

EXHIBIT 32 *a*

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RONALD A. LONGTIN, JR.

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2 JOAN MARIE DOTSON
3 CCR #102
4 75 COURT STREET
5 RENO, NEVADA

ORIGINAL

6
7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE
9 BEFORE THE HONORABLE CONNIE STEINHEIMER, DISTRICT JUDGE

10 --o0o--

11 STEVEN HAAG,
12 Petitioner,

Case No. CR03P1520

13 vs.

Department No. 4

14 THE STATE OF NEVADA, et al.,
15 Respondent.
16)

16 PETITION FOR POST-CONVICTION RELIEF
17 FRIDAY, OCTOBER 7TH, 2005; 9:30 A.M.
18 Reno, Nevada

18 APPEARANCES:

18 For the Respondent:

OFFICE OF THE DISTRICT ATTORNEY
BY: JOSEPH PLATER, ESQ.
Deputy District Attorney
P.O. Box 11130
Reno, Nevada 89520

21 For the Petitioner:

THOMAS QUALLS
Attorney at Law
Reno, Nevada

23 Reported by:

24 JOAN MARIE DOTSON
Computer-aided Transcription

EXHIBIT 32

* I N D E X *

WITNESSES: DIRECT CROSS REDIRECT RECROSS

For the Petitioner:

JACE PERONTO 3 7 -- --

PATRICIA JONES 8 -- -- --

STEVEN HAAG 12 25 -- --

JENNIFER LUNT 40 45 50 --

For the Respondent:

--

1 FRIDAY, OCTOBER 7TH, 2005; RENO, NEVADA

2 --oOo--

3 THE COURT: Thank you. Please be seated. This is the
4 time set for an evidentiary hearing in CR03P1520. Counsel,
5 are you ready to proceed?

6 MR. QUALLS: We are for the petitioner, your Honor.

7 THE COURT: Okay.

8 MR. PLATER: Thank you, your Honor. We are ready.

9 THE COURT: Okay. Then, Mr. Qualls, you may begin.

10 MR. QUALLS: Thank you, your Honor. The first witness
11 we will call is Jace Peronto.

12 THE COURT: Please come forward and face the court
13 clerk and be sworn.

14 -oOo-

15 JACE PERONTO

16 produced as a witness on behalf of
17 the Petitioner, being first duly sworn,
18 was examined and testified as follows:

19
20 DIRECT EXAMINATION

21 BY MR. QUALLS:

22 Q Good morning, Jace. Can you state your name
23 and spell both your first and last name actually for the
24 court reporter?

1 A I am Jace Peronto. My first name is
2 J-A-C-E. And my last name is P-E-R-O-N-T-O.

3 Q And how old are you, Jace?

4 A I am fifteen.

5 Q Where do you go to school currently?

6 A Reno High.

7 Q What are your grades like there?

8 A Uhm, pretty much A's and B's.

9 Q Are you in any advanced classes?

10 A Not so much advanced. But normal freshman
11 take algebra 1-A, 2-B. In my freshman year I took algebra
12 one and two. And I am pretty much a junior in geometry.

13 Q Do you understand the oath that you just
14 took and what you are doing here today?

15 A Yeah.

16 Q Do you know Steven Haag?

17 A Yes, I do.

18 Q How do you know him?

19 A He managed our apartments and was pretty
20 good friends with my mom and I for several years.

21 Q And about what time frame are we talking
22 about here? Is this from -- it was about three years. Was
23 that 1999 to 2002, 2003? Is that the time frame?

24 A It was somewhere around 2001 to about 2003

1 or 2004.

2 Q Okay.

3 A In that general area.

4 Q Did you also know his former wife Louise
5 Colburn?

6 A Yes, I did.

7 Q And her brother Ray Colburn?

8 A Yes, I did.

9 Q During this time frame in which you lived in
10 the apartments he managed, did you ever witness any unusual
11 behavior between Louise and her brother Ray?

12 A Yeah.

13 Q Could you explain what that was?

14 A Uhm, well, they seemed pretty sexual toward
15 each other. I mean, like several -- there was an occasion
16 where I had walked into the laundry room and caught them
17 making out. And they had left right after that. And I
18 continued with my laundry. And several other times they just
19 seemed really huggy, kissy, holding hands kind of thing.

20 Q Odd behavior for brother and sister?

21 A Yes.

22 Q Or for someone that's married to someone
23 else?

24 A Yes.

1 Q Did you have an opportunity to observe
2 Louise Colburn with her daughter Gabriel?

3 A Yes.

4 Q And can you describe basically how Louise
5 treated Gabby physically?

6 A She was really rough with her daughter for a
7 mother-daughter relationship. I mean, she was always yelling
8 at her daughter. She was -- she would push her around and
9 stuff and she would snatch her by her hair. And, if she --
10 she would buy her like toys and stuff. They bought her a
11 glass tea set and she broke something and she would snatch
12 her by her hair and throw her in her room. Too physical for
13 a family kind of relationship.

14 Q Did -- you were around Gabby quite
15 frequently, correct?

16 A Yeah.

17 Q Did Gabby act skittish or apprehensive
18 around her mother?

19 A Yeah, she did. More so the fact like -- I
20 wouldn't quite say frightened. But sort of can't wait to get
21 away from her kind of feeling. And didn't want to be near
22 her. More far away. Pushed.

23 Q Did either Louise or Ray Colburn ever
24 threaten you?

1 A Ray did. And Louise had yelled at me
2 different times for little stuff. But Ray had threatened to
3 kill me because, I guess, his car was keyed. And I had quite
4 frequently been out in the parking lot with some boys playing
5 baseball or kick ball or something. And I guess his car had
6 been keyed and he had threatened me over it. So --

7 Q How about Steven Haag? Did you get along
8 with Steven?

9 A Steven, yeah, I did.

10 Q What was your impression of him?

11 A He is a really good guy. He was a great
12 father, I thought. And he was, like I said before, we were
13 good friends with him. And he managed our apartments really
14 well.

15 Q Was he ever inappropriate with you in any
16 way?

17 A No. Not at all.

18 Q Okay. Thank you. I have no more questions
19 at this time.

20 THE COURT: Cross?

21 MR. PLATER: Just --

22
23 * CROSS EXAMINATION *

24 BY MR. PLATER:

1 Q You said that -- you saw Gabby kissing her
2 brother.

3 A No, I had seen Louise kissing her brother.

4 Q Louise, okay. Louise was Gabriella's
5 mother?

6 A Yeah.

7 Q And you saw her kissing her brother?

8 A Yes.

9 Q That's all I have, your Honor.

10 THE COURT: Okay. You may step down. May this
11 witness be excused?

12 MR. PLATER: Yes.

13 THE COURT: You are excused.

14 MR. QUALLS: Your Honor, the next witness is Patricia
15 Jones.

16 -oOo-

17 PATRICIA JONES

18 produced as a witness on behalf of
19 the Petitioner, being first duly sworn,
20 was examined and testified as follows:

21

22 DIRECT EXAMINATION

23 BY MR. QUALLS:

24 Q Could you state your name please and spell

1 your last name for the court reporter?

2 A Patricia Ann Jones, J-O-N-E-S.

3 Q Do you know Steven Haag, Miss Jones?

4 A Yes, I do.

5 Q How do you know him?

6 A I have known the boy since he was nine years
7 old. We used to live two doors down from him.

8 Q Do you also know his former wife Louise
9 Colburn?

10 A Yes.

11 Q And during what time frame were you
12 associated with her?

13 A The first time was when their daughter
14 Gabriel was -- oh, not quite a year old.

15 Q Can you give us a -- time frame?

16 A It was about '97, 1997.

17 Q So you knew her from then until when?

18 A Pardon?

19 Q Until what time, from 1997 until --

20 A Until 2004.

21 Q Okay. During this time frame, did you have
22 occasion to observe Louise interact with her daughter
23 Gabriel?

24 A Yeah, the first time was after Steve and

1 Louise and the baby moved to Reno. And we had come up in
2 December -- and that was 2002 -- to loan Steve some tools and
3 stuff for their apartment. They needed firewood.

4 And Steve was downstairs with his father.
5 And Gabriel came over and wanted to go down. And Louise
6 pushed her aside because she and Ray were doing dishes. The
7 floor was very dirty and muddy and the baby had her stockings
8 on, so she told her to put her boots on.

9 In doing so I noticed the baby's feet were
10 soaked. Well, the baby put her shoes on backward, her rubber
11 boots; and Louise popped her one and said, "Put them on
12 right." So she got them on right finally, went downstairs to
13 be with her daddy and her grandpa.

14 Q Could you describe then, based upon your
15 personal knowledge, her general manner with Gabriel? Was it
16 consistent?

17 A She was very rough with the child. Snappy.

18 Q Did Louise Colburn work during any of the
19 time that you are aware of?

20 A No.

21 Q Did she then take care of the house?

22 A No. The house was very disarrayed.

23 Q Did she ever misrepresent facts to you
24 regarding what she did during the day?

1 A Definitely.

2 Q What did she tell you?

3 A That very afternoon we were sitting in the
4 living room and she informed me that Steven had been hitting
5 on her and punching her out.

6 Q And did she tell you where he hit her?

7 A Basically all over.

8 Q And did you ever see any physical proof of
9 that?

10 A None whatsoever. I looked and I couldn't
11 find any bruises or -- swelling of any part of her body.

12 Q What did she tell you that she did all day
13 long?

14 A She said that after she took the baby to
15 school that she went and stayed all day at church.

16 Q And did you later find out that wasn't true?

17 A Yeah. She would go and take the baby to
18 school and come back to the house and sit and watch t.v. all
19 day, special programs, I guess, that she preferred.

20 Q Thank you. That's all the questions I
21 have.

22 MR. PLATER: I have no questions.

23 THE COURT: You may step down.

24 MR. QUALLS: Next we'll call Steven Haag, your Honor.

1 I don't know if Mr. Haag needs assistance because of the
2 chains getting up those steps.

3 THE COURT: The bailiff will help.

4 Face the court clerk.

5
6 -oOo-

7 STEVEN HAAG

8 produced as a witness on behalf of
9 the Petitioner, being first duly sworn,
10 was examined and testified as follows:

11
12 DIRECT EXAMINATION

13 BY MR. QUALLS:

14 Q Could you state your name please and spell
15 your last name for the record?

16 A Steven Anthony Haag, H-A-A-G.

17 Q Thank you. And are you the petitioner in
18 the instant case?

19 A Yes, I am.

20 Q Who was your attorney at the time of trial,
21 Mr. Haag?

22 A I am --

23 Q That's okay. Relax.

24 A Jennifer Lunt.

1 Q Thank you. And Louise Colburn was your
2 former wife?

3 A Yes.

4 Q When were you married?

5 A We were married in 1994.

6 Q And when were you finally divorced?

7 A Finally divorced about a month after I left
8 county jail.

9 Q Okay.

10 A That was in '93, '94.

11 Q You mean 2000?

12 A 2003, 2004, yeah.

13 Q And the two of you have a daughter together?

14 A Yes, we do.

15 Q What is her name?

16 A Gabriel Lynn Haag.

17 Q Was there a time during your marriage when
18 Louise expressed some jealousy over the attention that you
19 give to Gabby?

20 A Yes.

21 Q And at some time subsequent to that did her
22 brother Ray Colburn come to live with you?

23 A Yes, he did.

24 Q Could you explain a little bit how that

1 arose?

2 A She would talk to him briefly on the phone.
3 And I only allowed it like twice a month because the phone
4 bill was high.

5 And during one of these conversations she
6 brought up that he lost his job back east and that he was
7 going to lose his place to live. And she asked me quite a
8 few times if he could move out. And I felt very, very
9 against that because I felt that family members moving in
10 with us would cause a problem because I have had problems in
11 my past life with family members moving in and causing a lot
12 of problems.

13 Finally she convinced me. And, of course, I
14 felt sorry for her because she was my wife and it was her
15 brother.

16 Q What was the arrangement supposed to be
17 financially?

18 A He was supposed to pay two hundred dollars a
19 month. And in two or three months he was supposed to find
20 his own place to live.

21 Q Instead how long did he live there?

22 A Almost three years.

23 Q Did he ever pay his share during that time?

24 A The first four months.

1 Q During this time frame, did you ever witness
2 any inappropriate behavior between your then wife Louise and
3 her brother Ray?

4 A Quite a few times.

5 Q Could you please describe the behavior?

6 A I walked in and they were -- they were
7 French kissing. And I asked them what was going on here.

8 Q Where did this occur?

9 A This was in the kitchen. I came home from
10 work. I walked through the front door.

11 Q Okay. What was their explanation?

12 A Uhm, they tried to say basically -- they
13 denied it and said that they were just giving each other a
14 peck. And I knew it was more than that. I asked them did --
15 you know, "This has to stop. And, Ray, you have to find a
16 place to live."

17 And it happened quite a few other times.

18 Q Your relationship with your wife
19 deteriorated during this time?

20 A Yes, it did.

21 Q Did anyone else ever move in with you during
22 this time frame?

23 A Before my arrest, three months prior, her
24 father came to live with us in the mobile home I bought in

1 order to settle our family permanently and hopefully to kind
2 of like push Ray to one side to force him to get himself a
3 place to live. But I came home and I had no knowledge of the
4 father-in-law moving in.

5 Q So at that point you were basically
6 supporting the three of them?

7 A Yes.

8 Q Were you aware of any physical abuse of
9 Gabby by Louise Colburn?

10 A Yes, I was.

11 Q Could you describe some examples of that?

12 A She would grab her at the arm and just wale
13 on her back side. And I actually physically stopped her.
14 And I said, "What are you doing? She just failed to take out
15 the trash, for God's sake," or something to that extent.

16 And one time she mentioned that, "Hey, Ray,
17 you are a little -- you are getting a little fat. You
18 shouldn't eat so much," and she just turned around and
19 slapped her right off the seat in the kitchen. And I had to
20 stop her at that point in time. It really -- was shaking me
21 up bad.

22 Q Did Louise actually get in some trouble
23 regarding child abuse?

24 A Yes.

1 Q Not for Gabriel though, correct?

2 A That's correct.

3 Q Could you explain the circumstances
4 surrounding that?

5 A I wasn't aware of that morning when she went
6 to take Gabriel to the school. They came home. But that
7 evening she was arrested and that's when I found out that she
8 slapped a child at the school yard.

9 Q And did she suffer consequences because of
10 that?

11 A Yes, she did.

12 Q What were those?

13 A She was ordered community service. And it
14 was just community service.

15 Q Did she do an anger management class?

16 A Yes, anger management also.

17 Q Because of these situations, did you come up
18 with a plan to get yourself and your daughter, Gabby, out of
19 this bad situation?

20 A Yes, I brought that up to my wife's
21 attention. I said, "I can't handle this no more. And the
22 abuse on my daughter I can't handle no more. And I am going
23 to pack up and go to California."

24 Q Where were you going to go in California?

1 A I was going to go stay at my mother's house.

2 Q And did you have employment lined up there?

3 A What was that?

4 Q Was there employment or anything lined up
5 there?

6 A I had quite a few people out there that I
7 have had prior jobs with that I would immediately get
8 employment but my plans were to go back to college.

9 Q What was Louise's reaction when you informed
10 her that this was your plan?

11 A She was quite shocked. And she immediately
12 started talking about, "Hey, you know, if it's because of my
13 brother or this and that," I said, "No, Louise. It is a
14 combination between the abuse on my daughter and what was
15 happening between you and your brother. And I have tried to
16 work with you. And I really reached a point where I can't do
17 it no more."

18 Q Did you ultimately leave for California?

19 A No, I did not.

20 Q Why not?

21 A I felt buying a mobile home in Stead and
22 permanently settling my family and giving Ray the chance to
23 find his own apartment at that point in time. Because I gave
24 thirty days' notice to Action Properties that I was going to

1 leave the duplex on Center Street and buy a mobile home.

2 I thought that was plenty of time. And they
3 worked really hard. She worked really hard, Louise did, on
4 being kind and being a mother to my daughter. And I thought
5 it was finally working out.

6 Q Did the situation digress after that?

7 A Completely. Completely. Once I got her
8 name and my name on that mobile home, it was good for a week
9 or so. And then it just went --

10 Q This is backing up a little bit. Did Louise
11 ever inform you that she had been a victim of sexual assault?

12 A Yes, she has.

13 Q And who was the alleged perpetrator?

14 A Her father.

15 Q So once the scenario digresses again, did
16 you confront her brother Ray about this?

17 A Yes, I did.

18 Q And what did you tell him?

19 A I told Ray that he has to find his own
20 place; that he could not stay in the mobile home any longer;
21 that I needed money. And I could not support him no longer.
22 And that's why -- a couple weeks later I come home from work
23 and found her father lying at the house.

24 Q Pardon?

1 A I found -- I found my father-in-law or
2 Louise's father in the house.

3 Q And it was shortly after this that -- after
4 this confrontation that these charges arose?

5 A Yes.

6 Q A few months prior to the charges that
7 resulted in your conviction here, did Social Services
8 interview you regarding possible sex offenses?

9 A Yes, they did.

10 Q Could you explain the circumstances there?

11 A It was Monday. I was off of work on Mondays
12 and Tuesdays are my days off from my job. And a city vehicle
13 pulled up in front of my house and a young lady got out. And
14 I went out the front door. I knew it was a Social Services
15 vehicle right away. And I was -- I was surprised, but she
16 came to the gate and she asked me if I -- if I knew Geralyn.

17 And I said yes, I did. And I go, "What is
18 this about?"

19 "Well, you have been accused of sexually
20 assaulting -- accusations of sexual assault."

21 I said, "Oh, God. What happened?"

22 And we went through the whole situation.
23 And then she told me that she went to the school and
24 interviewed my daughter. And I said, "Well, how did that

1 go?"

2 And she says, "Well, she said a definite no
3 to everything I asked her." And so there isn't a problem
4 there. And then she went into the background about me living
5 at Center Street and about Geralyn.

6 And I told her that, you know, she was a --
7 a child that's been stressed and that I didn't really want to
8 get into it anymore. And she asked if she could come
9 inside. And I said that's privileged information in there.
10 At that time the house was a mess. And I didn't want a
11 social worker in the house. I was quite -- more or less I
12 was more embarrassed about the house.

13 And then Louise came out and said, "Yeah,
14 bring her inside." So she came inside and we talked some
15 more. I talked -- I just -- I basically was really nice and
16 straight forward to her. She didn't ask any specific
17 questions about beatings or anything. Because, of course, I
18 would have had to have been truthful. But she -- she left
19 after that.

20 Q So after that interview what was the result
21 of that investigation?

22 A Two weeks later we got an apology letter
23 from the Department of Social Services for disturbing my
24 daughter's schooling and also telling me that the case was

1 closed and that no further investigation was needed.

2 Q And no charges ever resulted out of that?

3 A No.

4 Q This -- these things that you have testified
5 to here today, did you bring any of this information to
6 Miss Lunt's attention when she was representing you?

7 A I tried to talk to her about it. I was just
8 investigated by the Department of Social Services. And
9 nothing happened there. And I was -- you know, the case was
10 closed.

11 Q What about the information regarding the
12 behavior between Ray Colburn and Louise Colburn?

13 A I don't know if I told her about it. I was
14 really, really upset at the time.

15 Q Do you remember how many times you met with
16 Miss Lunt prior to -- or during her representation of you?

17 A Three times I think.

18 Q During this time, did you ever tell her that
19 you wanted to go to trial?

20 A Yes, I did.

21 Q And what was her reaction to that?

22 A That she couldn't properly put a child --
23 she told me, she says, "I really don't want to put your
24 daughter on the stand. I really don't feel comfortable doing

1 it that way, and I think this way is the better way for
2 you."

3 Q Did she at some point bring plea
4 negotiations to you?

5 A Yes, she did.

6 Q And did she discuss those with you?

7 A She said that she would get it down to one
8 sexual assault, two lewdnesses instead of four and six, where
9 I could be doing one hundred twenty years to life.

10 Q Okay.

11 A "That this would be better not to drag your
12 daughter through all this court."

13 Q Was there any discussion of concurrent
14 verses consecutive sentences during this time?

15 A Yes.

16 Q What was your understanding of that?

17 A She told me she would try real hard to get
18 it run concurrent.

19 Q Okay. Did you understand that there was no
20 guarantee about that?

21 A I didn't understand it at that time.

22 Q Did you feel any pressure to -- from Miss
23 Lunt specifically to sign the plea agreement?

24 A When I was here in this courtroom over there

1 I looked up at Mrs. Lunt and I said, "I really don't feel
2 comfortable signing this. I really don't want to sign
3 this."

4 She said, "You have five minutes to sign the
5 damn papers."

6 Q Mr. Haag, you admitted to the charges to
7 this court on a couple of occasions. Can you explain that?

8 A I was brought up in front of the judge. At
9 that point in time, right after I had that discussion with
10 Mrs. Lunt, "You have to sign the damn papers," I signed
11 them.

12 Then when I got up in front of the judge
13 here, she read the charges on the first count. I was very
14 hesitant. I was looking at the ceiling, I remember. And the
15 only thing I was thinking about is my daughter's well-being.

16 I didn't want her to go through this
17 courtroom. I didn't want her to be taken away by the
18 Department of Social Services and put in some God-awful
19 place. I felt I was sacrificing myself for my daughter's
20 well-being.

21 Q Did you ever ask Miss Lunt if you could
22 withdraw your plea?

23 A Yes, I did afterwards.

24 Q And what was her response?

1 A That -- that Honorable judge Steinheimer
2 would not take that type of proposal.

3 Q That's all the questions I have at this
4 time.

5 THE COURT: Cross.

6
7 * CROSS EXAMINATION *

8 BY MR. PLATER:

9 Q So, Mr. Haag, as I understand it, you pled
10 guilty because you didn't want to see your daughter testify
11 against you in this courtroom, right?

12 A No. I didn't want my daughter taken away
13 from -- even though the family environment was horrible for
14 her, I felt that the place that the Department of Social
15 Services were going to put her in would be even worse.

16 Q Well, you knew, if you pled guilty, she was
17 going to be taken away from you, right?

18 A Right. But she was with her mother. But I
19 didn't think -- what I have heard about the places that the
20 Department of Social Services puts children was so God-awful
21 that I thought being with an illegitimate family, which
22 happens to be her mother, would be better than that place.

23 Q So you thought, if you pled guilty, she will
24 just stay with her mother?

1 A Right.

2 Q So you pled guilty so she wouldn't have to
3 go through -- she wouldn't have to go through the Social
4 Services process of being placed with another family?

5 A Right.

6 Q Now, it would be correct to say that you did
7 some sexual activities with your daughter, right?

8 A No.

9 Q You sexually assaulted her?

10 A That's what the court says.

11 Q Well, you told the court you did that.
12 Right?

13 A No, I did not.

14 Q When you pled guilty, you told the Court
15 that you were guilty of the crime, right?

16 A I felt I was sacrificing my life for my
17 daughter's.

18 Q Well, I understand. But you told the court
19 you committed the crime, right?

20 A I guess I did when I said that.

21 Q Didn't you tell the court that when you
22 wrote a letter to the court afterwards?

23 A That letter explains specifically that me
24 and my daughter would need physical therapy, mental therapy,

1 especially after what we had to go through.

2 Q Didn't you tell the court -- you wrote a
3 letter to the court and you said you used the trust of your
4 daughter and you shattered it.

5 A That's right. For the last six months, when
6 I would kiss my daughter good night at night, she would ask
7 me if I was ever going to leave her. And I told her, "Honey,
8 I will never leave you. I will always be there for you."

9 And here I was arrested. And she was being
10 subjected to tests by doctors. And her mother telling her to
11 say things that weren't true about me. What do you expect?
12 I shattered her trust by leaving her in that house.

13 Q That's what you meant when you said, "My
14 wife just grew more distant and my daughter became closer and
15 happier than I had ever saw her. She was so proud of me and
16 everything I did. I used this trust and shattered it"?

17 A That's right. Because she trusted me to be
18 there for her, to protect her from her mother.

19 Q You told the court, "I wish I could have
20 seen my unhappiness and received help." Do you remember
21 saying that?

22 A Unhappiness? And seek help? Yes, my
23 unhappiness was actually trusting my wife to actually be
24 better when I bought the mobile home for her. And I should

1 have received some type of help. I should have went into a
2 counselor and seeked for a divorce, of course.

3 But I was too trusting. I was too loving.
4 I was too understanding of my wife. And it just -- this is
5 what happens.

6 Q You told the court, "I am very sorry for
7 what I did," didn't you?

8 A I am very sorry for what I did, yes. And do
9 you know what that was? Trusting my wife.

10 Q So you were telling the court that you were
11 sorry for trusting your wife. Is that what you meant when
12 you wrote this?

13 A Yes, I did.

14 Q And what did you mean when you said, "I am
15 very sorry for what I did and willing to do whatever it takes
16 to start the amends process"?

17 A That's right. Amends to my daughter. I
18 left her in that house with that abuser. Abusers, I should
19 say. I'll have to do everything I possibly can. My daughter
20 probably hates me for leaving her. Even though for the last
21 six months I was promising her that I would never leave her
22 and I theft her there.

23 Q So you wanted to go to trial. Is that what
24 you are saying?

1 A Yes, I do.

2 Q Did you tell Miss Lunt right before you pled
3 guilty, "Miss Lunt, I want to go to trial. I don't want to
4 plead guilty"?

5 A I told Mrs. Lunt specifically, "I don't want
6 to sign this. I didn't do this."

7 She said, "Sign the damn papers. You have
8 five minutes."

9 Q And did you want to go to trial and take the
10 stand and testify like you are doing today?

11 A Yes, I did.

12 Q And you would have told the jury you never
13 admitted any of these acts?

14 A Yes, I would.

15 Q All right. And did Miss Lunt tell you why
16 she thought it was not in your best interests to go to trial?

17 A She told me it was in my best interests not
18 to go to trial.

19 Q And did she list the reasons for you?

20 A I don't really remember the specifics on
21 that.

22 Q But she gave you reasons, right?

23 A Yeah. One of them, she couldn't put my
24 daughter on the stand and actually tear into her like she

1 should be able to.

2 Q Well, did she tell you she wouldn't put the
3 daughter on the stand? The prosecutor -- or the State would
4 put the daughter on the stand and have the daughter testify?

5 A She didn't say anything -- I don't remember
6 that.

7 Q Okay. Well, she gave you a list of reasons
8 why you shouldn't go to trial. And one of them was she
9 didn't think she could cross examine the child. Is that
10 right?

11 A Right.

12 Q And did she tell you why?

13 A She just said that she didn't think it was
14 right.

15 Q Did she tell you that she thought the
16 child's testimony would be credible and the jury might
17 believe it?

18 A I think that was part of it.

19 Q Uh-huh (affirmative). She had an
20 investigator on the case, right?

21 A I don't remember.

22 Q Did she tell you why she thought the child
23 might be credible in front of a jury?

24 A She said that most juries in Nevada believe

1 the child ninety percent of the time.

2 Q Did she tell you why she believed Gabriel in
3 particular would be credible?

4 A No.

5 Q And what other reasons did she give you that
6 told you that you wouldn't do very well if you went in front
7 of a jury?

8 A I didn't have any people that would back me
9 up. I didn't have any witnesses with me.

10 Q Okay.

11 A I said I had my immediate family. I didn't
12 know at the time or the specifics -- I didn't -- I was not
13 allowed a whole lot of time to talk with my father and his
14 understanding of what was going on. I didn't know that
15 Patricia had seen everything, seen those things. I didn't
16 know people were going to help me out.

17 Q So she told you that you didn't have any
18 witnesses. She thought that Gabriel would be a credible
19 witness. Was there anything else that she told you as a
20 reason you shouldn't go to trial?

21 A I don't remember. I was in extreme distress
22 at that time.

23 Q Did you tell the court you were under duress
24 when you pled guilty?

1 A No.

2 Q Did you tell the court, "I don't want to do
3 this. My lawyer is forcing me to do this"?

4 A It was quite obvious in the state that I was
5 in that I was under extreme duress.

6 Q It was obvious to everyone in the courtroom?

7 A I was staring at the ceiling.

8 Q It was obvious?

9 A I didn't know what I wanted to do.

10 Q Are you saying it was obvious to this judge
11 that you were in such a distress that you couldn't plead
12 guilty?

13 A I was just put into the position where I was
14 forced to plead guilty.

15 Q Well, then why did you tell the judge that
16 no one was threatening you or forcing you; that you were
17 doing this of your own free will and choice? I mean, she
18 asked you that.

19 A I know. But I also asked Mrs. Lunt
20 afterwards if I could withdraw my plea. And she told me I
21 could not.

22 Q So why did you lie to the Court and say,
23 "This is voluntary on my part. This is what I want to do"?

24 A Like I said before, I was put in that