **to you?**
23 A This is -- these are very concerning
24 injuries. Again, I see kids with routine bruises and
25 they'll sometimes have one or two small little bruises

over the spine or the back when they go down the slide or something. However, these are just so diffuse and they're all over. I am, again, worried about that trauma being transmitted internally causing damage.

Although it's on the back, right behind there you have your lungs. We can see the other bruises on the right side where her liver could be impacted, as well as some of the bruising on the left would be, again, near her left kidney or potentially spleen.

Q And you were talking about near her kidney and her liver, I think, on the right side. Is that what you said?

A Yes, ma'am.

Q And is that what's shown in State's Exhibit No. 57 then?

A Correct. This is a continuation of the previous photo from the -- where it kind of started on the right chest and extended all the way back to the backside on her right.

Q And just for the purposes of the record, we can see someone holding Lilah in these pictures as you take these pictures and document the injuries of -- the location of the injuries. Is this actually her mother, Kerry Lalehparvaran, holding her?

A Yes, it is.

1 **Q At that --**
2 A In this particular photo.
3 **Q At that point in time why were you having her**
4 **mother hold her for the purposes of the pictures?**
5 A When Lilah and her mom first presented, it
6 was felt that the mom had -- maybe had injury as well.
7 And we wanted to have Lilah examined, so Mom came back
8 and kind of helped us. We usually have the caregiver
9 come back and is able to provide history to me for
10 Lilah's injuries.
11 **Q And that would be the normal course of**
12 **business unless and until it's determined that a**
13 **parent is actually a perpetrator, herself. Is that**
14 **correct?**
15 A Correct.
16 **Q State's Exhibit No. 58. Can you describe**
17 **what we're looking at there and what the significance**
18 **is of those injuries?**
19 A These are linear bruises that I noted on her
20 back extending from the midline of the back going up
21 towards her hip on both the right and left side.
22 Several linear bruises going -- basically, linear is a
23 line, going all the way to her hips.
24 **Q And, Dr. Baxter, are those injuries**
25 **consistent with a child being held up around her**

1 **shoulders while an adult man takes a belt and swings**
2 **with all of his might and strikes her across that area**
3 **with the belt?**
4 A These injuries are consistent with a flexible
5 pattern injury such as a belt. That would be a
6 consistent history.
7 **Q Do you have an opinion as to whether or not**
8 **it's a consistent history to say she was only struck**
9 **twice with a belt?**
10 A I don't think she was only struck twice
11 because we see the bruises going on both the right and
12 left side and then multiple hit lines in that area.
13 So I think this is more than one application of force.
14 **Q State's Exhibit No. 59. Can you tell us what**
15 **we're looking at there?**
16 A Yes. This is Lilah's left side, kind of to
17 the back where she had, again, some bruises on that
18 flank area, from her back kind of extending towards
19 the front.
20 **Q State's Exhibit No. 60. Can you tell us what**
21 **we're looking at there?**
22 A Yes, ma'am. These are bruises on Lilah's
23 right leg. She's laying down with her bottom at the
24 bottom of the picture and her foot and just some
25 bruises on the outside part of her thigh, hip area.

1 Q State's Exhibit No. 61. Just to orient,
2 she's still laying down and her bottom is down here.
3 Is that correct?
4 A Correct.
5 Q And she has her knees actually bent up on the
6 table?
7 A Correct.
8 Q So this is her right leg. Is that correct?
9 A Yes, ma'am.
10 Q Can you tell us the significance of this type
11 of injury and the size and the location of it on,
12 actually, this part of her leg?
13 A So this is the lower part of her leg. And
14 it's actually on the outside part of her calf. Not
15 where I would expect, again, routine injuries to
16 these -- the front part or the anterior part of the
17 bone. This is on that soft part. And so, for me,
18 this is a very concerning injury based on its location
19 and size and given the other injuries she had.
20 Q State's Exhibit No. 62. Can you tell us what
21 we're looking at there?
22 A Again, more injuries kind of going down the
23 right -- the right side.
24 Q State's Exhibit No. 63. What are we looking
25 at there?

A This is a bruise just above her ankle on the right side.

Q State's Exhibit No. 64. Now are we looking down on top of both of her knees as they're bent up on the table, in essence?

A Yes, ma'am.

Q And what are we looking at in State's Exhibit 64?

A This would be two contusions you can see on the right side and then one contusion on the inner part of the left knee.

Q And State's Exhibit No. 65. Is that what you're describing on the inner part of the left knee?

A Yes, ma'am.

Q State's Exhibit No. 66. Now are we looking at her left leg?

A Yes, ma'am.

Q And can you describe for us what we're seeing on her left leg?

A Yes. This is a bruise on the front part of her left leg. For me, this would be somewhere that could be potential accidental injury if she would have fallen. But given the extensiveness of her other injuries, it's still concerning, for me, enough to document.

1 Q State's Exhibit No. 67. Now we're looking at
2 her -- this is still her left leg, this is her
3 buttocks, and this is basically her left thigh. Is
4 that correct?
5 A Correct.
6 Q And what are we looking at there?
7 A Bruises on the outside part of her left thigh
8 that have a linear appearance.
9 Q State's Exhibit No. 68. Now we're looking at
10 her left foot. Is that correct?
11 A Correct.
12 Q How -- when you see bruising and injury to
13 the top of a child's foot, how significant is that to
14 you?
15 A To me, the feet and hands are both concerning
16 areas of injury. Kids don't bruise (inaudible.) They
17 can have some crush injuries if they drop a weight or
18 a rock or something on there. But, even then, they
19 often don't leave bruises. So when I see bruises on
20 the top of feet like this, it's always concerning for
21 me. Also, with Lilah's other bruises and injuries,
22 these are very concerning.
23 Q State's Exhibit 68 shows the bruising to her
24 left foot. And State's Exhibit 69 shows bruising to
25 the top of her right foot. Is that correct?

1 A Correct.
2 Q Thank you, Dr. Baxter. If you could retake
3 the stand.
4 A Yes, ma'am.
5 Q After you documented all of these different
6 injuries to Lilah's body, did you determine whether or
7 not she needed additional medical care?
8 A I did.
9 Q And what was that?
10 A I arranged for her to be sent to St. Francis
11 Children's Hospital to go to the Pediatric Emergency
12 Center, coordinated with the emergency physician on
13 site there, and let her know the extensiveness --
14 extensiveness of her injuries and my concerns and the
15 studies I wished to be done. As well as arranged for
16 her to be admitted to the Children's Hospital under
17 the pediatric residency service and communicated with
18 them about my concerns for her injuries.
19 Q Was Lilah ultimately admitted to the
20 hospital?
21 A Yes, she was.
22 Q Can you tell us, throughout her hospital stay
23 as testing was being completed on Lilah, was there
24 something significant that was documented in the
25 medical records about how she was responding to that?

1 A Yes, ma'am.
2 **Q Can you tell us about that?**
3 A The nursing notes in the record indicate she
4 was fairly traumatized during this process and very
5 upset during the course of the -- the workup for her.
6 **Q Were there times that Lilah would make**
7 **statements that were concerning?**
8 A Yes, ma'am.
9 **Q And what statements would she make?**
10 A She would make statements saying, Please,
11 stop, don't, I'll be a good girl, to that effect,
12 during the course of whenever different studies were
13 being done. Particularly, I believe, when she was in
14 the CT scanner or the CAT scanner.
15 **Q Based on your training and experience, can --**
16 **did you form an opinion about the level of pain and**
17 **discomfort that Lilah was in as a result of all of**
18 **these injuries?**
19 A Yes, ma'am.
20 **Q What is that?**
21 A Based on the extensiveness of her injuries
22 and the findings we have, this was very painful, as
23 well as just how she was acting during the course of
24 my evaluation.
25 **Q Based on your training and experience, did**

1 you form an opinion as to how painful this was for
2 Lilah when these injuries were being inflicted upon
3 her?
4 A Yes, ma'am.
5 Q And what is that?
6 A These injuries would be very painful while
7 they're being inflicted on her, especially given the
8 extensiveness of the injuries and all of the locations
9 she was injured.
10 Q Dr. Baxter, was it your medical opinion that
11 Lilah was, in fact, in need of medical care?
12 A Absolutely.
13 Q And if a caretaker, a parent, did not provide
14 her medical care for those injuries, what would your
15 diagnosis for that be?
16 A My diagnosis was child neglect.
17 Q Backing up, Dr. Baxter. If you have a parent
18 who has provided a history wherein the parent says
19 that they know that the person they have left in
20 charge of caring for their child has a history of drug
21 usage, has a history of arrest for different felony
22 crimes, has a history of violence on the parent,
23 including choking the parent and striking the parent
24 to the point of losing -- leaving bruising, and if, in
25 fact, after that parent has left her child alone with

1 the caretaker the child has injuries that are
2 observable, do you have an opinion, medically, as to
3 what that parent has to do and must do for that child?
4 A I do.
5 Q And what is that?
6 A The child's health, safety, would be to
7 remove the child from that environment immediately
8 and, if she has injuries, seek medical care
9 immediately.
10 Q And if such medical care is not sought for
11 the child -- say, when injuries are observed on a
12 Saturday or, say, when injuries are observed on a
13 Sunday or, say, when injuries are observed on a
14 Tuesday, if medical attention is not sought for that
15 child, do you have a medical opinion?
16 A I do.
17 Q What is that?
18 A Child neglect.
19 Q Ultimately, based on your care and treatment
20 of Lilah and based on your examination of her, do you
21 have a diagnosis for the injuries specific to Lilah?
22 A I do.
23 Q What is that?
24 A Child physical abuse.
25 Q After your examination and before such time

1 as it was time to send Lilah to the hospital to be
2 admitted, did you instruct her mother to help get her
3 dressed so that she could be transported to the
4 hospital?
5 A Yes.
6 Q What happened after that?
7 A When -- upon re-entering the room it was
8 noted that she was on the phone with Lilah undressed
9 and crying and just standing next to her.
10 Q And not holding her daughter, not caring for
11 her daughter at that point?
12 A Correct ma'am.
13 Q And did those actions, given what you had
14 just witnessed, what you had just documented, what you
15 had just seen of Lilah's demeanor, was that concerning
16 to you as a child abuse pediatrician?
17 A Yes, it was.
18 Q Why?
19 A Seeing the injuries on Lilah, the way -- and
20 all the extensiveness of the injuries and knowing that
21 she needed to have further medical care, I would hope
22 a caregiver would do their best to get the child ready
23 to get them transported to receive that additional
24 medical care instead of delaying.
25 Q For the purposes of the record, Dr. Baxter,

1 you told us about the history that you obtained from
2 Lilah's mother, Kerry Lalehparvaran. Is she here in
3 the courtroom today?
4 A Yes, ma'am.
5 Q Can you tell us which one she is?
6 A She's the defendant, sitting at the table.
7 MS. MCAMIS: Your Honor, the State would
8 request that the record reflect that the witness has
9 identified the defendant.
10 THE COURT: The record will so reflect.
11 MS. MCAMIS: Thank you, Dr. Baxter. I have
12 no further questions.
13 THE WITNESS: Thank you.
14 THE COURT: Cross examination.
15 *CROSS-EXAMINATION*
16 *BY MR. BOEHEIM:*
17 Q Hi, Dr. Baxter. Good to see you again.
18 A Hello.
19 Q Let's deal with the big white elephant in the
20 room. In your expert opinion, Lilah had the hell beat
21 out of her, didn't she?
22 A I diagnosed child physical abuse.
23 Q And that process of all of the bruises and
24 things that you just showed, she went through a fair
25 amount -- a significant amount of pain, didn't she?

1 A Yes. Pain and trauma.
2 Q And trauma.
3 Psychological trauma?
4 A Physical trauma and psychological trauma,
5 sir.
6 Q Okay. And Lilah told you that Daddy did it?
7 A Yes, sir.
8 Q Is there a medical term for the monster that
9 would do something like this?
10 A In my records I refer to as alleged
11 perpetrator. But there's not really a diagnosis or
12 any other term. That's just what I would call it.
13 Q Do you have a personal term you would call
14 it?
15 A I would say alleged perpetrator.
16 Q Do you know when and how Kerry Lalehparvaran
17 came about having her phone?
18 A I do not.
19 Q You weren't at the home where this -- where
20 Lilah received these injuries, were you?
21 A No, sir.
22 Q You never went there at any point in time?
23 A No, sir.
24 Q You referenced studies that connect domestic
25 abuse and child abuse --

A Yes, sir.

Q -- correct?

And how many studies have been done on that topic, would you say?

A Quite a few.

Q One that you are familiar with -- how many are you familiar with?

A Well, I would reference you to the American Academy of Pediatrics policy on intimate partner violence and child abuse which would then -- has somewhere around 40 to 50 citations just within that policy statement. And they --

Q Okay.

A -- probably didn't include all of the studies that have been done. But there's multiple studies showing the correlation between intimate partner violence or domestic violence and child abuse.

Q Okay. Do you know -- do you have any knowledge or do you know if Ms. Lalehparvaran has read any -- read any of those studies?

A I do not know if she read any of those studies.

Q Okay. Do you know if she has any knowledge of any of those studies?

A I don't know if she does.

1 Q You -- well, let me back up. Strike that.
2 MR. BOEHEIM: Thank you very much.
3 Pass the witness.
4 THE COURT: Is there redirect?
5 MS. MCAMIS: Very briefly.
6 THE COURT: Thank you.
7 *REDIRECT EXAMINATION*
8 *BY MS. MCAMIS:*
9 Q Dr. Baxter, Counsel asked you for your
10 terminology -- your medical terminology with respect
11 to what type of person would inflict these injuries on
12 a child. And you said the alleged perpetrator.
13 Correct?
14 A Yes, ma'am.
15 Q Do you have medical terminology for a parent
16 or caregiver who would allow or permit these types of
17 injuries to be inflicted upon her child?
18 A I would also call that an alleged
19 perpetrator.
20 Q Counsel asked you about whether or not you
21 know if the mother has read or has knowledge of
22 particular medical studies that you have read. Before
23 you make a medical diagnosis about child abuse or
24 child neglect or permitting child abuse or call
25 someone an alleged perpetrator, does it matter to you,

1 **as a medical doctor, whether or not they have read**
2 **studies?**
3 A No, ma'am.
4 **Q Why not?**
5 A That's not part of my concern whether or not
6 they've read the studies, for me. I'm making my
7 diagnosis based off of my history and exam findings.
8 **Q Whether or not a person has read some type of**
9 **study, do you expect a mother of a child to know that**
10 **she has to protect her child from injury?**
11 A It's my opinion that a caregiver, a mom or a
12 dad, seeing a child with injuries like this would act
13 in the best interest of their child and do their best
14 to protect them from injury.
15 MS. MCAMIS: Thank you, Dr. Baxter.
16 I have no further questions.
17 THE COURT: Is there recross?
18 MR. BOEHEIM: One moment, Your Honor. I
19 apologize.
20 THE COURT: Certainly. No problem.
21 MR. BOEHEIM: No. Pass the witness, Your
22 Honor.
23 THE COURT: All right. Thank you.
24 May Dr. Baxter step down and be excused?
25 MS. MCAMIS: Yes, Your Honor.

THE COURT: Sir, you may step down and be excused. Thank you for your testimony.

THE WITNESS: Thank you, Your Honor.

THE COURT: State, do you have further witnesses?

MS. MCAMIS: Your Honor, at this time the State of Oklahoma rests its case in chief.

THE COURT: I think, ladies and gentlemen, this might be a logical breaking point for the day.

I will remind you that through the overnight recess you remain under the Court's admonition. I'll ask you, once again, to leave your notes in the courtroom.

I'm going ask the ladies and gentlemen in the gallery to please remain seated until the jury has cleared the floor.

I'll ask that you be back in the building at 8:30. And I'll ask Ms. Upton to have you up here at 8:45 in the morning so that we can get started.

You can go ahead and check in in the jury room, whatever you --

Ms. Upton says you don't need to check in in the jury room. She'll let them know you're present.

So go ahead and meet Ms. Upton on the third floor by the escalators, as you've done before.

1 I will advise you, ladies and gentlemen, that
2 the case very well may be submitted to you tomorrow
3 for decision. So when you can, please plan to be here
4 for the duration. I'm not guaranteeing that's what's
5 going to happen. It could, in fact, be Friday morning
6 when that happens. But it is certainly a distinct
7 possibility that that could happen tomorrow.
8 So what would happen is that the evidence
9 would be concluded, there would be a break wherein the
10 Court and the lawyers would have an instruction
11 conference outside of your presence. We would then
12 resume with instructions from the Court and closing
13 argument and that would be followed immediately by
14 your deliberation. So that is very possible for
15 tomorrow, so please make plans accordingly.
16 Please bring at least a snack. You might
17 want to consider something more along the lines of a
18 sandwich in case you do wind up in deliberations at a
19 time when you might normally be expecting a meal.
20 Is there any further instruction requested
21 from either side?
22 MS. MCAMIS: Not by the State.
23 THE COURT: Defense.
24 MR. BOEHEIM: Not by the Defense, Your Honor.
25 THE COURT: Ms. Upton, did I cover

everything?

MS. UPTON: Please tell them do not take their notes.

THE COURT: I already mentioned that.

All right. Thank you. We'll see you in the morning at 8:45. Be in the building by 8:30, please.

We are in recess. You may be excused.

(The evening recess was taken.)

IN THE DISTRICT COURT OF TULSA COUNTY
THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, Plaintiff,	)	
vs.	)	CASE NO. CF-2015-242
KERRY ELIZABETH LALEHPARVARAN, Defendant,	)	

* * * * *

TRANSCRIPT OF PROCEEDINGS

JURY TRIAL

TULSA, OKLAHOMA

NOVEMBER 3, 2016

* * * * *

HONORABLE KELLY GREENOUGH, JUDGE

* * * * *

APPEARANCES:

MS. SARAH MCAMIS, Attorney at Law, 500 South Denver Avenue, Ste. 900, Tulsa, OK, 74103, appeared on behalf of the Plaintiff.

MR. BRIAN BOEHEIM, Attorney at Law, 616 South Boston, Ste. 307, Tulsa, OK, 74119, appeared on behalf of the Defendant.

REPORTED BY:

D. ANN FITE, C.S.R., R.P.R No. 1108
Official Court Reporter
Tulsa District Court
500 South Denver
Tulsa, Oklahoma 74103

1 PROCEEDINGS
2 THE COURT: We'll be on the record in
3 CF-2015-242, State of Oklahoma vs. Kerry
4 Lalehparvaran. Sarah McAmis is present for the State,
5 Brian Boeheim is present for the Defense, and
6 Ms. Lalehparvaran is present in the courtroom this
7 morning. The jury is not yet present in the courtroom
8 this morning.
9 And at the conclusion of the record
10 yesterday, the State had rested its case in chief, at
11 which point we took our evening recess.
12 I believe at this point defendant wishes to
13 come forward with demurrer. Correct?
14 MR. BOEHEIM: Yes, Your Honor.
15 THE COURT: All right. Mr. Boeheim, you may
16 proceed.
17 MR. BOEHEIM: Your Honor the Defense would
18 demurrer to the State's evidence.
19 THE COURT: Further record you wish to make
20 on that?
21 MR. BOEHEIM: No, Your Honor.
22 THE COURT: All right. Response from the
23 State.
24 MS. MCAMIS: Your Honor, the State stands on
25 all of the facts and testimony that have been

presented.

THE COURT: At this time the Court overrules Defendant's demurrer to the State's evidence.

And I believe at this point we will inquire of Ms. Lalehparvaran regarding whether or not she wishes to testify in her case in chief.

Ms. Lalehparvaran, please raise your right hand to be sworn.

KERRY ELIZABETH LALEHPARVARAN,

of lawful age and after having been first duly sworn, testified as follows:

THE COURT: Thank you, ma'am. You may lower your hand.

Ma'am, you've been present throughout the course of this trial so far with your lawyer. Correct?

MS. LALEHPARVARAN: Yes.

THE COURT: All right. And you've had the advice of your legal counsel as to your Fifth Amendment rights and whether you wish to testify in your own behalf in this case.

MS. LALEHPARVARAN: Yes.

THE COURT: And do you have any questions for him at this point that you don't have answers to?

MS. LALEHPARVARAN: I have one question.

1 THE COURT: All right. We can go off the
2 record and let you get your question answered. It's
3 important that we get all of your questions answered
4 on this topic. Okay?
5 MS. LALEHPARVARAN: Okay.
6 *(An off-the-record discussion was held.)*
7 THE COURT: We'll be back on the record in
8 State vs. Lalehparvaran. Both lawyers are present, as
9 is the defendant. The jury is not present.
10 We've had an off-the-record -- or Mr. Boeheim
11 has had an off-the-record discussion with his client
12 to answer any remaining questions that she may have.
13 Ma'am, at this point, do you have any
14 unanswered questions for your lawyer?
15 MS. LALEHPARVARAN: No, ma'am.
16 THE COURT: All right. Thank you.
17 You are -- are you 29?
18 MS. LALEHPARVARAN: I'm 30.
19 THE COURT: You're 30.
20 Do you make your own business decisions?
21 MS. LALEHPARVARAN: Yes.
22 THE COURT: Has a court of law ever appointed
23 a guardian over your affairs or declared you mentally
24 incompetent?
25 MS. LALEHPARVARAN: No.

THE COURT: You're not under the influence of any alcohol, drugs, or medicine this morning that affect your thinking?

MS. LALEHPARVARAN: No, ma'am.

THE COURT: Is any medicine prescribed to you that you should be taking that you're not taking today?

MS. LALEHPARVARAN: No, ma'am.

THE COURT: You have a clear mind and feel like you understand what's going on in here right now?

MS. LALEHPARVARAN: Yes, ma'am.

THE COURT: All right. You understand the consequences of your actions?

MS. LALEHPARVARAN: Yes, ma'am.

THE COURT: Has anyone threatened you, coerced you, or promised you anything to give up your Fifth Amendment right to remain silent?

MS. LALEHPARVARAN: No.

THE COURT: Doing of this your own free will?

MS. LALEHPARVARAN: Yes.

THE COURT: Is this your choice?

MS. LALEHPARVARAN: Yes.

THE COURT: Okay. Has your lawyer fully explained to you that you are not required to say a single word in this case and that you may exercise

1 your right to remain silent?
2 MS. LALEHPARVARAN: Yes.
3 THE COURT: And has your lawyer also
4 explained to you that if you do choose to testify, you
5 will be cross examined by the State just like any
6 other witness in this case?
7 MS. LALEHPARVARAN: Yes, ma'am.
8 THE COURT: All right. You understand you
9 have a right to have your lawyer present? And he will
10 be present while you testify. He will be conducting
11 your direct examination and any redirect. You
12 understand that?
13 MS. LALEHPARVARAN: Yes, ma'am.
14 THE COURT: Then the State would have their
15 opportunity to cross and/or recross you. You
16 understand that? Just like we've done with the other
17 witnesses here.
18 MS. LALEHPARVARAN: Yes, ma'am.
19 THE COURT: All right. You understand that
20 if you choose not to testify, the Court will instruct
21 the jury that they may not use that against you in any
22 way, nor may they take that into consideration in any
23 way in reaching their verdict?
24 MS. LALEHPARVARAN: What did -- I'm sorry. I
25 didn't hear that.

THE COURT: If you choose not to testify --

MS. LALEHPARVARAN: Okay.

THE COURT: -- the Court will instruct the jury that they cannot use that against you or consider that against you any way in reaching their verdict. Do you understand that?

MS. LALEHPARVARAN: Yes, ma'am.

THE COURT: Whose idea was it for you to testify in this case, ma'am?

MS. LALEHPARVARAN: I've always wanted to testify.

THE COURT: Okay. So it's been your choice?

MS. LALEHPARVARAN: Yes, ma'am.

THE COURT: Okay. And is that, in fact, your choice at this time?

MS. LALEHPARVARAN: Yes, ma'am.

THE COURT: All right. I will find that your decision today has been knowingly, voluntarily, and intelligently made, free of coercion. You fully appear to understand what you're doing this morning and what your decision is in this case. And you seem to understand the consequences of your actions as well. Is that accurate?

MS. LALEHPARVARAN: Yes, ma'am.

THE COURT: All right.

All right. Anything else for the record from either side on this particular topic?

MS. MCAMIS: Not by the State.

MR. BOEHEIM: Not by Defense, Your Honor.

THE COURT: All right. Thank you very much.

We'll be off the record.

(A break was taken.)

THE COURT: We'll be back on the record in CF-2015-242, State of Oklahoma vs. Kerry Lalehparvaran. Sarah McAmis is present for the State, Brian Boeheim is present for the Defense, Ms. Lalehparvaran is present in the courtroom. The jury has returned to the jury box following the overnight recess.

And was the jury able to abide by the Court's admonishment during the overnight recess?

All right. Thank you very much.

When we concluded yesterday afternoon, the State had rested its case in chief. At this point, Defendant's case in chief is now in order.

MR. BOEHEIM: Thank you, Your Honor.

We would call Kerry Elizabeth Lalehparvaran.

THE COURT: Ma'am, please raise your right hand to be sworn.

KERRY ELIZABETH LALEHPARVARAN,

1 **called as a witness on behalf of the Defense, being of**
2 **lawful age and after having been first duly sworn,**
3 **testified as follows:**
4 THE COURT: Thank you. Please be seated.
5 The mic is adjusted fairly high up, and if
6 you'll adjust that so that it's appropriate to your
7 height, we'd appreciate that.
8 And as you've heard me indicate to other
9 witnesses yesterday, if you would please avoid the use
10 of uh-huh, huh-uh, or nodding of the head to answer a
11 question. It makes it easier for our court reporter
12 to write down your response.
13 And, also, if you'll wait until the lawyer
14 finishes their question before you start your answer,
15 I'll ensure that the lawyers wait for you to finish
16 your answer before they start their next question so
17 that we avoid more than one person talking on the
18 record at the same time. Again, it's easier for our
19 court reporter to take down and our record will be
20 clearer that way. All right?
21 THE WITNESS: Okay.
22 THE COURT: All right. Counsel, you may
23 inquire.
24 MR. BOEHEIM: Thank you.
25 ***DIRECT EXAMINATION***

BY MR. BOEHEIM:

Q Ms. Lalehparvaran, at any point if you don't understand a question I'm asking, please just let me know. Okay?

A Okay.

Q How old are you today?

A 30.

Q Okay. And how old were you when you met Ali Lalehparvaran?

A 16.

Q And at what age did you marry him?

A I was 22.

Q And you had children with Mr. Lalehparvaran, did you not?

A Yes.

Q And how many children did you have?

A Three.

Q And what are their names and ages?

A Persia is 9, William is -- he's 7, almost 8, and then Lilah is 5.

Q When you met Mr. Lalehparvaran, what was your relationship like?

A It was good. It was good.

Q Okay.

A Yeah.

1 Q How would you describe him as an individual
2 at that time?
3 A He was really nice. Like -- I guess, like,
4 gentlemanly, I would say, maybe. Yeah.
5 Q Okay. And did that change over time?
6 A Yes.
7 Q Okay. How long were you married to him?
8 A I believe until I was 25. I think I was 25.
9 Q And approximately when did the change occur?
10 A Probably by the time I was about 17.
11 Q Now, you described him as gentlemanly?
12 A Yeah.
13 Q Was it -- you know, what were his actions?
14 Did he hold doors open for you? Was he complimentary?
15 A Yes, yes.
16 Q And did that change?
17 A Yes.
18 Q Okay. Could you describe how that changed?
19 Did he stop opening doors? Did he stop -- what
20 occurred?
21 A He became more controlling and telling me,
22 like, what to do and, like, who to hang out with. Or
23 I can't hang out with this person, or I can't hang out
24 with that person, or things like that.
25 Q Okay. Did his descriptions of you change?

1 A Yes. Like, he would tell me that, Oh, you're
2 not really that pretty. You're just okay. You're
3 not -- you're not -- you're not beautiful. You're
4 not -- you know, things like that. Just kind of --
5 kind of, like, putting me down but not trying to put
6 me all the way down, kind of thing.
7 **Q Okay. And what would happen if you didn't**
8 **agree with him or comply with his wishes?**
9 A We would -- we would -- we would fight. He
10 would hurt -- he would hit me.
11 **Q Okay. Could you expand on that a little bit.**
12 **You said, He'd hit me.**
13 A Yeah.
14 **Q Could you describe that a little bit for me?**
15 A Punching. Punching me in the face.
16 **Q Okay. With an open hand or a closed fist?**
17 A Closed fist.
18 **Q Did you have visibly seen bruises?**
19 A Yes.
20 **Q Any injuries?**
21 A Yes.
22 **Q What were they?**
23 A He's broken my arm. I've got a scar right
24 here from where he hit me in the head with a paddle.
25 There's so many of them, I don't --

1 Q Okay. During the testimony that the jury has
2 heard, there was a description of a particular
3 incident.
4 A Uh-huh.
5 Q And there was also a description of your home
6 and what it looked like.
7 A Yes.
8 Q Could you describe that -- that night?
9 A I had come back from school. I was enrolled
10 at TCC. And my husband was at home at the time and --
11 with the kids. I think it was -- well, his aunt was
12 the one watching them at that time though.
13 And I came back. I was really excited
14 because I had done really well on a test. And, like,
15 he -- he just was -- he was drunk and he was wanting
16 to argue with me about -- about -- about -- about sex,
17 like, and if I had -- if I cheated on you, would you
18 divorce me?
19 Q Okay. And did that escalate past just an
20 argument?
21 A Yes.
22 Q Okay. What occurred?
23 A He ended up --
24 Well, I did -- I poured -- I poured beer on
25 him. I got really mad and I did, I poured beer on

him. And, like, he spit on me and he took the keys.

Q Okay. On the keys. You were -- you were trying to get the keys --

A Yes.

Q -- from him? Why did you want to get the keys?

A Because he was drunk.

Q Okay. And you were afraid he might do what?

A He might go out and wreck our van. Yeah.

Q So you were trying to take the keys but he wouldn't let you have them?

A No.

Q Okay. And he then -- he then took other action. What was the other action?

A He started going to his safe. He had a bunch -- you know, a bunch of guns and he was taking everything out of it and putting them in holsters and stuff like that. And he -- I was -- I was watching him do this. And I knew he had stuck the keys in his pocket.

And so I was thinking that I could -- maybe while he wasn't really paying attention to me and he was doing something else, that I could, like, reach in his pocket real quick and grab the keys. And that's what I tried to do.

1 **Q And what was his response to you reaching for**
2 **those keys?**
3 A He took the pistol that he had in his holster
4 and he hit me over the head with it.
5 **Q And did you suffer any wounds or injuries**
6 **from that?**
7 A Yes. Yes, I had a big gash on the side --
8 back of my head right here. And, like, I remember
9 when I fell down and saw a bright light. And I just
10 started crying, I remember.
11 And I come back up and there's blood all over
12 the place. And, like, he runs out of the room. And I
13 go out of the room.
14 And then his aunt had just got out of the
15 shower, and she comes -- she sees me, like, dripping
16 with blood. And she gives me a towel and I put the
17 towel on my head. And she goes to call an ambulance
18 for me.
19 **Q Okay. And at that -- was that the end of it?**
20 A No.
21 **Q Okay. What did he do next?**
22 A He was -- he thought she was calling the
23 police, I believe. And so he -- he got his -- the --
24 I think it was an AK-47. I don't know what kind of
25 gun it is.

1 But he was -- he started shooting the wall.
2 He told her not to do that. And then he ended up
3 pulling the phone out of the -- like, pulling the
4 phone out of the -- the wall.
5 Q Okay. So there were pictures shown of your
6 home and there were a lot of bullet holes.
7 A Yes.
8 Q So he discharged his weapon --
9 A Yes.
10 Q -- that many times into your living room
11 area?
12 A Yes.
13 Q Okay. And where were your children at this
14 time?
15 A I had grabbed them and ran down into the
16 bedroom. Because he said he was going to have a
17 shootout with the police. I was scared for my kids.
18 So I grabbed them all and I went in -- down into my --
19 my bedroom. It's lower -- in the lower part of the
20 house. And I just got down over them and was holding
21 them underneath me.
22 Q Okay. And to your knowledge --
23 Well, the police arrived?
24 A I wasn't out there when they arrived so I
25 don't know when they did. But they did.

1 Q Okay. And to your knowledge was he arrested?
2 A Yes. I didn't see that happen either.
3 Q Okay. And was -- you know, was he charged in
4 that case?
5 A Yes.
6 Q And did he end up spending time incarcerated
7 for that?
8 A Yes.
9 Q Did he eventually get out?
10 A Yes.
11 Q Do you still have communication with
12 Mr. Lalehparvaran?
13 A Yes.
14 Q Why?
15 A He's the father of my children.
16 Q Because of your children, you have some
17 communication with him because he is the father of
18 your children?
19 A Yeah.
20 Q All right. Let's shift -- let's shift gears
21 a little bit. Let's move to someone else that was in
22 your life. Blade, otherwise known as Mr. Purdy.
23 When did you first meet Blade?
24 A I was 26.
25 Q Okay. So about a year or so after --

A Yeah.
Q -- the incident we just -- you just described?
A Yeah.
Q Okay. And what was he like when you first met him?
A He was really nice. He was really funny.
Q Funny?
A Uh-huh.
Q Okay. Was he -- you know, as we've described Ali, open doors, complimentary? Would you -- how would you describe him around those issues?
A He was about the same, yeah.
Q About the same. Okay.
And how long did you know him?
A For about --
Like, before this happened?
Q Yes.
A Okay. It was almost two years.
Q Two years?
A Yeah. A little over two years. Not very much.
Q Would you -- did he move right in?
A No.
Q So was -- how would you consider it? A

1 dating relationship or something else?
2 A Yes.
3 Q Okay. And in that process of this, we've
4 heard testimony. You -- you said in your interview
5 that there was sort of a point in time where he
6 shifted?
7 A Yes.
8 Q And could you describe that for me and for
9 the jury?
10 A It was after I had gotten pregnant and he
11 started just cheating a lot. And he was just -- he
12 was just really, really mean.
13 Q Okay. So his personality changed?
14 A Yes.
15 Q He started cheating?
16 A Uh-huh.
17 Q And he started becoming mean?
18 A Yes, sir.
19 Q Let's talk about how he was mean. You
20 described him as the opening doors, complimentary guy?
21 A Yeah.
22 Q Did he stop opening doors and stop being
23 complimentary?
24 A He would still do some of that, but he
25 would -- he would say really mean things. Like, he

1 would call me, like, a whore or a slut or a bitch
2 or -- just very, very derogatory. Very, very mean.
3 Q Okay. And in the midst of this, if you
4 argued with him or disagreed with him, what would
5 happen?
6 A He would hit me.
7 Q How often did that occur in the two years
8 prior to the incident that we're going to get to in a
9 moment?
10 A It -- it happened quite a bit.
11 Q Okay.
12 A Not --
13 Q So it lends itself to the question, why stay
14 with him?
15 A I was pregnant with his child. But I --
16 I don't know.
17 Q Okay. That's okay.
18 So you said a moment ago that he still held
19 doors open and he could be sweet?
20 A Yes.
21 Q So I -- I don't want to put words in your
22 mouth. How often was he sweet and how often was he
23 angry and mean?
24 A He was maybe 60/40.
25 Q Okay. So he's -- it would sort of --

1 A It was -- yeah, like a roller coaster kind of
2 thing. Yes, very much so.
3 **Q Now, you said he was violent to you?**
4 A Yes.
5 **Q Was he ever violent to your children that you**
6 **saw?**
7 A No.
8 **Q Did you ever see him grab, throw, push your**
9 **children?**
10 A No.
11 **Q Okay. Now, you did say in the interview that**
12 **he picked on, you know, the other three children, the**
13 **one that wasn't his Tiffany -- his kids. Right (sic)?**
14 A Trinity.
15 **Q Trinity. I'm sorry.**
16 **Trinity was his?**
17 A Yeah. She wasn't --
18 **Q But the other --**
19 A She wasn't born yet at that point.
20 **Q Okay. But your other three children, he**
21 **would pick on them a little bit?**
22 A He would pick on them. He'd, like, tease
23 them, yeah.
24 **Q Okay. Describe that for us.**
25 A Like, he would -- he'd be talking to them and

he would -- they would say something to him and he would say something back. And they would be, like, Stupid, Blade. Just, you know, it was -- like, everybody had a smile on their face whenever this was going on. It wasn't anybody, like, upset about anything. They were all -- they all knew -- it all looked like play.

Like, I remember my mom teasing me and stuff whenever I was a kid. And that's what it reminded me of.

Q Okay. And we -- we had an opportunity to hear Mr. Purdy in the jail -- some of the jail calls that were played?

A Yes.

Q And he had -- in that process there was some teasing that went on. Is that sort of the tone he had with the kids?

A I would say not quite as heavy as that. It was probably a lot lighter.

Q A lot lighter. Okay.

Let's go back to the times when he was violent with you. When we say violent, did he slap you with an open hand?

A No. He would -- he backhanded me a lot and fist. And he choked me -- choked a lot.

1 Q Okay. So he would punch you with a closed
2 fist, he'd backhand you, and he'd choke you. Did he
3 ever choke you to the point where you went
4 unconscious?
5 A No.
6 Q Why didn't you call the police? That's
7 domestic -- that's a domestic assault.
8 A I -- at the point of after having my child, I
9 never had a phone. He always had my phone.
10 Q Okay. So you're saying that he started being
11 more controlling by hanging on to the phone?
12 A Yeah. He controlled everything. Everything.
13 Down to the way I did my hair and the shoes and socks
14 that I wore.
15 Q So he told you literally what you could wear?
16 A Yes.
17 Q And if you didn't do what he said?
18 A There would be -- there would be
19 implications -- repercussions.
20 Q Okay. At a certain point he was arrested?
21 A Yes.
22 Q And that was for -- we heard about his issues
23 up in Rogers County.
24 A Yes.
25 Q Okay. Didn't that concern you?

1 A I wasn't -- I had -- I had stopped talking to
2 him at that point, and -- because of all of the things
3 he had done. So I quit talking to him.
4 And he was with a different girl. And she --
5 yeah, it concerned me. But from her -- what the girl
6 told me, she said that it wasn't his fault, that he
7 never did any of it. And so I -- you know, I believed
8 it.
9 **Q Okay. So the information you had was he**
10 **wasn't guilty of those charges?**
11 A Correct.
12 **Q And let me -- let me make you real clear. So**
13 **up to that point, he wasn't living in your home?**
14 A No.
15 **Q It was still a dating relationship?**
16 A More or less, yeah.
17 **Q Did he stay over?**
18 A Yeah. Sometimes.
19 **Q Maybe even stay the weekend?**
20 A Yeah. Sometimes.
21 **Q But he wasn't living there?**
22 A No.
23 **Q He had another residence?**
24 A Yes.
25 **Q So it's our understanding from the testimony**

1 and the evidence that you bonded him out though?
2 A Yes, I did.
3 Q And then he came to live with you?
4 A Yes.
5 Q Why would you bond a guy out that had been
6 beating you and, you know, just demeaning you, trying
7 to control you, and then have him move in with you?
8 A He hadn't tried to control me to the degree
9 he did after I bonded him out.
10 Q Okay.
11 A I really -- I believed that he -- when he
12 said he wasn't ever going to hit me again and never do
13 that stuff begin, I believed him. I believed him.
14 And I just wanted him to be able to be with
15 his daughter for a little bit of time before whatever
16 happened with that case happened. I wanted him just
17 to be able to spend some time with her. And then if
18 he had to go to prison, he would have to go to prison.
19 Q Okay. So in your mind, knowing a little bit
20 about the judicial system, you were concerned that he
21 may end up -- guilty or not, he may end up going to
22 prison?
23 A Yes.
24 Q And so you bonded him out so he could spend
25 time --

1 A Yes.
2 Q -- with his daughter?
3 And so you had him living in the house?
4 A Yes.
5 Q Now, again, lends the question -- we've heard
6 testimony that he actually watched the kids while you
7 and Sheila went to work?
8 A Yes.
9 Q Okay. But I want to make sure we're clear
10 because there was a couple of different sort of cuts
11 at that. How often did he do that?
12 A It was only when Sheila and I both had to go
13 to work. There were days that I would be off and
14 there were days that she would be off. So he would --
15 he'd maybe watch -- watch the girls, like, I want to
16 say maybe three times a week. More like two times
17 though.
18 Q Okay. So it was two to three times a week?
19 A Yeah.
20 Q Now, let me get the dates right though. You
21 bonded him out in November. Correct?
22 A Uh-huh.
23 Q And the incident happened in the beginning of
24 January? January 8th --
25 A Yes.

1 Q -- 9th?
2 A Yes.
3 Q Okay. So what we're talking about is a
4 couple of times a week over the course of those two
5 months roughly?
6 A Uh-huh. Yeah, yeah.
7 Q There's been a lot of discussion, evidence
8 and testimony, regarding the days before the
9 January 8th and 9th, when Lilah's bottom had some
10 marks on it?
11 A Yes.
12 Q Did Blade tell you about punishing her?
13 A He told me that he had spanked her.
14 Q Okay.
15 A But it was -- it was after that. It was
16 after that happened.
17 Q Okay. So you found out later?
18 A Yeah.
19 Q Did he tell you before or after you noticed
20 the bruises? Or the marks, I should say.
21 A It was after.
22 Q After. Okay.
23 In your mind, looking at those marks on your
24 daughter's bottom, did -- did you believe they
25 required medical attention?

A No.

Q Did they concern you though?

A I mean, I was -- I was concerned because I -- if she had fallen, like he said that she did, she slipped and fell -- because, I mean, there were scrape marks, like -- like she had slid on her bottom. And that's why -- I thought that -- I hoped, you know, that she would be okay.

But she didn't -- it didn't look like that -- knowing that I needed to go rush her to the hospital. Because it really -- the bruises on her -- on her bottom, they weren't dark. It was -- it was very -- they were very light and it was just some -- a little scrape mark.

Q So it wasn't an open wound that needed stitches?

A No, nothing like that.

Q Okay. It wasn't, you know, cuts that were going to get infected?

A No.

Q So was your concern at that point that there was some type of --

MS. MCAMIS: Your Honor, I'm sorry. He continues to lead. And I'm going to object to the leading form of the question.

1 THE COURT: What is your response?
2 MR. BOEHEIM: I was giving a set of options
3 to the --
4 THE COURT: I'm going to sustain the
5 objection.
6 Thank you.
7 **Q (By Mr. Boeheim) So what was your -- what was**
8 **your main concern at that point?**
9 A At that point?
10 **Q Yes.**
11 A I really didn't have a whole lot of concern
12 at that point because I didn't see anything but that
13 little scrape on her bottom. She wasn't -- it wasn't
14 serious. It was nothing serious.
15 **Q Okay. You had a discussion, though, with**
16 **Blade that following day, though, didn't you? In the**
17 **morning?**
18 A From the Saturday?
19 **Q Well, I might have the days wrong.**
20 **At some point you had a discussion?**
21 A When I saw bruising on her leg.
22 **Q Okay. So at that point you had a discussion**
23 **in the morning?**
24 A Yeah -- well, it was afternoon, but, yeah.
25 **Q Afternoon, with Blade?**

A Yes.

Q And weren't you -- where were you supposed to be going?

A To work.

Q Okay. Did you end up going to work?

A No.

Q Why did you end up not going to work?

A Because I was concerned that my child wasn't being taken care of properly.

Q Okay. Now, I want to be real clear. You're saying the child wasn't being taken care of properly?

A That I -- that maybe he wasn't watching her well enough or something was -- like, something was going on. I didn't know. So I wanted to be there to watch her.

Q So you chose not to go to work and stay home?

A Yes.

Q Did you continue to stay home until January 8th?

A Yes.

Q Okay. So now let's move to January 8th.

So it's late in the evening on January 8th. And who's in the house?

A My two children, Blade and I, and then his friend comes over.

1 Q Okay. Just so we're clear. Sheila, who also
2 lived there, where was she?
3 A She had stayed the night at a friend's house.
4 Q Okay. So what time did this friend come
5 over?
6 A I think it -- it was about midnight.
7 Q Okay. Where was -- where was Trinity and
8 Lilah?
9 A They were both in bed asleep.
10 Q Okay. And Trinity was sleeping where?
11 A In her -- in her crib in my bedroom.
12 Q And Lilah was sleeping where?
13 A In her bedroom.
14 Q Okay. Is that -- is it normal for somebody
15 to be coming over at midnight like that?
16 A With him it was.
17 Q Okay. What was this person doing there?
18 A He had come to -- to do heroin with Blade.
19 Q Okay. So this individual came to do drugs
20 with Blade?
21 A Yes.
22 Q Okay. And did Blade take heroin in?
23 A Yes.
24 Q How did that occur?
25 A His friend injected him.

1 Q Okay. Did the friend also partake?
2 A Yes.
3 Q Okay. What about you?
4 A Blade told him to do that to me -- to do it
5 to me.
6 Q Okay. Let me understand. So you didn't
7 volunteer and go, I want some, I want some?
8 A No.
9 Q Did they hold you down to the ground and
10 force you to -- you know, literally hold your arm and
11 inject it in you?
12 A No, no.
13 Q So describe what happened?
14 A He just -- he told him, he said, Hey, I want
15 you to give her a shot.
16 Q Okay. And what was -- what was your reaction
17 to that?
18 A I -- I didn't fight him about it.
19 Q Okay. Why?
20 A I can't -- I can't fight with him.
21 Q Because what's going to happen, in your mind?
22 A That he probably would hurt me.
23 Q Okay. Now, to be fair, had you done heroin
24 before?
25 A Yes.

1 Q Okay. How often? How many times?
2 A I had only been doing it, like, a
3 week-and-a-half, two weeks. Not very long.
4 Q Okay. Did you like the experience of heroin?
5 A Yeah.
6 Q Okay. Was it your desire to start doing
7 heroin?
8 A No.
9 Q Okay. How did that occur?
10 A The very first time, he -- I came home and he
11 had people in the room. And I was trying to figure
12 out what was going on, what were they doing. And then
13 he said, Since you so damn nosey, you about to do
14 this. And so he grabs my arm and has somebody inject
15 me.
16 Q Okay. So on that first -- that first
17 incident, he actually forcibly held your arm and had
18 somebody inject you?
19 A Yes.
20 Q So there you are. The three of you are in
21 the living room, were you? Or where were you in the
22 house?
23 A The den.
24 Q In the den.
25 So the three of you are in the den. You all

have now injected heroin.
A Uh-huh.
Q Or had heroin injected into you.
A Yes.
Q And the children. Where are the children?
A Trinity is still in her crib sleeping and Lilah is still in her bedroom sleeping.
Q Okay. So what happens to the other individual?
A He leaves.
Q Okay. He leaves.
And at that point where do you go? Or what happens?
A He and I go into my bedroom and I guess we -- we start getting ready for bed.
Q Okay.
A And then he -- he asks me to give him another shot.
Q So he didn't only take -- he not only took one shot, but he had another dose?
A Yes.
Q And he asked you to give it to him?
A Yes.
Q Did you want to give it to him?
A No.

1 Q So why did you give it to him?
2 A Because he told me to.
3 Q Okay. So now he's got two doses, you've got
4 one dose. What happens?
5 A He -- as soon as he was injected, he actually
6 falls asleep. He, like, completely passes out.
7 Almost falls off the bed actually. And I pulled him
8 up on to the bed so he doesn't fall off. And I lay
9 down and go to sleep.
10 Q Okay. And at that point you sleep until
11 when?
12 A Probably about 2:00.
13 Q And what occurs at 2:00?
14 A I wake up. He's not in the bed with me.
15 There's nobody in there. I'm looking for him. So I
16 was calling out his name. And the whole house is --
17 is completely dark. So I'm going through the kitchen
18 and then down the hall. And I see a light on and it's
19 in the room that my daughter is in.
20 Q Okay. What was your concern at that point?
21 A Looking for him?
22 Q When you were -- yeah, when you woke up and
23 you were looking for him.
24 A That -- that something could have happened to
25 him. Like, did he leave or what was going on.

1 Because he's -- he's really, really high and I don't
2 know what's -- it was -- it was concerning.
3 **Q So you were concerned for his wellbeing?**
4 A Yes.
5 **Q Okay. So when you found Blade, where did you**
6 **find him?**
7 A In the bedroom with my daughter.
8 **Q And what did you see?**
9 A He had his hands, like this, on her -- on her
10 shoulders, and his fingers kind of around her neck.
11 Which is why I thought she was -- he was choking her
12 at first. But she didn't -- her face didn't look like
13 that.
14 I asked him, What's going on? What -- what
15 are you in here doing with my kid?
16 And he says, Oh, nothing. We're just pillow
17 fighting.
18 And then she starts to whimper and I -- I
19 just hit him.
20 **Q Okay. When you say you hit him, what did**
21 **you -- opened hand, closed fist?**
22 A No. I punched him.
23 **Q Okay. You punched him hard?**
24 A Yes. In the face.
25 **Q And what was his reaction to that?**

1 A He jumped on top of me immediately and
2 started hitting me and choking me. And tells me, What
3 makes you think you can hit me?
4 **Q Okay. And what did he do then?**
5 A Grabs me by my hair and starts pulling me
6 out, throwing me into the wall.
7 **Q Okay. So he pulled you by the hair and threw**
8 **you into the wall?**
9 A (Witness nods head.)
10 **Q All right. What then?**
11 A He makes me go down into the bedroom. And he
12 tells me that it's -- it's her fault that I -- that he
13 hit me again because he didn't want to hit me any
14 more. And that she had to be punished.
15 **Q So now he's blaming Lilah for having hit you?**
16 A Yes.
17 **Q And where does he go?**
18 A He goes -- he goes into her room.
19 **Q Okay. And what did you do?**
20 A He tells me to hold her while he spanks her.
21 **Q Okay. So let's -- let's talk about that for**
22 **a minute.**
23 **So at that point he's going to punish her?**
24 A Yes.
25 **Q And he asks you to hold her.**

1 **What's going through your mind at this point?**
2 A I just want -- I just want it to be over.
3 **Q What is your -- what is your fear at this**
4 **point?**
5 A For the safety of my child and myself.
6 **Q Because what do you believe is going to**
7 **happen if you don't let him punish her?**
8 A That it could get worse and he could end up
9 killing us.
10 **Q So you make the choice to do what?**
11 A To -- to hold her.
12 **Q Okay. So you hold her. And you described**
13 **it -- you described it in your interview. But for**
14 **the -- for the jury, right here, right now, how did**
15 **you hold her?**
16 A Like -- like this. I was -- I was sitting on
17 the bed, like -- basically, like how I'm sitting, with
18 my legs off the side. And she's -- her head is right
19 here, her body -- her upper torso is right here and I
20 have my hand underneath her, like this. And then her
21 legs are out, off -- hanging off the bed.
22 **Q Okay. So were you attempting to protect her**
23 **head -- head and shoulders?**
24 A I mean, I wasn't going to let him hit her
25 head, no.

1 Q Okay. But you did expose her bottom?
2 A Her bottom.
3 Q Okay. And was it your expectation that he
4 was going to spank her with his hand or something
5 else?
6 A I don't really know. I saw him with the
7 belt.
8 Q Okay. So he got a belt out?
9 A Yes.
10 Q And were you concerned about that at that
11 point?
12 A Yes.
13 Q How many times did he hit Lilah?
14 A He hit her twice.
15 Q Okay. And after the first strike, did you
16 say anything to him?
17 A Yes. I told him he's hitting her too hard.
18 Q Okay. And yet you allowed him -- you allowed
19 him to hit him a second -- hit her a second time?
20 A Yes.
21 Q Why?
22 A I don't know.
23 Q Okay. But he -- so he hits her a second
24 time?
25 A Yes.

1 Q And what do you do then?
2 A I climb on top of her.
3 Q When you say you climb on top of her, what do
4 you mean?
5 A She's -- she's in a ball underneath me and
6 I'm on top of her, like this. Like, my knees are --
7 my legs are spread and she's in -- like, right --
8 right in this area of me. And I'm over the top of
9 her, like this.
10 Q Okay. And did he stop striking?
11 A No.
12 Q Did he continue to strike?
13 A Yes.
14 Q How many times would you -- do you remember
15 him striking?
16 A I couldn't tell you how many exactly. It --
17 it was several. Several.
18 Q And where did those blows land?
19 A On my back.
20 Q And did you have any wounds or marks from
21 those?
22 A Yes.
23 Q So at this point he can't hit her
24 effectively. What does he do?
25 A He sees, like, from here to here, the

1 opening.
2 **Q Right.**
3 A He tries to get her in between. Anywhere
4 that he could see her skin exposed, he starts trying
5 to hit.
6 **Q Okay. And when that doesn't work?**
7 A Yeah. I'm moving, blocking him. Then he
8 grabs me by the hair and pulls me off and throws me
9 into the wall.
10 **Q So he pulls you off, throws you into the wall**
11 **again?**
12 A Yes.
13 **Q What does he say or do following that?**
14 A Because I'm telling him, Just leave her
15 alone, leave her alone, leave her alone. He -- he
16 grabs a pillow and he starts -- he said, Well, I'll
17 just hit her with this. This won't hurt.
18 **Q Okay. So this pillow -- let's talk about**
19 **this pillow, because pillows are pillows, you know.**
20 A Yes.
21 **Q Is this a big, light fluffy pillow or**
22 **something else?**
23 A It's -- it's the -- the kind of pillows that
24 you would sleep on. He actually -- he was hitting --
25 he hit her so many times with it, and it was -- the

stuffing came out of it.

Q Okay. Did he hit you with the pillow?

A Yes.

Q And what was your experience of the pillow striking you?

A It hurt.

Q Okay.

A It wasn't, like, play pillow fighting. No. I mean, he was using a lot of force.

Q Did you try to stop him?

A Absolutely.

Q Okay. And what did he do to prevent you from stopping him?

A He kept throwing -- he kept pulling me off by my hair and --

Q Okay.

A -- throwing me into the wall.

Q And at some point you end up outside the room, don't you?

A Yes.

Q Okay. At some point what did he do to keep you out of the room?

A He told me he was going to kill me.

Q Okay. So according to the testimony and according to the evidence there's a point in time

1 which you are locked out of the room. Is that
2 correct?
3 A Yes.
4 Q Had you previously tried to leave the house?
5 A Yes. When he first started hitting her with
6 the pillow and hitting me -- once he hit me with it
7 and I jumped on her quite a few times and being pulled
8 off, I said, I can't stand this. I'm going to -- I'm
9 going to leave.
10 So I ran out of the house. I tried to run
11 out of the house. I got to the front door, halfway
12 opened it, he pushes it closed and pushes me up
13 against the wall and starts choking me. And tells me,
14 You ain't going nowhere.
15 Q And at that moment what was going through
16 your head?
17 A I'm trapped.
18 Q So where does he go next?
19 A He goes back in there.
20 Q Okay. And is that the point at which you're
21 locked out of the room?
22 A Yes.
23 Q Now, Detective Maker and Detective MacKenzie
24 made a big deal out of that you were outside that room
25 for up to eight minutes.

A I don't know how long it was. It seemed like forever because it was -- it was just so -- it was so horrible. And it seemed like forever. I just wanted to go in there but I was so scared.

Q Okay. But why didn't -- why didn't you just run out like you tried to do before?

A I don't know. I didn't want to leave her.

Q So at some point the door opens up?

A Yes.

Q What happens then?

A He opened the door when I was trying to -- backing him out of there to come and take a shower. I said, Just come -- please, just come out of there. Just -- just anything to get him to come out of there. I said, Just come take a shower with me. Come take a shower with me. And he does.

Q Okay. And did the shower change his mood or perspective at all?

A No.

Q So he's done with the shower. What happens then?

A I'm in the -- in my bedroom. And he dresses really fast and he just goes right back. And I said, Just leave her alone. I just kept asking him to leave her alone.

1 Q There's testimony that -- and evidence that
2 suggests you had a phone for a -- for a short period
3 of time.
4 A Yes. I -- that -- whenever he left the room,
5 I noticed that he left the phone behind.
6 Q So here's your opportunity. Why did you not
7 call 9-1-1?
8 A My phone was a 312 area code, a Chicago
9 number. My mom had got me the phone. And I didn't
10 think it would call the police here. I thought it was
11 calling -- would call Chicago police. And what good
12 would that do?
13 Q So from your perspective -- strike that.
14 You said a moment ago that you incurred some
15 injuries and wounds from this.
16 A Yes.
17 Q At any time do you remember police taking
18 photographs?
19 A Yes.
20 MR. BOEHEIM: May I approach, Your Honor?
21 THE COURT: Yes.
22 Q (By Mr. Boeheim) Can you take a quick look at
23 these? Are these photos indicative of the injuries
24 you had and were these the photos that you believe
25 were taken by police that night?

1 THE COURT: When?
2 THE WITNESS: On the 9th.
3 THE COURT: Of?
4 MR. BOEHEIM: January.
5 THE WITNESS: 2015.
6 THE COURT: Okay. Thank you.
7 THE WITNESS: Yeah, yeah.
8 MR. BOEHEIM: Thank you.
9 Your Honor, move to admit and publish to the
10 jury.
11 THE COURT: What numbers are they?
12 MR. BOEHEIM: Defendant's Exhibits 1 through
13 6.
14 THE COURT: Response.
15 MS. MCAMIS: No objection.
16 THE COURT: All right. Defendant's 1 through
17 6 will be admitted without objection.
18 One moment, please.
19 And you may publish them to the jury.
20 MR. BOEHEIM: May I approach?
21 THE COURT: You may.
22 **Q (By Mr. Boeheim) So, Ms. Lalehparvaran, could**
23 **you reference those photos again? Specifically**
24 **photos -- Exhibit 1 and 2.**
25 A Uh-huh.

1 Q How do you believe you sustained those
2 injuries?
3 A From the belt.
4 Q Exhibit 3 -- Defendant's Exhibit 3, the cut
5 on your -- inside of your lip, how do you believe you
6 sustained that?
7 A Whenever he was hitting me in the face.
8 Q And the other two photos -- the last two
9 photos, Defense's Exhibit 5 and 6, those are of your
10 legs. How do you believe you sustained those
11 injuries?
12 A Getting thrown. Yeah, probably getting
13 thrown.
14 Q Thank you.
15 Detective MacKenzie and Detective Maker
16 interviewed you and then Detective MacKenzie testified
17 to your statements. The original officer at the scene
18 also testified.
19 In your remembrance of that day, is -- at
20 this point it's early afternoon, mid-afternoon of the
21 9th. Correct?
22 A Yes.
23 Q Were you still under the effects of the drugs
24 from before?
25 A No.

1 Q Okay. Were you under the effect of that
2 evening though?
3 A Yes.
4 Q Do you believe that the events of that
5 evening became -- strike that.
6 Was it difficult for you at that time -- with
7 everything going on, was it difficult for you to
8 remember everything that occurred?
9 A Yes.
10 Q Isn't that why you said to Detective Maker
11 and Detective MacKenzie --
12 A I remembered more things, yeah.
13 Q Let's get to the big white elephant in the
14 room. Blade, John Purdy, made jail calls, did he not?
15 A Yes.
16 Q He called you quite a few times, didn't he?
17 A Yes.
18 Q Twenty-eight in total?
19 A Yeah.
20 Q Why did you take his calls?
21 A At first it was, like, I wanted to know
22 why -- why? Why did this happen? How could he -- how
23 could he have done this? I don't know.
24 Q So in your impression the early calls were
25 about --

A Why.

Q -- why?

Okay. How many times, to the best of your recollection, did he threaten to drop kick you?

A I couldn't tell you that, how many. It was just about every single call.

Q How many times do you remember him saying he would cut you?

A I -- I remember at one point he says he would carve his name in my face.

Q Do you remember him even suggesting what type of weapon he would use?

A A box blade.

Q Did he suggest that -- at any point that he would do damage to your face or head?

A Yes.

Q Okay. Do you remember him saying that he would --

Let me ask you. How many times did he say that he would kick your teeth in?

A Again, it's -- it's too many times. Anything I -- if I said something that he didn't like, he would say that. Or if he wanted me to do something, he would say that.

Q But you kept talking to him.

1 A I know.
2 Q Why would you keep talking to a man who beat
3 your child, beat you, and then gets on the phone and
4 threatens you? What is possibly going through your
5 mind?
6 A I don't know. I don't know why. I don't
7 know why I kept talking to him.
8 Q Now, you heard some of the calls that were
9 played?
10 A Yes.
11 Q You would even start giggling and laughing at
12 points?
13 A Yes.
14 Q Were you under the influence of alcohol
15 during any of those calls?
16 A Yes. Quite a few of them.
17 Q He asked you to marry him?
18 A Yes.
19 Q You said yes?
20 A Yes.
21 Q Not originally, but you eventually said yes?
22 A Yeah. After he had talked me up.
23 Q What do you mean, talked you up?
24 A He would -- he would say things, you know,
25 and -- like, make me, like, bring back to remembrance,

1 I should say. Things that he had done that I did
2 like, you know, and things that -- where he was sweet,
3 or, you know -- or gentlemanly, so to speak.
4 Q Did you think you could do better than him?
5 A No.
6 MR. BOEHEIM: Your Honor, pass the witness.
7 THE COURT: Cross examination.
8 *CROSS-EXAMINATION*
9 *BY MS. MCAMIS:*
10 Q Ma'am, I want to start by talking about your
11 history of drug usage because today you have told us
12 about starting to use heroin when you were with Blade.
13 Was that your testimony today?
14 A Yes.
15 Q You have a long history of drug usage well
16 before you ever even met Blade. Is that correct?
17 A I've had a problem with drugs.
18 Q Let's go back to 2009. And you heard the DHS
19 worker from 2009 testify about your baby having to go
20 to the hospital, testing positive for drugs. Do you
21 remember that?
22 A Yes.
23 Q How was it your baby got drugs in his system
24 that day?
25 A I really think that he knocked over one of my

1 husband's ashtrays and he got a blunt butt.
2 Q What were the other explanations you gave at
3 the time?
4 A I thought maybe it was secondhand.
5 Q From you breathing it in and then --
6 A Absolutely not me. I was not using at that
7 time.
8 Q Okay. So you're sticking with that testimony
9 now, that you were not --
10 A That's the truth.
11 MR. BOEHEIM: Objection. Argumentative.
12 THE COURT: Response.
13 MS. MCAMIS: I'll go back and ask her.
14 Q (By Ms. McAmis) Ma'am, just listen to my
15 question. Okay?
16 A Yes, ma'am.
17 MR. BOEHEIM: Objection. Argumentative.
18 THE COURT: Overruled.
19 Q (By Ms. Mcamis) Is it your testimony under
20 oath as you sit here today that you were not using in
21 2009?
22 A I was not.
23 Q When the DHS worker asked you and you gave
24 her a third explanation about your aunt who was living
25 there and the pills that she had popped --

1 A Yes, my --
2 Q -- who was --
3 THE COURT: Ma'am, let's not talk over each
4 other.
5 THE WITNESS: I'm sorry.
6 THE COURT: I cautioned you against that at
7 the beginning.
8 THE WITNESS: You're right. I'm sorry.
9 Q (By Ms. Mcamis) Who was your aunt?
10 A It was not my aunt. It was my ex-husband's
11 aunt. And they were -- she had diabetes. And she
12 wasn't living with us, she was visiting.
13 She had diabetes and she had been on
14 dialysis. And she had trouble with her hands and I
15 thought maybe she had dropped one of her pills. So I
16 took my child to the hospital when he could not stand
17 up.
18 Q You would agree with me that it is bad when
19 your baby can't stand because he's under the influence
20 of drugs. Correct?
21 A I didn't know what was wrong with him.
22 Q That wasn't my question.
23 My question is, you would agree with me that
24 it is bad when your baby can't stand because he's
25 under the influence of drugs?

A I didn't know he was under the influence of drugs. I thought it was something else.

Q So ultimately when you found out, when it was confirmed that he was under the influence of drugs, you would agree with me that's bad?

A I was scared for my son.

Q You would agree with me that whether he got it from your husband at the time or your aunt at the time or the secondhand smoke or however you say he got it, that's bad?

A I didn't like seeing my child like that.

Q In 2011, then, when you were interviewed again by DHS, at that point in time you told them you had a long history with drug usage?

A I have used drugs in the past.

Q Okay. So you just told us that you weren't using in 2009.

A No.

Q And in 2011, you said you had a long history. So when did it start?

A I had used in the past.

Q My question was -- listen -- stop and listen to my question.

A Sorry.

Q When did it start?

1 A Back when I was a teenager.
2 Q So before 2009?
3 A Yes.
4 Q When you were a teenager and before 2009,
5 nobody was holding your arm down and forcing it in
6 you, were they?
7 A No.
8 Q In 2011, nobody was holding you down and
9 forcing it in you, were they?
10 A In 2011?
11 Q Correct.
12 A I didn't use drugs in 2011.
13 Q Well, we just talked about that. And we just
14 talked about the DHS worker who testified about the
15 interview with you in 2011. Do you remember that?
16 A I don't -- no, I didn't say that I used drugs
17 in 2011.
18 Q Okay. You have been sitting here this entire
19 time and listening to all of the testimony that has
20 been offered. Correct?
21 A Yes.
22 Q Well, do you remember the part about you
23 telling the worker in 2011, that your husband,
24 Mr. Lalehparvaran, had a history with drugs?
25 A Yes.

1 Q So that part you'll admit to and you'll agree
2 to?
3 A I may have said that I had a history of
4 drugs. That doesn't mean I was using at that time of
5 the event because I was not.
6 Q You knew that during the course of your
7 marriage one of the drugs that Mr. Lalehparvaran used
8 and abused was Oxy. Is that correct?
9 A Mr. Lalehparvaran, no.
10 Q Have you previously given testimony?
11 A Yeah.
12 Q And when you previously gave your testimony,
13 specifically that was on June 16th of 2015.
14 Correct?
15 A Yes.
16 Q You raised your hand just like any other
17 witness before you gave that testimony. Correct?
18 A Yes.
19 Q And you swore to tell the truth, the whole
20 truth, and nothing but the truth. Is that correct?
21 A Yes.
22 Q Did you tell the truth that day?
23 A Yes.
24 Q And did you testify that day that
25 Mr. Lalehparvaran had had a history of using and

1 abusing Oxy during the course of your marriage?
2 A No.
3 Q I want to ask you more about your testimony
4 in just a minute at the previous hearing.
5 But in 2013, when you were interviewed by the
6 Department of Human Services, do you recall the
7 testimony about the large bottles of Codeine that were
8 found?
9 A Yes.
10 Q And when DHS asked you about those large
11 bottles of Codeine, you threw them away. Do you
12 remember that?
13 A Yes.
14 Q And you said that those belonged to your
15 uncle?
16 A Yes.
17 Q Who was your uncle?
18 A My uncle that lives with my grandfather.
19 Q And was he a drug user and abuser?
20 A Yeah. At one point, yeah. But --
21 Q So was he at the point in time that DHS found
22 those bottles of Codeine?
23 A I would say, yeah, probably.
24 Q Did you ever use or abuse those bottles of
25 Codeine?

A No.
Q They just happened to be there when DHS showed up and you just --
A He had --
Q Let me finish my question, please.
A Sorry.
Q And you just happened to throw them away when DHS confronted you about them?
A I had just taken him back down to my grandfather's house.
Q My question was, they just happened to be there when DHS showed up. Correct?
A I hadn't thrown them away.
Q Did Mr. Lalehparvaran use any of that Codeine from your uncle?
A He was not -- he was in prison at that point.
Q In 2013, when you were being investigated?
A Yes.
Q This was as a result of what happened in 2013. Do you not remember that?
A I believe you're mistaken, ma'am.
Q Okay. You're right. The 2013, was when you were with Blade. And it was 2011, when you were with Mr. Lalehparvaran.
A Correct.

1 Q And I apologize for that. Thank you for
2 correcting me.
3 When you were with Blade, you knew that he
4 was using heroin before he ever went to jail in Rogers
5 County and before you ever bonded him out?
6 A I -- he had told me that he had used it
7 before.
8 Q Well, you have previously testified that you
9 knew he was using it before he went to jail.
10 A He had told me he had used it.
11 Q Well, the fact -- in fact, before he ever
12 went to Rogers County Jail, you were using heroin with
13 him.
14 A Absolutely not.
15 Q Do you remember being asked, When did he
16 start using the heroin? And do you remember
17 answering, Before he went to jail. And do you
18 remember being asked, And you were doing it with him
19 at that time? And your answer was, Yes. And you were
20 asked, Before he went to jail? And you answered,
21 Yeah.
22 A Then I misunderstood the question at that
23 time. I was pregnant. I was not using drugs.
24 Q Okay. Well, let me just make sure I
25 understand what you're saying about this testimony

1 under oath. Was there something difficult about these
2 questions?
3 A I don't remember the questions.
4 Q My question was, is that as I read these
5 questions back to you, is there something difficult
6 about that?
7 A No.
8 Q It's very clear when someone asks you, Were
9 you using heroin before he went to jail or were you
10 using heroin after he went to jail? I mean, there's
11 no ambiguity there, is there?
12 A I don't -- I don't remember the questions.
13 Q But today your testimony is, is that you were
14 not using heroin until after you bonded him out of
15 Rogers County Jail?
16 A Until December.
17 Q And are you as sure about that as you are
18 about the rest of your testimony?
19 A I'm not lying.
20 Q My question was, are you as sure about that
21 as you are about the rest of your testimony?
22 A Like I said, I'm not lying.
23 Q You told us today that you liked using
24 heroin?
25 A Yes.

1 Q And you have previously testified that after
2 the first time you used heroin with Blade, he did not
3 force you to use it?
4 A He had forced me on the night of.
5 Q Okay. Again, let me ask the question again.
6 Did you previously testify that after the
7 first time that you used heroin with Blade, that he
8 did not force you to use it?
9 A Not all the time, no.
10 Q Did you previously testify that after the
11 first time he did not force you to use it?
12 MR. BOEHEIM: Objection. Asked and answered,
13 Your Honor.
14 THE COURT: Overruled. It hasn't been
15 answered entirely.
16 THE WITNESS: I said that he hadn't forced me
17 all the time, no.
18 Q (By Ms. Mcamis) You used heroin after he was
19 arrested for this, after you were arrested for this,
20 after you bonded out of jail for this? And you talked
21 to him about that on the jail phone calls, didn't you?
22 A Yes.
23 Q He was in jail. Correct?
24 A Yes.
25 Q Nobody was forcing you, were they?

1 A No.
2 Q Do you remember in your attorney's opening
3 statement when he stood before the jury and he was
4 describing what happened that night and how your arm
5 was held down and it was shoved into your arm? Do you
6 remember how he described that to the jury in opening
7 statement?
8 A Yes.
9 Q That's not how it happened, is it?
10 A I wasn't held down. But I was forced, yes.
11 Q Well, in fact, you just testified with your
12 attorney that you weren't forced on that night. Isn't
13 that true?
14 MR. BOEHEIM: Objection, Your Honor.
15 THE WITNESS: Not --
16 THE COURT: What's your objection?
17 MR. BOEHEIM: It's a -- it is not what was
18 stated in the record.
19 THE COURT: The jury --
20 MR. BOEHEIM: It was not --
21 THE COURT: The jury will recall the
22 testimony from the witness stand. Overruled.
23 Q (By Ms. Mcamis) Did you just testify for this
24 jury that you didn't fight him about it that night?
25 A I didn't fight with him, no.

1 Q Give us the name of one friend, one friend,
2 who you say ever showed up and forced you to use
3 heroin?
4 A The first time or the last time?
5 Q Any -- any friends.
6 A His first friend was -- he called him Mike
7 Dub. And then another one was -- on the night was --
8 I think it was name was Gavin.
9 Q Have you previously testified that you didn't
10 know the person's name that night?
11 A I really don't remember. That's why I say I
12 think his name was.
13 Q Okay. So have you previously testified you
14 didn't even know his name was Gavin or have you ever
15 given the name Gavin before?
16 A I know it started with a G.
17 Q When was it that you came up and remembered
18 that the G was now a Gavin?
19 A Over the past year since I have been in jail
20 for this charge I have remembered more things.
21 Q That night was the most significant night of
22 your entire life, was it not?
23 A It was one of them.
24 Q What could be more significant than the night
25 that your daughter was tortured so bad that you have

1 now spent a year in jail for it?
2 A I've had a lot of traumatic experiences. And
3 you wouldn't understand that.
4 Q Can you tell us -- are you telling this jury
5 you have had a more traumatic experience than what
6 Lilah experienced that night?
7 A Have you -- you've never been me.
8 Q Can you answer my question, please?
9 A You do not understand what it's like to be
10 me.
11 Q My question to you, ma'am, is this. Are you
12 telling this jury that you have experienced something
13 more traumatic than your 4-year-old daughter
14 experienced that night?
15 A I've experienced many traumatic things in my
16 lifetime.
17 Q Surely you are not minimizing what your
18 daughter went through?
19 A Absolutely not.
20 Q Surely you should remember every detail of
21 that night?
22 A I don't remember every detail of that night.
23 Q When Officer Ramsey showed up at your home,
24 you never told her that you were under the influence
25 of heroin or that someone had forced you to use

1 heroin. You never told her anything like that, did
2 you?
3 A No.
4 Q You never told the detectives that you were
5 forced to use heroin?
6 A No.
7 Q You never said on any of the jail phone calls
8 that you were forced to use heroin?
9 A Why would I tell the person who forced me
10 that he forced me?
11 Q My question is, you never said on any of the
12 jail phone calls that you were forced to use heroin,
13 did you?
14 A I did not.
15 Q In fact, the very first time that you ever
16 said anything about being forced to use heroin was
17 when you testified in June of 2015?
18 A When I told what happened, yes.
19 Q You had had many opportunities before that to
20 tell what had happened, hadn't you?
21 A No, no.
22 Q Well, we sat here and we've listened to those
23 opportunities, have we not?
24 A I didn't feel comfortable.
25 Q When you are high on heroin, your high only

1 lasts an hour. Is that correct?
2 A I couldn't tell you how long it lasts.
3 Q Did you previously testify under oath that
4 your high only lasts an hour?
5 A I don't recall.
6 Q Were you previously asked, When you take
7 heroin how long does the euphoric high last for you?
8 And your answer, Not that long. And then you were
9 asked, How long is not that long? And your answer,
10 It's, like, maybe an hour or so.
11 Does that help refresh your memory?
12 A No.
13 Q Were you telling the truth when you were
14 answering these questions when you previously
15 testified under oath?
16 A Yes.
17 Q You have told us that after you shot up that
18 night, that there was a second occasion when, then,
19 you shot up Blade that night. Correct?
20 A Yes.
21 Q So you had heroin there at your house?
22 A He did.
23 Q There was heroin in your home?
24 A In his possession.
25 Q There were needles in your home for shooting

1 up heroin?
2 A In his possession.
3 Q Do you understand that that, in and of
4 itself, is a crime? Do you understand that having
5 heroin and needles in your home, no matter whose
6 possession they're in, in your home with your children
7 is, in and of itself, a crime? Do you?
8 A I didn't realize --
9 Q You didn't realize that was a crime?
10 A I mean, I knew it was illegal.
11 Q It was approximately 12:30 that night when
12 you, yourself, did heroin. Is that correct?
13 A Yeah.
14 Q And it was not until sometime after 3:00 the
15 next day when Officer Ramsey showed up. So that's
16 about 15 hours later. Is that correct?
17 A Yeah.
18 Q During the time period leading up to that --
19 up to that night, you knew that Blade was using every
20 day?
21 A Yes.
22 Q You knew that he was dangerous when he was
23 using?
24 A Not to my children.
25 Q Okay. My question was, you knew he was

1 dangerous when he was using?
2 MR. BOEHEIM: Objection. Asked and answered.
3 THE COURT: Overruled.
4 PROSPECTIVE JUROR: It wasn't to my children,
5 it was to me.
6 Q (By Ms. Mcamis) My question is this. Have you
7 previously testified that you knew he was dangerous
8 when he was using?
9 A That's my answer. It wasn't to -- it wasn't
10 to anybody but me.
11 Q So --
12 A I don't consider myself --
13 Q -- your answer is yes?
14 THE COURT: Ladies, please follow the Court's
15 previous request.
16 Q (By Ms. Mcamis) So your answer is yes?
17 A My answer is, to me.
18 Q You knew that he had been using even more in
19 the final week leading up to that particular night?
20 A I believe he was.
21 Q I want to ask you some questions about your
22 relationship with Mr. Lalehparvaran.
23 You have told us a little bit about the
24 violence that you experienced when you were with him.
25 And you told us today under oath that he had punched

1 you in the face and he broke your arm and that he had
2 scarred you from using a paddle. Is that correct?
3 A Yes.
4 Q But he wasn't just violent with you, was he?
5 A He hit -- he -- I would say maybe a day
6 before that event he hit my daughter with a belt.
7 Q You previously testified that he was, in
8 fact, violent with Persia. Is that correct?
9 A One time.
10 Q And you previously testified about that
11 occasion wherein he abused Persia with the belt.
12 Correct?
13 A Yes. He hit her one time with it and I --
14 and I kicked him out.
15 Q Really? Because --
16 A Yes.
17 Q -- it was the next day that he was at your
18 home shooting up the place with an AK-47. Correct?
19 A Yes. Yeah, he left and he came back. Yes.
20 Q You testified that before that day you had
21 concerns about the safety of your children while in
22 Mr. Lalehparvaran's care. Is that correct?
23 A They weren't in his care though. Yes, I did
24 have concern.
25 Q You -- your kids were there when he came and

1 ultimately shot up the place. Correct?
2 A Yeah. I had just gotten back from school.
3 His aunt was watching them.
4 Q And when we're talking about the gunshots
5 and -- Counsel asking you about the gunshots and being
6 all over the house and you said you were in the
7 bedroom, there's gunshots in the bedroom door and in
8 the frame of the bedroom and in the ceiling of the
9 bedroom. Is that correct?
10 A Of their bedroom?
11 Q Of the bedroom where you, today, now say that
12 you took the kids?
13 A Absolutely not.
14 Q Well, we've seen all of those pictures.
15 Would you agree?
16 A Those weren't the pictures of my bedroom. I
17 didn't see the pictures.
18 Q DHS --
19 A There's no -- there's no bullet holes in my
20 bedroom.
21 Q Okay. Let me back up and ask.
22 You have seen the pictures in this case.
23 Correct?
24 A I don't believe there's pictures of my
25 bedroom.

1 Q My question was, you have seen the pictures
2 in this case?
3 A Not recently, no.
4 Q The day that the Department of Human Services
5 came to talk to you about all of this ultimate
6 shootout with Mr. Lalehparvaran, you told them --
7 Well, they came to talk to you on
8 September 3rd, and you told them that on
9 September 2nd, you had obtained a protective order
10 against him. That's what you told them.
11 A Yeah, I did.
12 Q And then the protective order hearing was set
13 for October 26th, and you failed to appear for it,
14 so the protective order was dismissed. Correct?
15 A Yes. I was in class.
16 Q Okay. Did you at any point in time after
17 October 26th, go back and get a protective order
18 against this man who, not only had shot up your home,
19 but had abused your child the day before?
20 MR. BOEHEIM: Objection. Relevance.
21 THE COURT: What is your response?
22 MS. MCAMIS: Your Honor, this is directly
23 relevant to the entire case and the charges with which
24 she is charged.
25 THE COURT: It is within the scope of direct

1 and I find that it's relevant. Your objection is
2 overruled.
3 Q (By Ms. Mcamis) Did you ever go back and get a
4 protective order against him?
5 A I didn't get another one, no.
6 Q Did you ever go back and -- during the DHS
7 investigation when they were talking to you about this
8 man who had shot up your home, did you say, Oh, by the
9 way he also hurt my child?
10 A He didn't hurt her like that. He hit her one
11 time with the belt. It wasn't like he was beating her
12 on a regular.
13 Q My question was, did you ever tell DHS, Oh,
14 by the way, he also hurt my child?
15 A I did not tell them.
16 Q When it came time for Mr. Lalehparvaran's
17 trial, you didn't want to testify against him?
18 A No. He was still the father of my children.
19 Q And that is why a plea bargain in Rogers
20 County was reached with him. Is that correct?
21 A I guess.
22 Q And that is why he's out of prison. Is that
23 correct?
24 A I don't know.
25 Q After he went to prison, you maintained a

1 **relationship with him?**
2 A I took the children to see him.
3 **Q You had jail phone calls with him just like**
4 **you had jail phone calls with Blade, did you not?**
5 MR. BOEHEIM: Objection. Outside the scope.
6 THE COURT: Response.
7 MS. MCAMIS: Again, it goes all to the --
8 directly what she's charged with.
9 THE COURT: I'll allow it.
10 **Q (By Ms. Mcamis) Did you have jail phone calls**
11 **with him?**
12 A I did.
13 **Q Did you think that your children wanted to go**
14 **see him? Needed to go see him?**
15 A I believe they wanted to.
16 **Q How did it impact your children when they**
17 **were there and their father was shooting the place up?**
18 A I'm not a -- I'm not a psychologist. I don't
19 know.
20 **Q No, but you're a mom.**
21 A But I'm not a psychologist.
22 **Q How, as a mom, did you see that it impacted**
23 **your children?**
24 A They seemed to have fun. They wanted to see
25 their father. They would tell me they wanted to see

1 their father.
2 Q How about that night? Were they having fun
3 that night?
4 A It was in the afternoon.
5 Q So sorry. Were they having fun that
6 afternoon as he was shooting the place up?
7 A I'm sure they were very scared just as I was,
8 yes.
9 Q Were they having fun after they saw you get
10 pistol whipped and the blood gushing from your head?
11 A They didn't see me get hit with the gun.
12 Q They knew you went to the hospital as a
13 result, didn't they?
14 A Yes.
15 Q Do you think Persia had fun as he was hitting
16 her with a belt?
17 MR. BOEHEIM: Objection. Relevance.
18 THE COURT: Response.
19 MS. MCAMIS: I'll move on.
20 THE COURT: Thank you.
21 Q (By Ms. Mcamis) When you were asked about the
22 difference between Mr. Lalehparvaran and Mr. -- and
23 Blade, and you were asked who was more abusive, your
24 response was, Well, it depends on the incident that
25 you're talking about. Is that correct?

A I believe so.

Q Do you still stand by that answer?

A I -- I would say that Blade was more violent.

Q Just so that I'm clear. Your testimony is that Blade was more violent than Mr. Lalehparvaran?

A Yes.

Q During that intervention with DHS, after the shootout, you were offered services?

A Yes.

Q You were offered domestic violence intervention services. You were offered the services of Family and Children's Services. You could have gotten help for you and your children.

A I did take my child to Family and Children's Services and they received counseling for, I want to say, almost a year.

Q Did you tell the counselor that you were taking your kids to the prison to see the man who had done this to the family?

A Yes. They knew -- they knew about that.

Q Are you as sure about that testimony as you are the rest of the testimony you have given this jury?

MR. BOEHEIM: Objection, Your Honor.

THE COURT: What is your objection?

1 MR. BOEHEIM: Argumentative.
2 THE COURT: Overruled.
3 **Q (By Ms. Mcamis) Are you sure about that?**
4 A I'm not lying. Yes, I'm sure that they --
5 that they knew. I would talk to her about things.
6 Talk to her about conversations.
7 **Q Did you speak -- when you were having phone**
8 **conversations with Mr. Lalehparvaran while he was**
9 **incarcerated, were they similar to the phone calls**
10 **that you had with Blade while he was incarcerated?**
11 A I don't remember.
12 MR. BOEHEIM: Objection.
13 THE COURT: What is --
14 MR. BOEHEIM: Relevance.
15 THE COURT: One moment.
16 What is your objection?
17 MR. BOEHEIM: Relevance.
18 THE COURT: What is your response?
19 MS. MCAMIS: Again, it goes all to the heart
20 of this case and what she's charged with.
21 THE COURT: Objection is overruled.
22 THE WITNESS: I couldn't tell you what we
23 talked about.
24 **Q (By Ms. Mcamis) I want to go to the DHS**
25 **investigation in 2013, when DHS came out because your**

1 kids, who were 3, 5, and 6 at the time -- the
2 allegation was they were alone, they were scared, they
3 had gone to a neighbor for help. Do you remember
4 that?
5 A I do.
6 Q And during that investigation you told DHS
7 that Blade was living there with you.
8 A Yeah. He had been -- he had been staying
9 there. He had actually come from down south. He had
10 moved back up here.
11 Q Well, do you remember just a few minutes ago
12 on direct examination when you said, Blade didn't move
13 in until 2014, when you bonded him out of jail?
14 A Correct. He didn't stay there very long.
15 Q But in 2013, he was living there?
16 A No, no. Not like that, no.
17 Q When you talked to DHS, you told them he was
18 living there?
19 A I said that he had been -- been staying
20 there, yes.
21 Q You heard the DHS worker testify that you
22 told her Blade was living there. Correct?
23 A I heard what she said, yes.
24 Q Well, you don't have any reason to believe or
25 suggest that that DHS worker would come before this

1 jury and lie, do you?
2 A I'm not calling anybody a liar, no.
3 Q Well, you don't have any reason to suggest
4 that a professional DHS worker would come and lie, do
5 you?
6 A Yes, I do.
7 Q So who all in this case who has testified
8 against you has lied?
9 A Do you really --
10 Q Oh, absolutely.
11 A -- want me to answer that?
12 Q Who has lied?
13 A Several people.
14 Q Who?
15 A Officer Ramsey told -- said that I -- that I
16 told her that Lilah got hit with a paddle. I never
17 said that.
18 Q Do you think she just made that up? Do you
19 think she was just trying to make it better? Do you
20 think she was just trying to get you? Why would you
21 think that Officer Ramsey would come and commit
22 perjury in front of this jury?
23 A I'm not saying that she committed anything.
24 Q Well, you just said she lied. And you
25 understand that lying under oath is committing a crime

1 called perjury?
2 A Maybe she's mistaken.
3 Q Specifically about that, when you say she's
4 mistaken about you telling her that he was hitting her
5 with a paddle. You would agree with me that at the
6 time Officer Ramsey was there, we didn't even have the
7 paddle yet. Right?
8 A Absolutely.
9 Q She wouldn't have known anything about a
10 paddle. Correct? Correct?
11 A Yeah.
12 Q So that would be an amazing coincidence,
13 would it not, for Officer Ramsey to have said and
14 written and put in her report that you told her about
15 a paddle, something she didn't even know about at the
16 time? And then, darn the luck, later on you talk
17 about a paddle and you actually turn the paddle over
18 to police. Right?
19 A As far as I know, that she also said that
20 she -- when she found out later on that there were
21 other things that were added to it --
22 Q Okay.
23 A -- so --
24 Q My question was, that would be an amazing
25 coincidence that she misunderstood about the paddle

1 and then there really is a paddle?
2 A I believe that she took some information that
3 you had gave her and turned it into something else.
4 Q Okay. You have seen the report that she
5 wrote at the day and on the time. Correct?
6 A If she said that I told her about a paddle, I
7 didn't tell her about a paddle.
8 Q My question was, you have seen her written
9 report. Correct?
10 A I have not seen the written report.
11 Q Ma'am, you have had all of the discovery in
12 this case, all of the reports, all of the photographs,
13 you've had everything from the very beginning, have
14 you not?
15 A My lawyer has. I didn't read through
16 everything, no.
17 Q And is it your testimony that you think that
18 somehow I jumped back in time to January 9th, and I
19 secretly told Officer Ramsey, Hey, put something in
20 your report about the paddle?
21 MR. BOEHEIM: Objection, Your Honor.
22 THE COURT: What is your objection?
23 MR. BOEHEIM: Argumentative.
24 THE COURT: Response.
25 MS. MCAMIS: I'm cross examining her about

1 the statement that she just made.
2 THE COURT: Objection is overruled.
3 Q (By Ms. Mcamis) Is that what you think?
4 A No.
5 Q Do you think me and Officer Ramsey were just
6 in some kind of conspiracy to get you?
7 A No.
8 Q Who else in this trial do you think has lied
9 under oath to this jury?
10 A I don't think everybody, no.
11 Q I'm sorry?
12 A That's it.
13 Q But you just said there were several people
14 who had lied.
15 A Yeah. I -- I don't know every little tiny
16 detail that they said, yes. But they have said
17 things, but --
18 Q Has everybody who has testified told some
19 type of lie?
20 A I believe everybody has been -- as you have
21 said, this is a human process. So, being that, people
22 don't remember things all the time.
23 Q But your testimony is, is that if these
24 witnesses had said something and you say something
25 different, it's them who are lying and not you?

A Why do I have to be the liar? I wasn't lying.

Q Let me ask you this. Who has anything at stake in this trial except for you? Do any of the other witnesses?

A I wouldn't say so.

Q You understand that if you don't convince this jury that you're the one to believe, you're going to jail?

A I understand that.

Q Officer Ramsey goes home at the end of the day, doesn't she?

A Yes.

Q Dr. Baxter goes home at the end of the day? Kristi Simpson goes home at the end of the day?

A Yes.

Q Detective MacKenzie goes home at the end of the day? You're the one who has the interest in this trial, do you not?

A Yes.

Q Well, as we're going through these questions, if you think of any other instances of witnesses who have lied, will you let me know?

A Why not.

Q Back to that incident in 2013, when DHS

1 investigated you and the kids had gone to the
2 neighbors because they were scared. You told DHS that
3 really this was all just a misunderstanding because
4 Blade was in the shower?
5 A Actually, my daughter said the same thing as
6 I did.
7 Q It's your testimony that your daughter --
8 A Yes.
9 Q -- said the same thing to DHS?
10 A Yes.
11 Q So if it was all just a big misunderstanding
12 because Blade was in the shower, you didn't let DHS
13 talk to Blade, did you?
14 A I don't remember telling them that he -- that
15 they couldn't talk to him. I don't remember that. I
16 believe he was in a different room.
17 Q Okay. You heard the worker testify about
18 what you told her. Correct?
19 A Yes.
20 Q Are you saying she was lying about that?
21 A No.
22 Q At any point in time during that
23 investigation, if you had been in trouble or had been
24 afraid of him being violent or had any concerns about
25 him whatsoever, you could have told DHS. You could

1 have asked for help. Correct?
2 A Could you repeat the question?
3 Q Sure.
4 In 2013, when DHS was there to help you, did
5 you ask them for any help?
6 A Nothing had happened at that point.
7 Q So your answer is no?
8 A Yes.
9 Q You told -- Ms. Simpson originally was the
10 person that you talked to about knowing that Blade had
11 been arrested, you said for drugs and for robbery. Is
12 that correct?
13 A Yes.
14 Q And so now your testimony here today is, is
15 that some girl told you something, that he was
16 innocent. Correct?
17 A The girl that he was with on the day, yeah.
18 Q Okay. What about the drug parts of those
19 charges? I mean, you knew he was using. You knew he
20 used before he got arrested and went to jail. Still
21 think he was innocent of those charges?
22 A Probably not.
23 Q What about other than talking to this girl,
24 who, if he was with her on the day of the robbery she
25 would have been an accomplice, co-defendant? Right?

A No.

Q What about talking to anybody else to see, Hey, before I bond this guy out and bring him into my home with my kids, maybe I should check into this. Maybe I should read some police reports. Maybe I should go listen to testimony in court. Anything about that?

A I didn't think about all of that stuff.

Q But you knew that it was more than drugs and robbery, didn't you?

A No.

Q What happened when he was in Rogers County Jail?

A Oh, he -- I believe he had gotten into it with the detention officer that was -- he said he was being racist.

Q Uh-huh. He beat up a detention officer, did he not?

A I don't know.

Q You knew about that new charge. He picked up a brand new felony charge for assault and battery on a detention officer, did he not?

MR. BOEHEIM: Objection. Asked and answered.

THE COURT: Response.

MS. MCAMIS: She hasn't answered that

1 question, Your Honor.
2 THE COURT: Overruled.
3 You may answer the question.
4 THE WITNESS: I didn't know he beat up a
5 detention officer like that. He told me that -- what
6 he told me was different.
7 Q (By Ms. Mcamis) You knew that he picked up a
8 brand new felony --
9 A I knew he got a new charge.
10 Q -- charge.
11 So at the point in time that you bonded him
12 out to come back and live with your kids, you knew he
13 was facing felony charges for drugs, robbery, and
14 assault and battery on a detention officer. Correct?
15 A I knew that.
16 Q Today you just testified in front of this
17 jury that when he went to Rogers County Jail you quit
18 talking to him at that point?
19 A No, that's not what I said.
20 Q Okay. Well, again, the jury can remember
21 what you said.
22 But, in fact, while he was in Rogers County
23 Jail you have previously testified that you talked to
24 him every other day on jail phone calls?
25 A Yes.

1 Q In fact, you got money from Sheila so that
2 you could put the money on his books while he was in
3 Rogers County for those jail phone calls?
4 A Yes.
5 Q But it was your own money that you used to
6 bond him out of Rogers County?
7 A Yes.
8 Q After you bonded him out of jail in Rogers
9 County and before the time that this happened,
10 ultimately the last incident with Lilah -- so we're
11 talking about from November to January. Correct?
12 A Yes.
13 Q You told us today about some incidents of
14 domestic violence where you said he backhanded you and
15 he choked you. But there was a lot more that happened
16 other than that as well?
17 A Between that time period?
18 Q Correct.
19 A No.
20 Q Well, when was it that he slit your wrists so
21 bad that it required staples? And he cut you in your
22 calf and your thigh and your arms with both a kitchen
23 knife and a pocket knife?
24 A That was in February.
25 Q That particular attack lasted, similar to the

1 circumstances with Lilah, over the course of two full
2 nights. Is that correct?
3 A Yes.
4 Q And after that particular attack, when you
5 went to the hospital he told the hospital a story
6 about how you had tripped and fell and cut yourself on
7 some glass. Right?
8 A He told them that -- that we were -- that,
9 like, a mirror or something broke and that we were
10 putting it in the trash can and it slipped and cut my
11 wrist.
12 Q And that was on the gash on your wrist that
13 required staples. Correct?
14 A Yes.
15 Q But you kept the rest of your injuries hidden
16 from hospital staff?
17 A Yeah.
18 Q So one of the questions that your attorney
19 asked you on direct examination was why you hadn't
20 called for help during these domestic violence
21 incidents with Blade. And you said that you didn't
22 have a phone. But at the hospital you certainly could
23 have told them what really happened?
24 A He was sitting right next to me.
25 Q My question was, at the hospital you could

1 have told them what really happened?
2 A He was right next to me. It's not that
3 simple.
4 Q My question was, yes or no, you could have
5 told them what happened?
6 A Then I couldn't.
7 Q You were pregnant with Trinity during that
8 particular hospital visit, weren't you?
9 A I was.
10 Q You never told them at the hospital that you
11 were pregnant?
12 A They didn't ask and I didn't say anything,
13 no.
14 Q You didn't think that significant or
15 important when you were being -- getting staples in
16 your arm or being medicated?
17 A I wasn't medicated.
18 Q There were other occasions where he hit you
19 in the head with a broomstick. Is that correct?
20 A Yes.
21 Q Pushed you into a wall?
22 A Yes.
23 Q Dragged you by your hair?
24 A Yes.
25 Q The last incident of domestic violence

1 between yourself and him before the final incident
2 with Lilah was on December 28th of 2014. Is that
3 correct?
4 A I would say it was around in there. I don't
5 know the exact date.
6 Q Well, you previously testified to the exact
7 day, did you not?
8 A I don't remember.
9 Q If your previous testimony was that it was on
10 December 28th, would you have any reason to disagree
11 with that?
12 A No.
13 Q Literally just days before this final
14 incident with Lilah, you would agree?
15 A Yes.
16 Q Your previous testimony was that each and
17 every time this violence happened the kids were
18 asleep?
19 A It was -- this, right here, this happened
20 after I got off of work. I got off work at 11:00 p.m.
21 Yes, they were asleep.
22 Q My question was, you previously testified
23 that each and every time he beat you up the kids were
24 asleep?
25 A Not every time. But most of them, yes.

1 Q Have you previously testified that it was
2 every time?
3 A I don't know that I said every time. I may
4 be -- maybe I exaggerated.
5 Q Because you don't really believe that, do
6 you? And you're not trying to tell this jury that
7 your kids didn't know what was going on?
8 A I didn't say they didn't know what was going
9 on, no.
10 Q Lilah was certainly old enough to know and
11 hear and see what was going on?
12 A Yeah.
13 Q During this entire time period, up and until
14 the day that you quit, you had a job?
15 A Yeah, since -- yeah.
16 Q You had co-workers?
17 A Yeah.
18 Q You had phones at work?
19 A Yeah.
20 Q I want to talk about the days leading up to
21 the final attack on Lilah.
22 During this time period that we've talked
23 about, from Saturday to Sunday to Tuesday and then up
24 to the final attack that started late Thursday
25 night -- so you know what time period I'm talking

about?
A Yeah.
Q That exact same time period when you began to see the injuries on Lilah, is the exact same time period that you said you knew he was using a whole lot more heroin and becoming a whole lot more violent. Correct?
A I knew he was using more.
Q And you've previously said that he was violent when he used. Correct?
A I said he was, yes.
Q You know, when you told the detectives about him picking on Lilah and messing with Lilah, do you remember watching the video and hearing and seeing yourself say that?
A I don't -- I don't believe I said it. I mean, I don't know how I said it that was wrong.
Q Okay.
A I mean, I just described it.
Q Okay. Well, you certainly didn't describe it the way that you've described it here today, did you?
A I don't know that I did.
Q You understand that the jury gets to take that -- that DVD back into the jury room with them and they can watch all of that again and listen to exactly

1 what you said again?
2 A Yeah. I said that he would pick on her and
3 play with her. I didn't -- tease, yeah.
4 Q Starting with the bruising on Tuesday,
5 because that's what you first told -- the first person
6 you talked to about it was Ms. Simpson. And you told
7 her about the injuries on Tuesday, but you didn't tell
8 her about the injuries from Saturday, Sunday.
9 Correct?
10 A I don't remember if I told her or not.
11 Q Well, you did hear her testify. Correct?
12 A Yes.
13 Q And you told her, in fact, that those bruises
14 and injuries on Lilah's arms and legs from Tuesday,
15 that Blade did it? You told her that Lilah told you
16 that Blade did it?
17 A No, I didn't ever say that. I said that --
18 that she told me that Blade was mean.
19 Q So when Ms. Simpson testified to that, was
20 she lying or mistaken or --
21 A I don't know. It's --
22 Q That's a pretty big significant fact, isn't
23 it?
24 A I mean, yeah. But I -- I never -- I never
25 told her anything but what I've told you.

1 Q Well, the fact that your daughter -- your
2 4-year-old, who had just turned 4, has bruises and
3 injuries on her arms and legs, and according to you
4 now says that Blade was mean to her, that wasn't
5 enough for you?
6 A I didn't -- I really didn't know it was as
7 significant.
8 Q So when you went to Blade, because surely
9 after your daughter is in -- bruised and she tells you
10 that he's mean to her, surely you demanded answers out
11 of him?
12 A I did.
13 Q But he wouldn't tell you?
14 A No.
15 Q And that wasn't enough for you?
16 A I didn't know.
17 Q Just to be clear. You were still working on
18 Tuesday and Wednesday. Correct?
19 A No.
20 Q Have you previously testified that you were?
21 A No.
22 Q You told Ms. Simpson that you thought he
23 molested your daughter? That you had a hunch about
24 that?
25 A I remember saying that, yes.

Q Well, hold on now. Because that's not what you told Blade in the phone call. Right? Because in the phone call you told Blade that they were lying on you and they were twisting your words and they were making that up and you never said that. But you really did. Right?

A I remembered after the fact, yes. But --

Q Well, hold on. If you think the father of your youngest child is molesting your older child, that's a pretty darn big deal, is it not?

A I didn't think that until the night of.

Q Okay. My question is, whenever you start to think that, it's a pretty darn big deal?

A I would say so, yes.

Q And you're going to remember that. Right?

A I'm telling her that, no.

Q Okay. You're going to remember that you thought that?

A I would think I would, yeah, maybe.

Q Yeah.

So during these phone calls with Blade after he had so savagely beaten your daughter -- let's not even talk about that for a minute. Let's not even talk about the beating.

But after these phone calls when you're

talking to him about he's your soulmate, you're going to marry him when all of this is said and done, get the hell out of Oklahoma and move somewhere else, had you come to a conclusion in your mind about whether or not he really had molested your 4-year-old daughter?

A I believe at that point I didn't think he had.

Q Well, what changed? What changed between January 9th, when you told Kristi Simpson, I think he molested my daughter, and the phone calls that you were having with this man?

MR. BOEHEIM: Objection. Relevance.

THE COURT: Response.

MS. MCAMIS: Your Honor, it goes directly to the heart of this case and her ability to protect her children.

THE COURT: Overruled.

You may answer.

THE WITNESS: I don't know that he was doing it. I -- whenever I found him in the room, he had been in, like, his boxers. That's why I thought that.

Q (By Ms. Mcamis) Well, just having a hunch that your man might be molesting your child should be enough for you to never want to talk to him again unless and until you darn well figure out whether it's

1 true or not. Right?
2 MR. BOEHEIM: Objection. Argumentative.
3 THE COURT: Response.
4 MS. MCAMIS: I'm just asking her a question.
5 THE COURT: Overruled.
6 THE WITNESS: I didn't know.
7 Q (By Ms. Mcamis) That's exactly my question.
8 As we sit here today, do you know whether or not Blade
9 ever molested your child?
10 A I don't know.
11 Q After you talked to Kristi Simpson there at
12 the Child Advocacy Center, you also talked to Dr.
13 Baxter. Do you remember that?
14 A Yes.
15 Q Today when you were describing the injuries
16 that you said you saw on Lilah on Saturday, Sunday,
17 you described it as a little scrape on her bottom. Do
18 you remember telling this jury that?
19 A I said it was a scrape and light bruising,
20 yes.
21 Q Is that what you told this jury?
22 A Yes.
23 Q What did you tell Dr. Baxter?
24 A I don't remember what I told him.
25 Q Well, did you hear Dr. Baxter testify that

you told him that you say bruises on her butt and on her back on Sunday?

A I didn't see -- I don't remember saying on her back, no.

Q Well, surely you don't accuse Dr. Baxter of lying about that, do you?

A I'm not accusing anybody.

Q You -- then later, in your interview with Detectives MacKenzie and Maker, you told them you saw bruises on Lilah on Sunday, and you told them that you thought he had done it to her, did you not?

A I told them after this had happened that I suspect now that he has.

Q Well, let's go back to that day. Let's go back to that --

Do you remember now, was it Saturday or was it Sunday?

A No, I don't.

Q Well, let's just give you the benefit of the doubt and say it's Sunday. Okay?

Let's go back to that Sunday. Because you've told us two very, very important but different things about the explanation for the bruises to her on Sunday. Do you remember what you've told us?

A Yeah.

1 **Q What are the two different explanations?**
2 A The one that I thought that happened or the
3 one that after the fact that I thought that happened?
4 **Q What are the two different explanations that**
5 **you've given?**
6 A I thought -- I believed what he had told me
7 at first, that she had slipped and fallen. It was icy
8 outside on my porch. I believed that when he was
9 going somewhere with her, she slipped and fell on the
10 ice. I believed that.
11 **Q What's the other explanation?**
12 A After this happened, I believe that he
13 possibly did that, yeah.
14 **Q But didn't you also say, and haven't you also**
15 **said, that he told you that day that he spanked her so**
16 **hard that her head hit the dresser?**
17 A I don't know that it was the same day, no.
18 **Q Have you previously testified that he told**
19 **you it was the same day?**
20 A I told him --
21 I don't know if it was the same day or not.
22 **Q Well, let's talk about that. Because on the**
23 **jail phone calls -- do you remember when he's talking**
24 **to you about that day?**
25 A Yes.

1 Q And do you remember when he's apologizing for
2 that day and he says that, you know, he had -- he had
3 to put ice on her butt and he had to put a Band-Aid on
4 her forehead? Do you remember when he's telling you
5 that on the jail phone calls?
6 A I do.
7 Q How did you react?
8 A I don't think I really knew how to react.
9 Q You certainly never said to him, Oh, my God.
10 What the hell are you talking about? I had no idea
11 what you did to her on Sunday. You never said
12 anything like that, did you?
13 A I don't believe -- I may not have reacted as
14 you would expect me to.
15 Q If, in fact, your partner had hit your child
16 so hard on Sunday that he was needing to put ice on
17 her butt and a Band-Aid on her head, that would be
18 bad, wouldn't it?
19 A Yeah.
20 Q And that would be something that, as her mom,
21 you should have known and you should have taken notice
22 of. Correct?
23 A I didn't know what happened.
24 Q My question was, as her mom should you have
25 taken notice of that?

A Yeah, I guess. I don't --

Q Do you think that Lilah wanted you to? Do you think that Lilah needed you to?

MR. BOEHEIM: Objection, Your Honor. She interrupted my client answering the questions.

THE COURT: I'll ask Counsel and the witness to abide by the Court's previous instruction, please.

Q (By Ms. Mcamis) Do you think Lilah wanted you to take notice on Sunday?

A I love my child.

Q My question was, do you think your child wanted you to take notice on Sunday?

A I love my child and I did whatever I could for her.

Q You need to answer my question, yes or no.

Do you think your 4-year-old child wanted you to take notice on Sunday?

MR. BOEHEIM: Objection. Requires speculation.

THE COURT: Response.

MS. MCAMIS: Your Honor, it's a simple yes or no question from a mother who is charged with failing to protect her child.

THE COURT: I'll allow it. Overruled.

THE WITNESS: I did everything I could for my

1 child. I understand the question.
2 **Q (By Ms. Mcamis) Listen to my question and**
3 **answer it yes or no.**
4 Do you think your daughter wanted you to take
5 notice on Sunday?
6 A I didn't know.
7 **Q We can do this all day until you answer my**
8 **question, yes or no. Are you prepared to answer it**
9 **now?**
10 A I didn't know.
11 **Q I'm going to ask it again.**
12 A I don't know.
13 **Q Yes or no --**
14 A I don't know.
15 **Q Listen to me.**
16 MR. BOEHEIM: Objection, Your Honor.
17 THE COURT: What is your objection?
18 MR. BOEHEIM: It's asked and answered. Yes
19 and no are not the only choices. I don't know is an
20 adequate answer.
21 THE COURT: She is asking a yes or no
22 question which requires a yes or no answer. She has
23 not answered the question. You're overruled.
24 Ma'am, you may answer the question.
25 Do you understand the question?

THE WITNESS: I do.

THE COURT: All right. Then you may answer the question.

THE WITNESS: I don't know what my daughter would want.

THE COURT: Answer her question.

Q (By Ms. Mcamis) Do you need me to ask it again?

A No.

Q So what is your answer? What is your answer?

A I don't know what my daughter would want.

Q Is it really the testimony that you want to leave this jury with that as the mother of a 4-year-old child who has been spanked so hard that her head has hit a dresser and she needs ice on her butt and a Band-Aid on her head, is it really what you want this jury to believe that you don't know as her mom what she would want?

A I didn't know that it happened until after the fact.

Q My question is this. Do you think as the mother of that child that she wanted you to take notice that day?

A If I had known I would have taken notice, yes.

1 Q In fact, you have previously testified that
2 you have seen him do that to her before. That you
3 have seen him spank her so hard before that she almost
4 hit her head on a dresser.
5 A She had her hands on it, yeah.
6 Q Describe that.
7 A It was with his hand.
8 Q Describe it.
9 A He just hit her butt.
10 Q How hard are you watching this grown adult
11 man strike your child such that her head is going into
12 a dresser?
13 A It wasn't -- it wasn't like that.
14 Q Well, then what was it like?
15 A It wasn't, like -- it wasn't, like, hard,
16 hard like that. I don't think she was -- she wasn't
17 on her feet stable enough.
18 Q So it was her fault?
19 A Absolutely not.
20 Q Your attorney asked you if when you saw
21 injuries to her on Sunday --
22 And let's be clear. You saw injury to her
23 forehead also on Sunday, did you not?
24 A I saw a Band-Aid on her forehead.
25 Q Okay. Did you see injury under that

1 Band-Aid?
2 A She had a little scrape on her head.
3 Q Your attorney asked you if on Sunday, when
4 you saw injuries to her butt and injuries to her
5 forehead, if you sought any type of medical attention.
6 Do you remember him asking you that?
7 A I did, yeah.
8 Q And you remember you saying, no, that you
9 didn't think it needed medical attention? Do you
10 remember that?
11 A I do.
12 Q You understand if you answer yes, that you
13 should have sought medical attention, then you're
14 guilty. Correct?
15 A I don't believe it required medical
16 attention.
17 Q And just to be clear. In light of everything
18 that you have already told us, about him being high on
19 heroin and violent and everything he has done to you,
20 when you saw the bruises and injuries to her on
21 Sunday, your testimony is you didn't think you needed
22 to do anything?
23 A I didn't believe that he did that to her.
24 Q It wasn't just Lilah, was it? Because all of
25 your kids said that he was mean. All of your kids

1 said that he messed with them.
2 A My daughter would say that he was mean with a
3 smile on her face.
4 Q Do you think Lilah smiled through all of
5 this?
6 A I'm not talking about Lilah. But -- no,
7 absolutely I don't think that.
8 Q I mean, you certainly understand and
9 appreciate now that he was mean to them?
10 A Now.
11 Q You have previously testified that you were,
12 in fact, concerned on Tuesday. Is that correct?
13 A I was concerned that they weren't being
14 watched properly.
15 Q Well, ma'am, if your daughter, who --
16 Well, first of all, on Tuesday did she still
17 have the bruises on her butt and the injury to her
18 forehead from Sunday?
19 A I believe she still had a -- on her forehead,
20 a little scrape thing.
21 Q So at this point on Tuesday she's got the
22 forehead and she's got bruises on her arms and she's
23 got bruises on her legs. Correct?
24 A She has bruises on her legs.
25 Q Okay. And your concern is that she's not

1 being watched properly?
2 A They weren't -- she's had bruises like that
3 before.
4 Q From not being watched properly or from being
5 abused?
6 A From playing.
7 Q You heard Dr. Baxter testify about the
8 difference between where and how kids get bruises from
9 playing versus how kids get bruises from being hurt?
10 A Yes.
11 Q You understand that?
12 A Yes.
13 Q Surely when you look at these pictures,
14 you're not trying to say any of those are normal
15 bruises that she got from playing?
16 MR. BOEHEIM: Objection, Your Honor. It's
17 improper characterization of the evidence. You have
18 two different time frames that we're discussing here
19 and photos. And what the question is, on two
20 different frames.
21 THE COURT: Your response.
22 MS. MCAMIS: Well, let me ask -- let me back
23 up and ask that.
24 THE COURT: Thank you.
25 Q (By Ms. Mcamis) Are they two different time

1 frames? When you look at those photos, does she have
2 injury after injury on top of injuries on her?
3 MR. BOEHEIM: Objection.
4 THE COURT: What is your objection?
5 MR. BOEHEIM: Lack of foundation. My client
6 is not a medical professional.
7 THE COURT: Response.
8 MS. MCAMIS: Let me back up and ask again.
9 Q (By Ms. McAmis) When you look at those
10 pictures, do you see bruising on her that you saw on
11 Tuesday on her arms and on her legs?
12 A No.
13 Q Because it's covered in other bruising?
14 A I don't know.
15 Q Well, you should know. I mean, there's
16 bruising all over her body, isn't it?
17 A Yes.
18 Q And you should be able to know, Hey, here's
19 what I saw on Tuesday, versus here's What I saw on
20 Friday. Right?
21 A I don't know how -- I couldn't -- I couldn't
22 tell the difference.
23 Q You realize and you understand that if -- or
24 after Sunday or after Tuesday if you had gone to any
25 type of medical doctor and said, Hey, is this from,

1 you know, her falling or is this from her being
2 abused, you understand and appreciate that would have
3 prevented what then happened late Thursday night and
4 into Friday?
5 MR. BOEHEIM: Objection.
6 THE COURT: What is your objection?
7 MR. BOEHEIM: Pure speculation, not a medical
8 professional's opinion.
9 THE COURT: Response.
10 MS. MCAMIS: Your Honor, I think that she
11 absolutely can speculate on that. That's exactly what
12 she's being charged with.
13 MR. BOEHEIM: She's --
14 MS. MCAMIS: Her failure.
15 MR. BOEHEIM: The question is -- the question
16 was, can my client read the mind of a doctor that --
17 THE COURT: Okay.
18 MR. BOEHEIM: -- imaginarily we're going to.
19 THE COURT: We're going to stop for just a
20 moment and we're going to take a morning recess. And
21 we're going to allow the jury to take about a
22 15-minute break.
23 Ms. Upton, if the hallways are not crowded at
24 this particular time, it's 11:20, the jury may stay on
25 the fourth floor. If it is, I'll ask that you take

1 them down to the third floor.
2 15-minute recess. You remain under the
3 Court's admonishment. Please leave your notes.
4 *(A break was taken.)*
5 THE COURT: We're back on the record in
6 CF-2015-242, State vs. Lalehparvaran. Counsel for the
7 State is present, counsel for Defense is present, Ms.
8 Lalehparvaran is present and is on the witness stand.
9 Was the jury able to abide by the Court's
10 admonishment during the morning recess?
11 Ma'am -- Ms. Lalehparvaran, I'll remind you
12 that you remain under oath.
13 We were in the State's cross examination.
14 Counsel for the State, you may continue.
15 MS. MCAMIS: Thank you, Your Honor.
16 **Q (By Ms. Mcamis) You, as a result of this**
17 **investigation, surrendered to the police the paddle**
18 **that we have been talking about and the brush. Is**
19 **that correct?**
20 A Yes.
21 **Q Would you recognize that paddle and that**
22 **brush in photographs?**
23 A Yes.
24 MS. MCAMIS: May I approach, Your Honor?
25 THE COURT: You may.

1 Q (By Ms. Mcamis) I'll hand you, first, what's
2 been marked as State's Exhibit No. 70. And is that,
3 in fact, the brush that you surrendered to police.
4 A Yes.
5 Q And then I'll show you what has been marked
6 as State's Exhibit No. 71. And is that, in fact, the
7 paddle that has been discussed during this case?
8 A Yes.
9 MS. MCAMIS: Your Honor, at this time the
10 State moves for admission of State's Exhibit No. 70
11 and No. 71.
12 THE COURT: Response.
13 MR. BOEHEIM: No objection from the Defense,
14 Your Honor.
15 THE COURT: State's 70 and 71 will be
16 admitted without objection.
17 One moment, please.
18 Q (By Ms. Mcamis) Ma'am, when you look at
19 State's Exhibit No. 29 and State's Exhibit No. 30,
20 which are the injuries to the top of Lilah's forehead
21 and the side of her forehead -- do you see those?
22 A Yes.
23 Q And do you agree with me that those are
24 consistent with her being struck with the bristles of
25 this brush?

A Yes.

Q When you talk about State's Exhibit No. 71, this paddle, this is the paddle that you described as being ridiculously big. Correct?

A Yes.

Q And this is the paddle that you described that he would use to scare Lilah with it?

A Yeah.

Q This is also the paddle that you used -- that you described as it hurt when you were hit with this paddle?

A It did.

Q The day that this all began, that Thursday, you had actually taken Lilah and Trinity to Blade's court appearance in Rogers County. Is that correct?

A Yes.

Q Do you think that's appropriate to take children to a felony docket?

MR. BOEHEIM: Objection. Relevance.

THE COURT: What is your response?

MS. MCAMIS: Your Honor, again, it goes directly to the allegations in this case.

THE COURT: Objection is overruled.

You may answer.

THE WITNESS: I don't know that it is or

1 isn't.
2 Q (By Ms. Mcamis) When you first talked with
3 Officer Ramsey that day, you told her that when you
4 walked in Blade was choking Lilah. That's what you
5 told her. Correct?
6 A I told her that his -- that his hands were
7 like this on her. Her face did not appear to be like
8 she was getting choked.
9 THE COURT: And, Counsel, would you describe
10 for the record how the witness used her hands?
11 Q (By Ms. Mcamis) You were describing -- or
12 showing in front of the jury that your hands were in a
13 pattern as if they were on her shoulders or around her
14 neck. Is that correct?
15 A Both, both.
16 Q Both.
17 But, I guess my question was, you heard
18 Officer Ramsey say that you called it choking. Do you
19 remember her testifying as to that?
20 A I remember that.
21 Q You heard Kristi Simpson testify that you
22 told her that Blade was choking Lilah. Correct?
23 A I remember that.
24 Q You heard Dr. Baxter say that you said that
25 Blade was choking Lilah. Is that correct?

A I remember that.

Q In your protective order that you wrote out in your own writing, you said that Blade was choking your daughter. Is that correct?

A I believe -- I think I -- yeah, I believe I said that.

Q When we heard on the jail phone calls you talking to Blade, the issue about whether or not he was choking her, you said you never fucking said any of that shit and that they twisted your words. Do you remember telling that to Blade?

A I don't believe I said it about choking her, no.

Q Well, you were here when we listened to all of those phone calls with the jury. Correct?

A Yes.

Q And you understand they get to take those back and listen to those again?

A Yes.

Q So is it your testimony that you did not say you never fucking said any of that shit and that we twisted your words and you never specifically said that he was choking her?

A I thought it was referring to him molesting her.

1 Q Well, in fact, didn't that conversation
2 continue? And didn't you specifically tell Blade that
3 now you weren't saying he choked her, now you were
4 saying his hands were on her shoulders? Do you
5 remember hearing that?
6 A I said that because I felt -- her face
7 wasn't, like -- her face didn't look as if she was
8 being choked.
9 Q Well, my question wasn't asking you to
10 explain it. My question was asking if that's what you
11 told Blade on the phone call.
12 A I believe I did.
13 Q And you previously testified under oath, did
14 you not, that he wasn't choking her? That he was
15 containing her with his hands on her shoulders and not
16 on her neck?
17 A Yeah, I believe I did say that. Yes.
18 Q You were cross examined about that. And you
19 repeated under oath that you did not think he was
20 choking her. Is that what you said under oath?
21 A I did not believe he was choking her.
22 Q Do you remember in your attorney's opening
23 statement when he told the jury that Blade's hands
24 were on her shoulders? Do you remember when he said
25 that?

A Yes.

Q You would agree with me that there is an enormous difference between describing that this man was choking your daughter and describing that he was containing her with his hands on her shoulders?

A I would say so.

Q You certainly would want everyone to know, no matter what court you were testifying in front of, what really, really happened that night, wouldn't you?

A Absolutely.

Q In your protective order --

Well, let me first ask what you said here in court today. In court today you said, when you were describing holding her down as he spanked her, you said that you made a choice to hold her down.

A He -- sorry.

Q I wasn't done with my question.

Is that what you said today in court?

A I believe I -- I didn't say I had a choice, no. I said he told me to.

Q Well, didn't you try to explain that you made that choice because you thought it would be better in the end?

A I believed if I did what he was saying to do that it would all end.

1 Q In your protective order petition that you
2 swore to before you presented to the Court, you, in
3 fact, described that you helped him spank her, did you
4 not?
5 A I believe I said that, yeah.
6 Q And that's in your own words. Correct?
7 A I believe so, yeah.
8 Q You don't want this jury to think in any way,
9 shape, or form that you helped in that, do you?
10 A I -- it wasn't like that, though, no. It
11 wasn't really helping him. It was more, like, what he
12 told me to do, I did it.
13 Q So you were incorrect when you wrote that in
14 your own writing for the protective order court?
15 A Yeah.
16 MS. MCAMIS: May I approach again, Your
17 Honor?
18 THE COURT: You may.
19 Q (By Ms. Mcamis) I'm going to show you what is
20 State's Exhibit No. 58. And you have seen that. That
21 is the belt marks on your daughter's back. Right?
22 A There wasn't that many.
23 Q Well, now hold on because I want to ask you
24 about that. Okay?
25 I mean, when you look at State's Exhibit

No. 58, you would agree with me that is shocking?
A It's scary, yeah.
Q You would agree with me under no uncertain terms that is abuse?
A Yes.
Q Okay. You would agree with me that the belt patterns go into a V, with the bottom of the V being toward her buttocks area. Is that correct?
A Yes.
Q And when you look at State's Exhibit No. 58, you would agree with me very, very clearly, there's way more than two times that's she's been hit by a belt?
A Yes.
Q You described very clearly for this jury that as you were holding your daughter down by the shoulders, and you described it on the videotape as well, that he reared up with all of his might and struck with all of his might the first blow --
A Yes.
Q -- with the belt. Right?
How did Lilah react to that?
A She -- she kind of jumped.
Q She kind of jumped?
A Yeah.

1 Q Is that all?
2 A I mean, and she cried, yes.
3 Q Well, did she cry or did she scream in
4 significant pain and horror?
5 A I don't know. I can't say that that's
6 exactly what it was. It was bad, yes.
7 Q You were holding her as this happened and you
8 can't tell us how your daughter responded to that?
9 A I wouldn't call it what you said.
10 Q Really?
11 A She cried.
12 Q When you --
13 MR. BOEHEIM: Objection, Your Honor.
14 THE COURT: What is your objection?
15 MR. BOEHEIM: Argumentative. Really? Is
16 that a -- did she ask a question? If she did, then
17 she didn't give my client a chance to answer.
18 THE COURT: I'll ask Counsel to rephrase the
19 question, please.
20 Q (By Ms. Mcamis) When you look at that picture,
21 can you not imagine how bad that hurt?
22 A I know it hurt.
23 Q So as you were holding her down and as the
24 first blow came, what did she say to you?
25 A I don't remember her saying anything.

1 **Q How do you think she felt that her mom was**
2 **holding her down while that happened?**
3 MR. BOEHEIM: Objection. Requires
4 speculation.
5 THE COURT: Your response.
6 MS. MCAMIS: She's her mom and this goes
7 directly to the heart of the case, Your Honor.
8 THE COURT: I'll allow it.
9 You may answer the question.
10 THE WITNESS: I don't know how she felt. I
11 love my daughter.
12 **Q (By Ms. Mcamis) Do you feel like your daughter**
13 **felt loved by you in that moment?**
14 MR. BOEHEIM: Objection. Requires
15 speculation. She's asking her to read her daughter's
16 mind.
17 THE COURT: Overruled. She knows her child
18 better than anyone else.
19 THE WITNESS: I believe my daughter was very
20 scared.
21 **Q (By Ms. Mcamis) How about the second blow?**
22 **Now that she knew what was coming and now that she had**
23 **felt the first blow, how did she react to the second**
24 **blow?**
25 A I'd say the same.

1 Q When you look at that pictures that's still
2 there in front of you, how many times do you think she
3 was hit like that with the belt?
4 A I'd say she was hit numerous times. I didn't
5 see that happen.
6 Q When else would that have happened?
7 A I don't know.
8 Q Well, was it before this night? Was it
9 during this night?
10 A No. It must have happened during this night.
11 But I wasn't there.
12 Q You would agree with me that that would be a
13 pretty good coincidence and pretty good aim on his
14 part to get the marks all in the exact same area at a
15 different time when you weren't holding her down?
16 A He only hit her twice.
17 Q My question was, you would agree with me
18 that's a pretty good coincidence, isn't it?
19 A I don't know how that happened. I don't
20 know. And I agree. Yes, I agree that it's a
21 coincidence. But I don't know how that happened.
22 Q You would agree with me that it would be
23 significantly worse -- I mean, it's bad enough that
24 you were holding her for two strikes. But you would
25 agree with me that it would be significantly worse if

1 you were holding her for a third strike and a fourth
2 strike and a fifth --
3 A Absolutely.
4 Q -- strike and a sixth strike?
5 A Absolutely.
6 Q That would be really, really bad, wouldn't
7 it?
8 A Yes. But I wasn't.
9 Q You talked about stepping in and trying to
10 cover her with your body at that point?
11 A Yes.
12 Q And your attorney admitted some pictures of
13 you. Do you remember those?
14 A Yeah.
15 Q You surely are not trying to compare in any
16 way, shape, or form what your body looked like, versus
17 what Lilah's body looked like?
18 MR. BOEHEIM: Objection, Your Honor.
19 THE COURT: What is your objection?
20 MR. BOEHEIM: The entry of those pictures has
21 nothing to do with my client's testimony and what
22 she's trying to do with them. She can only state to
23 whether they are the actual photos, what occurred to
24 her and what -- what she had.
25 THE COURT: What is your response?

1 MS. MCAMIS: It goes directly to test her
2 credibility about the injuries that she says she
3 sustained that night.
4 THE COURT: It is part of your direct
5 examination so I'll allow it.
6 THE WITNESS: I'm not comparing, no.
7 Q (By Ms. Mcamis) Because you would completely
8 agree that what you look like is nothing to what Lilah
9 looks like?
10 A I believe she sustained more injuries -- more
11 injuries than me, yes.
12 Q In fact, you previously testified under oath
13 that when you stepped in and tried to intervene, as
14 you say, that Blade wasn't hitting you that hard?
15 A Absolutely.
16 Q And you previously testified that he wasn't
17 hitting you with the belt like he was hitting Lilah
18 with the belt?
19 A Yes.
20 Q So after you had held her down and after two
21 of those stripes had been put on her body, that's when
22 you went and took a shower with him. Correct?
23 A No.
24 Q When did the shower happen?
25 A It was later on.

1 Q The shower, later on, was still after she had
2 been bruised in that manner. Correct? You had seen
3 that with your own eyes?
4 A She had the two marks.
5 Q You previously testified that the shower you
6 took with him that night was at least 20 minutes long.
7 Correct?
8 A It could have been. I don't know how long it
9 was.
10 Q Was there any sexual activity going on in the
11 shower?
12 A No.
13 Q Nothing at all?
14 A Nothing at all.
15 Q How was that shower for you, having just
16 witnessed all of this?
17 A It was something to try to get him away from
18 her.
19 Q My question was, how was that shower for you?
20 A I don't know how it was for me. I was in --
21 it wasn't about me.
22 Q You're exactly right. This is all about
23 Lilah. Correct?
24 A That's what I was trying to get him away
25 from.

1 Q You said that one of the things that Blade
2 was so mad about that night, this is your previous
3 testimony under oath, was that he was blaming Lilah
4 for ruining your sex life. Correct?
5 A That's what he was mad -- that's what he told
6 me whenever he had drug me down into the room, yes.
7 Q You also previously testified that what
8 started all of this was that she spilled some cooking
9 berries on the floor. Correct?
10 A I thought that could have been that. I don't
11 know.
12 Q You heard Officer Ramsey testify that when
13 she got there you told her Lilah was locked in the
14 back bedroom. And that, in fact, she was locked in
15 the back bedroom and Officer Ramsey had to burst
16 through the door to get to Lilah. Did you hear her
17 testify to that?
18 MR. BOEHEIM: Objection. Outside the scope
19 at this point.
20 THE COURT: Response.
21 MS. MCAMIS: Your Honor, there is no outside
22 the scope at this point. He asked everything about
23 the events of that day and that goes directly to her
24 credibility of the witness as any other witness would
25 be treated.

1 THE COURT: And I believe he specifically
2 asked about Detective Ramsey as well, if memory
3 serves. I'll allow it.
4 Q (By Ms. Mcamis) You heard Officer Ramsey
5 testify to that?
6 A I'm sorry. Can you repeat the question?
7 Q Sure.
8 You heard Officer Ramsey testify that you
9 told her when she arrived that Lilah was locked in the
10 back bedroom? And then, in fact, she found her locked
11 in the back bedroom?
12 A I remember her saying that, yes.
13 Q You have previously testified under oath
14 that, in fact, Lilah was not locked in the bedroom?
15 A I didn't know that she was, no. I thought
16 she wasn't back there. I didn't know she was locked.
17 Q Did you testify under oath that you never
18 told Officer Ramsey that she was locked in the back
19 bedroom?
20 A Yes.
21 Q When Officer Ramsey talked about having to
22 put her weight into the door to actually bust through
23 the door to get to your crying child, do you think she
24 was lying about that?
25 A No.

1 Q You sat in court and watched as we watched
2 the video where you described for Detectives Maker and
3 MacKenzie that it was -- as you were outside listening
4 it was like the breath was being knocked out of her?
5 A Yes.
6 Q But you previously testified in court that
7 you never said the sound was like the breath being
8 knocked out of her?
9 A I don't remember what I said.
10 Q Previously, remember being asked, You heard
11 him knocking the breath out of the Lilah, didn't you?
12 Answer, I wouldn't say knocking the breath out of her.
13 Question, Isn't that, in fact, what you told the
14 detectives? Answer, I don't remember exactly.
15 MR. BOEHEIM: Objection. Improper
16 impeachment. Are we refreshing or are we impeaching,
17 Your Honor?
18 THE COURT: Response.
19 MS. MCAMIS: It can be both.
20 THE COURT: It's proper. I'll allow it.
21 Q (By Ms. Mcamis) Do you remember your testimony
22 now?
23 A At that time I didn't remember what I said on
24 the video.
25 Q Well, do you have to watch the video to

1 remember that? I mean, the sound -- hold on. The
2 sound of your daughter being tortured so bad that the
3 breath is being knocked out of her should be a sound
4 that is permanently scarred in your brain, shouldn't
5 it?
6 A Yeah.
7 Q You shouldn't have to watch a video to
8 remember that.
9 A I just didn't remember how I described it.
10 Q You heard on the video when you said that you
11 could stand outside the room and you could hear your
12 daughter saying, Mommy, save me. Do you remember
13 that?
14 A Yeah.
15 Q You wrote in your protective order that after
16 he kicked you out of the room you could hear your
17 daughter saying, Mommy, save me?
18 A Yeah.
19 Q But you testified under oath that you never
20 said that your daughter said, Mommy, save me. And
21 that, in fact, the detectives misunderstood you. Do
22 you remember that?
23 A No.
24 Q Do you remember being asked, So you're
25 outside the door. Was your daughter calling for you?

1 And your answer was, No. Being asked, Do you recall
2 telling the detectives that she was? And your answer
3 being, She was while I was in there.
4 A She was, yeah.
5 Q Question, Do you recall telling detectives
6 that while you were listening outside the door you
7 heard your child yell, Mommy, help me. Mommy, save
8 me. And you're answer was, No. They misunderstood
9 me. That's not what I meant.
10 A I remember her saying it. I remember her
11 saying it. I don't remember if it was outside the
12 room or inside the room. But I know she did say it.
13 Q It's a pretty big deal when a 4-year-old is
14 begging her mommy to save her. Correct?
15 A It was.
16 Q Again, something that should never leave your
17 memory?
18 A It wasn't.
19 Q You also testified earlier about him hitting
20 you with a pillow and hitting her with a pillow and
21 you described the pillow. You remember that?
22 A Yes.
23 Q You are not trying to tell this jury that
24 those bruises and injuries that we see in those 69
25 photos of Lilah, that's not from being hit by a

1 pillow, is it?
2 A No, it's not.
3 Q Counsel also asked you about the eight to ten
4 minutes that you were locked outside the room. And in
5 his question he said -- he said, They made a big deal
6 that you were locked outside the room for eight to ten
7 minutes. And then you clarified and you said you
8 didn't think -- know how long it was. Do you remember
9 him asking you that question?
10 A Yes.
11 Q But, ma'am, we didn't make that big deal.
12 You are the one who said eight to ten minutes.
13 Correct?
14 A I told them that I didn't know. And I said
15 maybe eight minutes. I don't know.
16 Q Your attorney also asked you about why you
17 didn't call 9-1-1. And you talked about the fact that
18 you had a Chicago phone number. Correct?
19 A Yes.
20 Q Did it ever occur to you that if you called
21 9-1-1 and if Chicago 9-1-1 answered you can say, Hey,
22 I'm in Tulsa, my daughter is being tortured, please
23 send help.
24 A I didn't think about that, no.
25 Q Let's talk about the time period when you

1 went to sleep. First of all, you knew that Blade had
2 told your daughter that she had to stand in the living
3 room or den area the rest of the night. Correct?
4 A Yes.
5 Q And that that happened at about 4:00 in the
6 morning. Correct?
7 A Yes.
8 Q You knew what condition she was in when she
9 had to do that?
10 A She didn't look like that.
11 Q When was it she started looking like that?
12 A I don't know. She didn't look like that.
13 Q You went to sleep at 5:00 or 6:00 in the
14 morning. Is that correct?
15 A I don't know what time it was. I don't know.
16 MR. BOEHEIM: Objection. Outside the scope.
17 THE COURT: What is your objection?
18 MR. BOEHEIM: Outside the scope.
19 THE COURT: What is your response?
20 MS. MCAMIS: Your Honor, again, this goes
21 directly to her ability to recollect the events of
22 that evening that he specifically asked her about.
23 THE COURT: Objection is overruled.
24 Q (By Ms. Mcamis) Do you recall previously
25 testifying about what time you went to sleep?

1 A I don't know what time, no.
2 Q You previously testified that it was 5:00 or
3 6:00 in the morning that you went to sleep. Does that
4 help refresh your memory?
5 A I know that he made me call my mom back and
6 tell her that everything was okay. And it was, like,
7 4:30, 4:45.
8 Q My question was about you going to sleep and
9 if you previously testified you went to sleep at
10 5:00 or 6:00 in the morning.
11 You did go to sleep. Correct?
12 A I -- I couldn't stay awake. He made me lay
13 down.
14 Q And, in fact, you didn't wake up until
15 9:00 or 10:00 in the morning. Is that correct?
16 A I believe it was 10:00.
17 Q You got some good sleep there, didn't you?
18 A No.
19 MR. BOEHEIM: Objection. Argumentative.
20 THE COURT: Sustained.
21 Q (By Ms. Mcamis) Trinity, in fact, woke up that
22 morning before you did, didn't she?
23 A I think she did, yes.
24 Q Well, you previously testified she did.
25 Correct?

1 A I believe so.
2 Q You also previously testified that normally
3 Trinity likes to stay up most of the night. Correct?
4 A Yes.
5 Q But it was just a darn good coincidence that
6 she slept that night while all of this was going on?
7 A She didn't -- she was not awake.
8 Q At the time that Trinity woke up before you
9 did, she was alone with Blade. Correct?
10 A Yes.
11 Q But, in fact, you previously testified that
12 you weren't worried about Trinity being alone with
13 Blade at that point in time because Trinity is his
14 daughter?
15 MR. BOEHEIM: Objection, Your Honor.
16 THE COURT: What is your objection?
17 MR. BOEHEIM: The testimony was just that she
18 was asleep during that time. What her state of mind
19 while she was sleeping is speculative at best.
20 THE COURT: Response.
21 MS. MCAMIS: This goes, again, directly to
22 her ability to protect her children. Exactly what
23 she's charged with.
24 THE COURT: Objection is overruled.
25 Q (By Ms. Mcamis) Did you previously testify

1 that you weren't worried about Trinity being alone
2 with Blade at that point because Trinity was his
3 daughter?
4 A I didn't believe he would hurt her, no.
5 Q My question was, is that because he was --
6 she is his daughter?
7 A Yeah.
8 Q I mean, you surely knew at that point what he
9 was capable of?
10 A Yes.
11 Q That night as you were so tired and as you
12 were forced to go to sleep, did Blade ever go to
13 sleep?
14 A I wasn't forced to go to sleep.
15 Q Did Blade ever go to sleep?
16 A I don't know.
17 Q Had you stayed awake, you could have known.
18 Right? Right?
19 A He made me lay down.
20 Q My question was, had you stayed awake, you
21 would have known whether or not Blade also went to
22 sleep?
23 A I couldn't stay awake.
24 Q If you had known and if Blade was asleep,
25 that sure would have been a great time to go for help,

1 wouldn't it?
2 A Yes.
3 Q You know the city worker who came and
4 testified about his conversation with Sheila that
5 morning?
6 A Yeah.
7 Q You actually talked to him before Sheila did,
8 didn't you?
9 MR. BOEHEIM: Objection.
10 THE COURT: What is your objection?
11 MR. BOEHEIM: That's not in evidence.
12 Mischaracterization.
13 THE COURT: What is your response?
14 MS. MCAMIS: It goes directly to her ability
15 to relate the information that morning and her alleged
16 inability to get help.
17 THE COURT: It does. Objection is overruled.
18 THE WITNESS: I believe I answered the door.
19 Q (By Ms. Mcamis) Sure.
20 He came to the door and told you that he was
21 there to do work on your property. Correct?
22 A Yeah.
23 Q And yet you said nothing to him, did you?
24 A I was scared.
25 Q Speaking of Sheila, she is a long-time -- she

1 has a long history of drug abuse, substance abuse,
2 does she not?
3 A I have no idea.
4 Q You're so close to her that you call her your
5 aunt, you're so close to her that you have lived with
6 her and worked with her, and yet your testimony is you
7 don't know whether she is a long-time drug user?
8 A I haven't known her that long, no.
9 Q Did you refer to her as your aunt during
10 this?
11 A Yes.
12 Q Even if you now want to say you haven't known
13 her that long, she was staying with you, you were
14 working with her. Correct?
15 A Yes.
16 Q In fact, you rode with her to the preliminary
17 hearing in this case. Correct?
18 A Yeah.
19 Q After -- after you had talked on the jail
20 phone calls with Blade about how if she didn't show up
21 and if she showed up and said she didn't know anything
22 then all of his case was going to go away. Right?
23 A I don't believe the -- I don't know if the
24 jail -- those happened before or after that.
25 Q Well, let's be very clear about that with the

1 jail phone calls. Because your attorney asked you
2 about the specific time period and the 28 phone calls.
3 You remember that?
4 A Yes.
5 Q Well, first of all, there was only the
6 specific time period when you were out of custody and
7 able to accept those phone calls. Correct?
8 A I believe it was -- I believe it was in March
9 or April. I don't know.
10 Q You found out that we were listening, didn't
11 you?
12 A No.
13 Q The evidence of the phone calls, you don't
14 remember that from the preliminary hearing? You don't
15 remember that --
16 MR. BOEHEIM: Objection, Your Honor.
17 MS. MCAMIS: -- from this hearing?
18 THE COURT: One moment, please. There's an
19 objection on the floor.
20 What is your objection.
21 MR. BOEHEIM: That's not in evidence.
22 There's been no discussion of preliminary hearing
23 anywhere in the testimony. And it's outside the
24 scope. There's been no discussion on direct on that.
25 THE COURT: What is your response?

MS. MCAMIS: He asked specifically about the 28 phone calls and the time period of the 28 phone calls. And I am absolutely allowed to cross examine about that.

THE COURT: Objection is overruled.

MR. BOEHEIM: Objection to --

Your Honor, may we approach?

THE COURT: You may.

(A conference was held at the bench outside the hearing of the jury.)

THE COURT: Yes, Counsel.

MR. BOEHEIM: Your Honor, I believe that entering evidence of the preliminary hearing and -- is outside the scope and is -- it's not been brought in -- it's evidence not in testimony.

THE COURT: What is your response?

MS. MCAMIS: Your Honor, again, when he asked her specifically about the phone calls, the number of phone calls, the time period of the phone calls, then I am entitled to cross examination to explore why it was only during a particular time period that he opened up.

THE COURT: Are you attempting to impeach her with the preliminary hearing testimony if she gives an inconsistent statement today?

1 MS. MCAMIS: Not with preliminary hearing
2 testimony, no.
3 THE COURT: Okay. I am going to allow it. I
4 don't think it's outside the scope. You went into the
5 number of phone calls. And I'm going to allow her to
6 explore that on cross examination.
7 Your objection is overruled.
8 *(The following transpired in open court.)*
9 **Q (By Ms. Mcamis) You would agree with me that**
10 **you found out that we were listening to the phone**
11 **calls and the phone calls stopped?**
12 A No.
13 **Q Just a coincidence?**
14 A No. Somebody told me to stop, though, yes.
15 **Q After all of this happened, but before you**
16 **were arrested, we heard you talk on the jail phone**
17 **calls about letting Marcus Read, Jazz Clark, and**
18 **Tiffany Perry, all move in with you. Do you remember**
19 **that?**
20 MR. BOEHEIM: Objection. Outside the scope
21 and relevance.
22 THE COURT: Response.
23 MS. MCAMIS: Your Honor, again, this goes
24 directly to her ability to relate the events and her
25 testimony about drug usage.

1 MR. BOEHEIM: Your Honor, this is far after
2 the incident and --
3 THE COURT: Your objection is overruled. You
4 may answer the question.
5 Do you remember the question?
6 THE WITNESS: Something about Tiffany and --
7 THE COURT: Counsel, would you please restate
8 the question?
9 MS. MCAMIS: Sure.
10 **Q (By Ms. Mcamis) After this happened, but**
11 **before you were arrested, you let Marcus Read, Jazz**
12 **Clark, and Tiffany Perry all move in with you?**
13 A Not so much Marcus.
14 **Q Well, do you recall testifying to that at**
15 **this other court proceeding? Specifically that those**
16 **three, including Marcus, moved in with you?**
17 A I believe Marcus was there. I don't believe
18 he was living with me though. But Tiffany and Jazz,
19 yes, they were.
20 **Q Did you previously testify that, in fact,**
21 **Marcus was living with you?**
22 A He was there before this stuff happened, but
23 he didn't stay all the time. He was kind of in and
24 out.
25 **Q Let me ask this. Marcus Read, Jazz Clark,**

1 Tiffany Perry, any of them use drugs?
2 MR. BOEHEIM: Objection. Relevance.
3 THE COURT: Response.
4 MS. MCAMIS: Again, this goes directly to her
5 allegations that she was forced to use drugs by Blade.
6 THE COURT: Objection is overruled.
7 THE WITNESS: Yeah, they use drugs.
8 Q (By Ms. Mcamis) Any of them have felony
9 convictions?
10 A I don't know.
11 Q You -- the protective order that you got
12 against Blade was ultimately dismissed because you
13 didn't go to court and testify. Correct?
14 A Yes.
15 Q Same as the protective order that you had
16 obtained against Mr. Lalehparvaran?
17 A It was not my intention to miss court.
18 Q Okay. So after it was dismissed --
19 And do you remember when it was dismissed?
20 A I want to say it was the 4th.
21 Q Of March?
22 A Yes.
23 Q And then you were asked about that when you
24 previously testified in June. Do you remember that?
25 A Yes.

1 Q And you remember being asked why, between
2 March and June, you hadn't gone back and refiled for
3 the protective order?
4 A I don't remember what I told them, no. But
5 I -- I can say it was -- had to do with the fact that
6 I was doing so many things. That I had all of these
7 classes and everything that I had to attend.
8 Q So you were too busy to get the protective
9 order against the man who had done this to your child?
10 A Unfortunately, yeah. I mean, it does --
11 that's what happened.
12 Q What about as we sit here today,
13 November 3rd or 4th of 2016, have you gone back and
14 asked for that protective order now?
15 A I asked them. Not so much my attorney now,
16 but my attorney previously. I asked him, Do I need to
17 go and do that? And they told me I didn't.
18 Q So I want to make sure I understand your
19 testimony. Your testimony is, is that a lawyer told
20 you you didn't need to do that?
21 A Yes.
22 Q Would you be willing to, later today,
23 tomorrow, go ask for that protective order against
24 Blade?
25 A If I -- yeah, I mean, do I -- if I need it.

1 He's in -- he's been sentenced. He's not --
2 Q On the jail phone calls, you said when you
3 were talking to Blade, I shouldn't fucking be in jail,
4 talking about yourself. Do you remember saying that?
5 A Yes.
6 Q Do you remember saying, I didn't have shit to
7 do with none of this. Do you remember that?
8 A Yes.
9 Q Do you remember saying, I didn't do anything.
10 A Yes.
11 Q Do you remember saying, They need to drop my
12 charge.
13 A Yes.
14 Q Do you remember saying, I shouldn't have a
15 fucking charge.
16 A Yes.
17 Q Do you still believe all of that?
18 A Yes.
19 Q You heard your attorney ask Dr. Baxter about
20 what kind of monster would inflict those type of
21 injuries on a child. Do you remember him asking that?
22 A Yes.
23 Q What would you call a person who failed to
24 protect their child from those kind of injuries?
25 A I love my child and I did everything I could.

1 Q That wasn't my question, was it?
2 A I didn't -- I didn't see any of this happen.
3 Q And you don't think you should serve any time
4 in prison for it, do you?
5 A If I had -- I would not have allowed that. I
6 would not have allowed this.
7 Q And that's what you want this jury to
8 believe?
9 A I would not have allowed this.
10 MS. MCAMIS: I have no further questions.
11 THE COURT: I'll ask counsel to approach the
12 bench for scheduling.
13 THE REPORTER: Off the record?
14 THE COURT: Yes.
15 *(An off-the-record discussion was had.)*
16 THE COURT: All right. Redirect.
17 MR. BOEHEIM: Very briefly.
18 *REDIRECT EXAMINATION*
19 *BY MR. BOEHEIM:*
20 Q There was a discussion regarding the number
21 of marks on Lilah's back.
22 A Yes.
23 Q In the interview there was a question -- I
24 can't remember if it was Detective Maker or the other
25 detective that asked you how the belt was held.

1 A Yes.
2 Q Do you recall that?
3 A Yes.
4 Q And you said particularly the belt was held
5 with a buckle? He held a buckle?
6 A Yes.
7 Q But you don't remember it being really long?
8 A No.
9 Q So the conversation was that it was folded
10 over?
11 A Yes.
12 Q Correct?
13 A Yes.
14 Q Can you tell us if -- during the two strikes
15 if --
16 THE COURT: We'll let the record.
17 MR. BOEHEIM: And I'm holding, for the court
18 reporter --
19 THE COURT: We're going to let the record
20 reflect that Defense counsel is holding his own
21 personal belt in a looped fashion with the buckle at
22 the bottom in his hand.
23 Q (By Mr. Boeheim) So were you able -- from
24 your position and what you were seeing, could you tell
25 if the two ends of the strap were completely lined up

1 when they struck your daughter?
2 A I wouldn't have been able to tell that, no.
3 Q Or were they slightly separate? That would
4 have made six marks instead of just two or four.
5 A Yeah.
6 Q Could you tell that from where you were
7 sitting?
8 A No.
9 Q No?
10 MR. BOEHEIM: Pass the witness.
11 THE COURT: Recross.
12 MS. MCAMIS: Nothing further, Your Honor.
13 THE COURT: Ma'am, you may join your lawyer
14 at counsel table.
15 Defense, your next witness.
16 MR. BOEHEIM: Your Honor, at this time we
17 have no further witnesses and we rest.
18 THE COURT: All right. Is there rebuttal on
19 behalf of the State?
20 MS. MCAMIS: No, Your Honor.
21 THE COURT: All right. Ladies and gentlemen,
22 that concludes the evidence in this case. At this
23 point it's almost 12:25 in the afternoon and so we're
24 going to take a lunch break.
25 And I'll remind you that you remain under the

1 Court's admonishment. You'll need to leave your notes
2 in the courtroom.
3 I'll ask you to be back in the building by
4 1:30 in the afternoon. We anticipate -- it may take
5 just a little bit to get the instructions ready so we
6 may not be ready right at 1:30. But if you'll be back
7 at 1:30, we're going to do our best to have everything
8 ready for you, for instructions and closing argument.
9 Any further instructions requested from
10 either side?
11 MS. MCAMIS: No, Your Honor.
12 MR. BOEHEIM: Not from the Defense, Your
13 Honor.
14 MS. UPTON: Third floor.
15 THE COURT: They'll meet Ms. Upton on the
16 third floor at 1:30.
17 We're in lunch recess.
18 *(The lunch recess was taken.)*
19 THE COURT: We're on the record in CF-15-242,
20 State vs. Lalehparvaran. Both counsel are present.
21 The defendant is not present. The jury is not
22 present.
23 Over this -- it's now 1:15, and over this
24 lunch hour we've been just reviewing the draft of --
25 first draft of the instructions and gone through and

1 added a few pertinent instructions. And we're now
2 ready to talk about more of the substantive issues for
3 the record.
4 And I'll note that we have all agreed to add
5 10-7, 10-8, 10-8A, and 9-9, as those should have been
6 in the Court's basic instructions and were
7 inadvertently omitted.
8 We do have a significant issue with regard to
9 the defense of duress. And so we wanted to go ahead
10 and make a record as to that issue now so that when we
11 actually do the formal instruction conference and the
12 instructions are already numbered, Counsel, you can
13 renew this record at that point. Or if you want to go
14 all the way through it again, you can. That's
15 certainly your choice. But I'll allow you to preserve
16 that in whatever way you believe is appropriate.
17 The Defendant has proposed instructions
18 concerning the defense of duress, specifically OUJI
19 8-20, OUJI 8-22, and then there's also an 8-21 that's
20 been given to me.
21 And, Defense, since it is your proposed
22 instruction, I'll allow you to argue first.
23 And I'll ask, is everybody ready to have this
24 argument?
25 MS. MCAMIS: Yes.

1 MR. BOEHEIM: Yes, Your Honor.
2 THE COURT: All right, Counsel.
3 MR. BOEHEIM: Your Honor, throughout the
4 Prosecution's case in chief there was a consistent
5 theme of testimony on how Ms. Lalehparvaran was
6 physically abused. They even brought in a prior
7 marriage in that case in chief.
8 The physical abuse was consistent. The
9 officers testified how Ms. Lalehparvaran stated over
10 and over again that she felt her life was threatened.
11 She felt that if certain things didn't happen in a
12 particular manner or process, that not only she, but
13 her child, might be killed. I think that standard
14 alone sets the groundwork and the foundation for a
15 defense of duress.
16 But add to that her testimony on the stand
17 under direct and under cross. She consistently stayed
18 with the -- the story, the testimony, that throughout
19 the entire process she felt as if she was at risk.
20 She felt as if her child was at risk once the
21 physicality started.
22 And the decisions that the Prosecution has
23 been suggesting through their cross examination is
24 that my client didn't take proper action at certain
25 points in time while this incident was occurring.

1 And consistently the testimony was that she
2 was in fear of, fear for, her life, her child's life.
3 I think that's -- that sets a standard for duress.
4 THE COURT: Further? Anything further at
5 this point?
6 MR. BOEHEIM: No. Thank you, Your Honor.
7 THE COURT: All right. State, what is your
8 response?
9 MS. MCAMIS: Your Honor, the State might tend
10 to agree if the defendant was charged, in particular,
11 with the day that the final attack on Lilah occurred.
12 However, that is not the case. As Your Honor is well
13 aware, the defendant is charged in a date range,
14 including on or about between January 2nd and
15 January 9th, 2015. So a full one-week time period.
16 She is -- in that one-week time period, what
17 the defense of duress specifically says is that a
18 person is entitled to a defense of duress if the
19 person committed the omission because of a reasonable
20 belief that she was in -- or her child was in eminent
21 danger of death or great bodily harm from another.
22 And then OUJI 8-21 specifically says that a
23 person is not entitled to the defense of duress if she
24 fails to use a reasonably safe opportunity to escape
25 from the eminent danger of death or great bodily harm.

When you look at the time period directly from the defendant's own testimony, from the week period -- the time -- January 2nd, up and until the day in question, the defendant certainly did not in any way express that she was in fear of eminent danger of death or great bodily harm to herself or another. In fact, she specifically tried to testify that she didn't have any reason to fear or believe that he was going to hurt her child.

She tried to blame, if you will, the prior injuries on perhaps an accident or perhaps a fall or she didn't know for sure and she didn't want to accuse him. All of those things.

She also testified that during the week prior she was working outside the home and absolutely then would have had ample opportunity to escape from any type of reasonable belief that she was in eminent danger. But that reasonable belief of eminent danger has to have come from her and it simply, absolutely, positively has not.

As a result, the State does not in any way believe that the evidence warrants or justifies using this instruction based upon the time frames that are alleged in the information.

MR. BOEHEIM: Brief response?

1 THE COURT: Yes.
2 MR. BOEHEIM: There's a reason 8-21 is a jury
3 instruction. Because it is up to the jury to decide
4 this particular issue once we get to the point where
5 duress is even a possibility.
6 And even if the State wants to suggest it was
7 over that period of time, she clearly stated she was
8 in fear of him and what he would do. He was
9 controlling her phone, controlling what she would
10 wear, and her actions throughout that period. So she
11 was in fear of great bodily harm during that period of
12 time that the Information states.
13 And, again, I'll state that that is why 8-21
14 is there, so the jury can look and make that
15 assumption, make that assessment, based on the facts
16 and on the testimony to say, no, she had a reasonable
17 opportunity to be safe so she doesn't get that
18 defense.
19 THE COURT: Have the --
20 MS. MCAMIS: Judge --
21 THE COURT: Go ahead, ma'am.
22 MS. MCAMIS: Briefly in response. Just
23 because he was telling her what to wear and that he
24 had her phone, that does not equal eminent danger of
25 death or great bodily harm, which is what is necessary

1 for the instruction.
2 THE COURT: Have the lawyers looked at the
3 case law concerning duress?
4 MS. MCAMIS: I have looked at the committee
5 comments and I can't --
6 THE COURT: All right. I'll ask the lawyers
7 to look at Spunaugle vs. State, S-P-U-N-A-U-G-L-E,
8 1997 OK.CR 47, and Hawkins vs. State 2002 OK.CR 12,
9 along with Title 21 Section 155.
10 And we're going to take a short recess to let
11 you look at some authority and then we'll get back on
12 the record.
13 *(An off-the-record discussion was held.)*
14 THE COURT: We're back on the record in State
15 vs. Lalehparvaran. Both lawyers are present. The
16 defendant is not present. The jury is not present.
17 We are on the record, once again, discussing
18 the issue of duress. And I've asked the lawyers to
19 look at a couple of different legal authorities. And
20 my understanding is that both sides have had an
21 opportunity to look at those things at this point.
22 Correct?
23 MS. MCAMIS: Correct.
24 MR. BOEHEIM: Yes, Your Honor.
25 THE COURT: All right. What further record,

1 if any, do either of you wish to make?
2 MS. MCAMIS: Your Honor, if the State is
3 allowed to go first.
4 The second case that Your Honor cited, the
5 2002 case.
6 THE COURT: The Hawkins case?
7 MS. MCAMIS: Hawkins.
8 THE COURT: Uh-huh.
9 MS. MCAMIS: In that case, of course, the
10 defendant was requesting the duress -- the instruction
11 on duress and he was arguing that he was entitled to
12 it if there was any possible support for it in the
13 evidence. And, ultimately, the Trial Court rejected
14 it. And, ultimately, the Appellate Court affirmed
15 that rejection of it.
16 Specifically, the Trial Court -- the
17 Appellate Court, I apologize, discussed the particular
18 facts of that case and found that, as we argued
19 earlier, duress requires the defendant to have a
20 reasonable belief that there is an eminent danger of
21 death or great bodily harm. And that just because a
22 defendant indicates that he fears some future
23 hypothetical action, does not mean that he is entitled
24 to the particular defense.
25 And the Court also stated that because the

1 case law recognizes that a person who fails to avail
2 themself of any opportunity of escape, is not entitled
3 to claim the defense. And that under the facts of
4 that case the defendant had the opportunity and so,
5 therefore, the -- again, the Court upheld the Trial
6 Court's finding.
7 Based upon that case, the State would argue
8 that the same is applicable herein, in that just
9 because the Defense herein is arguing hypothetical
10 abstract argument that because during this time --
11 week period that he wasn't letting her choose her
12 clothing or that he had her phone, that she was
13 somehow at risk of great bodily death or eminent
14 danger of death or great bodily harm, is -- does not
15 entitle them to the defense.
16 Not only because that's not what she
17 testified to, and she, in fact, again tried to
18 minimize and say that she was not concerned about the
19 safety or the welfare during that time period. But
20 also because she did have the opportunity to avail
21 herself of the situation during that week time period
22 and she chose not to do that. And so, therefore, the
23 Defense is not entitled to that defense.
24 In addition, Your Honor asked us to look at
25 the -- I don't have the case name for it.

1 MR. BOEHEIM: Spunaugle.
2 THE COURT: Spunaugle.
3 MS. MCAMIS: And in that case the Court of
4 Crims said that the defendant bears the burden to
5 present or elicit sufficient evidence to raise the
6 defense. And that the threatened danger of death or
7 great bodily harm must be eminent. And the
8 defendant's belief that death or great bodily harm is
9 eminent must also be reasonable.
10 And based upon those findings by the Court of
11 Criminal Appeals, the State would assert that the
12 defendant in this case has not satisfied the burden
13 and has not presented sufficient evidence to raise the
14 defense. And we would ask that these OUJIs not be
15 included.
16 THE COURT: All right. Mr. Boeheim.
17 MR. BOEHEIM: Although Defense understands
18 Spunaugle and Hawkins and thanks the Court for
19 pointing those out, and we don't dispute the State's
20 perspective, we believe the interpretation is a little
21 off.
22 In particular, if -- if their argument
23 stands, then by spreading out the information over a
24 period of time they would pretty much negate any
25 opportunity or possibility of these OUJIs ever being

1 used or the idea of duress being a defense. Because
2 if you spread it out far enough, there's always a
3 moment in time when somebody is free to breathe.
4 But the reality is, the child abuse occurred
5 on a specific time -- you know, a specific time period
6 within that two -- the Information's range.
7 THE COURT: The 2nd of January through the
8 9th of January. Correct?
9 MR. BOEHEIM: That is what they're -- that's
10 what they're suggesting. But all evidence --
11 THE COURT: And you dispute that?
12 MR. BOEHEIM: Yes, Your Honor.
13 THE COURT: Okay.
14 MR. BOEHEIM: Because all of the evidence
15 shows that the actual physical abuse falls on the
16 night of the 8th, and actually the morning of the --
17 early morning hours of the 9th, into the noon hour of
18 the 9th.
19 So is the fact that -- can we spread out the
20 time frame so great that there is always an
21 opportunity? Yes. But the reality is the injuries
22 that occurred, the damage that was done, the abuse
23 that was fallen, fell at that time period. And that
24 is the time period at which the enabling occurred.
25 To argue on the neglect, I'll give the --

1 I'll give the State -- based on the reading of the --
2 the OUJI, the State could argue that there was some
3 neglect in leaving the children with him somewhere
4 between the 2nd and the 9th, when he alone had control
5 and dominion over the children. So I might lean in
6 the direction of understanding the State's argument
7 there.
8 But in terms of the strict -- you know, the
9 strict element of the child abuse, I don't believe we
10 can spread it out so far that it all but eliminates
11 duress as an defense.
12 THE COURT: State, do you have a reply?
13 MS. MCAMIS: Just very briefly, Your Honor.
14 First of all, we're not talking about an
15 indefinite time period here, as the defendant would
16 argue that if we spread it out so far it would negate
17 the defense. And I might agree if the State had
18 charged a two-year time period or a one-year time
19 period. But the State charged a one-week time period.
20 Counsel also then argues that the ultimate
21 abuse occurred on the night or early morning of the
22 8th and the 9th, but that's not what the defendant is
23 ultimately charged with. What the defendant is
24 charged with and what we've heard testimony about is
25 the abuse that occurred on the Saturday or the Sunday,

1 the abuse that occurred on the Tuesday, and whether or
2 not during those time periods, given her history, and
3 given all of the evidence in the case, she knew or
4 reasonably should have known that she was putting her
5 child at risk of harm.
6 And that's what we're talking about here.
7 And it's during that entire week time period then that
8 the defense of duress has to be examined. And the
9 State would then stand on its previous arguments about
10 why it's inapplicable.
11 THE COURT: Any short reply, Mr. Boeheim?
12 MR. BOEHEIM: I don't believe there was
13 anywhere near clear evidence that there was abuse
14 prior to the 9th. In fact, the idea of a spanking or
15 even if they want to stretch to a paddling, that's
16 well within the -- well within Oklahoma law. And
17 we --
18 THE COURT: Okay. And are we talking about
19 the bottom paddling that required the application of
20 ice and then the cut on the head? Is that the
21 specific event you're addressing, Mr. Boeheim?
22 MR. BOEHEIM: If that -- if that is how it
23 occurred. There was different testimony to that.
24 THE COURT: I mean, that's --
25 MR. BOEHEIM: But there was --

THE COURT: -- there was some evidence that --

MR. BOEHEIM: There was some evidence of that, yeah.

THE COURT: And is that what you are addressing?

MR. BOEHEIM: Yes.

THE COURT: Okay.

MR. BOEHEIM: That's what I'm addressing.

THE COURT: Thank you.

MR. BOEHEIM: And so from that perspective, even if the State was to stretch it and go, there was some abuse at that time, that abuse would have to be argued at a much different level than by the testimony that was put in front of us.

The testimony put in front of us, clearly that's within the levels of the law. Whether we like the law or not, whether we agree with the law, that is within the realm of a person who is supervising a child.

THE COURT: All right. Thank you very much for taking the time to look at those authorities.

And at this time I'm going to deny the requested instructions on duress for the following reasons:

1 I find the State's arguments persuasive. I
2 think the evidence presented tends to show that the
3 defendant took action about one week before the night
4 of the 8th and morning of the 9th of January, 2015, to
5 hide the, quote, ridiculously large, closed quote,
6 paddle and was concerned that he would -- he, being
7 Blade, would use it on the minor child.
8 Particularly negating the defense of duress,
9 the defendant, based on the evidence, had multiple
10 opportunities to escape during the week in question.
11 As counsel for the State pointed out, she worked until
12 what we believe was Tuesday, which would have been the
13 6th of January 2015. And that would have come after
14 she hid the paddle and after the marks on the child --
15 on her butt and forehead, the cut on the forehead
16 needing a Band-Aid and the ice needed on the child's
17 bottom. The weekend, which would have been the 3rd
18 and 4th, right around in there, regardless of whether
19 it was Saturday or Sunday. We're not entirely sure.
20 During the final events of the night of the
21 8th of January and morning of the 9th of January,
22 defendant has testified that she believed there was as
23 much as perhaps eight minutes while she was actually
24 locked outside of a bedroom and Mr. Purdy was locked
25 inside the bedroom with the child and she stayed put.

1 She did not flee out the front door during that eight
2 minutes or thereabouts.
3 State also elicited testimony today that, had
4 she not gone to sleep the morning of the 9th of
5 January, she might have, in fact, had another
6 opportunity to escape if Blade had gone to sleep. But
7 instead of trying to escape the situation, she went to
8 sleep instead.
9 And for those reasons, along with those
10 outlined by the State, the Court finds the defense of
11 duress should not be instructed.
12 And we'll note Defendant's objection to the
13 Court's ruling.
14 Okay. Let's go ahead and go off the record
15 and make sure that we have a final set ready to be
16 numbered. And then we'll get back on the record and
17 let you all make your records that you wish to make
18 with regard to the final set of instructions.
19 *(An off-the-record discussion was held.)*
20 THE COURT: We're back on the record in State
21 vs. Lalehparvaran. Both lawyers are still present.
22 Defendant is not present. Jury is not present.
23 There was one additional proposal by the
24 Defendant that we include an instruction on basically
25 Title 21, Section 844, which provides that -- it says,

1 Provided, however, that nothing contained in this act
2 shall prohibit any parent, teacher, or other person
3 from using ordinary force as a means of discipline,
4 including but not limited to spanking, switching, or
5 paddling.
6 Mr. Boeheim, since it is your proposal, I
7 will allow you to argue first.
8 MR. BOEHEIM: Your Honor, throughout the
9 Prosecution's case in chief they referenced paddling
10 on several occasions. It was referenced again in the
11 cross examination, and -- regarding the finding of
12 this paddle.
13 I believe the average juror would not
14 reasonably believe that using a device such as a
15 paddle is still legal. And specifically anybody who
16 has moved into this state, which by the fact this is
17 one of only five states who still allow paddling, it
18 would be thought to be inconceivable that paddling
19 wouldn't be child abuse.
20 But because the State does find that using a
21 paddle is not -- or is within the range of a
22 reasonable act of discipline, the Defense argues that
23 it should be put into the jury instructions so that
24 the jury is not unduly prejudiced by the State's
25 enthusiasm and emphasis on the paddling being

1 potentially child abuse and the fact that they may
2 have their own preconceived notion of what should or
3 shouldn't be the law. And I think it's just a clear
4 definition and doesn't go to anything more.
5 THE COURT: State, your response.
6 MS. MCAMIS: Well, Your Honor, the inclusion
7 of this particular language, I think it would be
8 incumbent upon us to make a determination as to
9 whether or not this was -- use of the paddle in this
10 case was ordinary force as a means of discipline.
11 The defendant in this case is not in any way
12 charged, herself, with a crime involving spanking or
13 paddling of the child. And the only reason that the
14 paddle has been an issue in this case is because the
15 defendant, herself, brought up the issue of the
16 paddle, that law enforcement didn't even know about.
17 And the reason that she brought it up was
18 because she, herself, did not obviously believe it was
19 appropriate. She described it as ridiculously large,
20 said that it hurt even if it was used slightly, and
21 that she hid it because she knew he had used it to
22 scare Lilah and she didn't want it to be used on
23 Lilah.
24 So I don't know how you can then turn around
25 and say that the use of this paddle would be any way

1 justified as ordinary force, particularly in light of
2 the injuries that we have in this particular case.
3 The injuries that occurred on the Sunday
4 before, the defendant alleges either were caused by
5 the defendant striking the child with his hand,
6 specifically, or from the child falling.
7 The injuries that were inflicted on Tuesday,
8 she claims not to know whether that was abuse or not.
9 And then she specifically denies that on the night in
10 question that the paddle was actually used and still
11 claims that it was hidden and -- and that it was not
12 used.
13 And I don't -- with all due respect, I don't
14 know that anyone could see those photographs from the
15 night of the 8th and the 9th, and in any way, shape,
16 or form could qualify that as ordinary discipline.
17 So for all of those reasons we do not think
18 the language should be included.
19 THE COURT: Reply.
20 MR. BOEHEIM: Very briefly.
21 We have -- Defense has no discussion or
22 argument about the 9th. What we're discussing is in
23 one of -- specifically in one of the jail calls
24 Mr. Purdy says, I used the paddle on her. And he's
25 referring to somewhere in that earlier time period,

1 particularly in our interpretation, when she got the
2 ding on her forehead because he talks about putting
3 the bandage on her forehead.
4 Now, there's no evidence of whether that was
5 overly disciplined or however you want to define that.
6 But it is prejudicial to the jury to think that just
7 because he used that paddle alone, that statement
8 alone that he used the paddle, is -- could be
9 characterized, and I believe the State has already
10 characterized it, as potentially child abuse in and of
11 itself.
12 And so I believe the jury needs to understand
13 that just using a paddle alone is not enough. And
14 they can make their determination on whether it was
15 overly done or not overly done. That's up to the jury
16 and I don't believe up to us, Your Honor.
17 THE COURT: I think the jury can use their
18 common sense as to whether, as you say, paddling is
19 appropriate. I -- I just simply don't think that
20 ordinary force is supported by the evidence in this
21 case.
22 Moreover, the issue of ordinary force is not
23 what is directly claimed against this defendant. It's
24 permitting. And there's not been evidence put forth
25 as to whether it was ordinary force or not ordinary

force. I think, if anything, the pictures bear out not ordinary force.

But I'm going to deny the requested instruction as not supported by the evidence.

And I'll ask Ms. Upton to go ahead and get the set finalized and brought back in for numbering.

(A break was taken.)

THE COURT: All right. Let's go ahead and get on the record in CF-2015-242, State vs. Lalehparvaran. Both lawyers are present, Ms. Lalehparvaran, the defendant, is present. The jury is not present.

We've been working on the instructions and I think we're just about ready for our instruction conference.

The Court noted that the set of instructions now contains OUJIs 10-7, 10-8, 10-8 -- excuse me, 10-A8, and 9-9. Those had been inadvertently omitted from the master set and I believe those are now in the instructions.

I also went through and numbered them. And I've concluded that we have instruction Nos. 1 through 35, followed by a verdict form for Count A and a verdict form for Count B.

All right. At this point we'll start with

1 the State and ask whether the State considers the
2 Instructions 1 through 35 as settled and whether the
3 State has any issues to raise with regard to the
4 verdict form for Count A or Count B?
5 MS. MCAMIS: The State believes that the
6 instructions are settled. And the State has no issues
7 to raise, no additional OUJIs to request, and no
8 deletions to request.
9 THE COURT: All right. For the Defense, does
10 the Defendant consider the instructions settled? And
11 what records, if any, do you wish to make with regard
12 to the instructions?
13 MR. BOEHEIM: We renew our objections from
14 the previous hearing or on-the-record --
15 THE COURT: Yes.
16 MR. BOEHEIM: -- argument and --
17 THE COURT: With regard to duress and with
18 regard to the use of ordinary force as discipline?
19 MR. BOEHEIM: That's correct, Your Honor.
20 THE COURT: All right. Court notes your
21 objections to those items.
22 MR. BOEHEIM: Other than that, we are --
23 we're ready to move forward.
24 THE COURT: All right. Very good.
25 All right. Ms. Upton, I believe we're ready

1 for the jury.
2 And do Counsel waive the reporting of the
3 Instructions on the record?
4 MS. MCAMIS: State does.
5 MR. BOEHEIM: Defense does as well, Your
6 Honor.
7 THE COURT: All right. Thank you.
8 *(The jury panel returned to the courtroom.)*
9 THE COURT: We'll be back on the record in
10 CF-2015-242, State of Oklahoma vs. Kerry
11 Lalehparvaran. Ms. Sarah McAmis is present for the
12 State, Mr. Brian Boeheim is present for the Defense,
13 Ms. Lalehparvaran is present in the courtroom. And
14 the jury has returned to the jury box following the
15 lunch recess.
16 I'll ask, once again, whether the jury was
17 able to abide by the Court's admonishment during the
18 recess.
19 Thank you very much, ladies and gentlemen.
20 It is now my duty to further explain your
21 duties as jurors and to further inform you of the law
22 applicable to this case. It is your duty to
23 faithfully perform your duties and to accept and
24 follow all instructions of the law as a whole,
25 including the instructions given to you at the

beginning of this trial and the instructions given to you during the course of this trial. You are not free to accept and follow one or more of these instructions and disregard the other. A written copy of the instructions will be given to you before you begin your deliberations.

I'll ask counsel on the record whether you waive the reporting of the instructions on the record.

MS. MCAMIS: The State waives.

MR. BOEHEIM: Defense waives as well, Your Honor.

THE COURT: Thank you, very much.

Statement of the case and instructions of the Court:

Ladies and gentlemen of the jury, the defendant in this case, Kerry Elizabeth Lalehparvaran, stands charged by an Information filed by the State of Oklahoma. The Information alleges that:

Count (A), Kerry Elizabeth Lalehparvaran, on or about between January 2nd, 2015, and January 9th, 2015, in Tulsa County, State of Oklahoma, and within the jurisdiction of this court did commit the crime of Permitting Child Abuse By Injury, a felony, by willfully or maliciously allowing defendant, John Skylar Purdy, to continue to have

1 access to LL, a 4-year-old child, when she knew or
2 reasonably should have known that doing so would put
3 LL at risk of harm, and as a result LL sustained
4 injury to her head, face, neck, chest, abdomen, back,
5 arms, legs, and/or intraoral injury. Defendant, Kerry
6 Elizabeth Lalehparvaran, is the mother of LL, and
7 therefore a person responsible for her care.
8 Count (B), Kerry Elizabeth Lalehparvaran, on
9 or between January 2nd, 2015, and January 9th, 2015,
10 in Tulsa County, State of Oklahoma, and within the
11 jurisdiction of this court, did commit the crime of
12 Child Neglect, a felony, by willfully or maliciously
13 failing to obtain timely and/or appropriate medical
14 care for LL, a 4-year-old child, during such time as
15 she was in need of medical care. The defendant, Kerry
16 Elizabeth Lalehparvaran, is the mother of LL, and
17 therefore a person responsible for her care.
18 Contrary to the form of the statutes in such
19 cases made and provided and against the peace and
20 dignity of the state.
21 To these charges the defendant has entered a
22 plea of not guilty.
23 *(The instructions were read to the jury off the written*
24 *record.)*
25 THE COURT: You will now listen to the

1 argument of counsel which is a proper part of this
2 trial.
3 MS. MCAMIS: May I proceed, Your Honor?
4 THE COURT: Yes.
5 MS. MCAMIS: Thank you.
6 I just want to begin this afternoon by
7 thanking you very much for your patience and your
8 attention. This has been a very difficult trial.
9 It's not like we were talking about a contract dispute
10 and who should get paid or not paid what money.
11 I mean, we were talking about very real,
12 horrible, tragic circumstances. We're talking about a
13 4-year-old child who suffered incredible pain and harm
14 and physical and psychological trauma and damage. I
15 know it's hard to listen to and I know the pictures
16 are hard to look at, but I thank you very much because
17 it is so important.
18 Because the State of Oklahoma has the burden
19 of proof and because it's my responsibility to prove
20 the case to you, I get the opportunity to speak with
21 you first today and then I get the opportunity to
22 speak with you last. And so during this first part of
23 my closing argument I'm going to go over just a few of
24 the instructions that the Judge read to you.
25 You get to take them back to the jury room

with you and you get a copy and you can take them apart and you can read them. And I know everyone absolutely can read and understand them. But when she goes over them and reads them, sometimes it's easy to get lost in the words and so that's why I just want to take a few moments and just -- and point out some of the important jury instructions.

In four different places in the instructions the law tells you that you should use your common sense in this case. And that's what I've asked of you from the very beginning and that's what I continue to ask of you now.

The instructions say you are permitted to draw such reasonable inferences from the testimony and exhibits that you feel are justified when considered with the aid of the knowledge which you each posses in common with other persons. Use your common sense.

You may make deductions and reach conclusions which reason and common sense lead you to draw from the facts which you find to have been established by the testimony and evidence in the case. Use your common sense.

From all of the facts and circumstances appearing in evidence and coming to your observations during the trial, aided by the knowledge which you

1 each posses in common with other persons, you will
2 reach your conclusions. Use your common sense.
3 The law makes no distinction between the
4 weight to be given to either direct or circumstantial
5 evidence. You should consider circumstantial
6 evidence, together with all of the other evidence in
7 the case, in arriving at your verdict. Use your
8 common sense.
9 That's what this case is about. Whether,
10 using your common sense, this defendant knew or
11 reasonably should have known that Lilah was at risk of
12 harm in the environment that she was in.
13 You can use your common sense to decide
14 whether or not this defendant, after knowing on Sunday
15 that her daughter had bruises so bad on her bottom
16 that they required ice, and injury on her forehead so
17 bad that it required bandages -- the fact that she
18 cannot and will not answer the question and say did
19 her daughter need her to know, did her daughter want
20 her to pay attention at that point. The fact that
21 this defendant can't or won't answer that question,
22 you all should use your common sense to determine
23 whether that means she has to be found guilty and she
24 has to be held accountable for the incredible trauma
25 that was inflicted upon a helpless child.

1 When you are deciding who and what to believe
2 in this case, in other words when you're deciding,
3 Well, should I believe the defendant when she says, I
4 never told Officer Ramsey there was a paddle or I
5 never told Officer Ramsey that Lilah was locked in the
6 back bedroom. Or when you're trying to decide should
7 you believe the defendant when she says over and over
8 and over that he was choking her and then she says, I
9 never said he was choking her and they're twisting my
10 words, and then she wants to say she was being held by
11 the shoulders. When you're trying to decide whether
12 or not to believe her versus all of the other evidence
13 in this case, the instructions also tell you about
14 that.
15 The instructions tell you that when you're
16 determining the credibility of each witness and the
17 weight to be given the testimony of each witness, you
18 can properly consider the interest, if any, which the
19 witness has in the result of the trial.
20 So this defendant, if she doesn't somehow
21 convince you that there's no way she could have known
22 and no way she reasonably should have known and she's
23 not a failure as a mother, if she doesn't somehow
24 convince you of that, she's going to prison. And you
25 can and you should consider that when you consider the

1 believability and the credibility of the testimony
2 that she provided.
3 There's also an instruction that talks about
4 other misconduct on behalf of this defendant. And the
5 instruction says that, If evidence has been received
6 that the defendant has allegedly committed misconduct
7 or offenses other than that charged in the
8 Information, because in the Information she's charged
9 with the time period between the 1st of January and
10 the 9th of January, This evidence has been received
11 solely on the issue of the defendant's alleged motive
12 or opportunity or intent or preparation or common
13 scheme or plan or knowledge or identity or absence of
14 mistake or accident.
15 And what this instruction is talking about is
16 what you heard from 2009, when her baby tested
17 positive for drugs, but it's not her fault. What you
18 heard from 2011, when the authorities had to become
19 involved in the situation when her house was shot up
20 by her ex-husband. What you heard of the situation in
21 2013, when the authorities had to become involved
22 because her children were left at home alone, but,
23 really, it was just a big misunderstanding because her
24 live-in boyfriend, Blade, was in the shower at the
25 time but she didn't want anyone to talk to him because

she didn't want to get him in trouble.

All of these different things that you have heard about, what this instruction says, you can and you should consider those when you're considering the totality of this case. This is not an isolated incident where the defendant just had one bad day and one bad lapse in judgment and so therefore she should be given the benefit of the doubt or therefore she should be given a second chance. What this instruction says is that you should and you can consider years, years of complete failure by this defendant.

The instructions also say that evidence has been presented that on some prior occasion Kerry Elizabeth Lalehparvaran made a statement inconsistent with her testimony in this case. This evidence is called impeachment evidence and it is offered to show that the witness's testimony is not believable or truthful. If you find that a statement was made you may consider this impeachment evidence in determining the weight and credit to be given the testimony of that witness.

And what this is saying is that each and every time this defendant has made a statement and each and every time she changes her version of events,

1 when she swears in the protective order one thing but
2 then testifies on the stand another, when she
3 testifies to one thing in a previous proceeding under
4 oath but then testifies something different in this
5 proceeding under oath, you absolutely can and you
6 should consider that to determine whether or not to
7 believe her at all.
8 Because it's so important to understand, if
9 you can't believe her about these things, then you
10 can't believe her about these things. If you can't
11 believe -- if you can't believe her when she tries to
12 explain to you that as she was holding her daughter
13 down he only hit twice with the belt, and they can try
14 to explain that away all they want.
15 And she can try to say, Well, maybe after
16 that, when I wasn't holding her down, he struck her in
17 the exact same place again. I don't know. Or maybe
18 Defense counsel can try to explain that away by
19 looping his belt and saying, Well, maybe if you loop
20 the belt it makes more stripes than if you don't.
21 They can try to explain that away all you
22 want (sic.) But if you use your common sense and you
23 look at those photographs and you say, Oh, my God, how
24 many times was this child beat with that belt? And if
25 I can't and if I don't believe her that it was only

1 twice, then I can't and I won't believe that she put
2 up this valiant effort to defend her child like she
3 would want us to believe. And I can't and I won't
4 believe her when she says, How could I possibly have
5 known?
6 If you can't believe her when she says
7 something like, Oh, I was forced to use heroin, I was
8 forced to use it, and yet then we hear about years of
9 her drug abuse and excuses about, Well, those weren't
10 really mine, that wasn't really my drugs, it was the
11 aunt's. That wasn't really my drugs, it was the
12 uncle's. That wasn't really my drugs, Blade took my
13 drugs.
14 If you can't believe her when she says that,
15 and then you find out that even though she's saying
16 she was forced to use heroin by Blade and his friends,
17 that when Blade is in jail and after all of this has
18 happened she is still using. If you can't believe her
19 about that, then you can't believe her when she takes
20 the stand and she says she's such a good mom and she
21 shouldn't be held accountable for any of this. And
22 that's what these instructions say.
23 But the most important instructions that are
24 in your packet are the elements that we talked about
25 during jury selection and how we bake our cake. And I

1 just want to go over those for each crime because it
2 really is simple when you boil it down.
3 For the crime of Permitting or Enabling Child
4 Abuse, there are six elements. A person responsible
5 for the child's health, safety, or welfare. Willfully
6 or maliciously permitted. A willful or malicious act
7 of harm or threatened harm to the health, safety, or
8 welfare of a child under the age of 18 by another
9 person.
10 So what you can do when you take your
11 instructions back, is then what I would suggest that
12 you do is take them apart and you can write on them.
13 Don't write on the original copy but you can write on
14 the copies.
15 So the first element is a person responsible
16 for a child's health, safety, or welfare. That's
17 defined in another instruction. And a person
18 responsible for a child's health, safety, or welfare
19 is a parent. And it can also be a legal guardian or a
20 foster parent or all of those things, any other adult
21 residing in the home. But it's a parent. She's
22 Lilah's mom. So the first element, very easily, check
23 it off. She's the mom.
24 The fifth element is of a child under the age
25 of 18. Lilah had just turned 4. That's easy. Check

it off.

The sixth element is by another person. We all know that Blade is the one that inflicted these atrocious injuries so the sixth element, by another person, is Blade. Check it off.

So really that only leaves you three elements to talk about. And I want to go over those for just a moment.

The second element is willfully or maliciously permitted. And it's important that you recognize that it's an or. Willfully or maliciously. So we either have to prove it was willful or we have to prove it was malicious.

Willful is defined. And willful is just defined as purposeful and it does not require any intent to violate the law or require any damage. And this is important and significant for you to understand.

There's just a difference between on purpose or on accident. And so when she continued to allow Lilah to be around Blade, when she continued to allow Blade to have access to Lilah, that was on purpose. She made that decision. It wasn't an accident.

If I didn't know my child was standing behind me and I left to go to QuikTrip and accidentally left

1 my child at home alone with a perpetrator, that's an
2 accident. But that's not what we're talking about
3 here. She made a purposeful decision. That's all we
4 have to prove. We do not -- absolutely do not have to
5 prove that she wanted or planned for Lilah to be hurt
6 or for Lilah to be hurt so significantly.
7 I don't think anybody is alleging that it was
8 her desire in life to get her child beat up. That's
9 not what we have to prove. We just have to prove that
10 she, on purpose, permitted this.
11 Permitted is defined right below the
12 elements. And permitted says, Authorized or allowed
13 for the care of the child by an individual when the
14 person authorizing or allowing such care knew or
15 reasonably should have known that the child would be
16 placed at risk of abuse.
17 So we don't even have to prove that Lilah was
18 ultimately abused. She was. But all we have to prove
19 is that she was at risk of abuse and that this
20 defendant reasonably should have known that.
21 Absolutely the facts and the evidence in this case
22 prove that beyond a reasonable doubt. So you can
23 check off the second element.
24 The third element is a willful or malicious
25 act of harm or threaten harm. So, again, all we have

1 to show is that there was an act of threatened harm to
2 Lilah. Ultimately she was harmed, but all we have to
3 show is that there was an act of threatened harm. And
4 there cannot be any question, whatsoever, when you're
5 talking about was it a willful act of harm or
6 threatened harm. This is talking about by Blade.
7 This wasn't an accident, what he did to the child.
8 This was on purpose. Every time he raised his hand up
9 and struck it down or punched or kicked or threw or
10 whatever it was that he did so viciously to this
11 child, it wasn't an accident. So the third element is
12 absolutely proven beyond a reasonable doubt.
13 And the fourth element, to the health,
14 safety, or welfare. That's also defined in the
15 following instructions when it talks about what is
16 harm or threatened harm to the health or safety of a
17 child. And that's defined as any real or threatened
18 physical or mental or emotional injury or damage to
19 the body or mind that is not accidental.
20 I don't think that anybody could argue in
21 this case that she has not suffered real or threatened
22 physical harm, real or threatened emotional injury or
23 damage as a result of what happened to her.
24 So once you do that and break it down that
25 way, it's very easy. The state has proven beyond a

1 reasonable doubt that this defendant permitted,
2 enabled the abuse of Lilah Lalehparvaran.
3 The second thing that the defendant is
4 charged with is the neglect of a child. That has five
5 elements. A person responsible for the child's
6 health, safety, or welfare. We already know that's a
7 mom. Check it off.
8 Willfully or maliciously failed or omitted to
9 provide adequate medical care or supervision for a
10 child under the age of 18. We know she's under the
11 age of 18. Check it off.
12 So that, again, leaves us the middle three
13 elements. The willful or malicious element. Again,
14 it's an or. The State, all we have to prove is that
15 it was not an accident, that she chose to have Blade
16 as the sole caretaker, the primary caretaker for her
17 children, she did not seek medical care for Lilah when
18 she could have, when she should have. It was not an
19 accident, it was on purpose, and therefore it was
20 willful and therefore check it off.
21 Failed or omitted to provide. Again, she
22 failed Lilah in every possible way. Check that off.
23 And finally the element of adequate medical
24 care or supervision. And, again, by not getting any
25 medical care -- certainly every time your child gets a

1 bruise you do not have to rush off to the doctor. But
2 given all of the circumstances in this case and
3 everything that she knew or reasonably should have
4 known, from the very moment on Sunday that Lilah's
5 getting a bruise that requires ice, and injury to her
6 head, from that moment forward she absolutely has an
7 obligation and a duty to do something for that child,
8 anything for that child, and she did not. So check it
9 off and she is guilty.
10 Those are all of the instructions that I
11 wanted to go over with you. I will now give the
12 Defense the opportunity to make their closing
13 argument. And I will come back again because I have
14 the burden of proof, as I should, in this case. I
15 appreciate your patience.
16 THE COURT: Closing argument from the
17 Defense.
18 MR. BOEHEIM: This is a very difficult case
19 because there are so many moving parts and this
20 obscure timeline.
21 One thing I want to say right from the
22 beginning is Ms. McAmis is an outstanding attorney.
23 I'd like to think I'm pretty good too. But this isn't
24 about us. It's not about whether we can stamp our
25 feet louder or whether we can raise our voices. We

1 both can be very dramatic at times. That's not what
2 this is about.
3 This is about the testimony and the facts.
4 This is about the evidence. You've got a lot of
5 pictures to look at. You've got some videos to look
6 at. This is about what happened to a poor, innocent
7 child. And this is about how it's going to impact
8 Ms. Lalehparvaran's -- the rest of her life.
9 Any reasonable person would be outraged and
10 angry and frustrated and crazy for what happened to
11 this little girl. Little 4-year-old girl got the crap
12 beat out of her. For what? Maybe spilling some
13 berries. Maybe saying something. Who the heck knows
14 what was going through Purdy's mind? Blade.
15 Did it really matter? You even heard on the
16 jail calls when he said, Oh, yeah, I spanked her and
17 then I put ice on it. And she said, Oh, thank you for
18 making it feel better. You can hear him playing the
19 game right there. He is playing -- he's already
20 making -- playing that game. And he's doing it with a
21 4-year-old. That mind control crap that he does and
22 you heard over and over again.
23 John Purdy, Blade, is the predator. He's the
24 focus of the anger.
25 Ms. McAmis wants to keep putting all of these

1 things in, you know, order for you. But it's -- it's
2 this time shifting game that's troubling. She keeps
3 going back to this, Oh, you know, he spanked her and
4 had to put ice on her butt and, you know, had a mark
5 on her forehead.
6 Ms. Lalehparvaran came right up here. She
7 didn't have to testify. But she sat right here and
8 told you, Yeah, I noticed some marks on her butt. I
9 noticed the mark there and I asked Mr. Purdy -- I
10 asked Blade what was up with that.
11 But the State wants to make it sound like she
12 knew at that point that there was ice put on the --
13 you know, on her bottom, and, oh, he put the Band-Aid
14 on it.
15 Well, hang on a second. Watch the time
16 shift. Because that jail call happened months after
17 the incident. Months.
18 My client clearly said, yeah, she was a
19 little concerned. She was a little concerned. And
20 that she even got more concerned when she saw some
21 more marks. So concerned that she got out of a
22 vehicle headed to work and walked back and went, no,
23 I'm not going to work. And she stayed. She stayed
24 right through the 8th and into the 9th, when
25 everything went horribly wrong.

1 I don't doubt the State is going to get up
2 here and talk again about the long-term drug use and
3 the issues and the heroin. Yes, my client said she's
4 got a -- she's got a substance abuse problem. Yes,
5 she admits to that. There's no question about that.
6 But that isn't, again, what happened over that period.
7 That's a bigger period. That's a before and that's
8 way -- and that's after.
9 What the State wants to do is compress all of
10 that right up in the middle. And go, yes, look at
11 this mess right here, of all of the things she's done
12 wrong.
13 She admits to the things she's done. And she
14 clearly said as she stood -- as she sat there, Yep,
15 I've taken some heroin. And the first time was just
16 weeks before and he forced me to take it.
17 And then she said, He also forced me. Didn't
18 hold me down. But he told the gentleman, give her a
19 shot.
20 And she didn't -- she knows what happens when
21 she defies him. But she didn't say that the times in
22 between she didn't do it of her own free will. She
23 didn't say she didn't drink. We heard on the jail
24 calls her slurred speech. She talked about spilling
25 wine. Yes, she's got a substance abuse problem. Got

it.

But let's not confuse what happened on January 8th and January 9th, with that. Let's not confuse what happened with John Purdy, Blade, the predator, with what happened with Ali Lalehparvaran. They want to keep bringing that back again and again and again.

Yep, that's right. He said nice things to her. He treated her nice. Started to demean her. Started to tell her she was ugly. Started screwing around on her. Tried to control her life. And then eventually when she resisted, he shot up the house and went on a violent rampage. Yep, that's what happened years earlier. The victim of that.

Now, let me see. Just a little bit longer -- a little bit of time goes by and she ends up with another guy who treats her nice, treats her sweet, tells her she loves him -- or he tells her that he loves her, says all of the right things. And then starts telling her she's ugly, she's fat, she doesn't deserve -- starts screwing around on her and starts becoming violent. And the cycle begins.

Is that smart? Is that the way the world should work? No. But that's a victimization by predator.

1 Mr. Purdy, by all accounts and testimony,
2 never laid a hand on those kids in any form or fashion
3 until that Sunday before, within seven days before.
4 And, again, don't get the time shifting
5 confused. That jail call you heard where he admitted
6 it and where my client finally found out was well
7 after the 9th of January.
8 Did she go, hum? Yeah, she went, hum. But
9 do you call DHS? Do you call the cops on a hum? Any
10 reasonable person would take a deep breath before they
11 do that. Because once you call DHS and once you go
12 down that path, it's hard to turn around.
13 So what did Ms. Lalehparvaran say she did?
14 She talked to him. She got what she felt was a
15 reasonable explanation.
16 Now, the State is going to go, But he was
17 beating her, he was physically violent.
18 Dr. Baxter will talk about studies. Studies
19 that clearly tell us all that if you're being
20 physically abused, eventually your child will be
21 abused as well.
22 I'm sorry. I'm a pretty intellectual and
23 academic guy. I've never read those. Does it make
24 sense in the grand scheme of things? Yes. But as
25 somebody said, love is blind.

1 Even if the love seems to be contorted and
2 twisted and makes us feel funny, it's beautiful to be
3 Monday morning quarterbacks. It's easy to sit there
4 after the fact. But isn't that what the State, isn't
5 that what Detective MacKenzie, isn't that what
6 Detective Maker asked Ms. Lalehparvaran do. The
7 Monday morning quarterback, all of her decisions from
8 the beginning of time.
9 I don't sit that high on the mountain to do
10 that. Some story about throwing rocks in a glass --
11 glass house. Anybody can look after it's all over and
12 look back and go, oh, there were the signs.
13 And there were so many little interesting
14 spots. In cross examination, Ms. McAmis pointed out
15 every little thing, and some of them not so little.
16 Pointed out everything she could to suggest my client
17 was lying. To suggest Kerry was a liar.
18 Were there a couple of things where she
19 probably didn't tell it all right up front because she
20 was a little nervous and scared? Probably. Were
21 there a whole bunch of things that after a hugely
22 traumatic event she may not have remembered so crystal
23 clear and it became clearer as time went on? She even
24 testified over the course of being in jail for almost
25 a year, stuff gets clearer. You start thinking about

1 it. It's, like, oh, yeah, wait a minute, poof. But,
2 no, she doesn't get that. She can't do that.
3 But when she questions the authorities for
4 maybe being mistaken -- and the State kept trying to
5 shove down Ms. Lalehparvaran's throat the term lying.
6 Are you saying they're lying? Are you saying they're
7 lying? And she kept going -- because what's she's --
8 but she eventually says, they're mistaken, or I was
9 mistaken.
10 And a perfect of example of that is Kristi
11 Simpson, who said -- if you'll remember Kristi, she's
12 the DHS worker. She said, Oh, we were at the -- at
13 the Justice Center and Dr. Baxter came in and
14 immediately said, Oh, my God, this child needs to be
15 rushed to the hospital. Remember that? Had to rush
16 to the hospital.
17 So where -- where's the rushing? If this was
18 such a medical emergency, let's get the ambulance.
19 No, she's going to take this beaten 4-year-old and put
20 her back in a car seat and drive her over to the
21 hospital?
22 But, even better, now we've got Dr. Baxter
23 saying that, Oh, well we just let the child back over
24 with the mother in a whole other room to dress the
25 child and she was on the phone.

1 Well, I'm not saying anybody is lying. Ms.
2 Lalehparvaran is not saying anybody is lying. This is
3 not some huge conspiracy to, you know, throw fire and
4 brimstone on my client.
5 But there is some mistaken moments here.
6 Because there's no way humanly possible a doctor of
7 Dr. Baxter's caliber is going to go, Yes, this child
8 needs to get to an emergency room immediately, he
9 (sic) needs to go to the hospital, and then just leave
10 the kid standing there naked or tell the mother to go
11 to dress the child. He's not going to want the
12 liability. What doctor is going to allow that? Are
13 you kidding me?
14 Is it a lie? No. Dr. Baxter is probably one
15 of the most straightforward, honest individuals I've
16 ever met in my entire life. He thinks so
17 analytically. I even asked him to call the guy out as
18 a monster and he couldn't because he's so crystal
19 clear on his language.
20 So how does that make sense? It's a mistake.
21 This happened quite a while ago. It's a mistake. And
22 my client, Ms. Lalehparvaran, when she's up there,
23 does she remember everything perfectly the way she
24 said it there or here or then? No. Is she lying
25 because of that? That's for you to judge. That's for

1 you to judge.
2 The jail calls. God, I keep hearing those
3 jail calls in my head. And, by the way, as you heard,
4 there's 28 of them. You only heard a few.
5 How can -- I asked my client, How could you
6 get so friendly with him? Ms. McAmis asked, How can
7 you talk to him like that after all he did? And,
8 honestly, her frustrated and appalled tone, I get it.
9 Nobody is arguing that.
10 And I asked my client. And you can see --
11 you saw her shoulders drop. She exhaled, she looked
12 down, and she goes, I just don't know.
13 All she's known her adult life is predators.
14 Ali Lalehparvaran, who said he was going to love her
15 and then treated her like shit. And then in an
16 explosive moment shot up the house, threatening her
17 and her kids.
18 Oh, and, by the way, where was she? She was
19 laying on top of her kids when the bullets were
20 flying. Yeah, that's the horrible mom.
21 And, again, John Purdy, Blade, Love you baby.
22 I love you. Put money on my books. Kick you're teeth
23 in. Again, a predator.
24 And did she do everything perfect that night?
25 No. But look at those photos. Look at the photos of

her injuries again.

Ms. McAmis is right. They don't compare. A 4-year-old -- the bruises on a 4-year-old are worse. It's horrible what happened.

That was not what happened to Ms. Lalehparvaran. What happened to Ms. Lalehparvaran was defensive wounds trying to protect her child.

And Ms. McAmis points out very clearly, Instruction 25, in Permitting Child Abuse, the second part. I'm not even -- not even -- not even going to talk about the rest of it. Ms. McAmis did a wonderful job. Not even going to go there.

But the second element. The willful or malicious permitting. Willful. Just let that word run in your head. Willful. Was it willful? Did she -- did she truly allow this to happen? Did she have knowledge and forethought of this, as Ms. McAmis says, prior -- days prior than that?

That's for you guys to decide. You're the ones with the common sense. You're the ones that get to make that decision. No matter what I say and how I say it, no matter what Ms. McAmis says, no matter how it's put together, it comes down to you guys. It comes down to each of you looking at that concept.

And the same thing with Child Neglect.

1 Willful. There's no evidence that's been put in front
2 of you that suggests that that original -- that
3 original spanking, whatever it happened to be, that my
4 client found out later had to be iced, there's nothing
5 that suggests that she thought that was a medical
6 need. And nothing about that suggests that he still
7 couldn't take care of her.
8 And I know they're going to go, Well, he
9 knew -- he was using drugs, he was doing this. He
10 took care of the kids up to that point for weeks
11 and -- with no issue. And then when she did believe
12 there was something wrong, she literally got out of a
13 car, walked back to the house, and stayed home.
14 Do you want to be angry? I want to be angry
15 about this case. I want to be angry about what
16 happened to that 4-year-old. My anger is pointed
17 right at the person that deserves it. That's John
18 Purdy. Blade. He's the monster. He's the predator.
19 We appreciate your time and your energy and
20 your focus. On behalf of myself and Ms. Lalehparvaran
21 we thank you for your time and patience and paying
22 your attention. And we ask that you find
23 Ms. Lalehparvaran not guilty on both counts.
24 Thank you.
25 THE COURT: State's second close.

1 MS. MCAMIS: A mom is supposed to love her
2 child unconditionally. A mom is supposed to protect
3 her child from harm. Nobody should have to tell a mom
4 to do that. A mom has an ethical responsibility to do
5 that, a moral responsibility to do that, and she has a
6 legal responsibility to do that.
7 But nobody should have to tell a mom that.
8 It should just be innate. It should just be something
9 that once you have a child there's no question but
10 that you would do anything and everything to protect
11 that child from harm.
12 Can you even begin to imagine right now --
13 can you even begin to imagine holding down a complete
14 stranger, a little 4-year-old child who you had never
15 met before, as she was being beaten to a pulp? Of
16 course you can't imagine that.
17 MR. BOEHEIM: Objection, Your Honor. Facts
18 not in evidence.
19 THE COURT: This is closing argument. The
20 jury will remember what the evidence was from the
21 witness stand.
22 MS. MCAMIS: Of course you can't imagine
23 that.
24 But could you imagine holding your own child
25 down? Your own flesh and blood as that was happening?

1 Can you begin to imagine what was going through
2 Lilah's head? Can you begin to imagine how scared,
3 how hurt Lilah was? And then knowing, not only that
4 this was being inflicted upon her, but that her mother
5 was helping, assisting, participating in it.
6 Can you imagine standing behind the
7 doorway -- if a little 4-year-old child is behind that
8 door right now being beat so bad that it leaves those
9 kind of injuries, that the breath is being beaten out
10 of her and she's screaming for help and you've never
11 met that child before, what would you do to save that
12 child?
13 Could any of you stand by for 30 seconds and
14 listen to that and let that happen and do nothing, let
15 alone a minute? Let alone two minutes? Let alone
16 three minutes?
17 When you go back to the jury room, everybody
18 just be quiet for one minute and time it on a clock.
19 And think about if for one minute you could stand by
20 and let a complete stranger have that happen to her
21 and do nothing?
22 But then think about it, not as a complete
23 stranger, but as your own flesh and blood. Think
24 about this as a child who is screaming for her mommy
25 to save her.

1 Which is worse for Lilah? Honestly, truly,
2 which is worse? Is it being hit with that belt over
3 and over again or is it looking up and seeing her mom
4 as she knows that her mom is not helping her?
5 The law says you have to protect your child.
6 And you know what the law doesn't say in those
7 instructions that we just went over, the list? It
8 doesn't say, well, unless you're in love because love
9 is blind. And you know what it doesn't say? It
10 doesn't say, well, you know, unless you've had a rough
11 life. Sorry, kid, hum, mom has had a rough life.
12 You're on your own. It doesn't say that.
13 You know what the instructions don't say.
14 The instructions don't say you have to protect your
15 child unless you think you're a victim yourself.
16 Bummer for you, Lilah. Protect yourself. That's not
17 what it says.
18 What the instructions say and what the law
19 says and what every one of you knows your ethics and
20 your morals say, is that you have to protect your
21 child.
22 So should she have reasonably known? Why do
23 we go back to her ex-husband, Mr. Lalehparvaran, to
24 decide whether or not she reasonably should have known
25 that Lilah was at risk of harm? Because it's all so

1 important and significant and it all shows her
2 complete failure.
3 When she was with her ex-husband, this is a
4 man who she says beat her and broke her bones and who
5 did horrible things to her. And there is no excuse
6 for that whatsoever. And he should have been held
7 accountable for that and he should have been punished
8 for that and there's no excuse whatsoever for any of
9 that to happen.
10 But you know what else he did? He hurt one
11 of their children. Gosh, how could she have possibly
12 known that there was a correlation between, if your
13 man beats you, your kid's not safe with him? How
14 could she possibly have known?
15 But it's so much more than that. Because
16 after she knows that he has hurt her child, after she
17 knows that he has taken an AK-47 and shot up the place
18 where her kids are, what's her response to that? Come
19 on, kids. Let's go to jail to see Daddy.
20 Oh, the kids were fine. They love him
21 They're happy. They wanted to go see him.
22 Really? Can you imagine -- can you imagine
23 the fear that those children experienced while their
24 home was being shot up? And does anybody on this jury
25 really think that they were all excited to go and

1 visit him? Does anybody really on this jury think
2 that a therapist was okay with that? Sure, take the
3 kids to the prison to see old Dad. That's where
4 common sense comes into play.
5 And so when she has the opportunity to get
6 help, because DHS rightfully comes into her life at
7 that point, and DHS rightfully says, Okay, tell us
8 what you're doing so we can make sure that you're all
9 good and make sure you're all safe.
10 Here's what we can offer you. We can offer
11 you domestic violence intervention services. We can
12 offer you Family and Children's. We are here for you.
13 And what does she do? She does what she's
14 done throughout this case. She says what she needs to
15 say when she needs to say it to meet her own needs and
16 then she does the exact opposite.
17 Because she tells DHS then, Oh, I got the
18 protective order. Right? I got it. I got the
19 protective order. We're good.
20 And yet -- and yet, she then doesn't go to
21 court so the protective order gets dropped. And yet,
22 this same man who has not only hurt her, but has hurt
23 her child and has shot up the home with her children
24 in it, she doesn't want to testify against him.
25 Right? She doesn't want to testify against him. So,

1 therefore, he gets a plea bargain and, therefore, he's
2 out.
3 This same man who did all of this that she
4 told DHS, Oh, I'm done with men, I'm going to protect
5 my kids now, she is talking to him in jail. She is
6 maintaining a relationship with him in jail. So why
7 on earth would we now think, Gosh, how could she have
8 known with Blade? How could we possibly hold her
9 responsible for what ultimately happened to her
10 daughter?
11 When we talk about holding her responsible in
12 this case, please understand. You do not have to find
13 that on the night of the 8th, and the early morning of
14 the 9th, that that is when she completely failed. And
15 we'll talk about that in a minute. And maybe you
16 think she couldn't have done more that night.
17 But you don't even have to talk about that.
18 You have to talk about the time period leading up to
19 that and whether during that time period she knew or
20 reasonably should have known that she was putting her
21 child at risk of harm.
22 So let's talk about how she knew or
23 reasonably should have known. She knew Blade was a
24 druggie. She knew he used Oxy. She knew he used
25 heroin. She knew he was violent when she (sic) used.

1 She knew that he was increasing in his usage. She
2 knew he was a druggy. She knew he had heroin in their
3 house. She knew he had needles in her house. She
4 knew he shot up in her house.
5 That's enough. That's enough for any mom to
6 reasonably know that they are putting their child at
7 risk of harm. That's it.
8 But there's so much more. Not only did she
9 know he was a druggie, she knew he had pending,
10 serious, felony crimes. She knew he was looking at
11 prison time, not only for his drugs, but for robbery.
12 Not only for drugs and robbery, but for beating up a
13 detention officer while in jail. That's enough.
14 Before you go bond your man out of jail to
15 move him into your home to be a babysitter to your
16 children, you better do a little bit more at figuring
17 out whether they're going to be safe. And if he's a
18 druggie and if he's in jail facing serious felonies,
19 that's enough. We are done.
20 But there's so much more. This is a man who
21 did atrocious things to her. Nobody is excusing that.
22 Nobody is justifying that. Nobody is saying that she
23 wasn't a victim of domestic violence. He did horrible
24 things to her.
25 He choked her. He pulled her hair. He

1 blacked her eye. He cut her up. Wrong, wrong, wrong.
2 But that's enough. That, in and of itself.
3 If you have previously had a man who hurt you
4 and your children and now you are involved with a man
5 who is hurting you and who's a druggie and who you're
6 bonding out of jail, that's enough. You don't have to
7 read a scholarly article to know, gosh, I wonder if
8 I'm placing my children at risk of harm.
9 And what kind of harm were those kids
10 experiencing? Were they asleep when he was cutting
11 her with a knife? Were they asleep when he was
12 dragging her by the hair? Were they asleep as he was
13 punching her and throwing her? Do you not think that
14 those kids experienced emotional harm as a result of
15 living in that kind of environment? That's enough.
16 But there's so much more. This incident that
17 happened on Saturday or Sunday, she's not clear which,
18 Defense counsel in his closing argument would have you
19 believe that we're changing the timeline on that. And
20 if you believe that for one second, you get all of the
21 videos, you get all of the audios, take them back and
22 listen to them again.
23 Because she told the detectives right from
24 the beginning about the bruising on her daughter on
25 Saturday or Sunday. And she had different

1 explanations for it. Remember. Well, maybe it was
2 just from a fall and maybe it was just a scrape. And
3 then she told Dr. Baxter that it was bruising on her
4 butt, not her back. And then she said that at the
5 time -- not a year later on a jail phone call, at the
6 time he told her that he spanked her so hard that her
7 head went into the dresser. And you know what, she
8 said she'd seen that happen before.
9 Maybe it was Lilah's fault at 4-year-old.
10 Maybe she wasn't steadying herself enough for the
11 spanking. And poor little Lilah, it was her fault
12 that she was unbalanced and her head went into the
13 dresser. Really? Really? That's enough.
14 Lilah needed her to know. Lilah needed her
15 to pay attention. Lilah needed her to understand.
16 But instead she completely failed her. Boy, calling
17 DHS is a bad thing. Right? You don't want to rush
18 out and call DHS because that's a bad thing. Right?
19 Nobody wants false allegations to be made to
20 DHS. But if there is still any question in your mind,
21 gosh, he's a druggie, he's been in jail, he beat up a
22 detention officer, he beats up me, I've seen him
23 spanking my child into the dresser. And, now, gosh,
24 huh, I wonder if there's any question whatsoever
25 what's going on here. I don't want to make a false

allegation.

Okay. Go to the doctor. Ask the doctor, what do you think? Can you tell me? Can you look at my child? Can you help me?

Go to a coworker and say, you know, I'm just not sure, but I'm worried about my daughter. What do you think I should do?

Go to any church in Tulsa. Call up one of the DHS workers that you had previously talked to and say, I don't want to make a report, I just need to know. You had told me before about some Family and Children's services and domestic violence. Maybe I should go and talk to them. I'm just not sure.

Do something. Do anything. And she didn't. And that's enough.

But there's more. On Tuesday -- on Tuesday Lilah had bruises on her arms and bruises on her legs and she was concerned enough that she asked Lilah and Lilah told her what happened. What on earth else can a 4-year-old do other than tell her mom.

And she knew. She knew the defendant picked on her. She knew the defendant messed with her. She knew that the kids all thought he was mean and all thought he was stupid. But, ha-ha, it's so funny.

That's enough. And you can't just say, well,

1 I'll stay at home more. Things will be okay. Bummer
2 for you, Lilah, that things aren't.
3 What about that night when it all happened?
4 You take a look at those pictures of her and the
5 defendant's injuries and you ask yourselves what kind
6 of injury you would have if somebody were doing that
7 to your baby.
8 Could you go take a shower for 20 minutes
9 with a man who has that kind of rage? When you have
10 access to the phone -- if you want to believe that she
11 didn't, because, gosh, golly gee, there's a lot of
12 coincidences in this case, and she had full access to
13 the phone in the medical exam, didn't she? But if you
14 want to believe she didn't have access to the phone,
15 how about the time period that she didn't? A
16 kindergartener knows how to call 9-1-1. It doesn't
17 matter what the frigging area code is. I mean,
18 really?
19 What about the eight minutes? What could she
20 have done and what should she have done to get help?
21 But it's so much more than that. She slept
22 for hours while a child with these injuries -- and I'm
23 not even going to go through these again. But look at
24 them when you go back to the room. While a child who
25 looked like that was being forced to stand, could you

1 sleep for one minute? I don't care how tired you are.
2 I don't care if you haven't slept in a frigging week.
3 Could you go to sleep for hours?
4 Lilah probably wanted to sleep too. And if
5 you were really trying to make your escape and really
6 trying to help your baby, gosh, that would have been a
7 good time to, right, if Blade fell asleep? But we'll
8 never know because she was sleeping away.
9 What about when the city worker shows up the
10 next morning? I don't care where Blade was in that
11 house. A stranger comes to the door, what would any
12 reasonable person do? Oh, my God. Help. Oh, my God.
13 Help, help, help.
14 Did she fail her daughter in every single
15 way? It didn't end there. When they go to the
16 Children's Advocacy Center -- and now apparently
17 Defense counsel wants to spend a good portion of his
18 closing argument criticizing Dr. Baxter and Kristi
19 Simpson for how all of that went down. Thank goodness
20 for people like them.
21 When you see your own daughter in that
22 condition and you're being told, okay, she's going to
23 the hospital, who doesn't -- out of the goodness or
24 kindness of their heart or out of basic human decency
25 who doesn't try to comfort that child?

1 Who stands next to her naked talking on the
2 phone that she supposedly didn't have access to?
3 But it's so much more than that. Because
4 those jail phone calls, they're disgusting. And we
5 sat here and listened to them together. And I would
6 submit that you probably wanted to take a shower after
7 they were done. They are gross.
8 If you have any kind of suspicion that your
9 man is sexually abusing your daughter, or if you know
10 without any question whatsoever that your man has
11 tortured, tortured your child, do you talk to them
12 like that? Do you make plans for the future with him?
13 Tell him he's your soulmate. Regardless of whether
14 he's nice to you.
15 Bummer for you, Lilah. Mommy is still in
16 love. You're on your own, Kid. So sorry this
17 happened.
18 But you know what else you can tell from
19 those jail phone calls? Two very important things.
20 And if you need to go back and listen to them again,
21 do it.
22 This defendant gives just as good as she gets
23 on those jail phone calls. She is not some meek,
24 mild, scared woman on those phone calls. She's
25 aggressive. She's cussing. She's telling him what

1 for. She's accusing him just like he's accusing her.
2 She gives as good as she gets.
3 But you know what else is so important about
4 those jail phone calls? She only talks about Trinity.
5 Did you notice that. Over and over and over she talks
6 about her baby, singular. Where is her baby going to
7 live. Who is her baby with. What's her baby doing.
8 Does her baby remember her. Send pictures of the
9 baby. Only about Trinity.
10 Did you hear anything at all about Lilah and
11 where that poor child is or how that poor child is
12 doing? Or how dare you. How dare you do this to my
13 baby. It's all about Trinity.
14 Go back and listen when you are deciding
15 whether she should be held accountable for her
16 complete failure of Lilah.
17 So how -- how do you punish her? What is
18 appropriate for this -- what happened in this case?
19 You are the 12 members of our community who
20 get to say what it is worth. But here's what I would
21 submit to you as you're considering that.
22 The defendant's youngest baby, Trinity, was
23 less than a year old when this happened. I would
24 submit to you the range of punishment in this case is
25 so big because it takes into consideration all

1 different stages of what could happen here. It takes
2 into consideration that this low end, maybe it's just
3 that you know he's a druggie. But then you start
4 getting closer to this end and you also know he's a
5 felon.
6 MR. BOEHEIM: Objection, Your Honor. May we
7 approach?
8 THE COURT: Yes.
9 *(A conference was held at the bench outside the hearing*
10 *of the jury.)*
11 MR. BOEHEIM: I don't believe it's proper for
12 Prosecution to be putting leveling of if he's got
13 drugs and it should be a year and that the more
14 important it's a year. Me picking out particular
15 issues within the case to say that it makes it worse,
16 this makes it better would be --
17 THE COURT: Applying facts to the law. You
18 don't think that's proper?
19 MR. BOEHEIM: Not to the range of punishment,
20 no.
21 MS. MCAMIS: Absolutely, Your Honor, the
22 range is that big because they can use the facts to
23 determine what is proper. And this is proper closing
24 argument.
25 MR. BOEHEIM: And they have the right to do

that. She can put forth the facts. But she can't sit there and go, if it's drugs, it's this part. If it's this, it's that much further. She can't give a scheduling out.

THE COURT: I disagree. I'll allow it.

(The following transpired in open court.)

MS. MCAMIS: The range is so big because of what you can consider. And so if you start off at this end and you say this is what she should get if all she knew about was the drugs. And then you move over to this end, when she also knew he was a felon. And then you move a little bit further when you say she also knew how incredibly violent he was. And you move a little bit over here when you know that she also had such a history going back to 2009.

And then you move a little bit over here when you know that she knew about Sunday. And then you move a little bit over here when you knew that she knew about Tuesday. And then you move over here when you think about how incredibly severe this case is, because it's hard to imagine that Lilah could have suffered worse.

I submit to you that she needs to be in prison at least until her youngest child is a full grown adult at 18. That's how long she needs to be in

1 prison and that's where you should start.
2 And when you think about that starting place,
3 she's eligible for parole after serving only
4 85 percent of her time. So, for instance, if you want
5 her to be in prison for 18 years, until her youngest
6 child becomes and adult able to make decisions on her
7 own, then you should sentence her to 20 years, taking
8 that into account. That's a starting place.
9 When you go back to that jury room, I'm
10 asking you to take however short a time you need or
11 however long a time you need. And I'm asking you, as
12 hard as it is, to look at those pictures of Lilah.
13 It's hard to look at. But Lilah lived it, Lilah
14 experienced it, and Lilah deserves for you to look.
15 And when Defense counsel talks about
16 defensive wounds, look at Lilah. A 4-year-old child,
17 who did everything she could to fight off the
18 brutality that was being inflicted upon her. Look at
19 her hands, look at her arms, look at her feet, look at
20 her legs, look at her chest, look at her face, and
21 look at that back.
22 When you have done all of that, I ask you to
23 hold this defendant accountable. I ask you to find
24 this defendant guilty. And when you come back out
25 from this jury room into the courtroom, I ask you to

bring with you justice for Lilah.

Thank you.

THE COURT: Ladies and gentlemen of the jury, you will now retire to consider your verdicts. The first thing you must do is elect a foreperson and then begin your deliberations. You'll be furnished the Court's instructions and verdict forms for each charge. We will send the admitted evidence back to the jury room.

Please do not mark on any of the evidence. And, please, carefully read the verdict forms before marking them.

During the course of your deliberations you must stay together until verdicts are reached or until this court discharges you. You will be in the custody of the bailiff.

Fellow jurors excepted, you'll not be allowed to have communication with anyone. And all cell phones and communication devices will be given to the bailiff and they'll be returned to you upon your discharge.

If you have a question, you may communicate with me by writing it on a piece of paper and then handing it to the bailiff. I will attempt to answer any questions as fully as the law permits.

When you all agree on your verdicts, your foreperson alone will sign them and you will as a body return them in open court. Your verdicts must be unanimous.

Forms of verdict will also be furnished to you.

Be just a moment. We'll make sure that the jury room is ready.

All right. Thank you.

At this point, ladies and gentlemen, Ms. Francis and Mr. Riddlebarger, you are our alternate jurors. I'll ask that you leave your notes and your name tags in your chairs. You do remain under the Court's admonishment until you receive a phone call from the Court lifting it.

You can be excused out the front door of the courtroom at this time. And we thank you sincerely for your time and your service in this case.

All rise for our alternate jurors.

And thank you for your service.

You may leave your badges, either in your chair, or give them to the bailiff, please.

And if the jurors will take your belongings. And you'll follow the bailiff back to the deliberation room.

After the jury leaves the jury box, I'll ask the lawyers to assist the court reporter in ensuring that all off the evidence and instructions are in order on the bench and then the court reporter will give them to the bailiff who will give them to the jury.

You may be excused for deliberation.

MS. UPTON: May they take their notes?

THE COURT: They may take their notes.

And Ms. Upton will receive your cell phones and electronics.

(The jury retired to deliberate.)

THE COURT: We'll be on the record in CF-15-242, State of Oklahoma vs. Kerry Lalehparvaran. Sarah McAmis is present for the State, Brian Boeheim is present with his client, Ms. Lalehparvaran.

My understanding, the jury has reached a verdict.

I want to make a real quick record. The Court had no questions during jury deliberations. And so I just wanted to let you all know that since you weren't summoned about any questions. I expect that that was your assumption but I wanted to make that clear for the record.

All right. Anything else before we bring the

jury in?

MS. MCAMIS: Not by the State.

MR. BOEHEIM: Nothing from the Defense, Your Honor.

THE COURT: All right. Very good.

(The jury returned to the courtroom.)

THE COURT: We remain on the record in CF-2015-242.

Court has received a message that the jury has reached a verdict and passed that obviously on to the parties who are present in the courtroom. Defendant is present in the courtroom.

Mr. James Taylor, are you the foreman?

FOREMAN TAYLOR: Yes.

THE COURT: All right, sir. In just a moment what I'm going to ask you to do is stand and read your verdicts. You don't need to read the caption of the case, which is the top of the part that says State Versus. Just start in reading the verdicts.

And when we start to do that, I'll ask the defendant and counsel to rise to receive the verdicts.

First, I'll ask, sir, if you would hand them to my bailiff so that I may inspect them for proper form.

All right. Both verdict forms are signed and

1 do appear to be in proper form.
2 At this time, Mr. James Taylor, I'll ask you
3 to go ahead and stand. I'll ask the defendant to rise
4 along with counsel to receive the verdict.
5 And, Mr. Taylor, when you're ready, you may
6 begin.
7 FOREMAN TAYLOR: We, the jury, find on Count
8 A, guilty. Fix punishment at 30 years. And on Count
9 B, Child Neglect, we, the Jury, find the defendant
10 guilty and we fix punishment at 30 years.
11 THE COURT: Thank you. Please be seated.
12 You may be seated.
13 And I'll ask the bailiff to retrieve the
14 verdict forms and the instructions if they are present
15 in the courtroom and place them on the bench.
16 Does either side wish to view the verdict
17 forms?
18 MS. MCAMIS: The State does not.
19 MR. BOEHEIM: Defendant does not.
20 THE COURT: Does either side request a
21 polling of the jury?
22 MS. MCAMIS: The State does not.
23 MR. BOEHEIM: Defense does, Your Honor.
24 THE COURT: All right, sir.
25 Mr. Murphy, are these your verdicts.

JUROR MURPHY: Yes, they are.
THE COURT: Ms. Welch, are these your verdicts?
JUROR WELCH: Yes.
THE COURT: Ms. Clark, are these your verdicts?
JUROR CLARK: Yes, they are.
THE COURT: Ms. Spellman, are these your verdicts?
JUROR SPELLMAN: Yes.
THE COURT: Mr. Carl Taylor, are these your verdicts?
JUROR TAYLOR: Yes, they are.
THE COURT: Ms. Williams, are these your verdicts?
JUROR WILLIAMS: Yes, they are.
THE COURT: Ms. Dorzab, are these your verdicts?
JUROR DORZAB: Yes, they are.
THE COURT: Ms. Ducummon, are these your verdicts.
JUROR DUCUMMON: Yes.
THE COURT: Ms. Dysart, are these your verdicts?
JUROR DYSART: Yes, Your Honor.

THE COURT: Ms. Kuykendall, are these your verdicts?

JUROR KUYKENDALL: Yes.

THE COURT: Mr. James Taylor, are these your verdicts?

FOREMAN TAYLOR: Yes, they are.

THE COURT: And, Ms. Bogle, are these your verdicts?

JUROR BOGLE: Yes, ma'am.

THE COURT: All right. At this point I will ask Ms. Lalehparvaran and her counsel to please approach the bench to my left. I'll ask the State to approach the bench to my right.

Ms. Lalehparvaran, a jury of your peers has found you guilty of the felony of Permitting Child Abuse By Injury and fixed your punishment at 30 years. Further, a jury of your peers has found you guilty of the felony charge of Child Neglect and fixed your punishment at 30 years.

Ma'am, you have the following rights. You have the right to have sentencing passed for two days. You may waive that if you so choose.

In addition, you may request a presentence investigation, under 22 O.S. Section 982(a), so that that can be prepared in advance of your sentencing.

How do you wish to proceed today?

MR. BOEHEIM: Your Honor, my client would like to have the PSI done.

THE COURT: All right.

MR. BOEHEIM: And have a sentencing date set.

THE COURT: All right. I will set formal sentencing in this case for -- and it takes about six weeks to get a presentence investigation completed and returned to the Court. I will set sentencing in this case for Monday, December 19th, at 3:00 p.m.

Does that work for both counsel's calendars?

MS. MCAMIS: It does for the State, Your Honor.

MR. BOEHEIM: I'll make it work, Your Honor.

THE COURT: All right. Thank you very much. We'll set formal sentencing, again, on Monday December 19th, at 3:00 p.m.

At this point I will ask that the deputies cuff Ms. Lalehparvaran. I commit you to the custody of the sheriff at this time. And I will instruct and order that they take her to a place of secure confinement.

We will ensure that the verdict forms are provided to the clerk and order it spread of record in this court.

At this point I will excuse counsel for the Defense for your work and your service in this case and your professionalism. You may be excused at this time.

MR. BOEHEIM: Thank you, Your Honor.

THE COURT: Counsel for the State, thank you for your work and your professionalism in this case. And you may be excused also at this time.

MS. MCAMIS: Thank you, Your Honor.

THE COURT: At this time I will excuse the ladies and gentlemen in the gallery.

Ladies and gentlemen of the jury, I have a final instruction for you. Following that, you'll have an opportunity to talk with the Court briefly and I'll have additional information for you at that point. I won't call it an instruction.

I instruct you as follows: That you have now completed your duties as jurors in this case and you are discharged.

The question may arise as to whether you are free to discuss this case with anyone. At this point this is entirely your decision.

If at any time any person tries to discuss this case over your objection or becomes critical of your service in any way, please report it to the Court

immediately.

I will advise you that you are not required to appear for sentencing. I've had juries ask that question about whether I have to come back, and the answer is no, you do not. You are always welcome. This is our courtroom and we, me and my staff, are merely the caretakers of it. So you are always welcome here and you are most certainly welcome for sentencing if you so desire.

On behalf of my staff and my colleagues here in the Tulsa County Courthouse, we serve the citizens of Tulsa and Pawnee Counties, I want to thank you for your service as a juror this week. We recognize that, not only do you have important things going on in each of your lives, we also understand that the law required that you be here to listen to the evidence this week, and we acknowledge that.

We also acknowledge that jury service, coming here every day to this building that most of you may not be familiar with, in and of itself is somewhat stressful. But we also particularly acknowledge that the subject matter and the content of a trial like this one is also far outside your range of everyday experience.

So we always want to take a moment to let you

1 know that should you need it, we have a partnership
2 agreement with the Mental Health Association. If you
3 should feel a need for a check in, I have that
4 information. Ms. Upton will have the information
5 available.
6 As a practical matter, I also like to
7 encourage each of you to take just a little bit of
8 time to make sure that you're okay on the inside after
9 your experiences this week and what you've seen and
10 what you've heard.
11 Whether that means talking to loved ones
12 about it, which you are now free to do, or friends, or
13 co-workers, family, or whether it's a minister, rabbi,
14 whether it's prayer or meditation or whatever centers
15 you individually, I would encourage you to take just a
16 bit of time to do that.
17 And, again, we thank you for your service as
18 jurors.
19 It is now 5:25. This building is locked at
20 5:30. I would say even at this point by the time you
21 get downstairs it will be 5:30, so you're going to
22 need to exit through the sheriff's doors on the first
23 floor of this building. They are on the west -- west
24 side of the first floor. If any of you feel the need
25 for an escort to your car, we can certainly -- they

1 will certainly accommodate that as well.
2 So, with that, I pronounce that we are
3 adjourned. And I thank you for your service.
4 And we'll be off the record.
5 *(End of Proceedings.)*
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CERTIFICATE

STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

I, D. ANN FITE, a Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above and foregoing transcript of STATE OF OKLAHOMA vs. KERRY ELIZABETH LALEHPARVARAN, Claim No. CF-2015-242, is a true, correct and complete transcript of my machine shorthand notes, taken in the above styled and numbered cause.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 2nd day of April, 2017.

_____
D. ANN FITE, CSR, RPR
Certificate No. 1108