

**FILED**

January 31, 2023 05:18 PM

SCT-Crim-2022-0033

VERONICA HANDY, ESQUIRE

CLERK OF THE COURT

S.CT.CRIM.NO. 2022-0033

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IN THE SUPREME COURT OF THE VIRGIN ISLANDS

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DEVINDRA JAGLAL,

Appellant/Defendant,

v.

PEOPLE OF THE VIRGIN ISLANDS,

Appellee/Plaintiff

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ON APPEAL FROM THE JULY 20, 2022 JUDGMENT AND  
COMMITMENT OF THE HONORABLE RENEE GUMBS-CARTY,  
SUPERIOR COURT OF THE VIRGIN ISLANDS AT SUPERIOR COURT  
CRIMINAL NO. ST-2020-cr-00338

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Appellant's Appendix on Appeal  
Volume I of I

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*Attorney for Appellant, Devindra Jaglal*

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**FILED**

July 01, 2022 01:09 PM  
SCT-Crim-2022-0033  
VERONICA HANDY, ESQUIRE  
CLERK OF THE COURT

**IN THE SUPREME COURT OF THE VIRGIN ISLANDS**

DEVINDRA JAGLAL,	)	
Defendant/Appellant	)	
	)	
vs.	)	Super. Ct. Crim. No. 20-338
PEOPLE OF THE VIRGIN ISLANDS,	)	
Plaintiff/Appellee	)	
	)	
	)	

**NOTICE OF APPEAL**

**PLEASE TAKE NOTICE** that DEVINDRA JAGLAL, (“Defendant/Appellant”) hereby appeals to the Supreme Court of the Virgin Islands, from the trial and Order/Verdict/Judgment announced by the Superior Court of the Virgin Islands, Division of St. Thomas and St. John on June 30, 2022 or subsequently announced or issued. This appeal is filed pursuant to Rules 4 & 5(b) of the Virgin Islands Supreme Court Rules. (“V.I.S. CT. R.”).

As required by Rule 4(c) V.I.S. CT. R., Defendant appeals this decision on the following grounds:

1. Constitutional, Procedural and Evidentiary Issues.


Further, pursuant to V.I.S. CT. R 4(d), a copy of this Notice of Appeal has been delivered to the Defendant.

In addition, pursuant to V.I.S. Ct. R 4(f), a copy of this notice has been served by ordinary mail on the trial Judge, the Honorable Renee Gumbs Carty.

Dated: 7/1/22

Respectfully submitted,

SAMUEL L. JOSEPH, ESQ.  
Chief Public Defender

BY:   
 Frederick Johnson, Jr., Esq.  
 Territorial Public Defender  
 P.O. Box 6040  
 St. Thomas, USVI 00804  
 (340) 774-8181 (Office)

**People of the VI vs. Devindra Jaglal**  
**Super. Ct. Crim. No. 20-338**  
**Notice of Appeal**  
**Page 2 of 2**

**Certificate of Service**

**IT IS HEREBY** certified that an exact copy of the foregoing **Notice of Appeal** was electronically filed with the Clerk of the Supreme Court served upon **Pamela Tepper, Esq.** Office of the Solicitor General of the Virgin Islands at the Department of Justice through the electronic filing system of the Supreme Court and by hand delivering a copy to that office located on the second floor of the GERS Building in St. Thomas, Virgin Islands. In addition, a copy of this notice has been forwarded to the Defendant, and further, a copy has been ordinary-mailed to the ***Honorable Renee Gumbs Carty*** on the 30 day of June 2022. A date stamped copy filed at the Superior Court was also filed at the Supreme Court.

*/s/ Frederick Johnson, Jr.*

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**FILED**

July 21, 2022 04:02 PM

ST-2020-CR-00338

TAMARA CHARLES

CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS**

District of St. Thomas/St. John

**People of the Virgin Islands**

v.

**Devindra Jaglal**

Case Number: **ST-2020-CR-00338**

Charges: **14 V.I.C. 1051 - False Imprisonment  
And Kidnapping**

**16 V.I.C 91(b) - Domestic Violence**

**14 V.I.C. 296 - Assault Second Degree**

**16 V.I.C 91(b) - Domestic Violence**

**14 V.I.C. 299(2) - Assault Or Battery W/  
Circumstances Of Aggravation**

**16 V.I.C 91(b) - Domestic Violence**

**NOTICE of ENTRY  
of  
Judgment and Commitment**

To: Anna B. Scott, Esquire

Kimberly M. Riley, Esquire

Quincy McRae, Esquire

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Frederick A. Johnson, Jr., Esquire

Thoron C. Hodge, Esquire

Office of Probation

VIPD-Records Division

Cashier's Office

Bureau of Corrections

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please take notice that on July 21, 2022**

**a(n) Judgment and Commitment**

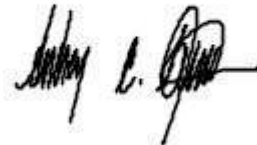
**dated July 20, 2022 was entered**

**by the Clerk in the above-titled matter.**

**Dated: July 21, 2022**

**Tamara Charles  
Clerk of the Court**

By:



**Audrey C. Brin  
Court Clerk II**

**FILED**

July 20, 2022 04:01 PM

ST-2020-CR-00338

TAMARA CHARLES

CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

PEOPLE OF THE VIRGIN ISLANDS,	)	
	)	
Plaintiff,	)	
	)	CASE NO. ST-20-CR-338
vs.	)	
	)	
DEVINDRA JAGLAL,	)	
	)	
Defendant.	)	
	)	

**JUDGMENT & COMMITMENT**

**THIS MATTER** came on for sentencing on June 30, 2022. The People of the Virgin Islands were represented by Assistant Attorney General Kimberly M. Riley, Esquire and Assistant Attorney General Anna B. Scott, Esquire. Defendant Devindra Jaglal appeared and was represented by Territorial Public Defender Frederick A. Johnson, Jr., Esquire and Territorial Public Defender Thoron Corey Hodge, Esquire. On May 26, 2022, after due deliberation, a duly empaneled and sworn jury returned a verdict of “Not Guilty” on “False Imprisonment – Domestic Violence” Count One of the Information and “Guilty” on “Assault in the Second Degree – Domestic Violence” Count Two, and “Simple Assault – Domestic Violence” Count Three of the Information.

At the sentencing hearing, the Court heard allocution and sentencing recommendations from the parties. The Court considered thirty-one (31) exhibits of letters submitted on behalf of Defendant and heard the statement of Sabrina Jaglal, Defendant’s sister. The Defendant also spoke on his behalf pursuant to Super. Ct. R. 134. There being no legal cause why sentencing should not be imposed, and for the reasons placed on the record, it is hereby

**ORDERED, ADJUDGED, AND DECREED** that Defendant Devindra Jaglal is hereby **ACQUITTED** of False Imprisonment – Domestic Violence, Count One of the Information; and it is further

**ORDERED, ADJUDGED, AND DECREED** that Defendant Devindra Jaglal is **“GUILTY”** of the crime of “Assault in the Second Degree – Domestic Violence” in violation of V.I. CODE ANN. TIT. 14 V.I.C. § 296(3); V.I. CODE ANN. TIT. 16 § 91(b)(1)(2) (Count Two) of the Information; and it is further

**ORDERED, ADJUDGED, AND DECREED** that Defendant Devindra Jaglal is **“GUILTY”** of the crime of “Simple Assault – Domestic Violence” in violation of V.I. CODE ANN. TIT. 14 V.I.C. §§ 292, 299(2); V.I. CODE ANN. TIT. 16 § 91(b)(1)(2) (Count Three) of the Information; and it is further

**ORDERED** that with respect to Count Two, “Assault in the Second Degree – Domestic Violence,” Defendant Devindra Jaglal is **SENTENCED** to seven (7) years incarceration; and it is further

**ORDERED** that Defendant shall pay a fine in the amount of **Five Thousand Dollars (\$5,000)**; and it is further

**ORDERED** that with respect to Count Three, “Simple Assault – Domestic Violence,” Defendant Devindra Jaglal is **SENTENCED** to six (6) months incarceration to run concurrently with Count Two; and it is further



**ORDERED** that Defendant shall pay a fine in the amount of **Two Hundred Fifty Dollars (\$250)**; and it is further

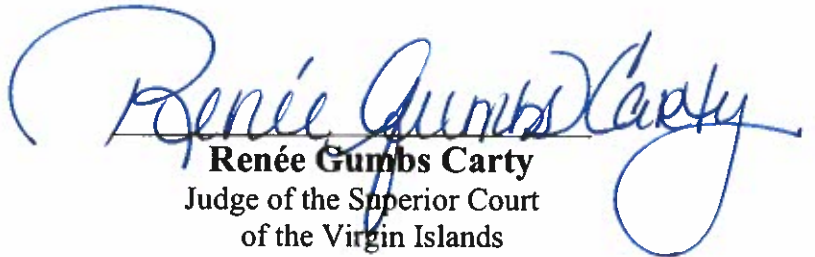
**ORDERED** that Defendant shall enroll in the Batterers Intervention Program; and it is further

**ORDERED** that Defendant shall pay court cost in the amount of **Seventy-Five Dollars (\$75)**; and it is further

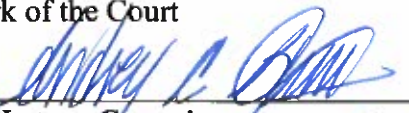
**ORDERED** that if Defendant Devindra Jaglal desires to appeal the sentence contained herein, he must file a notice of appeal with the Clerk of the Supreme Court of the Virgin Islands within thirty (30) days from the date of entry of this Judgment & Commitment; and it is further

**ORDERED** that a copy of this Judgment & Commitment shall be directed to Assistant Attorneys General Kimberly M. Riley, Esquire and Anna B. Scott, Esquire; Territorial Public Defenders Frederick A. Johnson, Jr., Esquire and Thoron Corey Hodge, Esquire; and the Bureau of Corrections.

Dated: July 29, 2022

  
**Renée Gumbs Carty**  
Judge of the Superior Court  
of the Virgin Islands

**ATTEST:**  
Tamara Charles  
Clerk of the Court

By:   
for Latoya Camacho  
Court Clerk Supervisor 7/21/2022

**Superior Court of the Virgin Islands  
Docket Sheet**

IN THE SUPREME COURT  
OF THE VIRGIN ISLANDS

**FILED**

July 05, 2022 04:22 PM

SCT-Crim-2022-0033  
VERONICA HANDY, ESQUIRE  
CLERK OF THE COURT

<b>Case #</b>	ST-2020-CR-00338	<b>Judge</b>	Hon. Renee Gumbs Carty
<b>Case Title</b>	People of the Virgin Islands v. Devindra Jaglal	<b>Case Type</b>	Criminal - Felony - Standard

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
101	07-01-2022 07:24 PM	Appeal - Case On Appeal	Official		Case On Appeal - in the Supreme Court SCT-Crim-2022-0033	
100	07-01-2022 07:05 PM	Notice - Notice From The Supreme Court Regarding Appeal Received	Official		Supreme Court Docketing Order Received. Appeal Docketed as SCT-Crim-2022-0033	VI Supreme Court
99	07-01-2022 07:03 PM	Notice - Notice Of Appeal Received	Official		Notice Of Appeal to the Supreme Court Received.	VI Supreme Court
98	06-30-2022 12:57 PM	Hearing - Record Of Proceeding	Official		Record Of Proceeding (Sentencing)	Yanelle Turnbull, Court Clerk II
97	06-30-2022 10:51 AM	Notice - Notice of Filing	Official		Notice of Filing -- Notice of Filing - Sentencing Hearing Exhibit 31	Frederick A. Johnson, Jr., Esq. On Behalf of Devindra Jaglal
96	06-29-2022 10:05 AM	Notice - Notice of Filing	Official		Notice of Filing -- Notice of Filing - Sentencing Hearing Exhibits 1-30	Frederick A. Johnson, Jr., Esq. On Behalf of Devindra Jaglal
95	06-22-2022 09:12 AM	Notice - Notice Of Entry	Official		Notice of Entry of an Order Scheduling Matter for Sentencing	Sheeniqua L. Venzen, LIFT Intern
94	06-22-2022 09:10 AM	Order - Order	Official		Order Scheduling Matter for Sentencing	Hon. Renee Gumbs Carty
93	06-04-2022 12:46 PM	Order - Referral to Probation	Official		Referral to Probation	
92	05-28-2022 02:56 PM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of Judgment/Order	
91	05-26-2022 02:55 PM	Order - Order Signed	Official		Order Signed by Judge Renee Gumbs Carty.	
90	05-26-2022 10:58 AM	Hearing - Record Of Proceeding	Official		Record Of Proceeding Jury Trial Day Three (3).	
89	05-25-2022 04:03 PM	Hearing - Record Of Proceeding	Official		Record Of Proceeding Jury Trial Day Two (2).	
87	05-25-2022 01:49 PM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of Judgment/Order	
86	05-25-2022 01:46 PM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of Judgment/Order	
85	05-24-2022 05:38 PM	Hearing - Record Of Proceeding	Official		Record Of Proceeding Jury Trial Day One.	
84	05-24-2022 01:37 PM	Order - Order Signed	Official		Order Signed by Judge Renee Gumbs Carty.	
88	05-25-2022 02:29 PM	Motion - Motion Received	Official		MOTION IN LIMINE TO PRECLUDE TESTIMONY AND QUESTIONING	Kimberly M. Riley, Esq. On Behalf of People of the Virgin Islands
83	05-23-2022 02:59 PM	Hearing - Record Of	Official		Record Of Proceeding Jury	

**Superior Court of the Virgin Islands  
Docket Sheet**

<b>Case #</b>	ST-2020-CR-00338	<b>Judge</b>	Hon. Renee Gumbs Carty
<b>Case Title</b>	People of the Virgin Islands v. Devindra Jaglal	<b>Case Type</b>	Criminal - Felony - Standard Felony

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
		Proceeding			Selection.	
82	05-23-2022 01:36 PM	Order - Order Signed	Official		Order Signed by Judge Renee Gumbs Carty.	
78	05-23-2022 08:06 AM	Motion - Motion Received	Official		Motion Received	Kimberly Riley, Esquire
80	05-23-2022 08:11 AM	Notice - Notice Of Service	Official		PEOPLE'S SIXTH SUPPLEMENTAL DISCOVERY	Kimberly Riley, Esquire
81	05-23-2022 08:12 AM	Notice - Notice of Appearance	Official		Notice of Appearance	Quincy McRae, Esquire
79	05-23-2022 08:09 AM	Notice - Notice of Appearance	Official		Notice of Appearance	Kimberly Riley, Esquire
76	05-20-2022 02:58 PM	Hearing - Record Of Proceeding	Official		Record Of Proceeding Hearing prior to jury slection via zoom	
77	05-20-2022 03:17 PM	Notice - Notice of Appearance	Official		Notice of Appearance	Thoron Corey Hodge, Esquire
75	05-18-2022 02:23 PM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of Judgment/Order	
73	05-17-2022 02:21 PM	Order - Order Signed	Official		Order Signed by Judge Renee Gumbs Carty.	
74	05-18-2022 08:19 AM	Transcript - Electronic Transcript (CD/Audio) Request	Official		Electronic Transcript (CD/Audio) Request	Frederick A. Johnson, Jr., Esq. On Behalf of Devindra Jaglal
71	05-13-2022 09:10 AM	Service - Subpoena Issued	Official		Subpoena Issued for Brittney Walka	
70	05-13-2022 08:57 AM	Notice - Praecept Received	Official		Praecept Received	Anna B. Scott, Esq. On Behalf of People of the Virgin Islands
72	05-13-2022 01:51 PM	Notice - Notice of Filing	Official		PEOPLE'S FIRST AMENDED WITNESS LIST	Anna B. Scott, Esq. On Behalf of People of the Virgin Islands
69	04-21-2022 08:24 AM	Notice - Notice Of Service	Official		PEOPLE'S FIFTH SUPPLEMENTAL DISCOVERY	Anna B. Scott, Esq. On Behalf of People of the Virgin Islands
68	04-20-2022 08:52 AM	Service - Subpoena Issued	Official		(14) Subpoena Issued	
67	04-20-2022 08:14 AM	Notice - Praecept Received	Official		Praecept Received from the People of the Virgin Islands asking for Subpoenas to be Issued to:	Anna B. Scott, Esq. On Behalf of People of the Virgin Islands
					1. Officer Cindy Claudio 2. Officer Khalil Tatum 3. CST Debra Mahoney 4. CST Charles Gumbs 5. Detective Tianna Hunt 6. Detective Jamaal Fleming	

**Superior Court of the Virgin Islands  
Docket Sheet**

<b>Case #</b>	ST-2020-CR-00338	<b>Judge</b>	Hon. Renee Gumbs Carty
<b>Case Title</b>	People of the Virgin Islands v. Devindra Jaglal	<b>Case Type</b>	Criminal - Felony - Standard Felony

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
					7. Dr. Robert Smith 8. Jasmine Stephens, RN 9. Custodian of Records, Schneider Regional Medical Center 10. Chanel Potter, 911 ECC District Manager 11. Bradley Thomas 12. Davion Samples 13. Rocio Ramirez 14. Eugenia Lackey	
66	03-15-2022 09:36 AM	Notice - Notice of Entry of Judgment/Order			Notice of Entry of Judgment/Order	
65	03-14-2022 09:36 AM	Order - Order Signed	Official		Order Signed by Judge Renee Gumbs Carty.	
64	03-10-2022 12:31 PM	Hearing - Record Of Proceeding	Official		Record Of Proceeding Pretrial Conference Hearing.	
63	03-09-2022 11:10 AM	Notice - Notice of Filing	Official		Notice of Filing people's pretrial memorandum Submitted by Anna Scott, Esq.	Anna B. Scott, Esq. On Behalf of People of the Virgin Islands
62	03-04-2022 10:17 AM	Notice - Notice of Entry of Judgment/Order			Notice of Entry of Judgment/Order	
59	03-03-2022 10:15 AM	Order - Order Signed	Official		Order Signed by Judge Renee Gumbs Carty.	
58	03-03-2022 10:13 AM	Order - Order Signed	Official		Order Signed by Judge Renee Gumbs Carty.	
61	03-03-2022 12:10 PM	Notice - Proposed Order	Official		Proposed Order	
60	03-03-2022 12:10 PM	Motion - Motion Received	Official		NOTICE TO THE COURT	Frederick A. Johnson, Jr., Esq. On Behalf of Devindra Jaglal
57	01-20-2022 02:09 PM	Notice - Notice of Entry of Judgment/Order			Notice of Entry of Judgment/Order	
56	01-19-2022 02:05 PM	Order - Order Signed	Official		Order Signed by Judge Renee Gumbs Carty.	
55	11-17-2021 09:31 AM	Notice - Notice of Entry of Judgment/Order			Notice of Entry of Judgment/Order	
54	11-16-2021 09:29 AM	Order - Order Signed	Official		Order Signed by Judge Renee Gumbs Carty.	
53	11-03-2021 11:40 AM	Hearing - Record Of Proceeding	Official		Record Of Proceeding Pre-Trial Conference Hearing.	
52	10-22-2021 03:16 PM	Notice - Notice of Entry of Judgment/Order			Notice of Entry of Judgment/Order	
51	10-22-2021 03:15 PM	Order - Order Signed	Official		Order Signed by Judge Renee Gumbs Carty.	
50	09-22-2021 10:37 AM	Hearing - Record Of	Official		Record Of Proceeding	

**Superior Court of the Virgin Islands  
Docket Sheet**

<b>Case #</b>	ST-2020-CR-00338	<b>Judge</b>	Hon. Renee Gumbs Carty
<b>Case Title</b>	People of the Virgin Islands v. Devindra Jaglal	<b>Case Type</b>	Criminal - Felony - Standard Felony

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
		Proceeding			Suppression Hearing.	
49	07-16-2021 01:20 PM	Service - Subpoena Issued	Official		Subpoena Issued to Officer Debra Mahoney	
48	07-16-2021 01:19 PM	Service - Subpoena Issued	Official		Subpoena Issued to Officer Jamaal Fleming	
47	07-16-2021 01:18 PM	Service - Subpoena Issued	Official		Subpoena Issued to Officer J'moy Francis	
46	07-16-2021 01:17 PM	Service - Subpoena Issued	Official		Subpoena Issued to Detective Tiana Hunt	
45	07-16-2021 01:16 PM	Service - Subpoena Issued	Official		Subpoena Issued to Officer Cindy Claudio	
44	07-16-2021 11:42 AM	Service - Subpoena Issued	Official		Subpoena Issued to Officer Khalil Tatum	
43	07-16-2021 10:19 AM	Notice - Praecipe Received	Official		Praecipe	Anna B. Scott, Esq. On Behalf of People of the Virgin Islands
42	07-13-2021 01:04 PM	Notice - Discovery Received	Official		People's Fourth Supplemental Discovery	Anna B. Scott, Esq. On Behalf of People of the Virgin Islands
41	06-30-2021 02:05 PM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of Judgment/Order	
40	06-29-2021 02:00 PM	Order - Order Signed	Official		Order Signed by Judge Renee Gumbs Carty.	
39	06-07-2021 05:09 PM	Notice - Proposed Order	Official		Proposed Order	Anna B. Scott, Esquire
38	06-07-2021 05:09 PM	Response - Opposition Received	Official		The People's Opposition to Defendant's Motion to Suppress Statements	Anna B. Scott, Esquire
37	05-12-2021 05:05 PM	Notice - Discovery Received	Official		Discovery Received	People of the Virgin Islands Anna B. Scott, Esquire
36	05-07-2021 01:34 PM	Notice - Proposed Order	Official		Proposed Order	Frederick Johnson, Jr., Esquire
35	05-07-2021 01:34 PM	Motion - Motion Received	Official		Motion to Suppress Statements	Frederick Johnson, Jr., Esquire
34	04-22-2021 12:30 PM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of Judgment/Order	
33	04-22-2021 11:45 AM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of Judgment/Order	
32	04-19-2021 11:43 AM	Order - Order Signed	Official		Order signed by Judge Renee Gumbs Carty	
31	04-16-2021 12:29 PM	Order - Order Signed	Official		Order signed by Judge Renee Gumbs Carty.	
30	04-12-2021 11:51 AM	Hearing - Record Of Proceeding	Official		Record Of Proceeding Motion Hearing	

**Superior Court of the Virgin Islands  
Docket Sheet**

<b>Case #</b>	ST-2020-CR-00338	<b>Judge</b>	Hon. Renee Gumbs Carty
<b>Case Title</b>	People of the Virgin Islands v. Devindra Jaglal	<b>Case Type</b>	Criminal - Felony - Standard Felony

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
29	04-10-2021 11:33 AM	Notice - Proposed Order	Official		Proposed Order	Frederick A. Johnson, Jr., Esquire
28	04-10-2021 11:32 AM	Motion - Motion for Extension of Time	Official		Motion for Extension of Time	Frederick A. Johnson, Jr., Esquire
27	04-08-2021 06:43 PM	Notice - Discovery Received	Official		People's First Supplemental Discovery - Devindra Jaglal F338-2020	Anna B. Scott, Esquire
26	02-24-2021 11:52 AM	Service - Return of Service Received	Official		Return of Service Received: Bureau of Corrections	
25	12-31-2020 02:06 PM	Notice - Notice Of Service	Official		Notice Of Service	
24	12-31-2020 02:05 PM	Notice - Notice of Appearance	Official		Notice of Appearance	
23	12-31-2020 02:04 PM	Motion - Motion For Discovery Or To Disclose Received	Official		Motion For Discovery Or To Disclose Received	
22	12-18-2020 12:06 PM	Notice - Notice of Appearance	Official		Notice of Appearance	
21	12-04-2020 09:32 AM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of Scheduling Order	
20	12-04-2020 09:31 AM	Clerk Order - Scheduling Order	Official		Scheduling Order Signed by Magistrate Judge Carolyn P. Hermon-Percell	
19	12-04-2020 09:00 AM	Hearing - Record Of Proceeding	Official		Record Of Proceeding - Arraignment	
18	12-03-2020 10:15 AM	Notice - Waiver And Consent Received	Official		Waiver of Appearance at Arraignment Signed by Magistrate Judge Carolyn P. Hermon Percell	
17	12-02-2020 12:56 PM	Initiating Document - Information	Official		Information Received	People of the Virgin Islands
16	11-23-2020 12:44 PM	Service - Return of Service Issued	Official		Return of Service Issued	
15	11-23-2020 12:27 PM	Action - Passport Released By Clerk	Official		Passport Released By Clerk	
14	11-23-2020 12:07 PM	Service - Return of Service Issued	Official		Return of Service Issued	
13	11-23-2020 10:57 AM	Notice - Notice Of Entry	Official		Notice of Entry	
12	11-23-2020 10:27 AM	Order - Order Signed	Official		Order Signed by the Hon. Magistrate Judge Henry V. CARR, III for Hon. Magistrate Judge Carolyn P. Hermon-Percell GRANTED the Defendant's Motion for Release.	
8	11-20-2020 05:05 PM	Notice - Waiver And Consent Received	Official		Waiver And Consent Received	

**Superior Court of the Virgin Islands  
Docket Sheet**

<b>Case #</b>	ST-2020-CR-00338	<b>Judge</b>	Hon. Renee Gumbs Carty
<b>Case Title</b>	People of the Virgin Islands v. Devindra Jaglal	<b>Case Type</b>	Criminal - Felony - Standard Felony

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
11	11-20-2020 05:13 PM	Motion - Motion To Travel	Official	Received	Emergency Motion For Bail Modification of Conditions of Release to Permit Defendant To Travel and Reside Off island with Waiver of Extradition Included Received From Frederick Johnson, Esq., Public Defender	
10	11-20-2020 05:11 PM	Notice - Proposed Order	Official		Proposed Order	
9	11-20-2020 05:07 PM	Notice - Notice of Filing	Official		Notice of Filing: Defendant's Amended Notice of Confirmation of Address Received from Frederick Johnson, Esq., Public Defender	
7	11-19-2020 11:26 AM	Action - Receipt Executed	Official		Receipt Executed by Tamara Charles, Clerk of the Court for defendant's USA Passport surrendered to the court	
6	11-19-2020 10:37 AM	Financial - Payment Received	Official		Receipt #: 198729 Payor: Steven J. Somwaru, Amount: \$15,005.00	
5	11-19-2020 10:08 AM	Financial - Cash Bail Bond Executed	Official		Cash Bail Bond Executed in the amount of \$15,000.00	
4	11-19-2020 08:38 AM	Notice - Notice to the Court	Official		Notice to the Court	
3	11-16-2020 04:59 PM	Order - Memorandum Record Of Proceeding/Initial Hearing	Official		Memorandum Record Of Proceeding/Initial Hearing	
2	11-16-2020 04:58 PM	Order - Order Appointing (Counsel)	Official		Order Appointing (Counsel)	
1	11-16-2020 08:58 AM	Initiating Document - Probable Cause Fact Sheet Received	Official		Probable Cause Fact Sheet received with Arrest Report, NCIC, Receipt for Cash or Other Items, Photographs, Warning as to Rights, and Serology Documentation attached.	

**CERTIFIED TO BE A TRUE COPY**

This 5<sup>th</sup> day of July 2020

**TAMARA CHARLES  
CLERK OF THE COURT**

By: Tamara Charles Court Clerk III

BY \_\_\_\_\_ Court Clerk

CLERK OF THE COURT

TAMARA CHARLES

THIS \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

CERTIFIED TO BE A TRUE COPY



**FILED**

December 02, 2020

ST-2020-CR-00338

TAMARA CHARLES

CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

**PEOPLE OF THE VIRGIN ISLANDS,** )  
)  
Plaintiff, )  
)  
vs. )  
)  
**DEVINDRA JAGLAL,** )  
**D.O.B. 05/17/1983,** )  
Defendant. )  
\_\_\_\_\_ )

**CRIMINAL No. F338-2020**

**CHARGES:**

14 VIC § 1051; 16 VIC § 91(b)(12)  
14 VIC § 296(3); 16 VIC § 91(b)(1)(2)  
14 VIC § 299(2); 16 VIC § 91(b)(1)(2)

**INFORMATION**

**The People Of The Virgin Islands Charges That:**

**COUNT ONE**

On or about November 15, 2020, in St. Thomas, Virgin Islands, **DEVINDRA JAGLAL**, without lawful authority confined and imprisoned another person within this Territory against her will, with intent to cause her to be confined or imprisoned in this Territory against her will, to wit: he confined Rocio Ramirez, a person with whom he had an intimate relationship, to their Sapphire Beach room by physically assaulting and blocking her, and this act was committed during an act of domestic violence, in violation of V.I. CODE ANN. tit. 14 § 1051; V.I. CODE ANN. tit. 16 § 91(b)(12) [**FALSE IMPRISONMENT- DOMESTIC VIOLENCE**]

**COUNT TWO**

On or about November 15, 2020, in St. Thomas, Virgin Islands, **DEVINDRA JAGLAL** strangled, or attempted to strangle Rocio Ramirez, a person with whom he had

an intimate relationship, to wit: he strangled Rocio Ramirez, a person with whom he had an intimate relationship, and this act was committed during an act of domestic violence, in violation of V.I. CODE ANN. tit. 14 § 296(3); V.I. CODE ANN. tit. 16 § 91(b)(1)(2).

**[SECOND DEGREE ASSAULT – DOMESTIC VIOLENCE]**

**COUNT THREE**

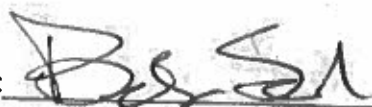
On or about November 15, 2020, in St. Thomas, Virgin Islands, **DEVINDRA JAGLAL**, used unlawful violence on the person of another, Rocio Ramirez, a person with whom he had an intimate relationship, with intent to injure, to wit: he struck her about her body, and this act was committed during an act of domestic violence, in violation of V.I. CODE ANN. tit. 14 §§ 292, 299(2); V.I. CODE ANN. tit. 16 § 91(b)(1)(2). **SIMPLE ASSAULT – DOMESTIC VIOLENCE**

*Respectfully Submitted,*

**DENISE N. GEORGE, ESQUIRE**  
Attorney General of the U.S.V.I.

DATED: December 2, 2020

BY:



Brenda Scales, Esquire  
Assistant Attorney General  
V.I. Department of Justice

**AFFIDAVIT**

I, Cindy Claudio being duly sworn, depose and state the following:

1. That I am a Police Officer with the Virgin Islands Police Department assigned to the Patrol Division, Mariel C. Newton Command.
2. That on Sunday, November 15, 2020, at approximately 2134 hrs., I along with Officer Khalil Tatum were dispatched to Building F, Room #206, Sapphire Beach Resort, St. Thomas, V.I., in reference to a woman screaming for help.
3. That upon arrival contact was made with Mr. Devindra Jaglal and I asked him if he could please step outside of the room. I then observed the victim, Ms. Rociao Ramirez, in the doorway crying and shaking. I asked Ms. Ramirez if we could go inside and talk while Officer K. Tatum interviewed Mr. Jaglal outside.
4. That I followed Ms. Ramirez into the room and she went to the furthest corner of the bathroom where she stood by the toilet violently shaking and crying. I asked her if she could explain to me what happened and she said, "No he'll kill me if I say anything." I asked her if Mr. Jaglal hurt her and she said, "Look, you want to see what he did to me." She proceeded to show me the bruising about her body. I observed redness to her neck, bruising on her arms, back, legs and buttocks.
5. That I asked Ms. Ramirez if Mr. Jaglal choked her and she said, "yes." She stated that Mr. Jaglal is her boyfriend and they live together in St. Petersburg, FL. She stated that Mr. Jaglal has assaulted her during their relationship but she felt like this time he was going to kill her.

6. That Ms. Ramirez stated that on Saturday, November 14, 2020, while they were outside of their hotel room, Mr. Jaglal told her when they were around other persons, she better smile or he was going to beat her up. She stated that Mr. Jaglal didn't allow her to leave the hotel room alone and she would've called 911 herself but she couldn't because he took her cell phone and wouldn't allow her to use it. She stated that she is afraid Mr. Jaglal is going to get out of jail, find her and kill her. She stated that she is pregnant.
7. That Officer K. Tatum contacted Mr. Bradley Thomas, the individual who called 911. He stated that he and his partner were staying next door to Ms. Ramirez and Mr. Jaglal's hotel room in room #205. He stated that between the hours of 2110-2130 hours on Sunday, November 15, 2020, he was on the balcony of his hotel room and he heard a women's voice coming from Room #206. He stated that someone turned the volume up louder, but he still heard a woman yelling "help."
8. That Mr. Thomas stated that he began to voice record with his cell phone and while doing so, Mr. Jaglal came outside onto the balcony and confronted him. He stated that Mr. Jaglal told him to mind his own business. He stated that he told Mr. Jaglal that he was going to call the police to which Mr. Jaglal replied, "call the police."
9. That Mr. Thomas provided me with a copy of the voice recording which corroborated his statement. I contacted a security guard from Sapphire Beach Resort who stated that on Saturday, November 14, 2020, while roaming the area

of Building F, she passed Ms. Ramirez and Mr. Jaglal and she heard Ms. Ramirez say, "help", but did not take any further action.

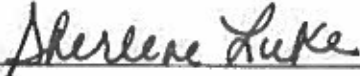
10. That Mr. Jaglal refused to give a statement and he was placed under arrest.

Based on the foregoing, I believe there is probable cause to charge, **DEVINDRA JAGLAL**, with violations of 14 VIC § 1051; 16 VIC § 91(b)(12), 14 VIC § 296(3); 16 VIC § 91(b)(1)(2) and 14 VIC § 299(2); 16 VIC § 91(b)(1)(2).

Further Affiant sayeth not.

 #1329  
\_\_\_\_\_  
Officer Cindy Claudio

SUBSCRIBED and SWORN to before me on this 1<sup>st</sup> day of December 2020

  
\_\_\_\_\_  
Notary Public



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Keisha Baynes	255	-	-	-	-
Dr. Robert Smith	264	268	305	308	-

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**EXHIBIT PAGE**

*III*

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No. 31-	Curriculum Vitae of Dr. Smith (Six pages) -	By Stip	263

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<u>DEFENSE EXHIBIT</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>	<u>ADMITTED</u>
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	Bates Stamp - 54.....		289
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**COURT IS IN SESSION**  
**(OUT OF THE PRESENCE OF THE JURY)**

THE MARSHAL: Will everyone, please rise.

THE CLERK: Criminal jury trial calendar for Tuesday 24th, year 2022. People of the Virgin Islands versus Devindra Jaglal. Criminal case Number 338 of the year 2020.

ATTORNEY MCRAE: Yes. Good morning, Your Honor. Quincy McRae for the People. Standing at counsel's table with me is Assistant Attorney General, Kimberly Riley.

ATTORNEY RILEY: Good morning, Your Honor.

THE COURT: Good morning.

ATTORNEY JOHNSON: Morning again, Your Honor. Frederick Johnson, Attorney Thoron Hodge, and Mr. Jaglal.

THE COURT: Good morning.

ATTORNEY HODGE: Good morning.

THE COURT: Attorney Johnson.

ATTORNEY JOHNSON: One second, Your Honor.

1 THE COURT: Go ahead, Attorney  
2 Johnson.

3 ATTORNEY JOHNSON: Sorry, Your  
4 Honor. I'm just looking through some of the  
5 exhibits that the prosecution graciously gave  
6 me copies of.

7 First of all, I believe he plans to  
8 enter the CAD report and the 911 videos, or  
9 should I say recordings. These were tendered  
10 over to me as Sapphire Recording 1, and  
11 Sapphire Recording 10.

12 THE COURT: Ten?

13 ATTORNEY JOHNSON: Yes. There  
14 were 16 of them.

15 THE COURT: Okay.

16 ATTORNEY JOHNSON: One and ten  
17 are where Davion Samples, I believe, called  
18 911 and then called back a few minutes later.  
19 Everything in between is communications  
20 between the officers and Dispatch.

21 THE COURT: Okay.

22 ATTORNEY JOHNSON: Suffice it  
23 to say, I plan on entering, or at least using  
24 them for impeachment purposes, and then  
25 asking the Court to enter into exhibit, my

1 own clips of those same recordings.

2 Depending on --

3 THE COURT: So, does your  
4 exhibits include 2 to 9, the ones that are in  
5 between?

6 ATTORNEY JOHNSON: No, Your  
7 Honor, it includes 1 and 10.

8 THE COURT: All right. 1 and  
9 10 only.

10 ATTORNEY JOHNSON: Clip down.

11 THE COURT: Okay.

12 ATTORNEY JOHNSON: In other  
13 words, I have specific questions that I  
14 intend to ask Mr. Samples. If I get an  
15 answer that isn't straight, I plan to impeach  
16 him with his own prior statement.

17 THE COURT: Yes.

18 ATTORNEY JOHNSON: What my  
19 clips don't include are hearsay statements of  
20 Miss Rocio Ramirez. Entering this whole  
21 stage will include hearsay statements of  
22 Rocio Ramirez Garcia.

23 THE COURT: What do you mean  
24 hearsay statements?

25 ATTORNEY JOHNSON: In other

1 words, he is saying --

2 THE COURT: Samples is  
3 saying...

4 ATTORNEY JOHNSON: Samples.

5 THE COURT: Okay.

6 ATTORNEY JOHNSON: During  
7 these recordings. And the CAD reports list  
8 some of these hearsay statements too. Since  
9 these are being introduced wholesale, I would  
10 preserve my objection against submitting  
11 these entirely wholesale.

12 THE COURT: Okay.

13 ATTORNEY JOHNSON: Because  
14 hearsay statements will come in.

15 I understand that statements from my  
16 own defendant are probably going to be  
17 admitted under the exception admissions  
18 against a party opponent.

19 THE COURT: Yes.

20 ATTORNEY JOHNSON: But I don't  
21 believe that the hearsay statements from Miss  
22 Garcia fall within the exception.

23 THE COURT: Well, if she  
24 testifies it's admissible.

25 ATTORNEY JOHNSON: Yes, Your

1 Honor, but --

2 THE COURT: It is only hearsay  
3 if she does not testify.

4 ATTORNEY JOHNSON: Well, if  
5 she doesn't testify it's not just hearsay,  
6 it's a confrontation clause issue, Your  
7 Honor.

8 THE COURT: Yes.

9 ATTORNEY JOHNSON: We're  
10 talking about Sixth Amendment issues.

11 THE COURT: Yes. So that's  
12 what I'm saying. It becomes inadmissible  
13 only if she does not testify.

14 ATTORNEY JOHNSON: No, Your  
15 Honor. Even though -- the Sixth Amendment  
16 issue is something I plan to -- if she  
17 doesn't testify, I hope the Court will take  
18 some of my objections to heart on this. But  
19 if she doesn't testify, Sixth Amendment kicks  
20 in. Not just hearsay.

21 THE COURT: Right.

22 ATTORNEY JOHNSON: If she  
23 testifies, hearsay still kicks in.

24 THE COURT: Right.

25 ATTORNEY JOHNSON: They don't

1       come admissible simply because she's going to  
2       testify. I cannot cross-examine her.

3               THE COURT: No, not -- she has  
4       to testify before so that if Mr. Samples  
5       testifies, he can say what she said. The  
6       testimony -- her testimony is not hearsay if  
7       she testifies before Mr. Samples does.

8               ATTORNEY JOHNSON: I see where  
9       you're getting at, Your Honor. I guess we're  
10      going to have to cross that bridge when we  
11      get to it. The main issue is, I cannot  
12      cross-examine Miss Ramirez on what  
13      Mr. Samples heard. And so, that's the  
14      essence of the hearsay statement as being  
15      submitted --

16              THE COURT: Right.

17              ATTORNEY JOHNSON: -- for the  
18      truth of the matter asserted. And so,  
19      entering the whole videos -- I keep referring  
20      to them as videos, but these are audio clips.

21              THE COURT: Okay.

22              ATTORNEY JOHNSON: Entering  
23      these wholesale, entering the CAD reports  
24      whole would involve hearsay, I believe,  
25      without an exception from Miss Ramirez.

1 THE COURT: You're assuming  
2 all the time that she's not going to testify.

3 ATTORNEY JOHNSON: No, Your  
4 Honor. If she testifies, I am gleaning what  
5 your ruling is going to be, and I've got that  
6 contingency. I just want to preserve my  
7 objection specifically.

8 We're not going to have a Sixth  
9 Amendment confrontation clause issue if she  
10 gets on the stand and testifies.

11 THE COURT: Right.

12 ATTORNEY JOHNSON: To the  
13 extend that hearsay comes into the CAD  
14 reports and these audio clips, we would still  
15 have a hearsay without an exception issue,  
16 and the Virgin Islands Rules of Evidence will  
17 still apply.

18 THE COURT: Okay. Let me hear  
19 from Attorney McRae.

20 ATTORNEY MCRAE: Yes, Your  
21 Honor. In regards to the recordings from  
22 911, one, the People are going to be moving  
23 the recordings in under 803(6). Two, as far  
24 as the two issues that were raised by  
25 Counsel --



1 THE COURT: Okay.

2 ATTORNEY MCRAE: I quote from  
3 the Rules. It will be 803 Subsection 1 and  
4 2. It says: *Exceptions to the rule against*  
5 *hearsay regardless of whether the*  
6 *declarant is available as a witness.*  
7 It says: *The following are not excluded*  
8 *by the rule against hearsay regardless*  
9 *of whether a declarant is available as*  
10 *a witness. Number One. Present sense*  
11 *impressions. It will be a statement*  
12 *describing or explaining an event or a*  
13 *condition --*

14 THE COURT: No. I understand  
15 Number 1 and Number 2. But are you  
16 suggesting now that what he is objecting --  
17 what Attorney Johnson is objecting to or is  
18 being very cautious about at this point falls  
19 into one of these exceptions?

20 ATTORNEY MCRAE: Yes, Your  
21 Honor. And I think the Rules have already  
22 addressed this issue. It says it does not --  
23 it's immaterial whether the witnesses are  
24 present or not. It's going towards the  
25 reliability of that information, in that, as

1 someone is talking, perceiving something,  
2 they are deciding --

3 THE COURT: No, I understand  
4 that. I understand that.

5 ATTORNEY MCRAE: And then two,  
6 for Miss Garcia, she's under a startling  
7 event. We would say that would be an excited  
8 utterance.

9 THE COURT: So, is that the  
10 only -- the statements by her, is that the  
11 only -- are those the only two categories  
12 that her statements may fall under?

13 ATTORNEY MCRAE: As far as  
14 her, I'll say she will be excited utterance.  
15 As far as her statement, it's her scream.  
16 She's screaming for help. So it's under a  
17 startling event that she's making these,  
18 quote/unquote statements.

19 I would say under this exception  
20 they have already looked at the situation and  
21 said regardless of whether the eyewitness is  
22 available or not, these rules come in. It's  
23 not excluded by the hearsay rule.

24 THE COURT: Yes.

25 ATTORNEY MCRAE: And as far as

1 Mr. Samples that's on the telephone speaking  
2 to the 911 operator, he's describing what he  
3 is witnessing at that moment, or the  
4 circumstances at that moment. His statement  
5 would go under the presence sense impression.  
6 These rules have already addressed that  
7 issue, and it said regardless of whether  
8 those witnesses are available, those  
9 statements come in.

10 THE COURT: Okay. So that's  
11 the limit of these statement? That's the  
12 scope, rather, of these statements that  
13 Attorney Johnson is taking about?

14 ATTORNEY MCRAE: Yes, Your  
15 Honor.

16 THE COURT: All right. Thank  
17 you.

18 ATTORNEY JOHNSON: To that  
19 end, it does sound like he's going to submit  
20 these as substantive evidence because it  
21 sounds like he's going to assert an exception  
22 not just for Miss Garcia, but for Mr. Samples  
23 himself. I'll just have to deal with that as  
24 it comes, and preserve the objections, Your  
25 Honor.

1 THE COURT: Okay.

2 ATTORNEY JOHNSON: Thank you.

3 THE COURT: All right. No  
4 problem. Any other issue?

5 ATTORNEY JOHNSON: Yes, Your  
6 Honor.

7 THE COURT: Okay.

8 ATTORNEY JOHNSON: The photo  
9 copies I have of proposed Exhibit 14, 15 --  
10 and I believe that's it from the Government.  
11 These are -- first of all, these are the very  
12 late disclosures, photos that we had dealt  
13 with in motion practice yesterday. I renew  
14 my objection to the late disclosure, but a  
15 specific --

16 THE COURT: Why is it a late  
17 disclosure when he has a continuing  
18 obligation to provide discovery, under  
19 Rule 16?

20 ATTORNEY JOHNSON: Your  
21 Honor --

22 THE COURT: And you had copies  
23 of this before, except that now it's -- the  
24 bruises are enhanced or more obvious, rather.

25 ATTORNEY JOHNSON: To be quite

1 clear, I've never had copies of these  
2 pictures before yesterday.

3 THE COURT: Have you had  
4 copies of bruises or her injuries before  
5 yesterday?

6 ATTORNEY JOHNSON: I've had  
7 copies of the photos that were taken at the  
8 hotel by police officers, and presumably by  
9 police officers at the hospital. They do not  
10 show bruising to this extent.

11 Going back to your point about the  
12 late disclosure, Your Honor, you have a  
13 scheduling order that has a discovery  
14 deadline. I'm not saying that that thing  
15 should be rigid to the point that any  
16 evidence necessary to prove a case should be  
17 kept out, but certainly, the day -- I got  
18 these on Sunday or Monday?

19 ATTORNEY RILEY: Sunday.

20 ATTORNEY MCRAE: Sunday.

21 ATTORNEY JOHNSON: Sunday.

22 The day before jury selection,  
23 unauthenticated photos that were never  
24 presented before that I would proffer they  
25 got simply because they only interviewed the

1 witness on Sunday, that is about as late as  
2 they come, Your Honor. I would renew my  
3 objection to this --

4 THE COURT: No, no. So you're  
5 saying that you got them only because they  
6 interviewed her on Sunday?

7 ATTORNEY JOHNSON: Yes, Your  
8 Honor, that's what I believe. I believe she  
9 gave these photos from her phone on Sunday;  
10 they tendered them over to me as soon as they  
11 got them. Nonetheless, it's the day before  
12 jury selection. There seems to be no excuse  
13 why they shouldn't have had these photos well  
14 before now.

15 Some of these photos are duplicate,  
16 or at least show the same injury, or purport,  
17 I assume, to show the same injury. So I  
18 would renew my objection to the photographs  
19 that have not been tendered in discovery in  
20 chief that we received, I believe, in the  
21 originals to the sixth supplemental  
22 discovery, and I think they are going to have  
23 ten photographs that would be part of that.

24 THE COURT: Okay. All right.  
25 Thank you. Attorney Riley.

1                   ATTORNEY RILEY:  Yes, Your  
2 Honor.  Attorney Johnson is correct that we  
3 received those on Sunday, and as he said we  
4 turned them over immediately.  There is no  
5 ongoing -- there is no surprise to defense.

6                   These are the same injuries that  
7 occurred that are shown in her pictures.  It  
8 does not cause any prejudice to the defendant  
9 to prepare for trial.  He had them on Sunday,  
10 Your Honor, so I would submit that it's the  
11 same injuries so they can't really change  
12 much.  So as to that, I would -- that's just  
13 my response to that.

14                   And I'm going to just go to the next  
15 thing that I think Attorney Johnson  
16 addressed.  There are some pictures that  
17 actually show the defendant's [sic] -- I  
18 don't know how else to say it nicely, but  
19 butt crack.  And I had to put stickies over  
20 that just for -- just to preserve some type  
21 of class to the case, and he did object to  
22 that.

23                   Obviously, he had been provided the  
24 photos that do not have the stickies on  
25 there.  These are the photos that he got

1 months ago that I put the stickies over on  
2 those. It wasn't anything underneath though,  
3 and I do wanted to address that quickly, Your  
4 Honor.

5 THE COURT: Okay. All right.  
6 So --

7 ATTORNEY MCRAE: Your Honor,  
8 just briefly. It just preserves some  
9 integrity for the victim. Just as we do in  
10 homicide cases, you don't have to present  
11 everything to the Jury.

12 THE COURT: Well, you don't  
13 have to present it at all.

14 ATTORNEY MCRAE: Yes.

15 THE COURT: And the shot, it  
16 could have been from a different angle.

17 ATTORNEY MCRAE: Yes, Your  
18 Honor.

19 THE COURT: A more close-up  
20 shot of just her buttocks without revealing  
21 that that's exactly what it is. You  
22 understand what I'm saying?

23 ATTORNEY MCRAE: Yes, Your  
24 Honor. Like I say, we tried to preserve her  
25 integrity while she's on the stand. And as



1 part of her injuries, we did not cover up the  
2 injuries. It's kind of difficult.

3 THE COURT: Yes.

4 ATTORNEY MCRAE: We try to  
5 make it plain and visible so an individual  
6 can testify about it. As far as her butt,  
7 it's not relevant to anything. There was no  
8 injury claim on that area.

9 THE COURT: But I see a bruise  
10 here on the left cheek.

11 ATTORNEY JOHNSON: There's no  
12 injury claimed on that area.

13 THE COURT: Oh, I see.

14 ATTORNEY MCRAE: As far as the  
15 part that's covered up, it doesn't go towards  
16 the count.

17 THE COURT: I see.

18 ATTORNEY MCRAE: The injury is  
19 visible. She can describe the area; the  
20 doctor can describe the area. It doesn't  
21 cause any confusion as to what is covered up  
22 at that point. It is just like a homicide  
23 case. You don't want to present --

24 THE COURT: So you're not  
25 going to move to admit those pictures?

1                   ATTORNEY MCRAE: We are going  
2 to move to admit those pictures, Your Honor.  
3 The other thing would be is just to reveal  
4 how she is, and at this point I will say  
5 we're trying to submit that because it  
6 doesn't detract away from the injury.

7                   THE COURT: Because it doesn't  
8 what?

9                   ATTORNEY MCRAE: Detract away  
10 from the injury or from any testimony  
11 regarding the injury that's been charged in  
12 this matter.

13                   THE COURT: Let me see those  
14 photos, the ones that you have blacked out.

15                   ATTORNEY RILEY: Your Honor,  
16 I've just prepared another packet of all the  
17 premarked exhibits. They are not all in here  
18 at this time on paper, but I can get them to  
19 you, Your Honor.

20                   THE COURT: Okay.

21                   ATTORNEY RILEY: If you would  
22 like that. It's number -- 14, 15 are the  
23 ones with the sticky notes on them at the  
24 bottom, Your Honor.

25                   THE COURT: 14 and 15?

1                   ATTORNEY RILEY: That's  
2 covering up the bottom.

3                   THE COURT: Attorney Riley,  
4 while it's in my mind, the motion in limine  
5 that was argued yesterday, there was no  
6 signature.

7                   ATTORNEY RILEY: Oh, okay. I  
8 did file one with a signature, Your Honor.

9                   THE COURT: Okay. We still  
10 haven't received it.

11                   ATTORNEY RILEY: Okay. I will  
12 text a message to Miss Lawson and have her  
13 send one to the Court.

14                   THE COURT: Okay.

15                   ATTORNEY RILEY: Thank you,  
16 Your Honor.

17                   THE COURT: All right.  
18 Thanks. So it's just 14 and 15?

19                   ATTORNEY RILEY: Yes, that has  
20 a sticky, Your Honor.

21                   THE COURT: All right.  
22 Attorney Johnson.

23                   ATTORNEY JOHNSON: Yes, Your  
24 Honor. I understand what they're getting at,  
25 but here is the concern for me. This is the

1 photo that you have before you (indicating).  
2 This is what they are submitting  
3 (indicating). The yellow sticky notes  
4 actually changed the color.

5 This is the photo I printed off  
6 yesterday from my office, straight from  
7 discovery. I plan on introducing this if  
8 this gets in. This shows more detail and  
9 actually shows stretch marks. It shows a  
10 little bit of maybe acne, and it has the  
11 right coloration. This darkens everything  
12 and it actually darkens that bruise, Your  
13 Honor.

14 THE COURT: It does. I don't  
15 know if it's partly because of the reflection  
16 of the shot or whatever of her black blouse,  
17 it seems like.

18 ATTORNEY JOHNSON: Well, I  
19 think it's a copy of a copy. That's the  
20 problem, Your Honor.

21 THE COURT: I see.

22 ATTORNEY JOHNSON: You know,  
23 if I would proffer, it looks like they put  
24 two sticky notes and then put this into a  
25 copy machine, and so it's changed the tone

1 that was being facsimile.

2 ATTORNEY RILEY: Your Honor, I  
3 do have the -- this is not -- this is just  
4 the actual sticky notes on the photo that we  
5 intend to presenting. And these were printed  
6 right from the pictures that were sent.

7 THE COURT: What value does  
8 this add, Attorney McRae? You have a  
9 photograph of her left arm close to the  
10 shoulder. You have a photograph of her neck;  
11 you have one of her knee; the left leg above  
12 the knee, so what value does this add?

13 ATTORNEY MCRAE: Your Honor,  
14 those were -- that was one of the injuries  
15 that was changed and one of the injuries that  
16 was seen by -- that she complained about at  
17 the hospital. As far as the value, we just  
18 talked about --

19 THE COURT: So it's -- in the  
20 information itself it specifically refers to  
21 her buttocks?

22 ATTORNEY JOHNSON: No, Your  
23 Honor.

24 ATTORNEY MCRAE: I'm not sure  
25 about her buttocks, Your Honor.

1 THE COURT: That's what I'm  
2 asking.

3 ATTORNEY JOHNSON: I am sure,  
4 they don't. She doesn't mention her  
5 buttocks. I'm hearing it doesn't matter, but  
6 for what it's worth, while these photos I've  
7 had for quite a while, there is a photo of  
8 her knee. A knee was never mentioned.

9 THE COURT: It says he struck  
10 her about her body. That's it.

11 ATTORNEY JOHNSON: Not if the  
12 record is indicating contusion on her neck,  
13 on her back and on the elbow.

14 THE COURT: And what?

15 ATTORNEY JOHNSON: And the  
16 elbow. She never mentioned anything to the  
17 medical officer. It's going to be one of my  
18 points of contention with the doctor;  
19 probably one of my points of contention with  
20 her when she gets on the stand.

21 THE COURT: Okay. But she can  
22 testify to it, though, Attorney Johnson.

23 ATTORNEY JOHNSON: Yes, Your  
24 Honor.

25 THE COURT: Okay.

1                   ATTORNEY JOHNSON: To a prior  
2 point we discussed, that also goes to  
3 something I didn't have. The picture of her  
4 knee was never mentioned in any report at  
5 all. As far as I'm concerned, the word *knee*  
6 does not appear in a discovery as is. This  
7 is the Government's Exhibit 18. This is her  
8 arm.

9                   THE COURT: But what  
10 difference does that make?

11                   ATTORNEY JOHNSON: Well, if  
12 it's her arm, I'm assuming it's the elbow  
13 that she complained about, and that's in  
14 discovery. If it's of her knee, it's not in  
15 discovery and it's a late disclosure on top  
16 of that. And if they're saying --

17                   THE COURT: So you don't have  
18 the original photograph of that bruise on her  
19 left knee from November?

20                   ATTORNEY JOHNSON: No.

21                   ATTORNEY RILEY: There's a  
22 picture of her left knee, but there's no  
23 picture of the knee bruise.

24                   THE COURT: Her leg.

25                   ATTORNEY JOHNSON: So this is

1 her elbow.

2 ATTORNEY RILEY: That is her  
3 elbow.

4 ATTORNEY JOHNSON: I have a  
5 picture of the elbow, or should I say the  
6 inside of her arm, but I do not have a  
7 picture of the elbow. It is mentioned in the  
8 medical records. This has never been  
9 tendered to me before Sunday, Your Honor.

10 THE COURT: Okay. What number  
11 are you referring to?

12 ATTORNEY JOHNSON: This would  
13 be Government's Exhibit 18. They sent this  
14 over in an e-mail on Sunday. If you allow, I  
15 can actually pull up the actual image number.

16 THE COURT: So this image that  
17 I'm looking at -- right, Number 18, with the  
18 apparent -- what appears to be a tattoo,  
19 which part of her body is that?

20 ATTORNEY RILEY: It is the  
21 back part of her arm near her elbow which she  
22 explained about getting hit.

23 THE COURT: Oh. Okay.

24 ATTORNEY RILEY: And that's in  
25 the medical report.



1 THE COURT: Oh, I see.

2 ATTORNEY RILEY: And it will  
3 show here -- today when she testifies to the  
4 Jury you'll see where the main tattoo is on  
5 the arm near the elbow.

6 THE COURT: Okay. All right.  
7 I thought it was her left leg above the knee.

8 ATTORNEY JOHNSON: Me too,  
9 Your Honor.

10 THE COURT: You too? All  
11 right. Okay.

12 ATTORNEY JOHNSON: So I take  
13 it my objection is overruled as to the elbow  
14 picture? Government Exhibit 18?

15 THE COURT: It comes in once  
16 the proper foundation is laid.

17 ATTORNEY JOHNSON: Yes, Your  
18 Honor.

19 THE COURT: The -- there's a  
20 photograph of her --

21 Marshal, show this to the attorneys.  
22 That photograph I will allow, Attorney  
23 Johnson and Attorney McRae.

24 ATTORNEY JOHNSON: Yes, Your  
25 Honor.

1 ATTORNEY MCRAE: Okay.

2 THE COURT: That's the only  
3 one of that part of her body that I will  
4 allow, okay. All right.

5 ATTORNEY JOHNSON: So  
6 Government's 21 is out, Your Honor?

7 THE COURT: Government's 21?

8 ATTORNEY JOHNSON: I'm  
9 assuming it has the same part of the body.

10 THE COURT: I don't have --  
11 Attorney Riley, do you have 21?

12 ATTORNEY RILEY: You have  
13 everything I have, Attorney Johnson and Your  
14 Honor. I'm just trying to get everything --  
15 so you're saying Exhibit 14 --

16 THE COURT: What is 21?

17 ATTORNEY RILEY: Hold on.

18 ATTORNEY JOHNSON: Your Honor,  
19 I am holding it up.

20 THE COURT: Yes, I know, but I  
21 can't -- what is that?

22 ATTORNEY MCRAE: That's the  
23 lower back, Your Honor. On the photographs  
24 that you do have, the officer took a picture  
25 of her lower back on the night of --

1 THE COURT: Okay. That's  
2 admissible once the proper foundation is  
3 laid.

4 ATTORNEY MCRAE: Yes, Your  
5 Honor.

6 ATTORNEY RILEY: And I'm  
7 sorry, Your Honor. Does that mean that 14  
8 and 15 where the sticky notes are placed are  
9 not going to be let in?

10 THE COURT: No. They are  
11 inadmissible.

12 ATTORNEY RILEY: If I do  
13 remove the sticky notes, they are admissible?  
14 It's just because the picture that you did  
15 allow to be admitted, Your Honor, it's from  
16 several days later. I do have a picture from  
17 that night, but if that's Your Honor's  
18 ruling, it's fine.

19 THE COURT: So the picture  
20 from that night -- okay. The ones that I  
21 have, 14 are the more recent photos, right?

22 ATTORNEY RILEY: No. 14 and  
23 15 are the ones taken that night that were  
24 given over to defense counsel months ago.

25 THE COURT: Okay.

1                   ATTORNEY RILEY: 20 was the  
2 more recent picture that actually shows the  
3 bruises clearer.

4                   THE COURT: I'm just curious,  
5 Your Honor, that if I remove the sticky am I  
6 able to admit 14 and 15? Just to be clear on  
7 Your Honor's order.

8                   ATTORNEY MCRAE: And, Your  
9 Honor, the prejudice claim that the photos  
10 doesn't show acne or the wrinkles is no value  
11 by doing that. As they state, this is DV  
12 trying to encourage the victims to come  
13 forward. Removing that sticker or leaving it  
14 there has no value.

15                   THE COURT: But it makes the  
16 -- it highlights -- the copy that Attorney  
17 Johnson just showed is much lighter than this  
18 copy. So it serves to just -- it appears as  
19 if it really highlights this bruise.

20                   ATTORNEY RILEY: Your Honor,  
21 we will be using ones that are not a copy.  
22 They are the exact same ones that were  
23 given to the defense on the CD.

24                   THE COURT: I need to see  
25 them.

1                   ATTORNEY RILEY: I don't know  
2 if they look different, Your Honor, but these  
3 are copies. I had put the stickies on  
4 myself.

5                   THE COURT: This doesn't show  
6 anything. So this is the night of the  
7 incident?

8                   ATTORNEY RILEY: Yes, Your  
9 Honor.

10                  THE COURT: I don't see  
11 anything.

12                  And you are objecting to these,  
13 Attorney Johnson, 14 and 15?

14                  ATTORNEY JOHNSON: Your Honor,  
15 I was objecting to them as is, with the  
16 sticky notes. These have been tendered.

17                  THE COURT: No, the one  
18 without the sticky notes. The one from --

19                  ATTORNEY JOHNSON: No, Your  
20 Honor. Those I do not object to, as long as  
21 they don't have the sticky notes.

22                  THE COURT: Okay.

23                  ATTORNEY JOHNSON: That was my  
24 main part of the objection, Your Honor.

25                  THE COURT: Okay. So not

1 Number 14. Number 15 is allowed. Actually,  
2 I'll allow both of them. 14 and 15.

3 ATTORNEY RILEY: Okay. Thank  
4 you, Your Honor.

5 THE COURT: So 14, 15, 21 and  
6 -- so that's 14 and 15 without the sticky  
7 note. 21, and this one. I'm not sure what  
8 the number is, though.

9 ATTORNEY RILEY: That was 20,  
10 Your Honor.

11 THE COURT: Number 20. Okay.

12 ATTORNEY RILEY: So just --  
13 since there's no objection to any other  
14 picture, all the pictures are entered?

15 THE COURT: Yes, as long as  
16 there's the proper foundation.

17 ATTORNEY RILEY: Just to be  
18 correct, because there's been no objection to  
19 any other pictures, all the pictures that do  
20 not have -- there's no order that any of  
21 these pictures cannot be enter at this time,  
22 correct, as long as we set a foundation?

23 THE COURT: Yes, correct.

24 ATTORNEY RILEY: Thank you,  
25 Your Honor.

1 THE COURT: So 14 and 15 are  
2 excluded, the ones with the sticky notes.  
3 This one is excluded -- will be excluded.

4 Okay. So are we ready? Anything  
5 else?

6 ATTORNEY JOHNSON: Yes, Your  
7 Honor. Renewing the objection for some of  
8 the same reasons. Government's 23.

9 THE COURT: Okay, let me get  
10 to it.

11 ATTORNEY JOHNSON: Government  
12 22, 23 and 24.

13 THE COURT: Okay. 22, 23 and  
14 24.

15 ATTORNEY JOHNSON: And 25 and  
16 26, Your Honor. We brought this up yesterday  
17 and I'm renewing my objection, first to  
18 untimeliness. This does prejudice me, Your  
19 Honor.

20 THE COURT: It what?

21 ATTORNEY JOHNSON: These do  
22 prejudice the defendant. In order to rebut  
23 these, even in order to cross-examine on  
24 authentication, authenticity, I would have to  
25 need more time. I might need an expert to

1 testify as to why Rosie could not  
2 authenticate this as being true and accurate  
3 a representation of what Mr. Jaglal said.

4 THE COURT: Did you -- you  
5 said you were going to -- how do it put this.

6 ATTORNEY JOHNSON: Try to  
7 download the text messages?

8 THE COURT: Yes. Were you  
9 able to do that?

10 ATTORNEY JOHNSON: No, Your  
11 Honor, not in their entirety. I tried two  
12 programs last night with my IT guy. The  
13 problem is, all the text messages, all the  
14 metadata never came on one of the two  
15 programs.

16 It's something that if we do have a  
17 conviction, hopefully I'll have by  
18 sentencing. But authenticity is going to be  
19 such an issue that I would need -- I would  
20 proffer that they would need an expert to do  
21 this. Rosie cannot authenticate this by  
22 herself. That's a general objection to 22,  
23 23, 24 and 25.

24 This say nothing of the fact that  
25 this -- it says nothing of the fact that --



1 it does have what is purported to be hearsay  
2 from my client. Now, they are going to, and  
3 they already have listed an exception of  
4 admission by a party opponent. Again, the  
5 rub lies in authenticity. These are  
6 documents that Rosie could have --

7 THE COURT: Modify?

8 ATTORNEY JOHNSON: Yes, from  
9 her own phone. Someone --

10 THE COURT: Shouldn't it  
11 reflect on his phone? If there is in fact a  
12 modification or some type of alteration by  
13 her, wouldn't it reflect on her phone?  
14 That's what I understand it to be.

15 ATTORNEY JOHNSON: It would  
16 reflect on her phone, but --

17 THE COURT: On his phone.

18 ATTORNEY JOHNSON: On his  
19 phone?

20 THE COURT: Yes, to show that  
21 Rosie modified a particular portion of this  
22 text.

23 ATTORNEY JOHNSON: No, Your  
24 Honor, because we would need the metadata to  
25 do that.

1 THE COURT: No, not  
2 necessarily, as far as I understand.

3 ATTORNEY JOHNSON: Yes, Your  
4 Honor. If a note is shared, just like a word  
5 document on a server with two computers that  
6 can access it, unless I have a perfect memory  
7 of what was in that document or a copy of it,  
8 preferable a hard copy, I cannot compare a  
9 hard cop to the soft copy that's actually in  
10 the computer. Therefore I'd have to go into  
11 the metadata to see if it was changed, if it  
12 was saved at a later date.

13 Now, the proffer is that this was  
14 shared --

15 THE COURT: Not necessarily.  
16 Aren't you able to just slide the screen  
17 across to pick up that this person -- the  
18 person that you sent the same note to, or the  
19 group that you're sending your notes to, can  
20 modify that message and it reflects and it  
21 says Rosie modified it at such and such a  
22 date; Mary modified it on such and such a  
23 date?

24 ATTORNEY JOHNSON: You're  
25 talking about metadata, and I believe you're

1 going from experience on WhatsApp or Snap  
2 chat or possibly even Facebook group. That  
3 would require expert testimony. And to  
4 booth, I do not --

5 THE COURT: No. What about  
6 just being able to download it.

7 ATTORNEY JOHNSON: To download  
8 a document that's already been changed?

9 THE COURT: Yes, or to at  
10 least be able to view it.

11 ATTORNEY JOHNSON: I would  
12 have to download the metadata as well. I  
13 would almost certainly have to have someone  
14 with some kind of expert.

15 THE COURT: No.

16 ATTORNEY JOHNSON: This is not  
17 something a lay person can testify to.

18 For instance, this was circled.  
19 This was circled. Certainly, this was  
20 altered (indicating). Now, I cannot tell you  
21 it was altered by the prosecutors or Rosie.

22 THE COURT: What was altered,  
23 the fact that a red circle is -- has  
24 encircled the box or boxes?

25 ATTORNEY JOHNSON: Yes, Your

1 Honor.

2 THE COURT: Okay.

3 ATTORNEY JOHNSON: This is a  
4 screen shot.

5 THE COURT: But does it --  
6 what's the word. Does it alter the fact that  
7 it specifically has a note there or a message  
8 there saying that the owner had stopped  
9 sharing? Does it alter that fact?

10 ATTORNEY JOHNSON: No, Your  
11 Honor.

12 THE COURT: Wouldn't that be  
13 the key issue there?

14 ATTORNEY JOHNSON: The key  
15 issue is --

16 THE COURT: That it's probably  
17 unchangeable?

18 ATTORNEY JOHNSON: The key  
19 issue on this is when did he stop sharing.  
20 If I remember the proffer, it was supposed to  
21 have happened Sunday while the prosecutors  
22 were viewing it. That was the proffer.

23 THE COURT: Yes.

24 ATTORNEY JOHNSON: Assuming  
25 Rosie could testify to that, there's

1 absolutely no way for me to cross-examine her  
2 on that point. Certainly not when I was  
3 given these day before yesterday, and I tried  
4 earnestly to see if I could download and  
5 compare and contrast everything in my  
6 client's phone. And I'm telling you I cannot  
7 do that on short notice.

8 I'm submitting that I would have to  
9 have experts to contest the authenticity.  
10 And even so that, as to the authenticity, I  
11 with need an expert on this. That is where  
12 the prejudice comes in.

13 To be quite honest, unless the  
14 prosecutor casque to actually circling this,  
15 there is no way for me to verify that Rosie  
16 actually did this. And that's all, Your  
17 Honor.

18 THE COURT: But there is some  
19 verification here that your client stopped  
20 sharing. His name is on the upper left  
21 corner next to the word *link*. So that comes  
22 from his phone. It's his name in the upper  
23 left corner.

24 ATTORNEY JOHNSON: Your Honor,  
25 the only testimony I believe that they can

1 proffer is that while she was using her phone  
2 and had these shared, he stopped sharing on  
3 Sunday, I believe was the proffer. As is,  
4 there is no way for me to take this picture  
5 and get any kind of metadata from it. I  
6 would be wholly beholding to either the  
7 prosecutor saying we circled that or Rosie  
8 saying I circled it.

9 This is not nearly as egregious as  
10 these (indicating). These are months old.  
11 They could have, and almost certainly were  
12 edited by both Rosie and Mr. Devindra Jaglal  
13 over a period from December to now.

14 There is no way for me to  
15 cross-examine with any kind of effectiveness  
16 as to authenticity. And these are  
17 prejudicial in and of themselves. They are  
18 introduced solely to paint my client as  
19 someone who --

20 THE COURT: Do you have any  
21 authority; any case law?

22 ATTORNEY JOHNSON: Yes, Your  
23 Honor. One second, Your Honor.

24 THE COURT: Sure.

25 Do you have any authority, Attorney

1       McRae?

2                       ATTORNEY MCRAE:   Your Honor,  
3       yes.  As far as that matter, as I stated  
4       yesterday, at the time that these were sent  
5       the defendant was fully advised of his  
6       rights.  Whenever this came up --

7                       THE COURT:   No, I mean any  
8       case law to support your proposition that  
9       it's admissible.

10                      ATTORNEY MCRAE:   I would say  
11       it's admissible by a statement by a party  
12       opponent, Your Honor, under the rule --

13                      THE COURT:   No, but let's take  
14       it to the next step, the modification or the  
15       possibility to alter the notes.

16                      ATTORNEY MCRAE:   Yes, Your  
17       Honor.  As far as the modification, as the  
18       Court is aware yesterday I claimed that the  
19       defendant had destroyed that evidence and he  
20       was attempting to obstruct justice.

21                      So whenever you're talking about  
22       metadata, when speaking with the victim I  
23       asked her how are you able to determine who  
24       sent this or whether it's modified, it's in  
25       the notes.  She can slide it to the side and

1 it tells you exactly who was the author of  
2 each and every section. So you don't need an  
3 expert.

4 THE COURT: Right.

5 ATTORNEY MCRAE: If his client  
6 has not destroyed those text messages, you  
7 can open up that phone and slide it right to  
8 the side and the data is subject to  
9 cross-examination.

10 THE COURT: So you're saying  
11 he either destroyed evidence or he just chose  
12 not to slide it to see.

13 ATTORNEY MCRAE: He can slide  
14 it to the side.

15 THE COURT: Yes, one or the  
16 other.

17 ATTORNEY MCRAE: Yes. And he  
18 can speak to his client if he needs to, but  
19 he can open up those same messages. If he  
20 wants to claim that Rosie altered that  
21 document, she will be subject to  
22 cross-examination and he can slide it on over  
23 to the side and go right ahead and  
24 cross-examine her.

25 ATTORNEY JOHNSON: Your Honor.



1                   ATTORNEY RILEY: He has the  
2 evidence now and I have not asked them for  
3 that. I have not asked for an expert. I  
4 asked for his client -- the information from  
5 those text messages which his client is the  
6 author of. His counsel is saying that he  
7 doesn't have it, but it's on his client to  
8 provide that if he wants to cross-examine  
9 this victim.

10                   As far as that, it goes to the  
11 weight of the evidence through  
12 cross-examination, not the admissibility. As  
13 far as admissibility, it's already been  
14 established as was stated by a party  
15 opponent. If he wants to subject to  
16 cross-examination, that goes towards the  
17 weight of it.

18                   The circling of that document, I  
19 submit that the victim will come in here and  
20 testify that on that day she circled that  
21 document to indicated to us that the  
22 defendant had just deleted that account  
23 whenever we had asked for those messages.

24                   I'm claiming that he deleted it, but  
25 if he did not -- like I said, it was

1 destruction of evidence. If he did not, it  
2 is in his client's hand.

3 THE COURT: And he just  
4 chooses not to turn over the discovery as  
5 requested.

6 ATTORNEY JOHNSON: Your Honor,  
7 can anyone --

8 THE COURT: Give me your  
9 authority, Attorney Johnson.

10 ATTORNEY JOHNSON: I will,  
11 Your Honor. Let me address this --

12 THE COURT: No, your  
13 authority.

14 ATTORNEY JOHNSON: All right.  
15 Thank you, Your Honor.

16 ATTORNEY MCRAE: Your Honor,  
17 as far as my example, if he has it, it can be  
18 shown right now. And I can bring in the  
19 victim and she can show the Court also, if  
20 the Court needs to see how that thing was  
21 modified if the Court needs that information.

22 THE COURT: No case law,  
23 Attorney Johnson?

24 ATTORNEY JOHNSON: Yes, Your  
25 Honor. First of all, the closest component I

1 can find in my objection book would be  
2 authentication of voice. One second, Your  
3 Honor.

4 THE COURT: Attorney Johnson,  
5 if you're accusing her of modifying it, of  
6 altering it --

7 ATTORNEY JOHNSON: Your Honor,  
8 I'm not submitting it as evidence, they are.

9 THE COURT: Yes, right. And  
10 you want to prove the opposite. You want to  
11 prove otherwise.

12 ATTORNEY JOHNSON: Yes, Your  
13 Honor, I am going to cross-examine her. I'll  
14 bring it about before the Jury, but --

15 THE COURT: Okay. So we'll  
16 cross the bridge when we get there.

17 ATTORNEY JOHNSON: Yes, Your  
18 Honor. One thing at a time, if you don't  
19 mind. The authority that I would cite the  
20 Court to is ancillary, but authentication of  
21 voice telephone conversations.

22 *A telephone conversation between a*  
23 *witness and other persons are admissible*  
24 *when the identity of the person with whom*  
25 *the witness is speaking is*

1           *satisfactorily established.*

2           To that point, Your Honor --

3           THE COURT: Attorney Johnson,  
4 I searched and I searched, and I searched. I  
5 didn't find one case on this issue with  
6 respect to the notes -- modification of the  
7 notes.

8           ATTORNEY JOHNSON: Your Honor,  
9 *United States v Brown.*

10          THE COURT: Okay.

11          ATTORNEY JOHNSON: *The*  
12 *Government had presented sufficient*  
13 *extrinsic evidence to authenticate chats*  
14 *on social media sites among defendant's*  
15 *aliases and four witnesses --*

16          THE COURT: Okay, get me  
17 the --

18          ATTORNEY JOHNSON: Yes.

19          THE COURT: The citation.

20          ATTORNEY JOHNSON: *United*  
21 *States v Brown.* 834 F.3d 403, 2016 U.S.  
22 appellate Lexis 15668.

23          THE COURT: I'm sorry, you're  
24 going too fast. 834 F.3d, what?

25          ATTORNEY JOHNSON: 834 F.3d

1 403.

2 THE COURT: And what year is  
3 this?

4 ATTORNEY JOHNSON: Cert was  
5 denied -- it's 2016, Your Honor.

6 In that case, having not read this  
7 case, but this is the note. *As there was*  
8 *abundant evidence, including testimony of*  
9 *the witnesses, confessions by the*  
10 *defendant and personal information*  
11 *confirmed by the defendant that was*  
12 *consistent with the mentioned by the*  
13 *alias, linking the defendant and*  
14 *testifying a victims to the chats*  
15 *conducted through the alias's account and*  
16 *reflected in the logs procured from social*  
17 *media site.*

18 That particular case, although it  
19 opposed the Government's proffer, and it  
20 holds the introduction of evidence, mentions  
21 multiple witnesses, defendant's confession,  
22 access to the social media site which would  
23 mean access to the evidence presented.

24 One of the things that Attorney  
25 McRae was arguing when I was trying to find

1 cases, is that I've had access to this the  
2 whole time. I still do not have access to  
3 the evidence this came from. This is a print  
4 off of her screen, not my client's screen.  
5 This is a print off of her text messages.

6 THE COURT: But if he's saying  
7 it's generated from your client, she didn't  
8 get it from elsewhere.

9 ATTORNEY JOHNSON: Yes, Your  
10 honor.

11 THE COURT: She didn't get it  
12 through a third-party. It came directly from  
13 your client.

14 ATTORNEY JOHNSON: It was  
15 shared by my client in December, Your Honor.  
16 It could have been, and I suspect it was, I  
17 suspect it was subject to manipulation  
18 between December and --

19 THE COURT: Wouldn't that have  
20 occurred back then?

21 ATTORNEY JOHNSON: No, Your  
22 Honor.

23 THE COURT: If he sent --

24 ATTORNEY JOHNSON: Sorry.

25 THE COURT: If this says view

1 only. This says November 23, 2020, 4:04  
2 p.m., view only. That's what this says, the  
3 first one to Rosie. So you're saying he  
4 could have manipulated it since then?

5 ATTORNEY JOHNSON: I believe  
6 so, Your Honor.

7 THE COURT: How? If this is  
8 what was printed, this is what occurred on  
9 that day.

10 ATTORNEY JOHNSON: This goes  
11 to --

12 THE COURT: Wouldn't the  
13 manipulation have to have come before?

14 ATTORNEY JOHNSON: Before  
15 shared, Your Honor? I don't think so.

16 THE COURT: Before this is  
17 printed? If you're saying that she altered  
18 it --

19 ATTORNEY JOHNSON: Yes, Your  
20 Honor.

21 THE COURT: You're saying that  
22 there's an alteration in this document  
23 itself --

24 ATTORNEY JOHNSON: I'm saying,  
25 if she altered it --

1 THE COURT: -- but you're not  
2 specifically saying which phrase or which  
3 lines or sentence has been doctored. You're  
4 just putting that out there.

5 ATTORNEY JOHNSON: Under 900  
6 Rule certification --

7 THE COURT: Okay. It's going  
8 to come in once the proper foundation has  
9 been made. You'll have the opportunity to  
10 cross-examine her, so let's move on.

11 ATTORNEY JOHNSON: Thank you,  
12 Your Honor. That objection applies to 22,  
13 23, 24, 25, and 26 of the Government's  
14 exhibit pictures.

15 THE COURT: Understood.  
16 You've said that. Thank you. Anything else?

17 ATTORNEY JOHNSON: No, Your  
18 Honor, not at this time.

19 ATTORNEY MCRAE: And just for  
20 clarification, Your Honor, as far as  
21 yesterday it was stated that we had a  
22 stipulation as to the 911 recordings.

23 THE COURT: Yes.

24 ATTORNEY MCRAE: I'm just  
25 trying to get clarification as to whether we



1 do have a stipulation or not.

2 THE COURT: Yes. I thought  
3 about that too. Yes.

4 ATTORNEY MCRAE: And I would  
5 make the argument to say if he wants to  
6 introduce portions of it, then I will also  
7 argue the rule of completeness. And he can't  
8 take little snippets of it, so he has to keep  
9 it in context.

10 So if he wants to introduce portions  
11 of the audio, under the rule of completeness  
12 to keep it in context, I will submit that all  
13 the recording will come in also, Your Honor.

14 ATTORNEY JOHNSON: That only  
15 applies if the entire recording is stricken.

16 THE COURT: If the entire  
17 recording is stricken?

18 ATTORNEY JOHNSON: In other  
19 words, if you grant my objection that the  
20 entire recording, as is, is not allowed in,  
21 that's the only way the rule of completeness  
22 would actually come in, is if the complete  
23 audio is coming in. Also I'm able to impeach  
24 prosecution.

25 THE COURT: Okay. If he moves

1 to introduce the 911 recording -- I don't  
2 know if the Government is going to move to  
3 introduce the 911 recording.

4 ATTORNEY MCRAE: I am, Your  
5 Honor.

6 THE COURT: Yes. But you said  
7 that you wanted to highlight portions of it.

8 ATTORNEY JOHNSON: Yes, Your  
9 Honor.

10 THE COURT: Okay. It's  
11 already in. So...

12 ATTORNEY JOHNSON: Then I  
13 guess I will preserve my objection for the  
14 record, but I was not planning on introducing  
15 the entire recording into my case in chief or  
16 as substantive evidence. In substantive  
17 evidence I was going to submit -- does not  
18 have some of the hearsay statements that he  
19 is going to try and get in through the  
20 substantive evidence.

21 THE COURT: I'm not following  
22 you. So, are you going to submit the whole  
23 thing?

24 ATTORNEY MCRAE: Yes, Your  
25 Honor. As far as the evidence, I did speak

1 to Attorney Johnson and told him that we have  
2 an overall 911 that had all of the recordings  
3 on there. It may have been maybe 12 or 16  
4 tracks on there.

5 THE COURT: Yes.

6 ATTORNEY MCRAE: As far as the  
7 individual, Mr. Samples, that called in, I  
8 told Attorney Johnson that Miss Potter had  
9 made just a separate -- a CD with just those  
10 two calls on there from Mr. Samples.

11 THE COURT: Right.

12 ATTORNEY MCRAE: It will be a  
13 12-minute recording and a six-minute  
14 recording. So I was planning on introducing  
15 the general recording, and then moving into  
16 evidence the recording that came from  
17 Mr. Samples.

18 THE COURT: Okay. So that's 1  
19 and 10.

20 ATTORNEY MCRAE: It will be 1  
21 and 10 which is the general. She can  
22 identify that, and then afterward she made a  
23 copy based specifically on the calls that  
24 Mr. Samples made.

25 THE COURT: Okay. And you are

1 objecting, Attorney Johnson, to some -- what  
2 the Government is saying are some hearsay  
3 exception statement under 1 and 2 of 803.  
4 You are objecting to those, and they are in 1  
5 and 10, or in between?

6 ATTORNEY JOHNSON: They are in  
7 1 and 10, specifically saying she's  
8 screaming; she's begging for her life; she's  
9 saying X. Those will be the hearsay  
10 statements, Your Honor. Confrontation clause  
11 will only come into effect if she doesn't  
12 actually testify.

13 THE COURT: Okay. So that's a  
14 bridge we can cross when we get there. So I  
15 don't, you know, I don't see what the issue  
16 is right now.

17 ATTORNEY JOHNSON: One of the  
18 audios that I submitted is a complete audio  
19 clip, and that would be -- this is Davion  
20 Samples' recording, recording Number 12; the  
21 People's Recording 12. I clipped the entire  
22 clip, the entire recording that will be  
23 Sapphire Number 12 at 12:50. I'm not sure  
24 what the entire name is.

25 THE COURT: So, you're saying

1 what now about that?

2 ATTORNEY JOHNSON: That would  
3 be the only one that I intend to submit in  
4 its entirety, Recording Number 12.

5 THE COURT: You can do that.  
6 All right. Are we ready to start?

7 ATTORNEY MCRAE: Yes, Your  
8 Honor.

9 THE COURT: So we have to do  
10 some technical stuff at this point. I'm  
11 going to take a ten-minute recess and then  
12 we'll resume. Okay.

13 ATTORNEY MCRAE: Your Honor,  
14 not to surprise the Court, but Miss Potter  
15 will be our first witness, so this issue will  
16 be addressed as soon as the Court starts up.

17 THE COURT: Okay. Very well.

18 *(A ten-minute recess*  
19 *was taken.)*

20 **After Recess**

21 *(The Jurors enter*  
22 *the courtroom.)*

23 THE MARSHAL: All Jurors,  
24 please stand to be sworn.

25 *(The Jurors were sworn.)*

1 THE MARSHAL: All Marshals  
2 come forward to be sworn.

3 (All Marshals were sworn.)

4 THE CLERK: People of the  
5 Virgin Islands versus Devindra Jaglal. Jury  
6 trial.

7 ATTORNEY MCRAE: Good morning,  
8 Your Honor. Good morning, court staff.

9 Good morning, Ladies and Gentlemen  
10 of the Jury. My name is Quincy McRae, along  
11 with Assistant Attorney General Kimberly  
12 Riley.

13 ATTORNEY RILEY: Good morning.

14 ATTORNEY MCRAE: And also  
15 Officer Tatum who represents the People of  
16 the Virgin Islands. Good morning.

17 ALL JURORS: Good morning.

18 THE COURT: Good morning.

19 ATTORNEY JOHNSON: Morning  
20 everyone. My name is Frederick Johnson, I go  
21 by Andy. This is Mr. Devindra Jaglal. Next  
22 to me is Attorney Thoron Corey Hodge. Good  
23 morning, everyone.

24 ALL JURORS: Good morning.

25 ATTORNEY JOHNSON: Thank you

1 for being here.

2 THE COURT: Okay.

3 **PRELIMINARY INSTRUCTIONS**

4 Good morning, Ladies and Gentlemen.  
5 I apologize for this very late start. We had  
6 some legal matters, and we still have some  
7 technical issues that we need to address, but  
8 we will move forward and I sincerely  
9 apologize for such a tardy start in this  
10 matter. But here we are and we are going to  
11 move forward.

12 So you have just been sworn. I'm  
13 going to explain certain basic principals to  
14 you about a criminal trial and your duty as  
15 jurors in this matter. I'm going to explain  
16 to you what the process is like.

17 Right now I'm going to give you the  
18 preliminary instructions before we start, and  
19 at the end of the trial I will give you some  
20 additional instructions. You must follow  
21 both the preliminary and final instructions  
22 in executing your duties as jurors.

23 It is your duty to decide what  
24 occurred during the incident alleged in the  
25 Information so that you can determine whether

1 the defendant is guilty or not guilty of the  
2 crimes as charged. At the end of the trial,  
3 I will explain the law that us must follow to  
4 reach your verdict. You must follow the law  
5 as I explain it to you, even if you do not  
6 agree with the law.

7 You must decide the case solely on  
8 the evidence presented here in the courtroom  
9 during this trial. Evidence comes in  
10 different forms. Evidence may be direct,  
11 such as testimony from witnesses about what  
12 someone saw or heard or smell. It also may  
13 be an exhibit admitted into evidence.

14 In some instances, evidence can be  
15 the opinion of a qualified witness. Evidence  
16 may also be circumstantial; that is, simply  
17 testimony or an exhibit which proves a fact  
18 indirectly.

19 So, for instance, one who sees wet  
20 grass outside and people walking into the  
21 courtroom carrying wet umbrellas could infer  
22 that it was raining outside. Circumstantial  
23 evidence is simply a chain of circumstances  
24 that prove a fact. It makes no difference  
25 whether evidence is director indirect. You



1 may choose to believe or disbelieve either  
2 kind and should give every piece of evidence  
3 whatever weight you think it deserves.

4 Now, there are certain things that  
5 are not evidence and cannot be considered.  
6 Such items include statements and argument of  
7 the lawyers. In their opening statements and  
8 closing arguments, the lawyers will discuss  
9 the case but their remarks are not evidence.

10 Questions and objections of the  
11 lawyers. The lawyers' questions are not  
12 evidence. Only the witness's answers are  
13 evidence. You should not think that  
14 something is true just because a lawyer's  
15 question suggest that it is.

16 So let me give you an example. If a  
17 lawyer asks a witness: *You saw the defendant*  
18 *hit his sitter, didn't you?* That question by  
19 itself is not evidence of what the witness  
20 saw or what the defendant did, unless the  
21 witness agrees with it.

22 There are rules of evidence that  
23 control what can be received into evidence.  
24 When a lawyer asks a question or offers an  
25 exhibit and a lawyer on the other side thinks

1 that it is not permitted by the rules of  
2 evidence, that law may object.

3 If I overrule the objection, then  
4 the question may be answered or the exhibit  
5 received into evidence. If I sustain the  
6 objection, then the question cannot be  
7 answered and the exhibit cannot be received.  
8 Whenever I sustain an objection to a  
9 question, you must ignore the question and  
10 not try to guess what the answer would have  
11 been.

12 Sometimes I may order that evidence  
13 be stricken from the record and that you  
14 disregard or ignore that evidence. What does  
15 that mean? It means that you are to -- when  
16 you are deciding the case you are not to  
17 consider that evidence.

18 Some evidence is admitted only for a  
19 limited purpose. When I instruct you that an  
20 item of evidence has been admitted only for a  
21 limited purpose, you must consider it only  
22 for that specific purpose and for no other  
23 purpose.

24 In reaching your verdict, you may  
25 have to decide what testimony to believe and

1 what testimony not to believe. You may  
2 believe everything a witness says, a part of  
3 it, or none of it at all.

4 In considering the testimony of any  
5 witness, you may take into account the  
6 following: You can take into account the  
7 opportunity and the ability of the witness to  
8 see or to hear or to know the things that  
9 that person is testifying to; the witness's  
10 memory; the witness's manner while  
11 testifying; the witness's interest in the  
12 outcome of the case, and any bias or  
13 prejudice; whether other evidence  
14 contradicted the witness's testimony; the  
15 reasonableness of the witness's testimony in  
16 light of all of the evidence, and any other  
17 factors that bear on the believability.

18 I will give you additional  
19 guidelines for determining credibility of  
20 witnesses at the end of the case.

21 As I stated yesterday, this is a  
22 criminal case. There are three basic rules,  
23 three basic principals about a criminal case  
24 that you must keep in your mind.

25 First, the defendant is presumed

1 innocent until proven guilty.

2 The information against the  
3 defendant brought by the Government is only  
4 an accusation, nothing more. It is not proof  
5 of guilt or anything else. The defendant  
6 therefore starts off with a clean slate.

7 Second, the burden of proof is on  
8 the Government until the very end of the  
9 case. The defendant has no burden whatsoever  
10 to prove his innocence or to present any  
11 evidence or to testify.

12 Since the defendant has the right  
13 remain silent and may choose whether to  
14 testify, you cannot legally put any weight on  
15 the defendant's choice not to testify. It is  
16 not evidence.

17 And third, the People must prove the  
18 defendant's guilt beyond a reasonable doubt.  
19 I will give you further instructions on this  
20 point later, but bear in mind that the level  
21 of proof required is high.

22 Our law requires jurors to conduct  
23 -- to follow certain instructions regarding  
24 their personal conduct in order to help  
25 assure a just and fair trial. I will now

1 give you those instructions.

2 Do not speak either among yourselves  
3 or with anyone else about anything related to  
4 this case. You may tell the people with whom  
5 you live with, your employer, that you are a  
6 juror and give them information about when  
7 you will be required to be in court, but you  
8 may not discuss with them or anyone else  
9 anything related to the case.

10 Do not, at any time during the trial  
11 request, accept, agree to accept or discuss  
12 with any person any type of payment or  
13 benefit in return for supplying any  
14 information about the trial. You must  
15 promptly tell me about any incident you know  
16 of involving an attempt by any person to  
17 improperly influence you or any member of the  
18 jury.

19 Do not visit or view the premises or  
20 place where the charged crime was allegedly  
21 committed. As I say yesterday, it's out in  
22 the Sapphire Beach area, or any other  
23 premises or place involved in this case. And  
24 you must not use any Google Earth or any maps  
25 on the internet or any other type of program

1 or device to search for a view of the area,  
2 the location as discussed in the testimony.

3 Do not read, do not watch or listen  
4 to any accounts or discussions related to  
5 this case which may be reported by the  
6 newspapers or television or radio, the  
7 internet or any other social media.

8 Do not attempt to research any fact,  
9 any issue, or any law as it relates to this  
10 case, whether by discussions with others, by  
11 library or internet search or by any other  
12 means or source.

13 In this age of instant electronic  
14 communication and research, I want to  
15 emphasize upon you, that in addition to not  
16 talking face-to-face with anyone about the  
17 case, you must not communicate with anyone  
18 about the case by any other means, whether  
19 it's by phone, text messages, e-mail, instant  
20 mail, WhatsApp, nothing.

21 You must not provide any information  
22 about the case to anyone by any means  
23 whatsoever, and that includes posting  
24 information about the case or what you're  
25 doing in the case by any of these or other

1 means.

2 It is important that you understand  
3 why these rules exist and why they are so  
4 important, so let me explain to you why.

5 So, our law does not permit jurors  
6 to talk with anyone else about the case or to  
7 permit anyone to talk to them about the case,  
8 because only the jurors are authorized to  
9 render a verdict. Only you are authorized to  
10 render a verdict.

11 You have been found to be fair by  
12 the Court and Counsel for both parties, and  
13 only you have taken an oath to be fair. No  
14 one else is qualified.

15 Our law also does not permit jurors  
16 to talk among themselves about the case until  
17 the Court tells them to begin deliberations,  
18 because, premature discussions can lead to a  
19 premature final decision.

20 Our law further does not permit you  
21 to visit the place discussed in the testimony  
22 because, first of all, you cannot be sure  
23 that the place is in the same condition as it  
24 was on the day in question. Second, even if  
25 it were in the same condition, once you go to

1 a place discussed in the testimony to  
2 evaluate the evidence in light of what you  
3 see, you become a witness and no longer a  
4 juror.

5 As a witness you may acquire a  
6 mistaken view of the scene that neither party  
7 may have a chance to correct. That is not  
8 fair to either party. It's not fair to the  
9 People; it's not fair to the defendant.

10 And finally, our law requires that  
11 you do not read or listen to any news  
12 accounts of the case, and that you not  
13 attempt to research any issue whether one of  
14 fact or one of law that is involved in the  
15 case. Your decision must be based solely  
16 upon the testimony and other evidence  
17 presented in this courtroom.

18 Additionally, the law often uses  
19 words and phrases in special ways; therefore,  
20 it is critical that any legal definitions you  
21 learn as part of this case come only from me  
22 and not from any other source. It would not  
23 be fair to the parties for you to base your  
24 decision on a reporter's or editor's view or  
25 opinion or upon other information you acquire



1 outside of the courtroom.

2           These rules are designed to help  
3 guarantee a fair trial, and our law  
4 accordingly sets forth serious consequences  
5 if the rules are not followed. I trust that  
6 you understand and appreciate the  
7 importance of following these rules and will  
8 do so during this trial.

9           Now, if you wish, you may take notes  
10 to help you remember what witnesses said. If  
11 you do take notes, please keep them to  
12 yourself and until you and your fellow jurors  
13 go to the jury room to decide the case. It  
14 is essential that if you choose to take  
15 notes, that you do not let the note taking be  
16 a distraction for you which causes you to  
17 miss the answers of witnesses.

18           When you leave the courthouse, your  
19 notes should be left in the jury room.  
20 Whether you take notes or not, you should  
21 rely on your memory of what was said. Notes  
22 are to assist your memory only. They are not  
23 entitled to any greater weight than your  
24 member or impression about the testimony.

25           Now, during the course of the trial

1 on occasions I may have to meet with the  
2 attorneys at sidebar or may ask you -- well,  
3 for the purpose of conferring with the  
4 attorneys outside of your presence. So we  
5 will step out if it is necessary to do so.

6 At these times you will remain  
7 seated, but at these times the attorneys and  
8 I will be addressing issues that are solely  
9 legal in nature. Legal matters are the sole  
10 province of the Court and it is necessary to  
11 hear legal arguments outside of your presence  
12 to avoid any confusion between fact and law.

13 During my discussions, those legal  
14 discussions with the attorneys, neither side  
15 will present any evidence. You will be  
16 present to hear all of the factual evidence  
17 in this case, because you are the sole judges  
18 of the facts.

19 So the trial will begin now. First,  
20 the People of the Virgin Islands will make an  
21 open statement. An opening statement is  
22 simply an outline as to what the People  
23 believe the case is about, and it is for you  
24 to help you to understand the evidence as it  
25 comes in from their perspective.

1           The defendant's attorney may, but he  
2 does not have to, make an opening statement.  
3 If the defendant's attorney chooses not to  
4 make an opening statement, you may not draw  
5 any inference against the defendant. He does  
6 not, as I've stated before, he does not have  
7 to because he does not have any burden of  
8 proof in this trial.

9           If the defendant's attorney makes an  
10 opening statement, it too is simply an  
11 outline as to what the defendant believes  
12 this case is about to help you understand the  
13 evidence as it comes in from his perspective.  
14 So remember, that the opening statements of  
15 the attorneys are not evidence.

16           The People will then present its  
17 witnesses, and counsel for the defendant may  
18 cross-examine them.

19           After the People's case, the  
20 defendant may, again, if he chooses to do so,  
21 present witnesses with whom the People may  
22 cross-examine.

23           Thereafter the People have the  
24 option of putting on a rebuttal case.

25           After the evidence is in, the

1 attorneys will present their closing  
2 arguments to summarize and interpret their  
3 respective views of evidence. Remember, the  
4 closing arguments of the attorneys are not  
5 evidence.

6 I will instruct you on the law after  
7 the closing arguments, and then after I  
8 instruct you on the law, then you will retire  
9 into the jury deliberation room to decide  
10 your verdict. Okay.

11 Okay are we ready?

12 ATTORNEY RILEY: Yes, Your  
13 Honor. May it please the Court.

14 THE COURT: Yes.

15 **OPENING STATEMENT**

16 **BY ATTORNEY RILEY:** Good morning.

17 ALL JURORS: Good Morning.

18 ATTORNEY RILEY: From a young  
19 age we are told that one of most important  
20 thing in live is to find a significant other:  
21 Someone to love you, someone to care for you,  
22 and someone to protect you. But  
23 unfortunately sometimes relationships can be  
24 the exact opposite. That person you're in a  
25 relationship with can turn into someone that

1 scares you, that threatens you, and that  
2 hurts you.

3 Ladies and Gentlemen of the Jury, I  
4 submit to you that this is what this case is  
5 about. The defendant, being in a  
6 relationship with Miss Rocio Ramirez, he  
7 scared her, he threatened her, and he hurt  
8 her.

9 On November 15, 2020, Rocio Ramirez  
10 was here visiting on vacation with her then  
11 boyfriend, the defendant. And as many  
12 travelers that visit St. Thomas, she had a  
13 normal day, that, is the reason why most  
14 people come to St. Thomas. She woke up in  
15 the morning, had a wonderful breakfast, went  
16 on a sailboat ride and ended up at one of  
17 best beaches on the island, Coki Beach.

18 But that night everything changed.  
19 The defendant became angry as Miss Rocio  
20 Ramirez. He started yelling at her at the  
21 beach; screaming at her on the way home to  
22 their condo, and this continued into their  
23 condo that they were renting through Airbnb  
24 at Sapphire Beach Resort.

25 When the two were finally in a room

1 by themselves where no one else could see,  
2 the defendant decided to become physical with  
3 Miss Rocio Ramirez. Her testimony today will  
4 tell you how the defendant started slapping  
5 her across the face, kicking her in the head  
6 and also taking both of his hands and  
7 strangling her.

8 This goes on for over a half hour.  
9 It started in the bedroom, going into the  
10 bathroom, and back to the bedroom. And at  
11 one point she was so afraid for her life, she  
12 ran for the door but the defendant wasn't  
13 going to let her leave. He grabs her and  
14 pulls her back and continues the beating.

15 Now, while this is happening she is  
16 screaming, *Please don't kill me. Please*  
17 *don't kill me. Stop. Help. Stop.* And  
18 thankfully, someone heard that scream. Two  
19 people staying next door were able to hear  
20 that scream and able to call 911 and tell the  
21 operator what was going on. And thank  
22 goodness for them because they were able to  
23 get to that location and prevent anything  
24 worst from happening.

25 Ladies and Gentlemen, myself and

1 Attorney McRae, we represent the People of  
2 the Virgin Islands. And because we represent  
3 the People of the Virgin Islands, we are the  
4 prosecution and we must prove our case beyond  
5 a reasonable doubt. And you will get  
6 instructions on beyond a reasonable doubt,  
7 but we do have the burden, and what we must  
8 do is prove every element of every crime to  
9 you that the defendant is charged within a  
10 document called the Information.

11 The defendant is charged with three  
12 crimes: False Imprisonment, Simple Assault  
13 and Second-Degree Assault. I submit to you  
14 that the evidence to show the defendant  
15 committed these crimes will come off that  
16 witness stand from the testimony you will  
17 hear and from the evidence you will be shown  
18 through the trial.

19 False Imprisonment. First, what  
20 you're looking for is that the defendant held  
21 Miss Rocio Ramirez against her will in that  
22 room, Sapphire Resort, Room 206. Simple  
23 assault was that he struck her about the  
24 body. And finally, the second-degree assault  
25 is that he strangled her. And you'll hear

1 that testimony off the witness stand today,  
2 that she was being choked with both hands,  
3 and that she even lost consciousness.

4 I ask you to pay attention to the  
5 evidence presented throughout this trial, and  
6 at the end my co-counsel will come before you  
7 and do a closing argument. And at that time  
8 we will ask you to find the defendant guilty  
9 of all charges, and I submit to you after you  
10 hear the testimony of this case, that will be  
11 the only verdict you will be able to come to.  
12 Thank you.

13 THE COURT: Thank you.

14 **OPENING STATEMENT**

15 **BY ATTORNEY JOHNSON:**

16 Good morning, everyone.

17 ALL JURORS: Good morning.

18 ATTORNEY JOHNSON: My name is  
19 Frederick Johnson, I told you that before.  
20 Mr. Devindra Jaglal is sitting with me, and  
21 with me is Mr. Corey Hodge.

22 Devindra Jaglal stands wrongly  
23 accused of two very serious felonies and a  
24 misdemeanor described by counsel opposite,  
25 Attorney Riley. At the end of the trial, I



1 will ask you to return a not guilty verdict  
2 on all counts. This is the only appropriate  
3 verdict in this case.

4 You heard the prosecution talk about  
5 the burden of proof. The burden of proof is  
6 indeed on the prosecution, the Government,  
7 always. The prosecution must prove each  
8 element of every crime beyond a reasonable  
9 doubt. I have no doubt the Judge will  
10 instruct you of that very matter.

11 The defense doesn't have to prove  
12 anything, and this burden never shifts. This  
13 is a prosecutor's job. This is the  
14 Government's job.

15 What the prosecutor just said in her  
16 opening statement, and what I am saying in my  
17 opening statement, and what the Judge said is  
18 not evidence. The information the prosecutor  
19 just described is not evidence. The  
20 information is charging him with two very  
21 serious felonies and a misdemeanor.

22 The evidence in this case will  
23 indeed come from the witness stand, witnesses  
24 on that witness stand. Evidence will  
25 probably come from photos, will probably come

1 from the 911 recordings that you'll get to  
2 listen to, and it might come from medical  
3 records.

4 Please listen to these witnesses  
5 carefully, each an every word they say.  
6 Please review this evidence carefully and  
7 skeptically. Hold the prosecutors' feet to  
8 the fire. It is their job and they have  
9 accepted it.

10 Now, a criminal case is like a  
11 jigsaw puzzle with two catches. I hope I  
12 don't have to explain what a jigsaw puzzle  
13 is, but a criminal case is a jigsaw puzzle  
14 that the prosecution has to put together that  
15 you have to figure out what they are showing  
16 you. The catch is, you can't look at the  
17 front of the box. You can't view that  
18 picture. You don't know what they're getting  
19 at until they show it to you. You don't know  
20 how the pieces are supposed to fit together;  
21 you cannot see the whole picture.

22 Catch two. You cannot help the  
23 prosecutors put that puzzle together. You  
24 can't jam a piece in where it's not supposed  
25 to be. You can't fill in the gaps of missing

1 pieces. You cannot do the prosecutors' job  
2 for it because a man's life is at stake here.  
3 Two very serious felonies and a misdemeanor.  
4 Serious felony convictions, potentially years  
5 in prison.

6 ATTORNEY RILEY: Objection,  
7 Your Honor. May I have a sidebar?

8 THE COURT: Overruled.

9 ATTORNEY JOHNSON: And of  
10 course, as the prosecutor has already  
11 indicated, he will soever be labeled as an  
12 abuser who beats up on women.

13 So when the prosecution's witnesses  
14 get up on the stand and their stories don't  
15 add up like they should, and the photos don't  
16 show what the prosecutors' witnesses say that  
17 they would show, and the medical records  
18 don't show what you would expect, when that  
19 puzzle with missing pieces jammed where it  
20 shouldn't, or the prosecutor wants to jam it  
21 where it just doesn't belong, remember to  
22 hold the Government's feet to the fire. It  
23 is your Civic duty. Once again, thank you  
24 for being here.

25 THE COURT: All right. Thank

1 you, Attorney Johnson. Attorney McRae.

2 ATTORNEY MCRAE: Yes, Your  
3 Honor. The People call Miss Chanel Potter.

4 THE COURT: Yes.

5 **CHANEL POTTER,**

6 after having been first duly sworn as a  
7 witness, testified as follows:

8 ATTORNEY MCRAE: May I  
9 proceed, Your Honor?

10 THE COURT: You may.

11 **DIRECT EXAMINATION**

12 **BY ATTORNEY MCRAE:**

13 Q Good morning.

14 A Morning.

15 Q Could you please say and spell  
16 your name for the record?

17 A My name is Chanel. C-H-A-N-E-L.  
18 Last name, Potter. P-O-T-T-E-R.

19 Q And, Miss Potter, what is your  
20 occupation?

21 A I am the District Manager for  
22 the 911 Emergency Call Center in St. Thomas.

23 Q And how long have you worked  
24 at -- would it be fair to say VITEMA?

25 A Yes.

1           **Q**    And how long have you worked  
2 there?

3           **A**    Thirteen years.

4           **Q**    In your current position, what  
5 are some of your duties and responsibilities?

6           **A**    I run the entire operations of  
7 the 911 Emergency Call Center and custodian  
8 of records.

9           **Q**    In regards to this matter, did  
10 you receive a subpoena requesting you to  
11 provide all 911 recordings and call  
12 history --

13          **A**    Yes.

14          **Q**    -- regarding a scream for help  
15 that occurred on Sunday, November 15th of  
16 2020 --

17          **A**    Yes.

18          **Q**    -- in the area of Sapphire Beach  
19 Resort --

20          **A**    Yes.

21          **Q**    Building F, Room 206?

22          **A**    Yes.

23          **Q**    And did you provide those items?

24          **A**    Yes, I did.

25                   ATTORNEY MCRAE:   Your Honor,

1 at this time the People would request that  
2 the witness be shown what is previously  
3 marked as People's Exhibit Numbers 1 through  
4 3 for identification.

5 THE COURT: Yes.

6 ATTORNEY MCRAE: And, Your  
7 Honor, may the record reflect that what has  
8 previously been marked as People's Exhibit  
9 Numbers 1 through 3 for identification is  
10 being shown to opposing counsel.

11 THE COURT: Yes.

12 *(The exhibits are*  
13 *shown to Counsel*  
14 *and to the witness.)*

15 **BY ATTORNEY MCRAE:**

16 Q Miss Potter, you have just been  
17 handed what's previously been marked as  
18 People's Exhibit Numbers 1 through, 3 for  
19 identification. I ask that you review over  
20 those exhibits and look up at me after you  
21 have finished your review.

22 A (Witness complies.)

23 Q Miss Potter, do you recognize  
24 those exhibits?

25 A Yes, I do.

1           **Q**    What do you recognize them to  
2           be?

3           **A**    The call history transcript  
4           notes and recording for --

5                        THE COURT:   Start with  
6           Exhibit 1.   One at a time.

7           **Q**    Specifically, in regards to  
8           People's Exhibit Number 1, prior to  
9           testifying today have you had an opportunity  
10          to review over that exhibit?

11          **A**    Yes, I did.

12          **Q**    What is that exhibit?

13          **A**    This is the 911 call history  
14          transcript.

15          **Q**    And was that document made by a  
16          person with knowledge of or information  
17          transmitted by a person with knowledge of the  
18          acts and events that appear on it?

19          **A**    Yes.

20          **Q**    Was that document made at or  
21          near the acts and events that appear on it?

22          **A**    Yes.

23          **Q**    Is it the regular practice of  
24          VITEMA to make such a document?

25          **A**    Sorry.    Could you repeat?

1           **Q**    Yes.  Is it the regular practice  
2 of VITEMA to make such a document?

3           **A**    Yes.

4           **Q**    And was that document kept in  
5 the course of the regularly conducted  
6 business activity of VITEMA?

7           **A**    Yes.

8                   ATTORNEY MCRAE:  Your Honor,  
9 at this time the People would move to admit  
10 what has previously been marked as People's  
11 Exhibit Number 1 for identification into  
12 evidence as People's Exhibit Number 1.

13                   THE COURT:  All right.  Any  
14 objections?

15                   ATTORNEY JOHNSON:  Your Honor,  
16 the objection that was discussed pretrial as  
17 to hearsay, I will note that no -- there's no  
18 testimony from any of the witnesses that are  
19 actually in the recordings.

20                   THE COURT:  Overruled.

21 **BY ATTORNEY MCRAE:**

22           **Q**    Miss Potter, in regards to  
23 People's Exhibit Number 2 for identification,  
24 prior to testifying today have you not had an  
25 opportunity to review over that exhibit?



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**A** Yes.

**Q** And what is People's Exhibit Number 2?

**A** It's the 911 recording.

**Q** And was that -- is People's Exhibit Number 2, was that document made by a person with knowledge of or a print information transmitted by a person with knowledge of the acts and events that appear on it?

**A** Yes.

**Q** Was that document made at or near the acts or events that appear on it.

**A** Yes.

**Q** And is it the regular practice of VITEMA to make such a document?

**A** Yes.

**Q** And was that item kept in the course of a regularly conducted business activity of VITEMA?

**A** Yes.

**Q** Miss Potter in regards to People's Exhibit Number 2, is it a fair an accurate copy of all calls made on or about November 15th of 2020 regarding screams for

1 help that was coming from Building -- or the  
2 Sapphire Beach Resort Building F, Suite 206?

3 **A** Yes.

4 ATTORNEY MCRAE: Your Honor,  
5 at this time the People would move to admit  
6 what has previously been marked as People's  
7 Exhibit Number 2 for identification into  
8 evidence as People's Exhibit Number 2.

9 THE COURT: Attorney Johnson?

10 ATTORNEY JOHNSON: Same  
11 objection, Your Honor, except this time I  
12 also add that there's a confrontation clause  
13 violation, as there is direct testimony in  
14 those calls coming from the alleged victim  
15 herself, Miss Rocio Ramirez Garcia.

16 THE COURT: Overruled.

17 **BY ATTORNEY MCRAE:**

18 **Q** And, Miss Potter, in regards to  
19 People's Exhibit Number 3, prior to  
20 testifying today have you had an opportunity  
21 to review over that exhibit?

22 **A** Yes.

23 **Q** Was that item made by a person  
24 with knowledge of or the information  
25 transmitted by a person with knowledge of the

1 acts and events that appear on it?

2 **A** Yes.

3 **Q** Was that item made at or near  
4 the acts or events that appearing on it?

5 **A** Yes.

6 **Q** Is it a regular practice of  
7 VITEMA to make such a document?

8 **A** Yes.

9 **Q** And was that document kept in  
10 the course of a regularly conducted business  
11 activity of VITEMA?

12 **A** Yes.

13 **Q** Miss Potter, in regards to  
14 People's Exhibit Number 3, is it a fair and  
15 accurate copy of all calls made from an  
16 individual that was staying at the Sapphire  
17 Beach Resort Building F Suite 205 regarding  
18 an assault that was occurring at the Sapphire  
19 Beach Resort Building F Suite 206?

20 **A** Yes.

21 **ATTORNEY MCRAE:** Your Honor,  
22 at this time the People would move to admit  
23 what has previously been marked as People's  
24 Exhibit Number 3 for identification into  
25 evidence as People's Exhibit Number 3.

1 THE COURT: What exactly is 3?

2 ATTORNEY MCRAE: Your Honor,  
3 Number 3 will be calls made from Mr. Samples  
4 regarding the assault that was occurring.

5 THE COURT: Is that the call  
6 history?

7 ATTORNEY MCRAE: Your Honor,  
8 it's specifically calls made to 911.

9 THE COURT: Okay.  
10 Attorney Johnson?

11 ATTORNEY JOHNSON: Same  
12 objection, Your Honor. Hearsay and  
13 confrontation clause.

14 THE COURT: Overruled.  
15 Exhibits 1, 2, and 3 from the People of the  
16 Virgin Islands is admitted.

17 ATTORNEY MCRAE: Permission to  
18 publish People's Exhibit Number 1, Your  
19 Honor.

20 THE COURT: Yes.

21 **BY ATTORNEY MCRAE:**

22 Q Miss Potter, in regards to  
23 People's Exhibit Number 1, are you able to  
24 determine whether a complainant's name is  
25 listed on there?

1           **A**    It's a little -- I don't know.  
2    On my screen it's a little further up.

3           **Q**    Okay. Do you see a complainant  
4    listed on there?

5           **A**    No. I see a subject that is  
6    listed as suspect.

7           **Q**    And on the second box, does it  
8    list a name?

9           **A**    Yes.

10          **Q**    And who is the complainant.

11          **A**    Davion Samples.

12          **Q**    And, Miss Potter, I'd like to  
13    turn your attention to Page 3 of that  
14    document.

15          **A**    Yes.

16          **Q**    And, Miss Potter, on that  
17    21:32:47, what is stated?

18          **A**    *Caller reported hearing a female*  
19    *screaming for help and saying get off of me.*

20          **Q**    What is stated at 21:33:07?

21          **A**    *There's multiple guys in the*  
22    *room.*

23          **Q**    What is stated at 21:34:52?

24          **A**    Stated that *the guys are holding*  
25    *her against her will.*

1           **Q**    What is stated at 21:35:04?

2           **A**    *Has the music up loud.*

3           **Q**    Now, Miss Potter, what is stated  
4 at 21:38:40?

5           **A**    *Complainant stated that they  
6 turned up the music because she won't stop  
7 screaming.*

8           **Q**    What is stated at 21:40:52?

9           **A**    *Complainant is exchanging words  
10 with one of the suspects.*

11          **Q**    What is stated at 21:41:55?

12          **A**    *Spanish male, beard, light skin,  
13 tank top.*

14          **Q**    Miss Potter, what is stated at  
15 21:43:31?

16          **A**    *Suspect peeped around the corner  
17 and asked complainant, why the fuck you in my  
18 business.*

19          **Q**    What is stated at 21:47:14?

20          **A**    *Complainant called back and  
21 stated the suspect is banging on the door.*

22          **Q**    Miss Potter, what is stated at  
23 23:47:32?

24          **A**    *At 2347 hours Unit 323 leaving  
25 with one prisoner on board to Newton Command,*

1 *beginning mileage 47146.1.*

2 **Q** And, Miss Potter, what is stated  
3 at 23:52:35?

4 **A** *At 2352 hours Unit 52 Echo and*  
5 *52 Bravo leaving with one female citizen on*  
6 *Board to RLSH, beginning mileage 54559.*

7 ATTORNEY MCRAE: Thank you,  
8 Your Honor. I have no further questions for  
9 this witness.

10 THE COURT: Very well. Thank  
11 you. Any cross?

12 ATTORNEY JOHNSON: Yes, Your  
13 Honor. Court's indulgence.

14 THE COURT: Sure.

15 ATTORNEY JOHNSON: Your Honor,  
16 may I have the exhibits?

17 THE COURT: Yes.

18 **CROSS-EXAMINATION**

19 **BY ATTORNEY JOHNSON:**

20 **Q** Good morning.

21 **A** Good morning.

22 **Q** Officer Potter?

23 **A** No.

24 THE COURT: You have to speak  
25 for the court reporter.

1 THE WITNESS: Okay. No, Miss  
2 Potter.

3 **BY ATTORNEY JOHNSON:**

4 Q Just Miss Potter?

5 A Yes.

6 Q I could have sworn. So, the  
7 complainant, you testified, was Davion  
8 Samples, correct?

9 A Yes.

10 Q That name was added by Y.  
11 Rogers?

12 A Yes.

13 Q Who is that?

14 A An operator.

15 Q Okay. And so let me direct your  
16 attention to the exhibit that's been marked  
17 and submitted, this one you were just reading  
18 off of.

19 A Okay.

20 Q So, Miss Rogers is right there  
21 on the left, added by; is that right?

22 A Yes.

23 Q Do you see my pen on the screen?

24 A Yes.

25 Q And R. Joseph is before her.



1 That's a different person, right?

2 **A** Um-hum. Yes.

3 **Q** These are people that type this  
4 information in; is that correct?

5 **A** Yes, our operators.

6 **Q** These are the people that are  
7 actually talking with, for instance,  
8 Mr. Davion Samples?

9 **A** Yes.

10 **Q** These are the people, in Miss  
11 Rogers' case that's actually talking with the  
12 police officers; is that right?

13 **A** Correct.

14 **Q** So at 21:42 on the night of  
15 November 15, 2020, we can tell who arrived  
16 first, right?

17 **A** Yes.

18 **Q** And that would be Unit 233 --  
19 I'm sorry. Unit 323, Officers Prescott and  
20 Francis, correct?

21 **A** On 21:42:29 seconds?

22 **Q** Let me make sure I got my times  
23 right. 21:42 and 29 seconds. Unit 323 along  
24 with Unit 324 on the scene.

25 **A** Yes, you are correct.

1           **Q**    Have you talked with Miss Rogers  
2           about who arrived first?

3           **A**    If I spoke with her, no.

4           **Q**    Okay. Just by chance have you  
5           talked with Miss Joseph about who arrived  
6           first?

7           **A**    No.

8           **Q**    So the only information we have,  
9           at least from your standpoint and who arrived  
10          first, is in this little line right here,  
11          21:42:29?

12          **A**    Correct.

13          **Q**    And it says 21:42 hours Unit 323  
14          along with 324 on scene.

15          **A**    Correct.

16          **Q**    Who is Officer or -- excuse me.  
17          Sergeant M. Hamdan?

18          **A**    She is the sergeant of the  
19          Newton Command Police Department.

20          **Q**    Okay. Where is she when this is  
21          all going on; do you know?

22          **A**    No, I don't.

23          **Q**    Can you tell from the sheet if  
24          she's at Newton Command?

25          **A**    No, I don't -- I can't tell.

1           **Q**     But Sergeant Hamdan requested to  
2 have units travel at 21:35; is that right?

3           **A**     She requested them to travel a  
4 particular code at that time, yes.

5           **Q**     Okay. And then Sergeant Hamdan  
6 relayed to the units to travel to the condos  
7 after that, right?

8           **A**     Sorry. Which line are you  
9 referring to?

10          **Q**     Well, can you tell, from your  
11 knowledge, if Miss Hamdan relayed to the  
12 units to travel to the condos?

13          **A**     Yes.

14          **Q**     Can you tell when she did that?

15          **A**     Yes.

16          **Q**     What time is that?

17          **A**     21:48.

18          **Q**     That's after the officers  
19 arrived at the scene, Units 323 and 324?

20          **A**     Correct.

21          **Q**     By about how much time?

22          **A**     About four to five -- four to  
23 six minutes after.

24          **Q**     Later that night Unit 320,  
25 Sergeant Hamdan, did she call off one unit;

1 can you tell?

2 **A** No, I can't.

3 **Q** Okay. What about at 23:44?

4 **A** On my screen I'm only seeing up  
5 to 22:11.

6 **Q** Oh, I'm sorry. Can you see now?  
7 You seen my pen tip?

8 **A** Yes.

9 **Q** I apologize. So at 23:44 and  
10 51 seconds, Unit 320 stated to have Unit 323  
11 leave the scene and requested location of  
12 324.

13 **A** Correct.

14 **Q** Sitting here today, can you tell  
15 what that means from that sentence?

16 **A** Just to be correct, we're  
17 talking about which line, the 23:44?

18 **Q** 23:44 taken by Miss Rogers.

19 **A** Okay.

20 **Q** And it states, *Unit 320 stated*  
21 *to have Unit 323 leave the scene, requested*  
22 *to have Unit -- requested the location of*  
23 *Unit 324.*

24 **A** No, I can't tell what that means  
25 on the scene.

1           **Q**    So, you can't tell from that  
2 sentence where those two units were in  
3 relation to the condo?

4           **A**    No.

5           **Q**    Can you see my pen mark?

6           **A**    No.

7           **Q**    How about now?

8           **A**    Yes.

9           **Q**    And how about now?

10          **A**    Yes.

11          **Q**    Okay. 23:52 and 18 seconds,  
12 Officer Tatum requested a wrecker; is that  
13 correct?

14          **A**    Correct.

15          **Q**    Can you tell any more  
16 information why he requested a wrecker from  
17 this?

18          **A**    It appears that his police unit  
19 was having some issues.

20          **Q**    You can tell that from that?

21          **A**    Yes.

22          **Q**    Okay. Have you talked with  
23 Officer Tatum?

24          **A**    No.

25          **Q**    You haven't talked with him

1 about this?

2 **A** No.

3 **Q** So when it says, *just requesting*  
4 *a wrecker for the police unit, for Unit 324*  
5 *Officer Tatum*, you're pretty sure that that's  
6 talking about his car, or at least his patrol  
7 car that he share with Officer Claudio?

8 **A** He's talking about a police  
9 unit. I'm not sure if it's his or whomever  
10 it was, but for a unit.

11 **Q** So, in fact, you can't tell  
12 which unit he's talking about?

13 **A** No.

14 **Q** Only thing we can tell is that a  
15 car might have broken down?

16 **A** A police unit may have broken  
17 down.

18 **Q** Okay. Anything else in this  
19 entire -- we used to call these CAD reports.  
20 But what's a good shorthand for this report  
21 right here?

22 **A** Correct.

23 **Q** CAD?

24 **A** Yes.

25 **Q** You know what that stands for?

1           **A**    Computed Aided Dispatch.

2           **Q**    Perfect.  Anywhere on this  
3   computed aided dispatch can you tell why  
4   Officer Tatum needed a wrecker?

5           **A**    No.

6           **Q**    Did Officer Tatum take  
7   Mr. Devindra Jaglal back to any jail or any  
8   police station?

9           **A**    Yes.

10          **Q**    Officer Tatum is presumably in  
11   Unit 324; is that correct?

12          **A**    Yes.

13          **Q**    And at 23:47 and 32 seconds  
14   which unit leaves with the prisoner on board  
15   to go back to Newton Command?

16          **A**    Unit 323.

17          **Q**    So that's not Officer Tatum's  
18   unit?

19          **A**    No, it's not.

20          **Q**    Let me ask you a very simple  
21   question to see if you can see what I'm  
22   saying.  Is the word *rape* anywhere on this  
23   document?  And if you need, I'll give that  
24   document over to you so you can look at it.

25          **A**    Please?

1 ATTORNEY JOHNSON: Your Honor.

2 THE COURT: Yes. You have  
3 another copy?

4 ATTORNEY JOHNSON: Yes, Your  
5 Honor, but I'm -- I want to make sure I'm not  
6 losing the originals here.

7 Q Do you have the first page?

8 A No, I don't.

9 Q Okay. Let me see if I can help  
10 you out with the Elmo. At 0010:13, read with  
11 me. *This dispatcher did not conduct any call  
12 out for this possible rape case to assign  
13 unit.*

14 Do you see where that is? The third  
15 line from the bottom, the third or fourth line  
16 from the bottom.

17 A Got it, yes.

18 Q So no rape investigation was  
19 done, according to this CAD report, right?

20 A Yes, according to it, yes.

21 Q One last thing. Can you tell  
22 from this CAD report what language any of the  
23 complainants, potential victims, what  
24 language they're speaking?

25 A Yes.



1           **Q**    How can you tell what language  
2 they're speaking?

3           **A**    I'm sorry.  From looking over --  
4 no, I can't tell.

5           **Q**    Let's say the only one we can  
6 tell what language they're speaking,  
7 presumably, is Davion Samples; is that right?

8           **A**    Correct.

9           **Q**    From this document, was there  
10 anyone else that called the police that night  
11 besides Davion Samples?

12          **A**    No.

13          **Q**    I think one of the officers  
14 might have called in, but just to be clear,  
15 no other witnesses that were not law  
16 enforcement called in, according to this CAD  
17 report; is that right?

18          **A**    Correct.

19          **Q**    Rocio Ramirez Garcia did not  
20 call in, according to this CAD report; is  
21 that correct?

22          **A**    Correct.

23          **Q**    Mr. Bradley Thomas did not call  
24 in, according to this CAD report, did he?

25          **A**    Mr. Bradley Thomas?

1           Q    Yes.  Put it another way, do you  
2 see Bradley Thomas's name anywhere on that  
3 CAD report?  Take all the time you need.

4           A    No, I'm not seeing Mr. Bradley  
5 Thomas on this.

6           Q    And his name was not on the  
7 front page on the Complaint?

8           A    No.

9           Q    So who alleged rape?

10          A    You referred to the page that  
11 has Complaint.  I only have Pages 3 of 4.

12          Q    Sorry.

13                ATTORNEY JOHNSON:  Your Honor,  
14 this is the original.

15                THE COURT:  Okay.

16                ATTORNEY JOHNSON:  That's the  
17 actual exhibit as part of the Court's record.  
18 My apologies.

19                THE WITNESS:  Okay.  Could you  
20 repeat your question?

21 **BY ATTORNEY JOHNSON:**

22           Q    Anyone else is named besides  
23 Davion Samples under *Complainant*?

24           A    No.

25           Q    Rocio Ramirez Garcia, is her

1 name anywhere on those documents?

2 **A** No.

3 **Q** Is Bradley Thomas's name  
4 anywhere on those documents?

5 **A** No.

6 **Q** How long have you been working  
7 with CAD reports?

8 **A** Thirteen years.

9 **Q** Can you tell, looking at that,  
10 if any of the officers alleged that there was  
11 a rape?

12 **A** No.

13 **Q** Thank you.

14 ATTORNEY JOHNSON: No further  
15 questions.

16 THE COURT: Very well. Thank  
17 you.

18 Any redirect, Attorney McRae?

19 ATTORNEY MCRAE: Briefly, Your  
20 Honor.

21 THE COURT: Sure.

22 **REDIRECT EXAMINATION**

23 **BY ATTORNEY MCRAE:**

24 **Q** Miss Potter, I'd like to ask you  
25 to read what is stated at --

1 THE COURT: I'm sorry, I  
2 didn't hear you.

3 ATTORNEY MCRAE: I apologize,  
4 Your Honor.

5 Q Miss Potter, I would like for  
6 you to say what is stated there at 444 on  
7 that document.

8 A Which page?

9 Q It will be Page 3.

10 THE COURT: You want it on the  
11 screen?

12 ATTORNEY MCRAE: Yes, Your  
13 Honor.

14 THE COURT: Okay.

15 *(A document is*  
16 *published.)*

17 **BY ATTORNEY MCRAE:**

18 Q At 444 on this document what, if  
19 anything, is stated?

20 A At 0004 hours, Unit 55 Bravo, 52  
21 Echo and 324 is at RLSCH with female ending  
22 milage 54565.2.

23 Q And what is stated at 10:13 on  
24 that document?

25 A Classification: Assault second

1 DV.

2 Q At 10:13, what's on the  
3 document?

4 A Classification: 10:13:35 hours.

5 Q 10:13 to dispatcher?

6 A Classification: Assault second  
7 DV.

8 Q Okay. So, as far as this  
9 document, it's saying that the classification  
10 was a DV?

11 A Correct.

12 Q And, Miss Potter, you were  
13 subpoenaed for a scream for help that was  
14 coming from Building 206 on that day,  
15 correct?

16 A Correct.

17 Q And Counsel asked you about  
18 Hamdan arriving on the scene at 21:35:32,  
19 correct?

20 A Correct.

21 Q And prior to Hamdan arriving on  
22 that scene at 21:32:47, it was a call for a  
23 female screaming for help and saying *get off*  
24 *of me*, correct?

25 A Repeat the time again?

1           **Q**    21:32:47.

2           **A**    Correct.

3           **Q**    And after Hamdan arrived at  
4 21:35:54, it says, *Control could hear female*  
5 *screaming in the background.*

6           **A**    Correct.

7           **Q**    Who is Control?

8           **A**    911.

9           **Q**    So someone on that the 911 could  
10 hear somebody screaming?

11          **A**    Correct.

12          **Q**    In regards to this matter, you  
13 were subpoenaed for all calls coming from  
14 building 206 or Suite 206, correct?

15          **A**    Correct.

16          **Q**    In this document is it anywhere  
17 listed that Mr. De'Andre Jaglal [sic.] made  
18 any calls in regards to this document?

19          **A**    De'Andre Jaglal? No.

20          **Q**    Review this over. Is there any  
21 calls anywhere that's listed Mr. Jaglal  
22 making any calls in regards to a scream for  
23 help that was coming from Room 206 on that  
24 day?

25          **A**    No, not from a Mr. Jaglal.

1           **Q**    So at 21:35:34 Control could  
2 hear a female screaming for help, and no  
3 calls from Mr. Jaglal?

4           **A**    No.

5                    ATTORNEY MCRAE: Thank you,  
6 Your Honor. I have no further questions.

7                    THE COURT: Very well. Thank  
8 you. Any recross?

9                    ATTORNEY JOHNSON: No, Your  
10 Honor.

11                   THE COURT: All right. Very  
12 well. Thank you.

13                   Miss Potter, thank you. You may  
14 step down.

15                   Can she be completely excused,  
16 Attorney McRae?

17                   ATTORNEY MCRAE: Yes, Your  
18 Honor.

19                   THE COURT: All right. You  
20 are excused. Thank you.

21                   Your next witness, please?

22                   ATTORNEY RILEY: Your Honor,  
23 just for the Court's information the next  
24 witness will be the victim in this matter.  
25 We do suspect her testimony to be very

1 lengthily.

2 THE COURT: We'll start.

3 ATTORNEY RILEY: At this time  
4 the People will call Miss Rocio Ramirez  
5 Garcia to the stand.

6 THE MARSHAL: Stand right  
7 here. Raise your right hand to be affirmed.

8 **ROCIO RAMIREZ GARCIA,**  
9 after having been first duly sworn as a  
10 witness, testified as follows:

11 THE CLERK: Thank you. Step  
12 forward and be seated, please.

13 ATTORNEY RILEY: Your Honor,  
14 may I proceed?

15 THE COURT: Yes, you may.

16 **DIRECT EXAMINATION**

17 **BY ATTORNEY RILEY:**

18 Q Good afternoon, Miss Ramirez.  
19 Can you see me from where you are?

20 A Yes.

21 Q Can you please state your name  
22 and spell it for the Court?

23 A Rocio Ramirez Garcia. R-O-C-I-O  
24 Rocio. R-A-M-I-R-E-Z. Ramirez. G-A-R-C-I-A  
25 Garcia.



1 THE COURT: Okay. Speak  
2 loudly, please, for the record and also for  
3 the last juror to hear you.

4 THE WITNESS: All right.

5 **BY ATTORNEY RILEY:**

6 Q There's a microphone, if you  
7 want to move closer to that too. That may  
8 help you.

9 A Okay.

10 Q Now, Miss Ramirez, I'm going to  
11 first ask you, is English your first  
12 language?

13 A Yes.

14 Q Okay. And you speak English  
15 fully?

16 A Yes.

17 Q And you understand any questions  
18 that will be in English?

19 A I do understand. Well, my first  
20 language is Spanish, but I do understand  
21 English.

22 Q Okay, I understand. Thank you.  
23 Where do you live, Miss Ramirez?

24 A I live in Miami.

25 Q And how long have you lived

1 there?

2 **A** Since I got to United States,  
3 eight years.

4 **Q** Eight years, is that what you  
5 said?

6 **A** Yes.

7 **Q** Okay. And I would like to  
8 direct your attention to specifically  
9 November 15, 2020. Where were you on that  
10 day?

11 **A** In St. Thomas.

12 **Q** And who were you in St. Thomas  
13 with?

14 **A** With my ex-boyfriend.

15 **Q** And what's your ex-boyfriend's  
16 name?

17 **A** Devindra Jaglal.

18 **Q** Okay. And do you see that  
19 person in the courtroom today?

20 **A** Yes.

21 **Q** Can you please tell the Court  
22 where he's sitting and what shirt he's  
23 wearing?

24 **A** He's sitting right there with  
25 reading glasses.

1           Q    And can you say the color shirt  
2 he has on, if you can tell?

3           A    I think it's white and blue with  
4 white.

5                    ATTORNEY RILEY: Your Honor,  
6 for the record, the witness has indicated the  
7 identification of the defendant.

8                    THE COURT: So reflected.

9    **BY ATTORNEY RILEY:**

10           Q    When you came here with the  
11 defendant, how did you know the defendant?

12           A    We were dating.

13           Q    How long were you dating for  
14 before coming to St. Thomas?

15           A    Three months, almost.

16           Q    Do you remember what day you got  
17 to St. Thomas?

18           A    November 13th, my birthday.

19           Q    It was your birthday on  
20 November 13th?

21           A    Yes.

22           Q    And how old were you turning  
23 that day?

24           A    Twenty-one.

25           Q    Okay. So let's go to November

1 15, 2020. Tell me how that day started.

2 **A** We had breakfast in the room  
3 that we were staying. After that we went to  
4 a sailing boat and spend the day there  
5 drinking and eating and swimming.

6 After we finish with the trip, we  
7 went to Coki Beach, I think, is calling  
8 there, and we start arguing there.

9 **Q** Okay. So when you went to Coki  
10 Beach, do you remember what time that was?

11 **A** It was afternoon. The  
12 afternoon.

13 **Q** And approximately how long did  
14 you stay at Coki Beach?

15 **A** I will say a few hours.

16 **Q** And what happened at Coki Beach  
17 that you said that the defendant started to  
18 get angry; what happened at Coki Beach?

19 **A** There was no reason at all. He  
20 was just getting mad because I wasn't  
21 drinking enough or eating enough or...

22 **Q** And when you say he was mad,  
23 what was he doing?

24 **A** He was just screaming at me. We  
25 were arguing the whole time. It was just

1 verbally.

2 Q Verbally yelling at you?

3 A Yes, just verbally.

4 Q Okay. And while at Coki Beach  
5 how did you react with the defendant was  
6 yelling at you?

7 A I just tried to calm him down so  
8 we can be -- we can get safe to the hotel and  
9 spend the night quiet.

10 Q And at that point, had the  
11 defendant been drinking that day?

12 A The whole day.

13 Q Okay. And do you have any idea  
14 how many drinks he had?

15 A A lot.

16 Q Now, did you end up leaving Coki  
17 Beach?

18 A With him, yes. We went straight  
19 to the hotel.

20 Q And how did you get to the  
21 hotel?

22 A He was driving.

23 Q Was that a rental car you had  
24 gotten in, or...

25 A He rented a car.

1           **Q**    Okay.  What happened when you  
2 were driving from Coki Beach back to the  
3 hotel, if anything?

4           **A**    The whole drive we were arguing.  
5 I was just trying to calm him down, but it  
6 wouldn't happen.  It never happened.

7           **Q**    About what -- do you remember  
8 what time you were going from Coki Beach to  
9 the hotel?

10          **A**    It was dark already.  I don't  
11 remember the time.

12          **Q**    What happened when you got to --  
13 now, where were you staying?

14          **A**    Sapphire Resort.  Sapphire  
15 Beach.

16          **Q**    Do you remember what room number  
17 you were in?

18          **A**    What room?

19          **Q**    What room you were in?

20          **A**    206.

21          **Q**    Okay.  What happened when you  
22 got to Sapphire Beach Resort?

23          **A**    We went straight to the room.  
24 We went straight to the room and we fight.  
25 We will fight over and over.

1           **Q**    What happened when you first  
2           went into the room?

3           **A**    I sat on the bed, and he wanted  
4           to check my phone. He wanted to call a  
5           friend of mine who lived in Miami.

6           **Q**    He wanted to call a friend of  
7           yours that lived in Miami?

8           **A**    Yes.

9           **Q**    Okay. What friend was that?

10          **A**    It was one of my best friends  
11          that he met on the 12th for my birthday  
12          celebration.

13          **Q**    Okay.

14          **A**    And he like her.

15          **Q**    Sorry. Was she in St. Thomas  
16          also, or was she in Florida?

17          **A**    No, she was in Miami. She  
18          doesn't know anything.

19          **Q**    Okay. Why did he want to call  
20          her?

21          **A**    Because she like her.

22          **Q**    She liked her?

23          **A**    Yes. She wanted her to come  
24          here or to like to make her --

25          **Q**    And what did you do when he

1 wanted the phone to call your friend?

2 **A** I turned off my phone.

3 **Q** Why did you do that?

4 **A** So he wouldn't call my friend.

5 **Q** What happened after you turned  
6 off your phone?

7 **A** He will try to grab it from me.  
8 He will slap me on my face. We will start  
9 arguing. I will push him back.

10 **Q** Now, you said he would slap you  
11 on the face. Do you know how many times he  
12 slapped you on the face?

13 **A** Several times.

14 **Q** And was that with a closed fist  
15 or an open hand?

16 **A** It was with his open hand.

17 **Q** Do you remember which side of  
18 the face he hit you on?

19 **A** Both sides with both hands.

20 **Q** After he hit you about the face,  
21 did he do anything else?

22 **A** The whole times he was slapping  
23 me, he tried to choke me with his both hands.

24 **Q** So he used both hands; is that  
25 correct?



1           **A**    Yes.

2           **Q**    Okay.  And are you still on the  
3 bed at this point?

4           **A**    Yes.

5           **Q**    And while this is happening,  
6 what are you saying or doing?

7           **A**    I was pushing him back.

8           **Q**    And what was going through your  
9 mind at that time?

10          **A**    He told me that he was going to  
11 kill me.

12          **Q**    And did you believe that he was  
13 going to kill you?

14          **A**    Yes.

15          **Q**    Miss Ramirez, when this started  
16 in the bedroom, was this the end of him  
17 hitting you?

18          **A**    No.  We went also to the  
19 bathroom.

20          **Q**    Okay.  How did you end up in the  
21 bathroom?

22          **A**    Well, he wanted me to take a  
23 shower and calm down, so I sat on the floor  
24 of the tub and he giving me a pill that he  
25 used to take for anxiety.  I think it was a

1 Xanax.

2 Q So he gave you a Xanax to calm  
3 down?

4 A Yes, but I spit it out.

5 Q What happened when you spit it  
6 out?

7 A He saw me, because he was in the  
8 bathroom. He gave me half of the Xanax and  
9 right when he was walking out, I spit it out  
10 and he saw that, and he grabbed me out of the  
11 shower.

12 Q So when he gave you that pill  
13 you were sitting in the shower, correct?

14 A Yes.

15 Q Was the water running?

16 A Yes.

17 Q Okay. And when you spit out  
18 that pill, you said he pulled you out. How  
19 did he pull you out?

20 A He grabbed my hair.

21 Q Did he remove you from the  
22 shower by pulling you out by your hair?

23 A Yes.

24 Q What else happened in that  
25 bathroom?

1           **A**    He took me to the bed again  
2           undressed. He would start talking nonsense.  
3           We had music on a speaker.

4           **Q**    A music on a speaker?

5           **A**    Yes.

6           **Q**    Okay.

7           **A**    So he was screaming at me. I  
8           was trying to calm him down the whole time.  
9           I was laying on the bed, and he will get on  
10          top of me and grab me again.

11          **Q**    At any time did you try to leave  
12          the apartment?

13          **A**    One time I tried to run to the  
14          door, but I was wearing a sweater like a  
15          sweater, and he pulled me from here  
16          (indicating) and dragged me. So the color of  
17          the sweater were wool here.

18          **Q**    When he pulled you with your  
19          sweat shirt or sweater, did that hurt your  
20          neck when it pulled it back?

21          **A**    Yes.

22          **Q**    Did he say anything while that  
23          was going on?

24          **A**    The whole time he was telling me  
25          that he was going to kill me.

1           **Q**    At any time during this assault,  
2 did you feel that you could leave the  
3 apartment?

4           **A**    No.

5           **Q**    And why not?

6           **A**    Because he will going to hurt  
7 me.

8           **Q**    I want to go back to when you  
9 came out of the bathroom you said you went  
10 back to the bed. Can you describe to the  
11 Jury what happened when you went back to the  
12 bed?

13           **A**    He will get on top of me again.  
14 He was talking, walking around the room. He  
15 will get on top of me, he will walk again; he  
16 will be talking the whole time and screaming,  
17 yelling.

18           **Q**    And you stated that he was  
19 slapping your face, did he ever kick you?

20           **A**    He kick me on my hip, my left  
21 hip.

22           **Q**    When did he do that?

23           **A**    That was right after -- after  
24 when he asked me to go to the bathroom, he  
25 kick me.

1           **Q**    So when you're back on that bed,  
2 did he begin strangling you again?

3           **A**    Yes.  On the bed the whole time  
4 he was.  When he wasn't walking or around the  
5 room, he will come on top of me.

6           **Q**    And when he was on top of you  
7 strangling you, at any point did you lose  
8 consciousness?

9           **A**    For a few seconds I did.

10          **Q**    And can you tell the Jury what  
11 that felt like?

12          **A**    Like I was -- I thought I was  
13 going to die.

14          **Q**    And during this whole incident,  
15 what were you saying?

16          **A**    *Please don't kill me.*  I was  
17 screaming that, *please don't kill me.*

18          **Q**    Did you believe that the  
19 defendant was going to kill you?

20          **A**    I was sure he was going to kill  
21 me.

22          **Q**    And you stated that earlier in  
23 the incident you were fighting back.  Did you  
24 continue to fight back throughout the whole  
25 incident?

1           **A**    After I while I gave up.

2           **Q**    And why was that?

3           **A**    Because I thought I was gone.

4           **Q**    Did you believe you were going  
5 to die?

6           **A**    Yes.

7           **Q**    Were you scared for your life  
8 during this whole incident?

9           **A**    I was.

10          **Q**    Did there come a point where you  
11 heard anybody else's voice than the  
12 defendant's?

13          **A**    There was this time the  
14 neighbors -- he went outside -- the defendant  
15 went outside the balcony and the neighbors  
16 asked him what was going on.

17          **Q**    I'm going to back up just a  
18 second. I'm sorry. This is my mistake for  
19 missing it. You stated that there was music  
20 playing, correct?

21          **A**    Yes.

22          **Q**    Okay. Was there anyone else in  
23 the home -- in the apartment?

24          **A**    No, just the two of us.

25          **Q**    And what, if anything, was the

1 defendant doing with the music during this  
2 attack?

3 **A** The music was loud. The  
4 loudest.

5 **Q** And did he tell you why he was  
6 turning up the music?

7 **A** So people couldn't hear  
8 anything.

9 **Q** Now, you stated at some point  
10 the defendant went out on the balcony. When  
11 was that in relation to this whole incident?

12 **A** He went out to balcony and the  
13 neighbors asked him what was going on,  
14 because they heard someone screaming. That  
15 someone was me. And they told him that the  
16 police was on their way.

17 **Q** What did the defendant do after  
18 he was told that the police were on their  
19 way?

20 **A** He got mad at me because he  
21 thought the neighbors were my friends, and he  
22 thought I asked him to call the police and he  
23 though I was talking with them the whole  
24 morning. He thought we were friends. He was  
25 paranoid.

1           **Q**    After the defendant found out  
2           that the police had been called, did the  
3           attack stop?

4           **A**    He asked me to get ready and act  
5           normal.

6           **Q**    What do you mean he asked you to  
7           get ready?

8           **A**    To fix myself so I would look  
9           presentable.

10          **Q**    Did he ask you -- did he tell  
11          you what to do when the police got there?

12          **A**    Not to say anything about it.

13          **Q**    And at any point, other than the  
14          first time the defendant ran out on the  
15          balcony, did he try to make contact with the  
16          next-door neighbors any other time?

17          **A**    With what?

18          **Q**    Other than when he first went  
19          out on the balcony, did the defendant try to  
20          make contact with the next-door neighbor any  
21          other time?

22          **A**    After he went to the balcony and  
23          they told him that they called the police, he  
24          ran out and he knocked their door.

25          **Q**    Did he say why he was doing



1 that?

2 **A** He was acting crazy because he  
3 thought they were my friend, or everyone was  
4 against him for some reason.

5 **Q** So, approximately how long from  
6 the point you got to Sapphire Beach in room  
7 206 to when the police arrived, approximately  
8 how long was that; if you can remember?

9 **A** I will say more than an hour,  
10 but I...

11 **Q** And during that point were there  
12 times that you lost consciousness?

13 **A** Yes, for a few seconds only.

14 **Q** Now, when police arrived can you  
15 tell me what happened?

16 **A** He opened the door and I was  
17 standing behind him, and the police asked he  
18 if everything was okay because the neighbors  
19 called, and he said that everything was okay,  
20 and I was in the back saying yes everything  
21 is okay with my words, but in my head I said  
22 yes, everything is okay.

23 **ATTORNEY RILEY:** For the  
24 record the witness is shaking her head no.

25 **A** Yes.

1 THE COURT: So reflected.

2 **BY ATTORNEY RILEY:**

3 Q When the police came, did an  
4 officer -- did you speak with any officers?

5 A Yes.

6 Q And what officer did you speak  
7 with?

8 A I don't remember her name. I  
9 think it was Claudio.

10 Q And did another officer also  
11 come, an Officer Tatum?

12 A Yes.

13 Q Okay.

14 ATTORNEY RILEY: Your Honor,  
15 at this time I'd like to retrieve what's been  
16 marked as Government's Exhibits 4 and 5. It  
17 has been provided to defense counsel. May I  
18 show the witness to identify these pictures?

19 THE COURT: Yes.

20 *(The exhibits are shown*  
21 *to the witness.)*

22 **BY ATTORNEY RILEY:**

23 Q Miss Ramirez, I had just handed  
24 you what's been marked Government's  
25 Exhibits 5 and 6. Without telling me what

1 those are, do you recognize --

2 THE COURT: You said 4 and 5.

3 ATTORNEY RILEY: Oh, I'm  
4 sorry, Your Honor. I was looking under here.  
5 So, 4 and 5. I apologize.

6 Q Without telling me what they  
7 are, do you recognize what they are?

8 A Yes, I do.

9 Q And what are they?

10 A That's a picture of the room,  
11 the bed where everything -- most of  
12 everything happened. And this is another  
13 picture of the hallway.

14 Q And specifically, 4; is that a  
15 picture of the hallway?

16 A Yes. It's a hallway of the  
17 entrance.

18 Q And is that the entrance to Room  
19 206?

20 A Yes.

21 Q And does that photo fairly and  
22 accurately represent what Room 206, the entry  
23 way, looked like on November 15, 2020?

24 A Yes.

25 Q And that was the room you were

1 staying in, correct?

2 **A** Yes.

3 ATTORNEY RILEY: Your Honor,  
4 at this time I ask to admit Exhibit 4 into  
5 evidence.

6 THE COURT: Any objections?

7 ATTORNEY JOHNSON: No, Your  
8 Honor.

9 THE COURT: People's Exhibit 4  
10 is admitted.

11 **BY ATTORNEY RILEY:**

12 **Q** Now, as to Exhibit 5, can you  
13 tell me what that is? You can look at the  
14 other photo.

15 **A** That's the bed where everything,  
16 most of the problem happened.

17 **Q** Is that the Room 206 that you  
18 were staying in?

19 **A** Yes.

20 **Q** And does that photo accurately  
21 represent what Room 206 looked like on the  
22 night of November 15, 2020?

23 **A** Yes.

24 ATTORNEY RILEY: Your Honor,  
25 at this time I would like to admit Exhibit

1 5 -- I'd ask to admit Exhibit 5 into  
2 evidence.

3 THE COURT: Attorney Johnson?

4 ATTORNEY JOHNSON: No  
5 objection, Your Honor.

6 THE COURT: People's Exhibit 5  
7 is admitted.

8 ATTORNEY RILEY: May I publish  
9 to the Jury, Your Honor?

10 THE COURT: Yes, you may.  
11 *(The exhibits are*  
12 *published.)*

13 **BY ATTORNEY RILEY:**

14 Q Miss Ramirez, I'm showing you  
15 what you had just previously identified as  
16 Exhibit 4. Can you explain to me when the  
17 police came, where were you standing?

18 A Right where the wall is, the  
19 blue wall.

20 Q The blue wall? Okay. And as to  
21 the layout of that from this picture, what is  
22 the -- it's a little delayed, but what is  
23 this black area?

24 A That's the door for the  
25 bathroom.

1           **Q**    Okay.  And on -- further on the  
2 right here, I'm going to -- what is that?

3           **A**    That's the bedroom, the bed.

4           **Q**    And is this the hallway that you  
5 went down to try to leave the apartment when  
6 the defendant pulled you back?

7           **A**    Yes.

8                         THE COURT:  Attorney Riley,  
9 don't lead her.

10          **Q**    Where were you when the  
11 defendant tried to pull you back?

12          **A**    Right where the door is, he  
13 dragged me from there to --

14          **Q**    To what?

15          **A**    To the carpet.

16          **Q**    Were there any other ways to get  
17 in and out of the apartment?

18          **A**    Just the main door.

19          **Q**    Now, I'm going to pull  
20 Exhibit 5.  In the earlier picture you  
21 identified a bed, is this the same bed?

22          **A**    Yes.

23          **Q**    And is this where -- can you  
24 explain to the Court from this picture where  
25 was it that the defendant was on top of you?

1           **A**    My head was where the phone is  
2           on top of the pillow, and my feet straight.

3           **Q**    At any time was he attacking you  
4           anywhere else in this picture?

5           **A**    There was this time when we were  
6           standing on this door where -- this wall  
7           where the two mirrors are, the one mirror,  
8           and he was grabbing me from there also.

9           **Q**    Now, after the police got there,  
10          did you tell the police what occurred that  
11          night?

12          **A**    Yes.

13          **Q**    At any time was there any other  
14          individual than you and the defendant in that  
15          room?

16          **A**    No.

17          **Q**    At some point did you go to the  
18          hospital?

19          **A**    Right after.

20          **Q**    And during the interview --  
21          these interviews, did police take pictures of  
22          you?

23          **A**    They did.

24          **Q**    And what did they take pictures  
25          of?

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**A** Of my injuries.

ATTORNEY RILEY: Your Honor,  
at this time I ask to show the witness what  
has been previously marked as Exhibit 6.

THE COURT: Yes.

*(The Exhibit is shown  
to the witness)*

**Q** I just handed you what has been  
marked Exhibit 6. Can you tell me what that  
is?

**A** That was me the night that  
everything happened on November 15th at the  
hospital.

**Q** Does that picture accurately  
represent what you looked like on the night  
of November 15, 2020?

**A** Yes.

ATTORNEY RILEY: Your Honor,  
at this time I'd ask to admit Exhibit 6 into  
evidence.

THE COURT: Any objection?

ATTORNEY JOHNSON: No  
objection, Your Honor.

THE COURT: People's Exhibit 6  
is admitted.



1                   ATTORNEY RILEY: May I publish  
2 to the Jury, Your Honor?

3                   THE COURT: Yes, you may.  
4                                 (Exhibit 6 is published  
5                                 to the Jury)

6 **BY ATTORNEY RILEY:**

7                   **Q** And where was that picture  
8 taken, Miss Ramirez?

9                   **A** At the hospital.

10                  **Q** And is that the clothing that  
11 you were wearing that night when the  
12 defendant was attacking you?

13                  **A** No.

14                  **Q** Did you change your clothing?

15                  **A** I got dressed when the police  
16 came. I changed my sweater and I put a sweat  
17 pants on.

18                         ATTORNEY RILEY: Your Honor,  
19 at this time I ask to show the witness  
20 Exhibits 7 through 14 that has been  
21 previously presented to the defense counsel.

22                         THE COURT: Yes.

23                         ATTORNEY JOHNSON: Your Honor,  
24 housekeeping matter, if you will. There's a  
25 lot of arrows on the screen. You want to

1 clear those?

2 THE COURT: Yes. Clear the  
3 arrows first.

4 THE CLERK: It's coming back  
5 on.

6 THE COURT: All right, let's  
7 move on. Use your pen as a maker.

8 ATTORNEY RILEY: Okay.

9 Does she have those documents, those  
10 photos?

11 THE CLERK: No.

12 ATTORNEY RILEY: Okay.

13 THE COURT: There's 15 in  
14 here. You said 7 through 14. Do you want 14  
15 in at this point?

16 ATTORNEY RILEY: Also 15, Your  
17 Honor. I'm sorry. 7 through 15.

18 THE COURT: All right.

19 **BY ATTORNEY RILEY:**

20 Q I just handed you what's been  
21 marked Exhibit 7 through 15. Can you take a  
22 second and look at those for me?

23 A Yes.

24 Q Do you recognize what those  
25 pictures are?

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**A** Yes.

**Q** What are they?

**A** My injuries that night.

THE COURT: I'm sorry, your what?

THE WITNESS: Injuries.

**Q** And were those pictures taken on November 15, 2020?

**A** Yes.

**Q** And do they fairly and accurately represent what you looked like on the night of November 15, 2020?

**A** Yes.

ATTORNEY RILEY: Your Honor, at this time I'd ask to admit Exhibit 7 through 15.

THE COURT: Attorney Johnson?

ATTORNEY JOHNSON: Court's indulgence, Your Honor.

THE COURT: Sure.

ATTORNEY JOHNSON: Your Honor, the same objection raised on Exhibits 13 and 16 as to late disclosure.

THE COURT: There's no 16 there.

1                   ATTORNEY JOHNSON: I'm sorry.  
2 13, then. I believe that was tendered over  
3 Sunday.

4                   ATTORNEY RILEY: That was the  
5 one.

6                   THE COURT: I'm sorry. What's  
7 the objection?

8                   ATTORNEY JOHNSON: I believe  
9 that Number 13 was one of the photographs we  
10 discussed pretrial, but I could be wrong.  
11 Attorney Riley is saying that this was one  
12 that was tendered back some months ago.

13                   THE COURT: Yes.

14                   ATTORNEY JOHNSON: To that  
15 extent, no objection to that.

16                   THE COURT: No objection?

17                   ATTORNEY JOHNSON: No.

18                   THE COURT: Okay. So People's  
19 Exhibit 7 through 15 are admitted.

20                   ATTORNEY RILEY: Your Honor,  
21 may I please tender to the Court.

22                   THE COURT: Yes, you may.

23 **BY ATTORNEY RILEY:**

24                   Q Miss Ramirez, I'm going to go  
25 through each picture with you, okay?

1           **A**    All right.

2           **Q**    There's a small delay, so...  
3 Miss Ramirez, I'm showing you what has been  
4 marked Government Exhibit 7. Can you explain  
5 to the Jury what that's a picture of?

6           **A**    That's me the night of  
7 November 15th.

8                   THE COURT:   Okay. Keep your  
9 voice up, please.

10                   THE WITNESS:  That's me the  
11 night of November 15th.

12    **BY ATTORNEY RILEY:**

13           **Q**    And does that picture show  
14 anywhere where the defendant hit you?

15           **A**    No. You can see I was crying  
16 there.

17           **Q**    The defendant never hit you in  
18 the face?

19           **A**    He hit me on my cheeks.

20           **Q**    Were there any bruises from  
21 those slaps?

22           **A**    No.

23           **Q**    I'm showing you what has been  
24 previously marked as Exhibit 8. Can you tell  
25 me what you're pointing out in that picture?

1           **A**    I was pointing on a bruise that  
2 I had here (indicating) from when he grab me  
3 and pulled me from my sweater.

4           **Q**    And can you -- I know you said  
5 here. Can you just say for the record  
6 because we have to have everything recorded?

7           **A**    On my neck.

8           **Q**    I'm showing you what has also  
9 been marked as Exhibit 9. Is this the same  
10 area that we just addressed?

11          **A**    Yes. We was trying to show my  
12 neck. I was like more red than...

13          **Q**    And that's my next question. I  
14 understand that these photos were taken, but  
15 could you see what your neck looked like that  
16 night?

17          **A**    It was worse than you can see on  
18 the picture.

19          **Q**    And how did your neck feel when  
20 these pictures were being taken?

21          **A**    Soar.

22          **Q**    I'm showing you what has been  
23 entered as Government's Exhibit 10. Is this  
24 the other side of your neck?

25          **A**    That is the other side of my

1 neck.

2 Q And what are you pointing to in  
3 that photo?

4 A A mark that he left when he was  
5 trying to strangle me.

6 Q I'm showing you next  
7 Government's Exhibit 11. Is that just a  
8 closer-up picture of that area?

9 A Yes.

10 Q And what does that show, if  
11 anything?

12 A It's showing the mark that I had  
13 on my neck.

14 Q Next will be Government's  
15 Exhibit 12. Can you tell me what that  
16 picture shows?

17 A A bruise that I have when he was  
18 trying to -- when he grabbed me from my arm.

19 Q Now, I'm showing you what is  
20 Exhibit 13, Government's Exhibit 13. Can you  
21 tell the Jury what that is?

22 A It's a closer-up picture of my  
23 arm.

24 Q And what does it show in that  
25 picture?

1           **A**    A bruise from him grabbing me.

2           **Q**    I'm now showing you what has  
3 been marked as Government's Exhibit 14. Can  
4 you tell me what that is?

5           **A**    That is a bruise that I have of  
6 he kicking me with his foot.

7           **Q**    When did he kick you with his  
8 foot?

9           **A**    When he asked me to go to the  
10 bathroom.

11          **Q**    I'm now showing you what has  
12 been mark as Exhibit 15. Can you until me  
13 what that is?

14          **A**    That is a closer-up picture.

15          **Q**    And is that of your hip?

16          **A**    Yes.

17          **Q**    And what does that show?

18          **A**    That he kick me there.

19                    ATTORNEY RILEY: Court's  
20 indulgence just for a moment, Your Honor.

21                    THE COURT: Sure.

22    **BY ATTORNEY RILEY:**

23            **Q**    Now, you say these pictures  
24 were -- were these pictures taken?

25            **A**    At the hospital. Some of them



1 at the hotel, I think.

2 Q And were you treated at the  
3 hospital?

4 A Yes.

5 Q What happened when you went to  
6 the hospital?

7 A They treated my injuries. They  
8 did an x-ray, I think. They check me.

9 Q And approximately how long were  
10 you at the hospital that night?

11 A A few hours.

12 Q And did they treat you for  
13 anything at the hospital?

14 A Assault.

15 Q Okay. And did you tell the  
16 nurses and the doctors what happened to you  
17 that night?

18 A I did.

19 Q And I know we went through all  
20 the pictures, but can you please tell the  
21 Jury how your body felt the hours after this  
22 assault?

23 A It got worse. Everything hurt.

24 Q And when you say *everything*  
25 *hurt*, I know it's hard to explain, but can

1 you explain to the Jury what hurt?

2 **A** My neck, my arm, my whole body.

3 **Q** And did the bruising that you  
4 showed -- that you pointed out on these  
5 photographs get any worse?

6 **A** Everything got worse.

7 **Q** And did you have an opportunity  
8 to take pictures of those bruises as they got  
9 worse?

10 **A** I did. I took some picture.

11 **Q** And as to your throat the next  
12 day, how did your throat feel?

13 **A** Sore. When I was trying to  
14 speak or even drinking water, it will -- I  
15 would feel it here, my neck. My throat.

16 ATTORNEY RILEY: Your Honor,  
17 at this time I'd ask to show the witness  
18 what's previously been marked Exhibit 16  
19 through 21.

20 THE COURT: Yes.

21 *(The exhibits were*  
22 *shown to the witness.*

23 **BY ATTORNEY RILEY:**

24 **Q** Miss Ramirez, can you take a  
25 minute and look through what is previously

1 marked Government's Exhibit 16 through 21?

2 **A** Those are pictures I took the  
3 day after everything happened at the hotel.

4 **Q** Where did you take those  
5 pictures? Where were you when you took those  
6 pictures?

7 **A** I was in the room on the  
8 balcony. There's one on the balcony, there's  
9 one on the bathroom of the same room.

10 **Q** So this would be on  
11 November 16th?

12 **A** Yes, 2020.

13 **Q** And those photos, do they  
14 accurately represent what your injuries  
15 looked like the day after the assault by the  
16 defendant?

17 **A** Yes.

18 ATTORNEY RILEY: Your Honor,  
19 at this time I would ask to admit  
20 Government's Exhibit 16 through 21.

21 ATTORNEY JOHNSON: Your Honor,  
22 those are the photos discussed at pretrial.  
23 Same objection, late disclosure.

24 THE COURT: Overruled.

25 ATTORNEY RILEY: May I please

1 publish to the Jury, Your Honor?

2 THE COURT: Yes. Government  
3 Exhibits 16 through 21 they are admitted.

4 **BY ATTORNEY RILEY:**

5 Q Miss Ramirez, I'm showing you --  
6 putting on the screen what is marked  
7 Government's Exhibit 16. Can you describe to  
8 the Court what that is?

9 A That is my neck the next day.

10 Q And what, if anything, could you  
11 see on your neck the next day?

12 A It was getting worse.

13 Q Okay. And how did your neck  
14 feel that day?

15 A It hurt.

16 Q I am presenting you what has  
17 been marked Government Exhibit 17. Can you  
18 tell me what that is?

19 A A bruise on my arm.

20 Q Is that the same area that we  
21 saw on the picture taken that night?

22 A Yes.

23 Q And can you tell the Jury how  
24 your arm -- how that part of your arm felt  
25 that day?

1           **A**     Sensitive.

2                     THE COURT:  I'm sorry, what  
3 did you say?

4                     THE WITNESS:  Sensitive.

5     **BY ATTORNEY RILEY**

6           **Q**     Now showing you what has been  
7 marked Government's Exhibit 18.  What is that  
8 a picture of?

9           **A**     That's this side of my arm  
10 (indicating).

11          **Q**     And what does that picture show?

12          **A**     Bruises I had from him pushing  
13 me around.

14          **Q**     Government's Exhibit 19.  Is  
15 that that same arm that we saw on the  
16 previous picture?

17          **A**     Yes.  It's the same arm.

18          **Q**     Is this taken somewhere else,  
19 though?

20          **A**     The first one was on the balcony  
21 of the room, and this one is on the bedroom  
22 of the same room.

23          **Q**     Now showing you Government's  
24 Exhibit 20.  Can you tell me what that is?

25          **A**     That is my hip when he kicked

1 me.

2 Q Can you describe to the Court  
3 and to the Jury how that felt on your hip?

4 A It was painful for a few days.

5 Q Approximately how long did all  
6 these bruises stay?

7 A Just a few days.

8 Q And approximately how long were  
9 you soar from this?

10 A What it takes a normal person.

11 Q I'm now showing you what has  
12 been marked Government's Exhibit 21. Can you  
13 tell me what this is?

14 A That is my pelvis area.

15 Q Okay. And what does that show?

16 A Soreness. It was red.

17 Q And do you know how you got that  
18 soreness and redness?

19 A Probably from him pushing me.

20 ATTORNEY RILEY: Your Honor,  
21 could I just have the Court's indulgence for  
22 one minute?

23 THE COURT: Yes.

24 (Brief pause)

25 **BY ATTORNEY RILEY:**

1           **Q**    After you took these pictures on  
2 November 15, 2020, did you leave St. Thomas?

3           **ATTORNEY JOHNSON:** Your Honor,  
4 objection. Mischaracterizing evidence. I  
5 believe these pictures were taken on the  
6 16th, for what it's worth.

7           **ATTORNEY RILEY:** Did I say  
8 15th?

9           **ATTORNEY JOHNSON:** Yes.

10          **ATTORNEY RILEY:** I'll  
11 rephrase, Your Honor.

12          **THE COURT:** All right.

13 **BY ATTORNEY RILEY:**

14           **Q**    After taking these pictures on  
15 November 16, 2020--sorry I misspoke--did you  
16 leave St. Thomas?

17           **A**    I left St. Thomas two days  
18 after.

19           **Q**    Okay.

20           **A**    I spend here five days.

21           **Q**    Did you leave alone?

22           **A**    Yes.

23           **Q**    After this incident occur, did  
24 the defendant ever reach out to you?

25           **A**    Yes.

1           **Q**    How did he reach out to you?

2           **A**    Through text message, and he  
3 used to write in a journal that he share with  
4 me.

5           **Q**    Can you explain to me what this  
6 journal is?

7           **A**    It's a note. The app that you  
8 have on the iphone, you have the notes where  
9 you take notes, he used to write a journal  
10 there and he shared a link with me where I  
11 can see everything he texted to me.

12          **Q**    So you shared a link, and you  
13 could share this note application on your  
14 phone?

15          **A**    Yes.

16          **Q**    Now, how did the two of you link  
17 your notes on your phone?

18          **A**    He created the note; he shared  
19 the link, and when I click it I wasn't able  
20 to see everything.

21          **Q**    And how do you know it was the  
22 defendant sending you that link?

23          **A**    It was from his phone number.  
24 He send it to me through text message.

25          **Q**    And did you know -- were you



1 familiar with his phone number while you were  
2 dating him?

3 **A** Yes.

4 **Q** Now, in these notes, are they  
5 able to be edited by both party?

6 **A** Yes it is, but if you swipe it  
7 to the left, to the right, from left to the  
8 right, you are able to see who writes what,  
9 what time, and what day. You are able to see  
10 everything.

11 **Q** And did the defendant ever write  
12 to you in these notes?

13 **A** Yes.

14 **ATTORNEY RILEY:** Your Honor,  
15 at this time I'd ask to mark Exhibit 22. It  
16 was previously marked Exhibits 22 through 25.

17 **THE COURT:** Yes.

18 *(The exhibits are*  
19 *shown to the witness.)*

20 **BY ATTORNEY RILEY:**

21 **Q** Can you take a moment and look  
22 at the exhibits that were handed to you, 22  
23 through 25.

24 **A** Yes.

25 **Q** Can you tell me what those are?

1           **A**     These are some screen shots I  
2 took from the journal from the notes that he  
3 shared with me. The first screen shots only.

4           **Q**     And why were you only able to  
5 provide screen shots?

6           **A**     Because I was able to see the  
7 whole note. It was longer than this, but he  
8 removed it from me. He removed me from the  
9 link, so I am not able to see anymore. I  
10 just have this screen shots.

11          **Q**     And when did he remove you from  
12 those notes?

13          **A**     Before yesterday. Sunday when I  
14 got here.

15                   ATTORNEY RILEY: Your Honor,  
16 at this time I'd ask to show Government's  
17 Exhibit 26 to the witness.

18                   THE COURT: Yes.

19                                   *(The exhibit is shown*  
20                                   *to the witness)*

21          **Q**     You've been handed what has been  
22 marked Government's Exhibit 26. Can you tell  
23 me what that is?

24          **A**     It's a screen shot I took from  
25 our conversation where you can see when I

1       tried to open the note that he shared with  
2       me, it says that note is unavailable because  
3       the owner stop sharing or you don't have  
4       permission to open it.

5               **Q**     And who has stopped -- who can  
6       stop your permission from opening it?

7               **A**     He is the one who created it.  
8       He's the only one who can stop the  
9       permission.

10              **Q**     And in that photo, would you  
11       agree with me that there's a circle around  
12       something, not saying what it is?

13              **A**     There is a circle of a note, the  
14       link where I was able to open the note there.

15              **Q**     And that circle that's on there,  
16       did you make that circle?

17              **A**     I did that circle.

18              **Q**     Okay. And these screen shots,  
19       do they accurately reflect the notes and the  
20       sharing ability that you shared with the  
21       defendant prior to Sunday, this past Sunday?

22                      ATTORNEY JOHNSON:  Objection,  
23       Your Honor.

24                      THE COURT:  What's the  
25       objection.

1           ATTORNEY JOHNSON: Calls for  
2 speculation. This is exactly the point we  
3 were talking about at the pretrial matter.  
4 It calls for her making expert, not lay  
5 opinion, the share ability of notes.

6           THE COURT: Overruled.  
7 Attorney Riley, the content.

8           ATTORNEY RILEY: Yes.

9           THE COURT: Okay.

10 **BY ATTORNEY RILEY:**

11           **Q** Does it accurately represent the  
12 content that was in your phone in the notes  
13 section that was shared with the defendant?

14           **A** Yes, it does.

15           ATTORNEY RILEY: Your Honor,  
16 at this time I'd ask to admit Exhibits 22  
17 through 26.

18           THE COURT: They are admitted.

19           ATTORNEY JOHNSON: Your Honor,  
20 same objections from pretrial.

21           THE COURT: Overruled.

22           ATTORNEY RILEY: May I publish  
23 to the Jury, Your Honor?

24           THE COURT: Yes, you may.

25                           *(The exhibits are*

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*published to the Jury)*

**BY ATTORNEY RILEY:**

**Q** I'm showing you what has been previously marked Exhibit 22. Is this from the notes application that you spoke about earlier?

**A** Yes, it is.

**Q** And who is Rosie?

**A** He call me by Rosie.

**Q** And in this, who -- did you write this note?

**A** No, he did. He did write it for me.

**Q** And how do you know he wrote it for you?

**A** He shared the link and he asked me to read it.

**Q** And off of the top here where it says November 23rd, 2020, at 4:04 p.m., does that indicate when that note was written?

**A** Yes. And you are also able to see that on that date I was able to view only. It says in right --

ATTORNEY JOHNSON: Your Honor, same objection.

1 THE COURT: You don't have to  
2 keep making the same objection, it's already  
3 noted for the record, Attorney Johnson.

4 ATTORNEY JOHNSON: Same  
5 objection, Your Honor.

6 THE COURT: Don't lead her,  
7 Attorney Riley.

8 ATTORNEY RILEY: Okay.

9 THE COURT: Continue.

10 **BY ATTORNEY RILEY:**

11 Q I'm now showing you what has  
12 been mark as Government's Exhibits 23. What  
13 is that?

14 A It's a diary. It's the same  
15 note application that he used to write to me  
16 for me.

17 Q Now I'd like to direct your  
18 attention to specifically the second  
19 paragraph. Is that in front of you right  
20 now?

21 A Um-hum.

22 Q Starting with *Spending*.

23 A Yes.

24 Q Can you please read that to the  
25 Jury?

1           **A**    *Spending Sunday night to*  
2           *Thursday evening in jail was one of the*  
3           *worse things to happen to me in my life.*  
4           *Equally as worse was knowing how much I*  
5           *broke the trust and ruin a relationship of*  
6           *a woman that truly love me and that I*  
7           *loved. God knows. I had time to think in*  
8           *jail. That's all I did was think.*

9           *Self reflect about Sunday night,*  
10          *about the day before, about how bad I've*  
11          *been treating her, about the respect --*  
12          *about the disrespect, about the fight,*  
13          *about the hurt I caused.*

14          **Q**    You can keep going.

15          **A**    *I made this girl fall in love*  
16          *with a monster. That is something very*  
17          *hard to accept. If she knew we would*  
18          *end up like this right now, she wouldn't*  
19          *give me that time of day. I broke her*  
20          *trust; I fucked up. To think she had to*  
21          *fend for her own on a strange...*

22          **Q**    Okay. I'm now showing you what  
23          has been marked Government's Exhibit 24. Can  
24          you continue to read where you stopped  
25          before?

1           **A**    *To think she had to fend for her*  
2           *own on a strange island makes me sick.*  
3           *All of these thoughts run through my mind*  
4           *in jail. All I have had was to think.*

5           **Q**    Okay.

6           **A**    Wow --

7           **Q**    It's okay, you can stop. And  
8           finally, Exhibit 25. Does that continue that  
9           same message?

10          **A**    Yes.

11          **Q**    And these messages, were they  
12          saved -- were they on your phone from  
13          November -- when were they on your phone?

14          **A**    From November 23rd totally to  
15          Sunday.

16          **Q**    You need a moment?

17          **A**    No, I'm good.

18                    THE COURT: I'm sorry, what's  
19                    the question?

20                    ATTORNEY RILEY: I just asked  
21                    her if she needed a moment.

22                    THE COURT: Oh, okay.

23           **BY ATTORNEY RILEY:**

24                    **Q**    I'm showing you what has been  
25                    marked Exhibit -- Government's Exhibit 26.



1 Can you tell me what that is?

2 **A** That is the screen shot I took  
3 this Sunday of the link that we shared on our  
4 text messages. When I was trying to open the  
5 note, the link that he shared to me, I wasn't  
6 able to open it, so I screen shot the link  
7 and the not -- unavailable.

8 **Q** And at this time are you able to  
9 go back to those notes other than the screen  
10 shots?

11 **A** I am not.

12 ATTORNEY RILEY: Can you take  
13 this off, I'm done with it.

14 THE COURT: All right.

15 **BY ATTORNEY RILEY:**

16 **Q** Miss Ramirez, after this  
17 incident how did you feel?

18 **A** It's a trauma that I had.

19 **Q** On that night on November 15,  
20 2020, can you tell the Jury what was the main  
21 thought going through your mind?

22 **A** I was a hundred percent sure  
23 that I was going to die.

24 ATTORNEY RILEY: I have  
25 nothing further at this time, Your Honor.

1 THE COURT: All right. Very  
2 well. Thank you.

3 ATTORNEY RILEY: Should I take  
4 all the exhibits, or what should I do with  
5 them?

6 THE COURT: You can just turn  
7 them down and leave them there.

8 ATTORNEY RILEY: Thank you,  
9 Your Honor.

10 THE COURT: All right.

11 So, Ladies and Gentlemen, this is a  
12 good time to break for lunch.

13 Miss Ramirez, you are still under  
14 oath. We have to have cross-examination by  
15 the defense counsel.

16 Do not discuss your testimony on  
17 this lunch break. Again, do not discuss your  
18 testimony during this lunch break. Is that  
19 clear.

20 THE WITNESS: That is clear.

21 THE COURT: All right.

22 So, we will be back in 45 minutes.  
23 It's now 1:10. 20 minutes to 2:00.  
24 1:50 p.m. we will return.

25 THE MARSHAL: Will everyone,

1 please rise.

2 (Thereupon a luncheon  
3 recess was taken.)

4 **AFTERNOON SESSION**

5 THE CLERK: People of the  
6 Virgin Islands versus Devindra Jaglal.

7 ATTORNEY MCRAE: Good  
8 afternoon, Your Honor. Good afternoon, court  
9 staff.

10 Good afternoon, Ladies and Gentlemen  
11 of the Jury. My name is Quincy McRae.  
12 Sitting at counsel table with me is Assistant  
13 Attorney General Kimberly Riley, and also  
14 Officer Khalil Tatem.

15 ATTORNEY RILEY: Good  
16 afternoon.

17 ATTORNEY JOHNSON: Good  
18 afternoon, Judge. Good afternoon again  
19 everyone. Of course, Mr. Devindra Jaglal,  
20 Attorney Thorn Corey Hodge. He's know by  
21 Cory. And Frederick Andy Johnson.

22 THE COURT: Good afternoon.

23 ATTORNEY HODGE: Good  
24 afternoon.

25 THE COURT: Are you ready,

1 Attorney Johnson?

2 ATTORNEY JOHNSON: I believe  
3 so, Your Honor. Court's indulgence for just  
4 one second.

5 THE COURT: Sure.

6 ATTORNEY JOHNSON: Your Honor,  
7 can I have the pictures that have been  
8 submitted?

9 THE COURT: Yes, you may.

10 ATTORNEY JOHNSON: May it  
11 please the Court?

12 THE COURT: Yes, you may  
13 proceed.

14 **CROSS-EXAMINATION**

15 **BY ATTORNEY JOHNSON:**

16 Q Good afternoon, Miss Ramirez,  
17 how are you?

18 A Good afternoon.

19 Q Thanks for being here.  
20 November 15, 2020, was a Sunday, right?

21 A Yes.

22 Q You guys went on a catamaran, a  
23 sailboat?

24 A That is correct.

25 Q Okay. You remember the name of

1 that sailboat?

2 **A** I don't.

3 **Q** Heavenly Days sound right?

4 **A** I'm sorry?

5 **Q** Heavenly Days?

6 **A** I don't remember the name.

7 **Q** Okay. Was it for a snorkel  
8 trip?

9 **A** Yes.

10 **Q** Okay. Did you actually snorkel?

11 **A** We did. We snorkeled.

12 **Q** Both you and Devin?

13 **A** Yes.

14 **Q** How many people were on that  
15 boat?

16 **A** I don't remember.

17 **Q** More than ten?

18 **A** Probably.

19 **Q** Maybe 20 or 30; any idea?

20 **A** More than ten people for sure.

21 **Q** Do you remember how long you  
22 were on that boat, that catamaran?

23 **A** The whole morning until  
24 afternoon.

25 **Q** Okay. So at least half the day?

1           **A**    Yes.

2           **Q**    Your birthday weekend, right?

3           **A**    Right.

4           **Q**    You just turned 21?

5           **A**    Right.

6           **Q**    I'm assuming Devin paid for the  
7 trip on the snorkel cat?

8           **A**    That is correct.

9           **Q**    And as we said, it lasted most  
10 of the day; at least half?

11          **A**    (Nods head up and down).

12          **Q**    It that a yes?

13          **A**    It is a yes.

14          **Q**    So at least several hours.

15          **A**    Yes.

16          **Q**    Devin was drinking, I think you  
17 established that, right?

18          **A**    Yes.

19          **Q**    You said you had a couple  
20 drinks?

21          **A**    Yes.

22          **Q**    Do you remember how many?

23          **A**    Not exactly. I don't remember  
24 how many, but we both drink.

25                    THE COURT: I didn't hear the

1 answer.

2 THE WITNESS: I'm sorry?

3 THE COURT: Say it again.

4 THE WITNESS: That we both  
5 drink. We both were drinking.

6 THE COURT: Oh, okay.

7 THE WITNESS: I don't remember  
8 exact how many drinks, but not as much as he  
9 did.

10 THE COURT: Understood.

11 **BY ATTORNEY JOHNSON:**

12 Q Not as much as Devin, but you  
13 had your share?

14 A Yes.

15 Q Is it fair to say?

16 A Yes.

17 Q You drink rum punches?

18 A I drink what?

19 Q Rum punches?

20 A Is that a brand?

21 Q Well, it's usually a drink they  
22 serve on most of these snorkel cats down here  
23 sometimes.

24 A The punch that they had, yes.

25 Q So rum, a little punch, you mix

1 it in a giant cooler?

2 **A** It was a punch.

3 **Q** Um-hum. But it did have booze  
4 in it, liquor?

5 **A** It had liquor, yes.

6 **Q** Okay. They serve that out of a  
7 big Gatorade container?

8 **A** They just gave me the cup.

9 **Q** A cup. And you can go back as  
10 many times you want, right?

11 **A** I'm sorry?

12 **Q** You can go back as many times as  
13 you want, right?

14 **A** Yes.

15 **Q** I'm assuming you're going to  
16 state that Devin did, right?

17 **A** Yes, we both did.

18 **Q** Okay. And you don't remember  
19 exactly how many drinks you had?

20 **A** I don't.

21 **Q** Fair to say you lost count?

22 **A** Probably, yes.

23 **Q** Probably?

24 **A** I didn't have the -- I wasn't  
25 counting how many drink we had, but...



1           **Q**    When I actually worked on one of  
2 those back in 2006, one of our tricks was to  
3 try and get the tourist as drunk as possible  
4 after they get out of the water.

5                    ATTORNEY RILEY:  Objection,  
6 Your Honor.

7                    THE COURT:  Sustained.

8                    ATTORNEY RILEY:  The attorney  
9 is testifying.

10                   THE COURT:  Sustained.

11    **BY ATTORNEY JOHNSON:**

12            **Q**    Let me put it this way.  Were  
13 you drinking before you went snorkeling?

14            **A**    No.

15            **Q**    No.  So you just drank after you  
16 got done snorkeling; is that right?

17            **A**    Yes.

18            **Q**    Okay.  You remember -- do you  
19 know this island very well?

20            **A**    This island?  It was my first  
21 time here.

22            **Q**    First time here.

23            **A**    For my birthday.

24            **Q**    You testified you were here for  
25 about five days?

1           **A**    Yes.

2           **Q**    Do you know where that catamaran  
3 left out of?

4           **A**    From where?

5           **Q**    Do you know where it left out  
6 of?

7           **A**    We left from a hotel.

8           **Q**    And you don't remember what  
9 hotel?

10          **A**    No, I don't.

11          **Q**    So, it would be fair to say once  
12 you got back from snorkeling, that's when you  
13 had the alcoholic beverages?

14          **A**    That is correct.

15          **Q**    I'm not saying you did this, but  
16 if I were on that boat could I drink until  
17 they put me on the dock?

18          **A**    It was unlimited of drinks,  
19 bottomless drinks, so after snorkeling we  
20 could drink, eat, and then we went to an  
21 island, another beach.

22          **Q**    Okay. So you snorkeled, drink,  
23 ate, went to another island?

24          **A**    Yes.

25          **Q**    Another beach?

1           **A**    Yes.

2           **Q**    You don't remember where that  
3 was, do you?

4           **A**    No, I don't.

5           **Q**    Did you go anywhere else besides  
6 that other island or that other beach?

7           **A**    (No response).

8           **Q**    Did you go anywhere else besides  
9 that other island, that other beach?

10          **A**    No. After that we went back to  
11 the hotel.

12          **Q**    But not before you went to Coki  
13 Beach, right?

14          **A**    After the whole trip.

15          **Q**    Okay. Your car was parked at a  
16 hotel?

17          **A**    Yes, it was.

18          **Q**    Okay. And about how long of a  
19 drive was it from the hotel to Coki Beach?

20          **A**    I don't remember that.

21          **Q**    You testified that you drove  
22 though, right?

23          **A**    No, he was driving the whole  
24 time.

25          **Q**    I'm sorry, I misheard that. He

1 was driving?

2 **A** Yes.

3 **Q** Rental car was in his name?

4 **A** Yes.

5 **Q** He paid for the rental car?

6 **A** He paid for everything.

7 **Q** So he paid for the condo?

8 **A** Everything.

9 **Q** He paid for -- and you said the  
10 rental car. What about the flight?

11 THE COURT: The excursion?

12 ATTORNEY JOHNSON: Sorry?

13 THE COURT: The excursion?

14 **BY ATTORNEY JOHNSON:**

15 **Q** Oh, yes. The excursion?

16 **A** Yes. He paid for everything.

17 **Q** The flight, rental car, condo,  
18 excursion?

19 **A** That is correct.

20 **Q** Okay. And you guys went from  
21 the hotel to Coki?

22 **A** Yes.

23 **Q** At Coki Beach did he smoke  
24 marijuana?

25 **A** Yes.

1           **Q**    Okay.  You didn't smoke  
2 marijuana, did you?

3           **A**    I did.

4           **Q**    Okay.  Do you remember how much  
5 marijuana you smoked?

6           **A**    We had like a blunt.  And I'm  
7 not sure if we finished it, but it wasn't  
8 that much.

9           **Q**    Okay.  So you guys were sharing  
10 this?

11          **A**    Yes.

12          **Q**    Did you have anything else to  
13 drink at Coki Beach?

14          **A**    I think we had like two drinks  
15 there, I'm not sure.

16          **Q**    So two more drinks?

17          **A**    Yes, probably.  We had drinks  
18 there, yes.

19          **Q**    Let me ask you a question, and  
20 this is really going to stretch your memory.  
21 I know you don't remember how many drinks you  
22 had, but do you remember how many drinks that  
23 Devin had?

24          **A**    No, I don't.

25          **Q**    So you lost count of Devin's

1 drinks?

2 **A** Yes.

3 **Q** Okay. Did he have more than two  
4 drinks on the catamaran?

5 **A** Yes.

6 **Q** And he had the two drinks at  
7 Coki?

8 **A** Yes. He was drinking. We both  
9 were drinking.

10 **Q** Okay. And you testified you  
11 guys each shared a marijuana blunt?

12 **A** That is correct.

13 **Q** Was there anything that you paid  
14 for on this trip?

15 **A** Nothing at all.

16 **Q** Okay. Even food?

17 **A** No.

18 **Q** You guys didn't go Dutch once or  
19 twice?

20 **A** I didn't pay for anything. He  
21 paid for everything.

22 **Q** Okay. You said you met Devin  
23 three months prior to coming to St. Thomas?

24 **A** That is correct.

25 **Q** You were a student on your

1 birthday, the 21st birthday, is that right?

2 **A** That's right.

3 **Q** Where were you a student?

4 **A** I was studying online at Phoenix  
5 University.

6 **Q** Sorry?

7 **A** Phoenix University.

8 **Q** Phoenix?

9 **A** Online.

10 **Q** Yes, I know it. They don't pay  
11 you to be a student, do they?

12 **A** No, they don't.

13 **Q** Okay. Do you have any kind of  
14 jobs at this time?

15 **A** Yes.

16 **Q** What was that job?

17 **A** At this time, or...

18 **Q** Yes, when you were in  
19 St. Thomas?

20 **A** Oh, no, no, no.

21 **Q** Okay.

22 **A** I misunderstood.

23 **Q** What do you think I asked you?  
24 You said yes pretty quickly?

25 **A** I thought you asked me if I was

1 working now, that's why I said yes.

2 Q Well, yeah, I'm curious. Where  
3 are you working now?

4 A I am a server.

5 Q You're a server?

6 A Yes.

7 Q That's great. Are you still in  
8 school?

9 A Yes, different school.

10 Q You remember what Devin was  
11 doing when you guys were dating back in 2020?

12 A He was a CPA.

13 Q That means Certified Public  
14 Accountant?

15 A That is correct.

16 Q So he was a professional?

17 A Um-hum, yes.

18 Q You had moved in with Devin  
19 before the trip to St. Thomas?

20 A Yes.

21 Q He lived in St. Pete's, Florida?

22 A Yes.

23 Q You lived in Miami before?

24 A In Cape Coral.

25 Q Cape Coral.



1           **A**    Yes.

2           **Q**    I apologize.  You moved from  
3 Cape Coral to St. Pete's to be with him?

4           **A**    Yes.

5           **Q**    How far of a trip is that?

6           **A**    Two hours.

7           **Q**    In the entire three months that  
8 you knew Devin, had you worked at all to make  
9 any money?

10          **A**    No.

11          **Q**    Is it fair to say that Devin  
12 paid all the bills the three months you guys  
13 were together?

14          **A**    He paid the house bills.  For my  
15 own bills, I paid mind.

16          **Q**    Okay.  You must have gotten  
17 money from your family or something like  
18 that?

19                    ATTORNEY RILEY:  Objection,  
20 Your Honor, relevance.

21                    THE COURT:  Overruled.

22          **A**    I had my savings.

23          **Q**    You have your savings?

24          **A**    Yes.

25          **Q**    Okay.  So that's how you were

1 able to get by three months without working?

2 **A** That is correct.

3 **Q** As a student?

4 **A** Yes, that is correct.

5 **Q** Were there any bills  
6 specifically you remember paying?

7 **A** My phone and gas.

8 **Q** Okay. Has Devin ever pay for  
9 your phone?

10 **A** I don't remember. I think he  
11 did once the last month. I think he paid  
12 November for my phone bill.

13 **Q** November of 2020?

14 **A** That is correct.

15 **Q** Okay. He didn't pay before or  
16 after?

17 **A** No.

18 **Q** Is this the same phone that you  
19 used to communicate with Devin?

20 **A** That is correct.

21 **Q** Okay. The notes that you took  
22 off of your phone, how many were there?

23 **A** It was one note, like a long  
24 note.

25 **Q** Well, I --

1           **A**    That was just the beginning.  
2    The screen shots that I showed today was the  
3    beginning only.

4           **Q**    Okay.  So this, this, this, this  
5    (indicating).  All one note.

6                    For the record, I'm referring to  
7    Government's Exhibits 22, 23, 24, 25, when I  
8    say this, this, this and this.

9                    THE COURT:  Understood.

10    **BY ATTORNEY JOHNSON:**

11           **Q**    You said that he shared this  
12    with you via text message?

13           **A**    That is correct.

14           **Q**    So I'm assuming that he texted  
15    you?

16           **A**    Yes.

17           **Q**    I'm also assuming that you  
18    texted him?

19           **A**    That is correct.

20           **Q**    Okay.  Now, of course, you were  
21    texting before he was arrested, right?

22           **A**    After he was arrested?

23           **Q**    No, I meant before.  Before  
24    November 15, 2020, you guys were, of course,  
25    texting back and forth to each other?

1           **A**    The last text that we had was on  
2 November 15th that he sent me the link for  
3 the sailing boat -- for the sailing boat that  
4 we went that morning.

5           **Q**    That's the last text you  
6 remember having?

7           **A**    Yes. That's the last text. And  
8 after that is from November 23rd, I think,  
9 until when he got out he texted me. That's  
10 when we start talking again.

11          **Q**    Okay. So I guess I  
12 misunderstood. That's the last text between  
13 the time you left the island, he was  
14 arrested, and maybe around thanksgiving; does  
15 that sound about right?

16          **A**    When he went out of prison was  
17 the week he texted me again.

18          **Q**    Okay. You texted back.

19          **A**    Yes.

20          **Q**    Okay. When was the last time  
21 that you remember sending him a text message?

22          **A**    I'm not sure, probably last  
23 year.

24          **Q**    Last year?

25          **A**    Yes.

1 Q 2021?

2 A 2021 probably, yes, because the  
3 arrest -- yes, last year.

4 Q The arrest was in 2020.

5 A 2020?

6 Q Yes. So you're testifying that  
7 you texted him in 2021?

8 A Yes.

9 Q Is that right?

10 A That is correct.

11 Q I don't want to put words in  
12 your mouth, and I don't want to take anything  
13 out of context.

14 A Yes. We texted in 2021.

15 Q No text messages in 2022?

16 A Not that I remember.

17 Q These notes, how did they get to  
18 the prosecutor's hands?

19 A To them?

20 Q Yes, to the prosecutors.

21 A I took them.

22 Q Um-hum.

23 A I gave them to them. I provided  
24 it to them.

25 Q To Attorney Riley and Attorney

1       McRae?

2                   **A**    Yes.

3                   **Q**    Were you in the same room when  
4       you provided them to them?

5                   **A**    In the same room with them?

6                   **Q**    With them when you gave them the  
7       notes from your text messages?

8                   **A**    Yes.

9                   **Q**    Okay.  So they could see your  
10      phone?

11                  **A**    That is correct.

12                  **Q**    How did you give them the text  
13      messages?  You didn't have a printer hooked  
14      up to your phone, did you?

15                  **A**    No, I took a screen shot.

16                  **Q**    A screen shot?

17                  **A**    And send it through e-mail.

18                  **Q**    E-mailed them?

19                  **A**    To their -- to wherever.

20                  **Q**    Okay.  Was there anyone else in  
21      that meeting where you give the screen shot  
22      and you e-mailed it to -- I'm sorry.  Who did  
23      you e-mailed it to?

24                  **A**    To my lawyers.

25                  **Q**    Okay.  So did you e-mailed it to

1 both of them?

2 **A** To her.

3 **Q** Okay. To Attorney Riley?

4 **A** Yes.

5 **Q** Okay. And that's after you met  
6 with them in person with your phone?

7 **A** Yes, that is correct.

8 **Q** Anyone else in that room when  
9 you met with them with your phone in person?

10 **A** Her name is Agent Merrin  
11 [phonetic].

12 **Q** Is that the victim's  
13 coordinator? If you don't know you don't  
14 have to look over there. If you don't know,  
15 it's okay.

16 **A** She's an agent, as far as I  
17 know, right?

18 ATTORNEY RILEY: Your Honor, I  
19 can speed that up. It's Agent Gurero with  
20 Justice.

21 THE COURT: I'm sorry, Agent  
22 Greaux?

23 ATTORNEY RILEY: Gurero, Your  
24 Honor.

25 THE COURT: Oh, Gurero. All

1 right. Okay. Thank you.

2 **BY ATTORNEY JOHNSON:**

3 Q Have you ever met with Attorney  
4 Riley or Attorney McRae in person before?

5 A No. The first time was this  
6 Sunday.

7 Q And I'm assuming you hadn't  
8 meant with the agent, Agent Gurero before?

9 A This Sunday. I met everyone  
10 this Sunday.

11 Q What about Attorney Anna Scott.

12 A Never in person.

13 Q You talked with her though,  
14 right?

15 A Through e-mail, yes.

16 Q Okay. At any point -- I'm  
17 assuming that you could have taken a screen  
18 shot and e-mailed this to the attorneys?

19 A That is correct, yes.

20 Q As early as 2020?

21 A Okay, yes.

22 Q That's a yes?

23 A Yes.

24 Q Certainly in 2021, last year?

25 A Yes.



1           **Q**    And certainly January, February,  
2           March, April, up until today?

3           **A**    That is right.

4           **Q**    When you were in the room with  
5           them in person and its agent, did anyone else  
6           look at your phone besides you?

7           **A**    When I showed them -- I showed  
8           it to them.

9           **Q**    Okay. How do you pull that up?  
10          How do you pull these notes up on your phone?

11          **A**    I told them that he had contact  
12          me through -- that we had this journal, and I  
13          show them the phone.

14          **Q**    Okay.

15          **A**    I took a screen shot. That's  
16          the screen shot I had before because I  
17          wasn't -- they told me okay, so send me a  
18          screen shot later. And when I tried to open  
19          the link I couldn't open it because he had  
20          stop sharing the link with me and I had those  
21          screen shots saved.

22          **Q**    Good. So you had captured that  
23          screen shot, and you said before he actually  
24          stopped sharing it?

25          **A**    Yes.

1           **Q**    That's the only record that you  
2 have of these notes?

3           **A**    That is correct.

4           **Q**    Okay. So those notes are still  
5 on your phone?

6           **A**    No, because he had stopped  
7 sharing them. I cannot open the link. I  
8 have the -- I can click the link.

9           **Q**    Um-hum.

10          **A**    But as I show before on one  
11 screen shot that I took, when I tried to open  
12 it says that it's unavailable because he had  
13 stopped sharing it with me.

14          **Q**    Okay. Do you still have the  
15 same phone today?

16          **A**    I do.

17          **Q**    You still have the same phone  
18 with you right now?

19          **A**    I don't have it with me right  
20 now, I left it in the car.

21          **Q**    So it's in the car?

22          **A**    Yes.

23          **Q**    Do you remember sitting here  
24 today when the last time you sent a text  
25 message to Devin Jaglal?

1           **A**    I don't remember when was the  
2 last time.

3           **Q**    I believe you testified it was  
4 some time in 2021.

5           **A**    Okay.

6           **Q**    When was the last time you  
7 checked your phone and talked -- when was the  
8 last time you checked your phone referring to  
9 these text messages, Sunday?

10          **A**    I'm sorry?

11          **Q**    When was the last time you  
12 checked your phone referring to these notes  
13 and text messages?

14          **A**    Sunday I tried to open the  
15 notes. Sunday I opened the notes and then  
16 when I tried to open it again to take screen  
17 shot of everything, it was gone. So I will  
18 say it was on Sunday.

19          **Q**    Now, as you see this note --  
20                    ATTORNEY JOHNSON: Your Honor,  
21 the Elmo, please.

22                    THE COURT: Yes.

23          **BY ATTORNEY JOHNSON:**

24          **Q**    Can you read that?

25          **A**    It's kind of blurry.

1           **Q**    Let me see if I could zoom it in  
2   to lighten it up for you.

3           **A**    The day, I can see it.  It says  
4   November 23, 2020.

5           **Q**    Okay.

6           **A**    It is worse now.

7           **Q**    Yes, it is worse.  I apologize.  
8   As far as you know, that's the date that he  
9   shared it?

10          **A**    Yes.

11          **Q**    Is it fair to say you knew about  
12   that note since November 23rd, 2020?

13          **A**    That is correct.

14          **Q**    In fact you texted him about  
15   that note, correct?

16          **A**    That is correct.

17          **Q**    Okay.  Back in November of 2020?

18          **A**    Yes.

19          **Q**    This is Exhibit 26, and you  
20   testified -- give it a second.  These are  
21   some, I believe some, of the links that you  
22   guys shared, including Facebook?

23          **A**    Yes, that is correct.

24          **Q**    All of these links are links  
25   that he shared with you?

1           **A**    I think he did share all of  
2 those, but if I share one it's supposed to be  
3 there only also.

4           **Q**    Okay. So it sounds like you did  
5 share links with him as well?

6           **A**    All of those he shared to me.

7           **Q**    Okay.

8           **A**    If we click it -- I don't have  
9 my phone here, but we will be able to see it.

10          **Q**    Yeah. Again, it sounds like,  
11 correct me if I'm wrong, you were sharing  
12 links with him as well?

13          **A**    Those links he shared them to  
14 me.

15          **Q**    Okay. Before he was arrested  
16 and before November 15, 2020, you were  
17 sharing links with him, correct?

18          **A**    I guess. We were texting all  
19 the time. We were dating.

20          **Q**    Okay. Were you sharing after  
21 November 15, 2020?

22          **A**    After that we texted.

23          **Q**    Texted back and forth?

24          **A**    Yes, we used to text.

25          **Q**    I guess this is a different

1 question. Were you sharing links with him.  
2 I know he was sharing links with you, but  
3 were you sharing links with him?

4 **A** I don't remember that, but we  
5 will be able to see it. I have no problem  
6 showing my phone.

7 **Q** Okay.

8 ATTORNEY JOHNSON: Court's  
9 indulgence, Your Honor.

10 THE COURT: Sure.

11 **BY ATTORNEY JOHNSON:**

12 **Q** Devin mentioned Tony; who is  
13 Tony?

14 **A** Devin mentioned who?

15 **Q** Tony. You have no idea?

16 **A** I don't remember.

17 **Q** Okay. When was the last time  
18 you read these notes?

19 **A** That I wrote them? I didn't  
20 wrote them.

21 **Q** No, no, no. These notes that he  
22 wrote you, these are the diary that you  
23 testified that he wrote?

24 **A** That is correct.

25 **Q** Okay. It sounds like Tony is

1 someone you both knew.  
2           **A**    Okay.  
3           **Q**    Is that correct?  
4           **A**    Yes.  
5           **Q**    So who is Tony?  
6           **A**    Someone we knew.  
7           **Q**    Friend of yours?  
8           **A**    He's not my friend, I knew him.  
9           **Q**    So just an acquaintance?  
10          **A**    A what?  
11          **Q**    Just an acquaintance?  
12          **A**    Can you explain it a little bit?  
13          **Q**    Someone who is not a friend but  
14 you know them.  
15          **A**    Yes, that is correct.  
16          **Q**    How do you know Tony?  
17          **A**    I know him from my Miami.  
18          **Q**    What were you going to say?  
19          **A**    I know him from Miami.  
20          **Q**    From Miami?  
21          **A**    Yes.  
22          **Q**    How does Devin know Tony?  
23          **A**    I don't know that.  
24          **Q**    But you know that he does know  
25 Tony?

1           **A**     That's what he says in the note.

2           **Q**     This is a note that you've had  
3 since November 23rd of 2020. I think we've  
4 established that. This is a note that you  
5 looked at Sunday; we know that because you  
6 gave it to the attorneys, correct?

7           **A**     Yes.

8           **Q**     Are you saying you did not read  
9 this note when you gave it to the attorneys?

10          **A**     That is correct.

11          **Q**     You just gave it to the  
12 attorneys?

13          **A**     Yes.

14          **Q**     When was the last time you did  
15 read that note?

16          **A**     Long time ago.

17          **Q**     I don't want to get your  
18 testimony wrong, because it's hard to write  
19 when someone is talking. And believe it or  
20 not, you can actually speak pretty fast,  
21 especially compared to where I come from.  
22 People tend to speak a little slow.

23                 I'm going to try not to screw this  
24 up. If I say something wrong, you tell me  
25 you're dead wrong, okay?



1 I believe you said that English was  
2 your first language but you corrected  
3 yourself?

4 A I corrected. It is Spanish my  
5 first language.

6 Q You speak English very well, and  
7 I know you speak Spanish very well, right?

8 A That's correct.

9 Q Your whole family spoke Spanish;  
10 is that right?

11 A Yes.

12 Q Is your entire family from Cuba?

13 A Yes.

14 Q And you spent eight years in the  
15 U.S.?

16 A That is correct.

17 Q One second, Your Honor.

18 THE COURT: Sure.

19 ATTORNEY JOHNSON: Thank you,  
20 Your Honor.

21 THE COURT: All right.

22 **BY ATTORNEY JOHNSON:**

23 Q You said, I believe, on direct  
24 examination that you told the police  
25 everything; is that right?

1           **A**    That I told the police  
2 everything?

3           **Q**    Yes.

4           **A**    That is right.

5           **Q**    I'm talking about VIPD, Virgin  
6 Islands Police Department. So you told the  
7 Virgin Islands Police Department officers  
8 everything?

9           **A**    Everything happened -- that  
10 happened around there, yes.

11          **Q**    Okay. And just to recap, you  
12 told them -- and again, I don't want to take  
13 anything out of context, but I believe you  
14 said any reason -- do you need a break to  
15 talk with Attorney Riley? You kind of keep  
16 looking over there.

17          **A**    Yes, I want to let her know  
18 something.

19          **Q**    I'm Sorry?

20                   THE COURT: No.

21                   THE WITNESS: No?

22                   THE COURT: No.

23                   THE WITNESS: Okay.

24          **BY ATTORNEY JOHNSON:**

25          **Q**    I believe you said that he

1 choked you, yes?

2 **A** Yes, that is correct.

3 **Q** With both hands?

4 **A** That is correct.

5 **Q** He choked you more than once?

6 **A** Yes.

7 **Q** With both hands?

8 **A** Yes.

9 **Q** Do you remember saying how many  
10 times he choked you?

11 **A** I don't remember how many times.  
12 He was on top of me.

13 **Q** How many times did you tell the  
14 VIPD officers that he had choked you?

15 **A** I don't remember that.

16 **Q** Okay. Which VIPD officer did  
17 you tell that he choked you?

18 **A** I spoke with two of them, I  
19 don't remember their names. But if I'm clear  
20 it was Officer Claudio, I think, and the  
21 other name is hard to me. If you mention it,  
22 I can agree.

23 **Q** Fair enough. Hold tight. Cindy  
24 Claudio, you definitely talked with her.

25 **A** Yes.

1                   ATTORNEY JOHNSON: Court's  
2 indulgence, Your Honor.

3                   THE COURT: Sure.

4 **BY ATTORNEY JOHNSON:**

5                   Q Did you talk with an Officer  
6 Francis?

7                   A Yes.

8                   Q Okay. So that's the other  
9 officer you couldn't remember the name?

10                  A I remember one name. I think it  
11 was Agent Hunt or Officer Hunt.

12                  Q Tianna Hunt.

13                  A Yes.

14                  Q You spoke with her?

15                  A Yes. She was there also. I  
16 remember her.

17                  Q And you also spoke with Francis.

18                  A Yes.

19                  Q Here's the question I want to  
20 ask. Who was the very first officer that you  
21 spoke with?

22                  A I don't remember.

23                  Q But it wasn't Officer Tatum, was  
24 it?

25                  A I'm not sure right now. I'm

1       sorry.

2               **Q**     Do you remember Officer Tatum;  
3       yes or no?

4               **A**     No.

5               **Q**     Okay. You don't remember him.

6               **A**     No.

7               **Q**     Did you speak Spanish or English  
8       with Officer Claudio?

9               **A**     I spoke in English and in  
10       Spanish.

11              **Q**     And that's because Officer  
12       Claudio can speak some Spanish?

13              **A**     Yes, and it was easier for me.

14              **Q**     And that is in -- she's pretty  
15       good at speaking Spanish, right?

16              **A**     She understood what I was trying  
17       to say.

18              **Q**     And she was able to talk back  
19       with you in Spanish?

20              **A**     That is right.

21              **Q**     Any other officers that you  
22       remember that spoke Spanish besides Officer  
23       Claudio?

24              **A**     I'm not sure, but I remember I  
25       spoke Spanish because it was easier for me to

1 do.

2 Q When you got to the hospital you  
3 spoke English, though, right?

4 A Yes.

5 Q And when you got to the  
6 hospital, they checked your blood pressure?

7 A Yes.

8 Q Okay. I don't want to -- if  
9 there's a word that you don't understand or a  
10 word that I'm saying with a slang or, you  
11 know, my drawl, let me know.

12 A Thank you.

13 Q They checked your blood  
14 pressure?

15 A Yes.

16 Q They took your temperature?

17 A Yes.

18 Q They weighed you?

19 A Yes.

20 Q Weighed about a hundred and  
21 thirty-ish pounds?

22 A Yes.

23 Q But it was in kilograms; yes?

24 A Pounds. I'm a hundred and  
25 thirty-something pounds.

1           **Q**    But I think they took it in  
2 kilogram.

3           **A**    Oh, okay.

4           **Q**    You remember, or not?

5           **A**    No, I don't remember that.

6           **Q**    Okay. The nurse did a physical  
7 examination of you?

8           **A**    That is correct.

9           **Q**    You remember that nurse?

10          **A**    I don't remember her name.

11          **Q**    Okay. But you remember the  
12 nurse.

13          **A**    Yes.

14          **Q**    You remember what kind of  
15 examination she did?

16          **A**    She check me all -- where I  
17 was -- if I told her I have pain on my neck  
18 she would check my neck.

19          **Q**    Um-hum.

20          **A**    I think she's the one who took  
21 an x-ray. She was checking everywhere I told  
22 her I had a pain.

23          **Q**    So, if you say you have a pain  
24 in the check, she would check your neck?

25          **A**    She would check me, you know.

1           **Q**    I know it's a little bit of a  
2 pain, but I got to do this for the court  
3 record?

4           **A**    She did like a general  
5 examination.

6           **Q**    A general examination.

7           **A**    Yes.

8           **Q**    I'm sure you told her that  
9 Mr. Jaglal choked you, right?

10          **A**    Yes.

11          **Q**    You remember if you told her  
12 that he choked you with both hands?

13          **A**    I don't remember that right now  
14 what words I use, but...

15          **Q**    Okay. But you definitely told  
16 her that he choked you around the neck?

17          **A**    Yes. I have the marks here  
18 (pointing).

19          **Q**    Okay. And she checked your  
20 neck. She examined it with her hands?

21          **A**    She checked my entire body. I'm  
22 not sure of the steps, but...

23          **Q**    Did you have to fully disrobe,  
24 take off all your clothes?

25          **A**    No, I did not have to do that.



1           **Q**    So, she didn't check everything,  
2           right?

3           **A**    She did.

4           **Q**    Let me put this another way.  
5           You said that your elbow had a bruise on it?

6           **A**    Um-hum.

7           **Q**    Did she check your elbow?

8           **A**    If I did this with a sweater I  
9           was wearing, she would check my -- I didn't  
10          have to take all my clothes off.

11          **Q**    Okay. So she checked where you  
12          told her to check?

13          **A**    That is right.

14          **Q**    So, she checked your neck?

15          **A**    Right. My arm, my hip --

16          **Q**    Your arm, your hip.

17          **A**    I'm not sure if my back.  
18          Everywhere I told her, right.

19          **Q**    Okay. You said that one of  
20          those pictures was from your pelvis. Can you  
21          tell us what you mean by that?

22          **A**    That's a picture I took here  
23          (pointing) of this side of my pelvis.

24          **Q**    So that wasn't a picture from  
25          the hospital?

1           **A**    No. Almost all the pictures I  
2 provided wasn't the hospital. It was in the  
3 hotel room. You can see the background.

4           **Q**    You're right. You can see the  
5 hotel room -- well, was it a hotel room or  
6 was it a condo room you were staying at?

7           **A**    It was a condo. It was  
8 Sapphire.

9           **Q**    Is it the Sapphire condo that  
10 you were staying at the same day?

11          **A**    Yes, it was at the same room.

12          **Q**    You didn't move rooms?

13          **A**    It was the same room. I -- the  
14 days I had left on the island I stayed in the  
15 same room.

16                   ATTORNEY JOHNSON: Your Honor,  
17 the Elmo.

18                   THE COURT: Yes.

19                                   *(A photo is shown.)*

20           **BY ATTORNEY JOHNSON:**

21           **Q**    This is the room that you stayed  
22 in the night after?

23           **A**    Yes.

24           **Q**    I believe you testified that you  
25 stayed in there two nights?

1           **A**    Until the 18th, I think. I got  
2 there the 13th and I spend five days there.

3           **Q**    Okay. And you testified that --  
4 I'm sorry. Do you see my finger?

5           **A**    Um-hum.

6           **Q**    This part right here  
7 (indicating), this blue wall, this is where  
8 you hid from Mr. Devin Jaglal?

9           **A**    This is where I what?

10          **Q**    This is where you hid from him  
11 when he -- this is where you hid from him  
12 when he went out to the balcony; is this  
13 right, or did you go somewhere else?

14          **A**    No. When he went to the balcony  
15 I was on the bed.

16          **Q**    You were on the bed. Is that  
17 the bed right there (indicating)?

18          **A**    Yes, the blue with the -- yes.

19                    ATTORNEY JOHNSON: I'm sorry,  
20 Judge, I didn't mean to touch it.

21          **Q**    Right there?

22          **A**    Yes.

23                    THE COURT: Attorney Johnson,  
24 identify the exhibit for the court reporter,  
25 please.

1                   ATTORNEY JOHNSON: Sorry,  
2 Judge.

3                   That's Exhibit 4, and that's  
4 Exhibit 5.

5 **BY ATTORNEY JOHNSON:**

6                   **Q** On Government's Exhibit 5, this  
7 is the bed that was in the condo?

8                   **A** That is right.

9                   **Q** This is the only bed in the  
10 condo?

11                  **A** Yes.

12                  **Q** It is not closed in by any  
13 walls, is it?

14                  **A** No, it's not.

15                  **Q** So if we look back at Exhibit 4,  
16 that's the same bed?

17                  **A** Yes.

18                  **Q** You don't have to open the door  
19 to leave the bedroom.

20                  **A** No.

21                  **Q** You don't have to slide any kind  
22 of glass to leave the bedroom.

23                  **A** No.

24                  **Q** And in your own words, how big  
25 was this condo; a small condo?

1           **A**    No.  It had plenty buildings.

2           **Q**    Well, I guess I meant how big  
3 was your particular condo you guys stayed in.  
4 This room 206.

5           **A**    I think it only had two floors.

6           **Q**    Okay.  So this was on the first  
7 floor?

8           **A**    Second floor.

9           **Q**    Second floor.  Where my finger  
10 is on Exhibit 4; you see that?

11          **A**    Yes.

12          **Q**    Is that the sliding glass door  
13 out to the balcony?

14          **A**    Yes.

15          **Q**    Is that where Devindra Jaglal --  
16 sorry.  Devin Jaglal went to talk with the  
17 neighbors?

18          **A**    Yes.

19          **Q**    To yell at the neighbors --

20          **A**    Yes.

21          **Q**    -- I believe is what you  
22 testified to.

23          **A**    Yes.

24          **Q**    And you were on this bed right  
25 here when he did that?

1           **A**    On the bed, yes.

2           **Q**    At one point you said you were  
3 right next to this wall?

4           **A**    Yes.

5           **Q**    You didn't take this picture,  
6 did you?

7           **A**    No, I did not.

8           **Q**    But you know where this picture  
9 was taken from, right?

10          **A**    Yes.

11          **Q**    This picture was taken from  
12 right in front of the door, right?

13          **A**    A few steps, almost.

14          **Q**    Okay. Can you tell how many  
15 steps?

16          **A**    I'm not sure, but you have a  
17 door, the bathroom door, and you have like  
18 another space like that, like the wall here  
19 (pointing).

20          **Q**    So you're saying there would be  
21 another wall behind?

22          **A**    Yes, behind the -- so the door  
23 for the bathroom is here. It has a wall side  
24 here and a wall side here. It's like in the  
25 middle.

1 Q Okay. This is a closet to the  
2 left?

3 A Yes.

4 Q Where do you have to go to go to  
5 the bathroom?

6 A The bathroom is that door on the  
7 wall, on the blue wall.

8 Q This is the bathroom?

9 A No, the one on the right. Right  
10 where you are pointing --

11 Q Um-hum?

12 A -- that's the door.

13 Q That's the door to the bathroom?

14 A Yes.

15 Q So when you're in the bathroom,  
16 how many steps away from the door were you?

17 A I'm not sure.

18 Q A few, right?

19 A Yes.

20 ATTORNEY JOHNSON: Your Honor,  
21 is there any way to clear the marks? I  
22 apologize for doing that.

23 THE COURT: All right.

24 THE CLERK: Attorney Johnson,  
25 touch the corner. The bottom left right

1 there, hit your X. Okay, she's going to show  
2 you.

3 (Brief Pause)

4 ATTORNEY JOHNSON: All right,  
5 there we go. I apologize for doing that.  
6 I'll try not to touch this thing.

7 THE COURT: All right.

8 **BY ATTORNEY JOHNSON:**

9 Q This hallway stretches the  
10 entire condo; is that right?

11 A The hallway what? I'm sorry.

12 Q Looking down this hallway from  
13 where this person is taking this picture, you  
14 stood right there before, right?

15 A Yes, I was.

16 Q And you can see the play-glass  
17 windows that can be split?

18 A Um-hum.

19 Q So you can see from the front of  
20 the condo to the back of the condo; is that  
21 fair to say?

22 A After the -- for the balcony,  
23 the view you have is like boats.

24 Q Can you see boats out of that  
25 window?



1           **A**    Yes.

2           **Q**    Okay. Can you see boats from  
3 standing here out that window?

4           **A**    If you stand out on the balcony  
5 you can see the boats from there.

6           **Q**    Okay. These clothes right here  
7 (pointing), I'm assuming these are your  
8 clothes?

9           **A**    Yes.

10          **Q**    There's a brazier there, there's  
11 a pink clothing. Is that your suitcase?

12          **A**    One of those, yes. Everything  
13 there, yes.

14          **Q**    It looks like three suitcases.

15          **A**    Yes.

16                    ATTORNEY JOHNSON: That's on  
17 Exhibit 4, Your Honor.

18                    THE COURT: Okay.

19          **Q**    Back to Exhibit 5. Was there  
20 anywhere else to put your clothes?

21          **A**    The closet.

22          **Q**    Yes. A dresser or a drawer,  
23 somewhere to put your clothes?

24          **A**    I think we had a dresser in  
25 front the bed, but I'm not really sure.

1           **Q**   Well, back to Exhibit 4, there's  
2 the front of the bed.

3           **A**   Yes. There was like a dresser  
4 with the drawers in front of the bed with a  
5 mirror in front of it.

6           **Q**   Okay. Now, you didn't mention  
7 that he was throwing clothes around on  
8 November 15, 2020?

9           **A**   I mentioned that?

10          **Q**   I don't believe you did.

11          **A**   Oh.

12          **Q**   So I'll ask you. Was he  
13 throwing clothes around on November 15, 2020?

14          **A**   No.

15          **Q**   Was he taking your suitcases and  
16 taking clothes out willy-nilly?

17          **A**   No.

18          **Q**   No? Was he doing it with his  
19 clothes?

20          **A**   No.

21          **Q**   Is it fair to say that you guys  
22 were living out of those suitcases for the  
23 short weekend you were here?

24          **A**   Just the way you see on the  
25 floor is the towel I had and, that's all I

1 recognize. Maybe a panty I was wearing.

2 Q I'm sorry, say that again?

3 A That's all I recognize. The  
4 towel where you see on the floor is what we  
5 were wearing, probably, the night.

6 Q I might not be understanding  
7 you. Let me ask this again.

8 THE COURT: Keep your voice up  
9 for everyone, please.

10 THE WITNESS: Sorry.

11 **BY ATTORNEY JOHNSON:**

12 Q Were you or were you not living  
13 out of your suitcase? Do you know what I  
14 mean by that phrase?

15 A That we were taking the  
16 clothes --

17 Q Yes.

18 A Yes, that is correct.

19 Q Okay. Was Devin Jaglal living  
20 out of his suitcase?

21 A I think he was also, I'm not  
22 sure about that.

23 Q Okay. You don't remember him  
24 putting anything in the dresser drawer that  
25 you mentioned?

1           **A**    I don't remember.

2           **Q**    Okay. In this photo,  
3 Government's 4, there is two chairs in the  
4 back.

5           **A**    There was a table there.

6           **Q**    There was a table. I'm assuming  
7 there was a TV in this condo.

8           **A**    I think the TV was next to the  
9 glass door from the balcony.

10          **Q**    Um-hum.

11          **A**    I think that's where it was.  
12 I'm not sure, but I think there was a TV  
13 there, a small one.

14          **Q**    Back to Exhibit 5. This is  
15 where I get -- I don't want to get your  
16 testimony wrong. You said that he pushed you  
17 up against the wall near those mirrors?

18          **A**    Yes.

19          **Q**    Okay. And you said that this  
20 took at least an hour, the entire attack?

21          **A**    Yes.

22          **Q**    Possibly two?

23          **A**    At least an hour.

24          **Q**    At least an hour. He didn't  
25 push you up against any table?

1           **A**    Not the table. The entire thing  
2 happened between the bed, all that area. The  
3 bathroom, we were going in and out like  
4 around, but mostly in the bed, because I was  
5 laying on the bed. And that is where he was  
6 on top of me.

7           **Q**    Okay. So I think back to  
8 Exhibit 4 we can kind of figure this out.  
9 You see these tiles that I'm pointing my pen  
10 to?

11          **A**    Um-hum.

12          **Q**    Those look like about a foot by  
13 a foot tile. Do you know what I mean by a  
14 foot by a foot? Maybe more my foot that  
15 yours; is that fair to say?

16          **A**    Yes.

17          **Q**    Okay. So, we can calculate one,  
18 two, three, four, five. And then you pass  
19 this wall into the bedroom; is that right?

20          **A**    Yes.

21          **Q**    So about five feet, and you're  
22 from the bedroom to the bathroom. Over two  
23 hours -- sorry. Over an hour he's pushing  
24 you, right?

25          **A**    He's pushing me, he's walking

1 around.

2 Q He's slapping you?

3 A Yes.

4 Q He's choking you with both  
5 hands?

6 A Yes.

7 Q He's hitting you on the back and  
8 he's hitting on your body?

9 A He wasn't hitting me in the  
10 back. That happened when he asked me to go  
11 to the bathroom, he did this (demonstrating).  
12 He kicked me with his feet.

13 Q So he's kicking you on your  
14 body?

15 A He did that once, and that's why  
16 I had that here because he kick me with his  
17 foot.

18 Q Forgive me. Did you testify  
19 that he punched you?

20 A We were fighting like -- I was  
21 pushing him back and -- I was like -- he was  
22 sitting here on top of me. He was grabbing  
23 my neck, slapping me, I was pushing him. He  
24 would walk around. I was crying, screaming.  
25 He would tell me that he was going to kill

1 me, and I was screaming back, *please don't*  
2 *kill me.*

3 Q And he was punching you as well?

4 A Yes.

5 Q Okay. With the closed fist?

6 A With the what?

7 Q With a closed fist, like I'm  
8 making with my fist.

9 A But not in my face.

10 Q Well, where was he pushing you?

11 A He was lapping me with his open  
12 hands.

13 Q Uh-hum.

14 A He was -- when he was -- he  
15 grabbed me, he throw me here, there, he would  
16 grab me again, he will throw me again in the  
17 bed.

18 Q So, you said, yes, he was  
19 punching you?

20 A Yes.

21 Q Where on your body did he punch  
22 you; do you remember?

23 A It was all over the place. He  
24 was -- I was like this (demonstrating).

25 Q But he didn't punch you in the

1 face, right?

2 **A** No. He just slap me.

3 **Q** And he didn't punch you in the  
4 butt?

5 **A** He kick you.

6 **Q** He kicked you in the butt?

7 **A** The hip, that was a kick. He  
8 kicked me.

9 **Q** So he kicked you in the hip and  
10 the butt?

11 **A** Yes. It was with his fist, yes.

12 **Q** Did he punch you in the stomach?

13 **A** I don't remember that.

14 **Q** Okay. So, no, he did not punch  
15 you in the stomach.

16 **A** I said I don't remember that.

17 **Q** Okay. Did he punch you in the  
18 chest?

19 **A** No.

20 **Q** Did he punch you on the  
21 shoulder?

22 **A** He was grabbing me around. He  
23 was pushing me through everything.

24 **Q** Yes. You testified that -- you  
25 actually said the words, *we were fighting,*



1 and you were pushing back.

2 **A** To get him off of me.

3 **Q** Yes. And he grabbed you by the  
4 elbow. But did he ever punch you in the  
5 shoulder that you remember?

6 **A** Like this on my shoulder?

7 **Q** Yes. I'm trying to figure out  
8 where he punched you. It sounds like you're  
9 saying that he punched you, but I'm having a  
10 hard time figuring out where he -- did he  
11 land a blow with his closed fist like this  
12 (demonstrating)? You don't know?

13 **A** He was doing everything at the  
14 same time. He will push me through the wall,  
15 he would get me out of the floor, he will  
16 slap me, he will choke me, he will walk  
17 around, he will yell, he will do everything  
18 at the same time.

19 **Q** I believe you said that he would  
20 pull your hair to?

21 **A** He did everything.

22 **Q** I believe you said that he  
23 grabbed the sweater that you had on.

24 **A** He grabbed me -- dragged me by  
25 my sweater when I tried to go to the door.

1           **Q**    He grabbed you from behind?

2           **A**    Yes.

3           **Q**    On that sweater?

4           **A**    Yes.

5           **Q**    That's not the sweater that you  
6 were photographed in at the hospital?

7           **A**    No, it was a blue one.

8           **Q**    Okay. Was that sweater torn?

9           **A**    Was that sweater what?

10          **Q**    Did he tear the sweater when he  
11 pulled it?

12          **A**    No.

13          **Q**    No. Did he stretch the sweater  
14 when he pulled it? Did you have to get a new  
15 sweater?

16          **A**    It wasn't even my sweater. It  
17 was one of his sweaters, but...yes.

18          **Q**    Okay. When he grabbed the  
19 sweater and you said you were going towards  
20 the door, it pulled back on your neck; is  
21 that right?

22          **A**    Yes.

23          **Q**    So, he's choked you twice with  
24 both hand, fair to say?

25          **A**    He choked me more than twice.

1 Q More than twice?

2 A Yes; absolutely.

3 Q Okay. Three times, yes?

4 A He choke me many times.

5 Q Many times. Was it more than  
6 four times?

7 A It wasn't just like I'm choking  
8 you, and that's it. It was *I'm going to kill*  
9 *you*, like this.

10 Q You testified that you lost  
11 consciousness when he choked you?

12 A I did for a few seconds.

13 Q In fact, I believe you testified  
14 you lost consciousness twice when he choked  
15 you?

16 A I only recall once for a few  
17 seconds.

18 Q You didn't tell the doctor that  
19 you lost consciousness, did you?

20 A I don't remember, but it should  
21 be on the report.

22 Q You didn't tell the nurse that  
23 you lost consciousness, did you?

24 A As I said, I don't remember.

25 Q You didn't tell the nurse that

1 he punched you in the stomach, did you?

2 **A** I don't remember. Everything I  
3 said must be on the report.

4 **Q** But you did tell him that you  
5 were worried about your baby, right?

6 **A** I was pregnant at the time, yes.

7 **Q** About six weeks?

8 **A** Don't remember. I know I was  
9 pregnant.

10 **Q** So, you don't remember how far  
11 along you were?

12 **A** No.

13 **Q** You don't remember telling the  
14 doctor whether or not he punched you in the  
15 stomach?

16 **A** I don't remember that.

17 **Q** You didn't tell the doctor that  
18 he kicked you in the stomach, did you?

19 **A** I don't remember. That should  
20 be there.

21 **Q** Okay. You don't remember  
22 telling the doctor that he pulled you by the  
23 hair, did you?

24 **A** I don't remember that. I didn't  
25 get into much details with the doctors, just

1 what, you know, at the moment was, I was  
2 worried about. That's what I mentioned.

3 Q So you got into more details  
4 with the police officers than with the  
5 doctors?

6 A That is right.

7 Q You got in more details with the  
8 police officers than you did with the nurse;  
9 is that fair to say?

10 A Yes.

11 ATTORNEY JOHNSON: One second,  
12 Your Honor.

13 THE COURT: Sure.

14 Q At the ER you saw a nurse and  
15 then you saw a doctor. Do you remember the  
16 doctor's name?

17 A I don't.

18 Q Have you talked with your -- not  
19 your attorney, but have you talked with the  
20 prosecutors about who the doctor is?

21 A Yes.

22 Q Okay. Have you met with that  
23 doctor since November 15th of 2020?

24 A No.

25 Q So the only time he has examined

1 you is on November 15th going into the  
2 morning of November 16, 2020?

3 **A** That is right.

4 **Q** He examined your head, right?

5 **A** I don't remember.

6 **Q** You don't remember if he  
7 examined your ears?

8 **A** No, I don't remember that.

9 **Q** You don't remember if he  
10 examined your nose or throat?

11 **A** Only the throat because I  
12 probably mentioned about the throat.

13 **Q** You mentioned that you felt  
14 soar, right?

15 **A** Yes.

16 **Q** You remember how soar you felt?

17 **A** What do you mean, should I  
18 explain it?

19 **Q** Yes, please. How soar were you  
20 when you went to meet with the doctor? How  
21 soar was your throat?

22 **A** The next day was worse. The --  
23 it was red and it hurt when talking or  
24 sipping water.

25 **Q** On a scale of zero, it doesn't

1 hurt to ten, this is the worse pain in my  
2 life, do you remember tell the doctor how bad  
3 it hurt?

4 **A** I don't remember a number. If I  
5 give a number, I don't remember.

6 **Q** The doctor actually asked you  
7 twice, possibly the nurse --

8 **A** Okay.

9 **Q** -- how bad you were hurting.

10 **A** Okay.

11 **Q** Do you remember the second time  
12 that you went -- that you told the doctor how  
13 bad it hurt?

14 **A** No.

15 **ATTORNEY JOHNSON:** Court's  
16 indulgence, Your Honor.

17 **THE COURT:** Sure.

18 **Q** If you were able to review one  
19 of the medical records, would that help you  
20 with your memory?

21 **A** Okay.

22 **Q** It's a yes or no question. Is  
23 that a yes?

24 **A** Yes.

25 **Q** If I were to show you where you

1 said to the nurse how bad it felt, would that  
2 help your memory?

3 **A** If it's write down in there,  
4 yes.

5 **Q** It's written down because you  
6 told them, right?

7 **A** All right.

8 **Q** I'm more or less asking. They  
9 didn't make up anything in these medical  
10 records, did they?

11 **A** They what?

12 **Q** They didn't make up anything in  
13 these medical records --

14 **ATTORNEY RILEY:** Your Honor,  
15 I'm going to object to this line of  
16 questioning. The document that Attorney  
17 Johnson is referring to is a document that  
18 was created by somebody other than the  
19 witness on the stand, therefore she should  
20 not be impeached on it or questioned about  
21 what was on that piece of paper.

22 **ATTORNEY JOHNSON:** She has  
23 personal knowledge about it and she just  
24 testified --

25 **THE COURT:** She's the one that



1 reported the information to the medical  
2 official.

3 ATTORNEY RILEY: I understand  
4 that, Your Honor, but she can only be  
5 impeached on her own prior statement. These  
6 are not her prior statement, they are  
7 statements that were written by a medical  
8 professional. The medical professional would  
9 be here to testify.

10 ATTORNEY JOHNSON: She's not  
11 being impeached. I'm just simply refreshing  
12 her memory. I believe I've established --

13 THE COURT: You can do that.

14 ATTORNEY JOHNSON: Thank you,  
15 Your Honor.

16 And I apologize for the delay, Your  
17 Honor.

18 THE COURT: No problem.

19 ATTORNEY JOHNSON: I've got a  
20 green highlighter. This is my document, it's  
21 not the Court's. I just want to make sure  
22 I'm not going to mark on the Court's  
23 document. Marshall.

24 THE COURT: Okay. Repeat the  
25 question again, Attorney Johnson.

1 ATTORNEY JOHNSON: Yes, Your  
2 Honor.

3 **BY ATTORNEY JOHNSON:**

4 Q Do you remember, on a scale of  
5 zero to ten, how painful it was when you went  
6 to the hospital? How much pain you were in?

7 A I don't remember.

8 Q Look at that document. I've  
9 highlighted something I think would refresh  
10 your memory in green. Can you read what I  
11 highlighted in green?

12 A *Intensity now, 10.*

13 Q Thank you. Do you remember  
14 telling the doctor how painful it was when  
15 you left the hospital?

16 A I don't remember that either.

17 ATTORNEY JOHNSON: Marshall,  
18 may I have that document, please?

19 I apologize, Your Honor.

20 THE COURT: No problem.

21 *(Brief Pause)*

22 ATTORNEY JOHNSON: One second,  
23 Your Honor.

24 THE COURT: Sure.

25 ATTORNEY JOHNSON: I don't

1 want to take up anymore of the Court's time  
2 on that.

3 Q Do you remember you said on  
4 direct that they gave you x-rays, right?

5 A Yes.

6 Q They x-rayed your elbow?

7 A I don't remember what, but I do  
8 remember being in the room.

9 Q You remember two x-rays?

10 A I don't remember. I remember  
11 being in the room, not what they did x-ray of  
12 or how many. I remember being there.

13 Q So you don't remember that the  
14 x-rays came back with no fractures, right?

15 A Yes, I do remember that.

16 Q Because you didn't have any  
17 broken bones?

18 A That is right.

19 Q You didn't have any torn  
20 ligaments?

21 A That is right.

22 Q You didn't have any back issues?

23 A No.

24 Q You didn't have any neck issues,  
25 did you, from the x-ray?

1           **A**    No.  The x-rays were good, I  
2 think, but I don't remember which part of my  
3 body they took it.

4           **Q**    They didn't put you into a neck  
5 brace or anything like that.

6           **A**    No.

7           **Q**    You know what a neck brace is?

8           **A**    No.

9           **Q**    They didn't put you into any  
10 kind of a cast?

11          **A**    (No response).

12          **Q**    They didn't put you in -- is  
13 that a no?

14          **A**    No, no.

15          **Q**    And they didn't put you into any  
16 kind of stabilization to keep your neck from  
17 moving around?

18          **A**    No.

19          **Q**    Nothing serious like that?

20          **A**    No.

21          **Q**    In fact, they just prescribed  
22 you Tylenol; is that right?

23          **A**    That is right.

24          **Q**    For the bruises.  So you do  
25 remember that?

1           **A**    Yes.

2                    ATTORNEY JOHNSON:  Court's  
3  indulgence, Your Honor?

4                    THE COURT:  Sure.

5  **BY ATTORNEY JOHNSON:**

6                    **Q**    Before today have you signed any  
7  document stating what your injuries were?

8                    **A**    No.

9                    **Q**    Okay.  I'm assuming they didn't  
10 have you sign a full-blown statement at the  
11 hospital, right?

12                   **A**    No, none that I remember.

13                   **Q**    Probably just signed a waiver,  
14 right?

15                   **A**    Yes.

16                   **Q**    Probably just signed something  
17 to make sure that you get the proper medical  
18 care?

19                   **A**    Yes.

20                   **Q**    Did the police have you sign any  
21 kind of a written statement?

22                   **A**    I haven't signed anything that I  
23 remember.  If you have something, I would  
24 agree if I did.

25                   **Q**    Did you write a written

1 statement for the police?

2 **A** If I write a statement for what?

3 **Q** For the police, the VIPD?

4 **A** I don't remember if I write. I  
5 didn't wite anything.

6 **Q** Okay. So is that you don't  
7 remember or you did not write anything?

8 **A** No, I did not write anything.

9 **Q** You did not write anything, you  
10 did not sign anything for the VIPD?

11 **A** No.

12 **Q** You pushed Devin back, you  
13 testified to that; does that mean that you  
14 were fighting him back?

15 **A** I was pushing him away from me.

16 **Q** And at some point you said you  
17 gave up; is that right?

18 **A** That's right.

19 **Q** Okay. So before you gave up you  
20 were fighting back, right?

21 **A** I was pushing him and screaming.  
22 That was my way to fight back.

23 **Q** And if I remember right, you  
24 testified that this started when he tried to  
25 take your phone; is that right?

1           **A**    That is right.

2           **Q**    And you turned your phone off.

3           **A**    Yes.

4           **Q**    Has he ever had access to your  
5 phone before?

6           **A**    None that I remember. No. I'm  
7 not aware of that, if he did, but I don't  
8 know.

9           **Q**    You guys were together for three  
10 months?

11          **A**    Yes.

12          **Q**    Not a very long relationship,  
13 right?

14          **A**    No.

15          **Q**    Do you remember ever giving him  
16 your phone?

17          **A**    No.

18          **Q**    Did you give him your phone  
19 while you were on that snorkel cat the entire  
20 day?

21          **A**    No.

22                    ATTORNEY RILEY: Objection,  
23 Your Honor, as to relevance.

24                    THE COURT: Overruled.

25            **BY ATTORNEY JOHNSON:**

1           **Q**    And you did not want to give him  
2 your phone when he wanted it that night,  
3 right?

4           **A**    That is right.

5                    ATTORNEY JOHNSON:  One second,  
6 Your Honor.

7                    THE COURT:  Sure.

8                    ATTORNEY JOHNSON:  Thank you,  
9 Your Honor.

10           **Q**    So the fight started over the  
11 phone after you had been drinking for at  
12 least half the day; is that correct?

13           **A**    Yes.

14           **Q**    After Devin had been drinking  
15 for half the day?

16           **A**    Yes.

17           **Q**    After you each had been smoking  
18 weed?

19           **A**    Yes.

20           **Q**    Marijuana?

21           **A**    Yes.

22           **Q**    You did not trust him with your  
23 phone, that's fair to say, right?

24           **A**    Yes.

25           **Q**    Did he have your passport on



1 your phone?

2 **A** No.

3 **Q** Has he ever had your passport on  
4 his phone?

5 **A** No.

6 **Q** Was his phone dead when you got  
7 back to the condo?

8 **A** No.

9 **Q** It wasn't? You don't remember  
10 that?

11 **A** No. He just wanted to call my  
12 friend from my phone.

13 **Q** Okay. When you went to the  
14 bathroom, correct me if I'm wrong, but at  
15 some point Devin went out to the balcony; is  
16 that right?

17 **A** When I was on the bed.

18 **Q** When were you in the bed?

19 **A** Yes.

20 **Q** He never went to the balcony  
21 while were you in the bathroom?

22 **A** He went to the bathroom also,  
23 yeah, he gave me a pill.

24 **Q** He went to the balcony after he  
25 gave you a pill?

1           **A**    No, no, no. He went to the  
2 balcony when I was on the bed. He was  
3 fighting with me, he was yelling, he was  
4 walking around. He walked outside, and is  
5 when the -- where the neighbor saw him, *hey*  
6 *we called the police.*

7           **Q**    And you have to -- when you  
8 enter the balcony, is that a sliding glass  
9 door? I'm assuming it is.

10          **A**    It was open, yes.

11          **Q**    So he didn't stick his head out;  
12 he entered the entire -- he got on to the  
13 balcony, right?

14          **A**    Yes.

15          **Q**    Okay. Where were you when he  
16 did this?

17          **A**    In the bed, the same corner.

18          **Q**    Okay. That bed that was five  
19 feet away from the door?

20          **A**    Um-hum.

21          **Q**    And you had your own key, right?

22          **A**    It was a password for the -- for  
23 the room, you said?

24          **Q**    Um-hum. I don't know that.

25          **A**    We use a password to get in.

1           **Q**    So you type in two or three  
2 numbers to get into the room?

3           **A**    Yes.

4           **Q**    You don't have to type in any  
5 numbers to get out of the room?

6           **A**    No, we had lockers inside, like  
7 one or two lockers to open the door.

8           **Q**    Dead bolts?

9           **A**    That it was one lock like this  
10 or the ones that you close like this, and the  
11 one on the handle of the door.

12          **Q**    Okay. That will click if you  
13 click on the handle, is what you're saying?

14          **A**    The one that you turn like the  
15 ones there.

16          **Q**    I think I know what you're  
17 talking about. The important question is, do  
18 you need a key to get out of that apartment?

19          **A**    No.

20          **Q**    The condo. You don't need a key  
21 to get out of that condo, do you?

22          **A**    No.

23          **Q**    You just turn the dead bolt if  
24 it's locked?

25          **A**    Uh-huh.

1           **Q**    So you just turn that knob?

2           **A**    It was lock.

3           **Q**    It was lock?

4           **A**    Yes.

5           **Q**    Okay. But you can open the door  
6 from the inside without a key?

7           **A**    I can unlock it from the inside,  
8 if that's what you're asking.

9           **Q**    All you have to do is turn that  
10 dead bolt and maybe open the door handle and  
11 turn that little click on the door?

12          **A**    Yes, and run from him also.

13          **Q**    Did you ever have any problems  
14 before opening that door from the inside?

15          **A**    Before that day?

16          **Q**    Yes.

17          **A**    No. I never tried to escape  
18 from him.

19          **Q**    I'm not asking you if you tried  
20 to escape from him. I'm asking, is there any  
21 problem with the door?

22          **A**    None that I remember, no.

23          **Q**    You guys didn't have to call  
24 maintenance or anything like that?

25          **A**    No.

1           Q    The door opened fine, and it  
2 shut fine?

3           A    Yes.

4           Q    And of course it lock and  
5 unlock?

6           A    Yes, that's correct.

7                    ATTORNEY JOHNSON: Court's  
8 indulgence, Your Honor.

9                    THE COURT: Sure.

10 **BY ATTORNEY JOHNSON:**

11           Q    There was security at the condo,  
12 right?

13           A    Yes.

14           Q    A guard that goes by every now  
15 and then, right?

16           A    No response.

17           Q    Yes or no?

18           A    Yes, I'm sorry.

19           Q    Did you ever meet that security  
20 guard?

21           A    We saw her when we go out, and  
22 when we get in we saw her.

23           Q    Okay. So she would go right in  
24 front of the condo?

25           A    She was inside of this, like a

1 little room. She was inside there the whole  
2 time.

3 Q Like a little booth?

4 A Yes.

5 Q How far away was that booth from  
6 the front door of your condo?

7 A It was pretty far.

8 Q Okay.

9 A It was far.

10 Q But you saw her --

11 A From my room I couldn't saw her.  
12 She was far from the -- the entrance was far  
13 from our condo because there were a few  
14 buildings.

15 Q This is on the other side of the  
16 building?

17 A The what, the entrance?

18 Q The booth with the security  
19 guard.

20 A It's in the entrance of the  
21 condo, and the building far from there.

22 Q You're talking about -- I think  
23 I know where you're talking about. You're  
24 talking about the entrance when you turn into  
25 Sapphire Bay?

1           **A**    Yes.

2           **Q**    Okay.

3           **A**    It was far from our building.

4           **Q**    Um-hum. But there was no other  
5 security guard patrolling besides that person  
6 in the booth?

7           **A**    She's the only one I saw every  
8 time we used to get in and out the condo.

9           **Q**    You had -- you stated that he  
10 gave you a pill when you were in the  
11 bathroom?

12          **A**    Yes.

13          **Q**    And you spit that pill out?

14          **A**    Yes, I did.

15          **Q**    Do you remember telling the  
16 nurse about that?

17          **A**    No.

18          **Q**    You told the police about it  
19 though, right?

20          **A**    I did.

21          **Q**    You told Cindy Claudio, right?

22          **A**    The officer that was there, yes.

23          **Q**    Did you tell any other officers  
24 about him trying to poison you?

25          **A**    About him trying to what, I'm

1       sorry.

2               **Q**    Poison you.

3               **A**    I don't remember who I told  
4 exactly, but I know I mentioned it to the  
5 police.

6               **Q**    Okay. That was my word, but how  
7 would you describe it?

8               **A**    How will what?

9               **Q**    How would you describe him  
10 forcing you to take a pill?

11              **A**    He put the pill inside my mouth.

12              **Q**    And then you spit it out once he  
13 went away, right?

14              **A**    He was getting up and he heard  
15 me when I did it.

16              **Q**    Do you remember Devin talking  
17 with the neighbors next door?

18              **A**    That night?

19              **Q**    Yes.

20              **A**    Yes. Not talking nicely.

21              **Q**    Not talking nicely?

22              **A**    No. He was being aggressive to  
23 them because he thought they were my friends.

24              **Q**    And Devin did never say call the  
25 police?



1           **A**    The neighbors told him that they  
2 called the police, that -- they asked him  
3 what was happening in the room, that the  
4 police was on their way.

5           **Q**    So Devin knew that the police  
6 were on their way?

7           **A**    Yes. The neighbors told him.

8           **Q**    So the neighbors called the  
9 police, but you don't remember Devin saying  
10 go ahead and call the police?

11          **A**    No, he never asked anyone to  
12 call the police.

13          **Q**    Okay. Besides your -- besides  
14 him pulling you from that sweater, are you  
15 testifying that he actually kept you in that  
16 apartment, that condo?

17          **A**    Yes.

18          **Q**    Okay. How else did he keep you  
19 in the condo?

20          **A**    That night?

21          **Q**    Um-hum.

22          **A**    When I run the door that he grab  
23 me, I didn't try it again.

24          **Q**    So you only tried it one time?

25          **A**    Yes.

1           **Q**    Okay. Now, when he was pulling  
2 you from behind with the sweater, this is  
3 when he was assaulting you, right?

4           **A**    He was assaulting me the whole  
5 time.

6           **Q**    I understand. But when he was  
7 doing this, he pulled you from behind with  
8 the sweater. Was he throwing a punch? Was  
9 he throwing a kick? Was he throwing a slap?  
10 Was he pushing you?

11          **A**    He was doing everything at the  
12 same time. He was out of his mind.

13          **Q**    And so he was doing that while  
14 he was pulling you?

15          **A**    I recall he grabbing me, yes.

16          **Q**    And you told the police this?

17          **A**    I probably did.

18          **Q**    Probably, or did?

19          **A**    If it's there, I did. I don't  
20 remember all this. It was a lot. I don't  
21 remember the same words I used with the  
22 police or the doctors.

23          **Q**    But surely, you told him -- told  
24 them that he was grabbing you from behind and  
25 keeping you from existing the condo?

1           **A**    I mentioned everything that I  
2           told.

3           **Q**    You told them that he was  
4           choking you with both hand; you told them  
5           that he was beating on you with a closed  
6           fist; he was slapping you; he was kicking  
7           you, and he was pushing you?

8           **A**    The police is aware of  
9           everything he did that night.

10          **Q**    I didn't see anything broken in  
11          that apartment?

12          **A**    Okay.

13          **Q**    Did you testify that there was  
14          anything broken? The table was broken?

15          **A**    No.

16          **Q**    The chairs? Were any of the  
17          chairs broken?

18          **A**    Everything happened from the  
19          room to the bathroom, outside, between the  
20          spaces.

21          **Q**    You have already testified the  
22          TV was there, and it wasn't broken?

23          **A**    The TV was close, next to the  
24          balcony.

25          **Q**    So --

1           **A**    We didn't have any fights in the  
2 kitchen or the table.

3           **Q**    For an entire hour, you stayed  
4 strictly in the bathroom, the bedroom and  
5 that foyer right in front of the door.

6           **A**    All that area, yes.

7           **Q**    All that area. He never pushed  
8 you against another wall except the one in  
9 the bedroom?

10          **A**    He pushed me all around that  
11 area.

12          **Q**    That area.

13          **A**    Yes.

14          **Q**    But not around the entire  
15 apartment?

16          **A**    No. It was from the bathroom to  
17 the -- from the bedroom to the bathroom, all  
18 that space, yes.

19                   ATTORNEY JOHNSON: Court's  
20 indulgence, Your Honor.

21                   THE COURT: Sure.

22                   ATTORNEY JOHNSON: I promise  
23 we're almost done, Your Honor.

24                   THE WITNESS: I hope so.

25           **BY ATTORNEY JOHNSON:**

1           **Q**    Do you remember how many times  
2 he went on the balcony?

3           **A**    How many times he went on the  
4 balcony?

5           **Q**    Yes.

6           **A**    I don't remember.

7           **Q**    Do you remember how many times  
8 he left the condo?

9           **A**    He never left the condo while  
10 that was happening. He just left the room  
11 once to knock on the neighbors, but one door  
12 was next to the other, not even a foot apart.

13          **Q**    So you're saying that he left  
14 the glass door to the balcony to go knock on  
15 that door?

16          **A**    No, no, no. The balcony, he was  
17 yelling at the neighbors from the balcony.  
18 When they told him that they called the  
19 police, he went out the main entrance and he  
20 knock on their door and he start yelling at  
21 them. One door was next to the other. So...

22          **Q**    Um-hum. So he left to go onto  
23 the balcony once, and he left out of the door  
24 once?

25          **A**    Yes.

1           **Q**    And those are the only two times  
2 he left that condo?

3           **A**    Yes.

4           **Q**    Okay.

5           **A**    That room.

6           **Q**    And when he was out on that  
7 balcony, you were on the bed?

8           **A**    Yes.

9           **Q**    Five feet away from the front  
10 door?

11          **A**    Yes.

12          **Q**    That doesn't lock from the  
13 outside?

14          **A**    That is correct.

15          **Q**    That you could unlock without a  
16 key?

17          **A**    I'm not sure.

18          **Q**    This was after nine o'clock at  
19 night, right?

20          **A**    I don't remember the time, but  
21 it was nighttime, yes. It was dark.

22          **Q**    Because you guys had been on the  
23 boat all day and then went to Coki, right?

24          **A**    Yes, it was dark.

25          **Q**    It was dark.

1           **A**    Yes.

2           **Q**    Do you remember your neighbors,  
3 the ones that, according to the opening  
4 statement, called the police to save your  
5 life?

6           **A**    If I remember them?

7           **Q**    Yes. Did you ever talk to them?

8           **A**    Oh, no, that night after  
9 everything happened.

10          **Q**    Do you know how many people were  
11 in that next-door condo?

12          **A**    No, I have no idea. I never  
13 spoke with them before. He went paranoid  
14 because he thought they were my friends and I  
15 told them something.

16          **Q**    You could hear him talking with  
17 them on the balcony, though, right?

18          **A**    Yes. The balcony was open. He  
19 was coming in and out. And he was fighting  
20 with them and telling me stuff because he  
21 thought they were my friends.

22          **Q**    You believe that they could hear  
23 you screaming, right?

24          **A**    They did hear me, that's why  
25 they called the police.

1           **Q**    And they were in the condo right  
2 next door, right?

3           **A**    Yes.

4           **Q**    Right.

5                    ATTORNEY JOHNSON:  Court's  
6 indulgence Your Honor.  I believe we're  
7 almost done.

8                    THE COURT:  Sure.

9                    ATTORNEY JOHNSON:  One last  
10 line of questions, Your Honor, and then I'm  
11 done.

12                   THE COURT:  Sure.

13 **BY ATTORNEY JOHNSON:**

14           **Q**    This went on for at least an  
15 hour and you were screaming.  At what point  
16 did you stop screaming?

17           **A**    When I thought that it wouldn't  
18 help me screaming anymore, so I shut up and I  
19 let -- whatever happen is going to happen, so  
20 I shut up.

21           **Q**    Okay.

22           **A**    I stop screaming.

23           **Q**    So you don't know how long you  
24 were screaming?

25           **A**    I scream for a long time.



1           **Q**    A long time?

2           **A**    Yes.  Almost the whole time I  
3 was either screaming because he was hurting  
4 me, or screaming back at him when he was  
5 telling me that he was going to kill me.  I  
6 was screaming back, *please don't kill me*.  I  
7 remember those words.

8           **Q**    Okay.  So you were screaming, I  
9 assume, at the top of your lungs; is that  
10 right?

11          **A**    I was screaming...

12          **Q**    At the top of your lungs?

13          **A**    Yes.

14          **Q**    Okay.  And you just testified  
15 that you were screaming when he was hurting  
16 you, correct?

17          **A**    Yes, I'm sorry.

18          **Q**    And you were screaming when he  
19 was threatening you?

20          **A**    Yes.

21          **Q**    So when he was talking to you,  
22 you were screaming too, yes?

23          **A**    Yes.

24          **Q**    Okay.  And all of these screams  
25 are at the top of your lungs?

- 1           **A**    Most of them, yes, of course.
- 2           **Q**    Because you were scared?
- 3           **A**    I was afraid, yes.
- 4           **Q**    Because he was threatening you?
- 5           **A**    Yes.
- 6           **Q**    Because he had choked you many
- 7 times, at least twice?
- 8           **A**    Yes.
- 9           **Q**    Correct?
- 10          **A**    Correct.
- 11          **Q**    Because he had punched you?
- 12          **A**    Yes.
- 13          **Q**    Because he had slapped you?
- 14          **A**    Yes.
- 15          **Q**    Because he had kicked you?
- 16          **A**    Yes.
- 17          **Q**    Because he had pushed you up
- 18 against the wall?
- 19          **A**    Yes.
- 20          **Q**    He had pushed you up against
- 21 more than one wall?
- 22          **A**    Yes.
- 23          **Q**    And he had straddled you on the
- 24 bed --
- 25          **A**    Yes.

1 Q -- right?

2 A Yes.

3 Q And you were screaming for most  
4 of that?

5 A Yes.

6 Q So you're screaming for most of  
7 an hour?

8 A I don't know if it was more than  
9 an hour, but I was screaming. I was crying,  
10 I was screaming, I was asking him not to kill  
11 me.

12 ATTORNEY JOHNSON: Thank you,  
13 Your Honor. No further questions.

14 THE COURT: All right. Thank  
15 you.

16 ATTORNEY RILEY: Your Honor,  
17 just one moment. I have redirect.

18 THE COURT: Sure.

19 **REDIRECT EXAMINATION**

20 **BY ATTORNEY RILEY:**

21 Q Miss Ramirez, what happened when  
22 you tried to leave Room 206 on November 15,  
23 2020?

24 A Is when he grab me from my  
25 sweater.

1           **Q**    And after that, why did you try  
2    -- why didn't you try again to leave the  
3    room?

4           **A**    Why I didn't try?

5           **Q**    Why didn't you try after that to  
6    leave the room again?

7           **A**    Because I was afraid because he  
8    was going to get me. The exit, the security  
9    was far from the building. I didn't know we  
10   had neighbors next door because the night  
11   before we didn't hear anyone there. I didn't  
12   know there was anyone there.

13          **Q**    Did you feel you could leave  
14   that room safely?

15          **A**    Of course not.

16          **Q**    Now, you stated that -- defense  
17   counsel asked about the things that the  
18   defendant said to you. Did he tell you  
19   anything about being on St. Thomas?

20          **A**    He just asked me to be quiet and  
21   not say anything because we were on an island  
22   and he had money, and anyone will take care  
23   of me for money.

24          **Q**    What did you take that to mean,  
25   that *anyone will take care of you for money*?

1           **A**    That if I said anything or  
2 someone will take care of me.

3           **Q**    At this time how old were you  
4 again when this occurred?

5           **A**    I was turning 21. It was my  
6 birthday treat.

7           **Q**    And how old was the defendant?

8           **A**    He was 38, 37.

9           **Q**    Now, Counsel also asked you --  
10 went into detail about meeting with myself  
11 and Chief McRae on Sunday, correct?

12          **A**    Correct.

13          **Q**    And was that the first time we  
14 all met?

15          **A**    Yes.

16          **Q**    And what did we meet for?

17          **A**    For this.

18          **Q**    Okay. And at that time, while  
19 you were meeting with us, what did you show  
20 us?

21          **A**    I showed you the notes, I showed  
22 you pictures and I showed you his mother was  
23 calling me.

24          **Q**    And you said his mom was calling  
25 you, when did that happen?

1           **A**    I was in your office when his  
2 mom called me.

3           **Q**    And can you tell me what  
4 happened when his mom called you?

5           **A**    He picked up the phone.

6           **Q**    When you say he picked up --  
7 without saying what he said, when you say *he*  
8 *picked the phone*, do you mean someone in this  
9 courtroom?

10          **A**    The lawyer.

11          **Q**    If I say to my right, Attorney  
12 McRae; is that correct?

13          **A**    Yes.

14                    ATTORNEY JOHNSON: Your Honor,  
15 this is beyond the scope of cross.

16                    THE COURT: Overruled.

17          **BY ATTORNEY RILEY:**

18           **Q**    Is that the first time that --  
19 when you said his mother, whose mother called  
20 you?

21           **A**    Devindra's mom.

22           **Q**    And how do you know it was his  
23 mom?

24           **A**    Because I have her phone number  
25 and her name pop up.

1           **Q**    And is that the first time she's  
2 done that since this incident happened?

3           **A**    No. She also send me a message  
4 asking if I was coming to the island.

5           **Q**    Now, Counsel also asked about  
6 the contact you had with the defendant since  
7 this happened, and you stated -- I'm sorry, I  
8 don't want to lead you. So when was the last  
9 time you think you had contact with the  
10 defendant?

11          **A**    I think it was last year.

12          **Q**    Okay. And since the incident on  
13 November 15, 2020, have you seen the  
14 defendant?

15          **A**    No, we used to do text message.

16          **Q**    Okay. And who initiated those  
17 text messages?

18          **A**    He did.

19          **Q**    And at any time did you -- were  
20 you the first one to text message him?

21          **A**    No, he did. He send me a  
22 location out of nowhere. He send me a text.

23          **Q**    But did you answer him at times?

24          **A**    Yes.

25          **Q**    Why did you answer him?

1           **A**     Because I wanted to be in peace  
2 with everything. I thought by that time  
3 because he went to prison that night, he had  
4 his karma, or how you want to -- I didn't  
5 want to --

6           **Q**     Now, Attorney Johnson also went  
7 over your injuries and asked you if you had  
8 any type of broken bones or a neck brace; did  
9 you?

10          **A**     No, I did not broke anything.

11          **Q**     Okay. And although you didn't  
12 have broken bones or a neck brace, were you  
13 still hurt?

14          **A**     Yes, I was.

15          **Q**     And could you please tell the  
16 Jury what was hurt?

17          **A**     My whole body hurt.

18                   ATTORNEY RILEY: Court's  
19 indulgence, Your Honor.

20                   THE COURT: Yes.

21 **BY ATTORNEY RILEY:**

22           **Q**     Going back to when we met on  
23 Sunday and you stated that the defendant's  
24 mother had messaged you and asked you if you  
25 were coming to island, was his mom



1 encouraging you to testify?

2 **A** No. She asked me for a letter  
3 to deny -- to dismiss this.

4 **Q** And after Chief McRae spoke to  
5 the defendant's mother, what happened?

6 **A** That Sunday?

7 **Q** Yes.

8 **A** They didn't call me again after  
9 he spoke with her.

10 **Q** Prior to Chief McRae talking to  
11 the defendant's mother, were you able to  
12 access the notes that the defendant had?

13 **A** Yes. Right after the call  
14 ended, I was not able to see anything else  
15 from him.

16 **Q** And had you checked right before  
17 she called?

18 **A** I checked right before to send  
19 you everything, and I wasn't able to send  
20 anything. I found those screen shots that I  
21 had that was from a long time ago. The note  
22 was way longer.

23 **Q** Did you try to access them  
24 shortly after that phone call?

25 **A** Yes.

1           **Q**    And what happened?

2           **A**    It wouldn't let me because I had  
3 no permission anymore.

4                    ATTORNEY RILEY:  Court's  
5 indulgence, Your Honor.

6                    THE COURT:  Sure.

7                    ATTORNEY RILEY:  Your Honor, I  
8 have nothing further at this time.

9                    THE COURT:  Very well.

10                   Any recross?

11                   ATTORNEY JOHNSON:  No, Your  
12 Honor.

13                   THE COURT:  Okay.  Thank you.  
14 All right.

15                   We can take a five-minute break at  
16 this point, so you may step down.

17                   Are you going to need her again, do  
18 you think?

19                   ATTORNEY RILEY:  No, Your  
20 Honor.  I would actually ask that she be  
21 excused from the courthouse and she could be  
22 available so we can contact her by phone if  
23 she's needed by either party.

24                   THE COURT:  Okay.  All right.

25                   So thank you very much, Miss

1 Ramirez.

2 THE WITNESS: Thank you, Your  
3 Honor.

4 THE COURT: You're actually  
5 excused.

6 THE WITNESS: Thank you, Your  
7 Honor.

8 THE COURT: Thank you.

9 Five minutes, and we'll resume with  
10 your next witness. Have your witness ready,  
11 please.

12 ATTORNEY MCRAE: Yes, Your  
13 Honor.

14 THE MARSHAL: Will everyone,  
15 please rise.

16 *(After a five-minute*  
17 *recess the testimony*  
18 *continued as follows.)*

19 (Her Honor enters the courtroom)

20 (The Jurors are present)

21 THE CLERK: People of the  
22 Virgin Islands versus Devindra Jaglal.

23 ATTORNEY MCRAE: Good  
24 afternoon, Your Honor. At this time the  
25 People would call Keisha Baynes.

1 THE COURT: Yes. Is it Banks  
2 or Baynes?

3 ATTORNEY MCRAE: I'm going to  
4 say Baynes. B-A-Y-N-E-S, Your Honor.

5 THE COURT: Okay. Baynes.

6 **KEISHA BAYNES,**  
7 after having been first duly sworn as a  
8 witness, testified as follows:

9 THE CLERK: Thank you. Step  
10 forward and be seated, please.

11 ATTORNEY MCRAE: May I proceed  
12 Your Honor?

13 THE COURT: Yes, you may.

14 **DIRECT EXAMINATION**

15 **BY ATTORNEY MCRAE:**

16 **Q** Good afternoon.

17 **A** Good afternoon.

18 **Q** Could you please state and spell  
19 your name for the record?

20 **A** Keisha Baynes. K-E-I-S-H-A  
21 B-A-Y-N-E-S.

22 **Q** And, Miss Baynes, what is your  
23 occupation?

24 **A** I am the HIM supervisor. Health  
25 Information Management.

1 Q And where are you employed?

2 A Schneider Regional Medical  
3 Center.

4 Q And how long have you been  
5 employed at the Schneider Regional Medical  
6 Center?

7 A A little over 25 years.

8 Q And how long have you been  
9 employed in your current position?

10 A Two.

11 Q And what are some of your duties  
12 and responsibilities?

13 A Currently I oversee the running  
14 of the department and managing the different  
15 employees under the decoder and the RII  
16 transcription, dictation -- the daily running  
17 of the office, basically.

18 Q And in regards to this matter,  
19 did you receive a subpoena requesting that  
20 you provide the medical records for an  
21 individual by the name of Miss Rocio Ramirez  
22 Garcia from the dates of November 15, through  
23 and including November 16th, of 2020?

24 A Yes.

25 Q Did you provide those documents?

1           **A**    Yes, I did.

2                    ATTORNEY MCRAE:   Your Honor,  
3           at this time the People would request that  
4           the witness be shown what has previously been  
5           admitted as -- or identified as People's  
6           Exhibit Number 27.

7                    THE COURT:    Yes.

8                    ATTORNEY MCRAE:   And, Your  
9           Honor, may the record reflect that People's  
10          Exhibit Number 27 for identification is being  
11          shown to opposing counsel?

12                   THE COURT:    Yes, so reflected.

13                                *(The exhibit is show to*  
14                                *Counsel and the witness.)*

15          **BY ATTORNEY MCRAE:**

16                    **Q**    Miss Baynes, you have just been  
17          handed what's previously been marked as  
18          People's Exhibit Number 27 for  
19          identification. I ask that you review over  
20          that document and after you have finished  
21          review, just look over the details and let me  
22          know if you have finished.

23                    **A**    This is an emergency room record  
24          that contains the lab work.

25                    **Q**    Let me ask you this. Do you

1 recognize that document?

2 **A** Yes.

3 **Q** What do you recognize it to be?

4 **A** It's an emergency room record  
5 for a patient.

6 **Q** And was that document made by a  
7 person with knowledge of, or information  
8 transmitted by a person with knowledge of the  
9 acts and events that appear on it?

10 **A** Yes.

11 **Q** Was that document made at or  
12 near the acts and events that appear on it?

13 **A** Yes.

14 **Q** Is it a regular practice of the  
15 Schneider Regional Medical Center to make  
16 such a document?

17 **A** Yes.

18 **Q** And was that document kept in  
19 the course of a regularly conducted business  
20 activity of the Schneider Regional Medical  
21 Center?

22 **A** Yes.

23 **ATTORNEY MCRAE:** Your Honor,  
24 at this time the People would move to admit  
25 what has previously been marked as People's

1 Exhibit Number 27 for identification into  
2 evidence as People's Exhibit Number 27.

3 THE COURT: All right. Okay.  
4 Attorney Johnson?

5 ATTORNEY JOHNSON: Your Honor,  
6 thanks. Just one housekeeping measure. The  
7 copy I've got is redacted. I believe it's  
8 just the date of birth that is redacted from  
9 the entire document. Is that document to be  
10 entered into evidence redacted at all?

11 ATTORNEY MCRAE: No.

12 ATTORNEY JOHNSON: No?

13 ATTORNEY MCRAE: No.

14 ATTORNEY JOHNSON: I stipulate  
15 to the authenticity of that record.

16 THE COURT: Of the medical  
17 records?

18 ATTORNEY JOHNSON: Yes, Your  
19 Honor.

20 THE COURT: All right. So  
21 Exhibit 27 is admitted. Thank you. You may  
22 proceed.

23 ATTORNEY MCRAE: Thank you,  
24 Your Honor. I have no further questions for  
25 this witness.



1 THE COURT: Very well. Thank  
2 you.

3 Thank you, Miss Baynes. You may  
4 step down.

5 I'm sorry. Attorney Johnson, do you  
6 have questions?

7 ATTORNEY JOHNSON: No, Your  
8 Honor. I was just making sure that I have  
9 a -- everything seems to be in order.

10 THE COURT: Okay. All right.  
11 Thank you.

12 ATTORNEY RILEY: Your Honor,  
13 the People's next witness is Dr. Robert  
14 Smith.

15 THE COURT: Very well.

16 THE MARSHAL: Please stand  
17 right here and raise your right hand to be  
18 affirmed.

19 THE WITNESS: Thank you.

20 **DR. ROBERT SMITH,**  
21 after having been first duly sworn as a  
22 witness, testified as follows:

23 THE CLERK: Thank you. Step  
24 forward and be seated, please.

25 ATTORNEY RILEY: May I

1 proceed, Your Honor?

2 THE COURT: Yes, you may.

3 **DIRECT EXAMINATION**

4 **BY ATTORNEY RILEY:**

5 Q Good afternoon Doctor. You can  
6 take off your -- yes. Good afternoon,  
7 Doctor. Can you please state your name and  
8 spell it for the Court?

9 A Robert B. Smith. S-M-I-T-H.

10 Q And where do you work,  
11 Dr. Smith?

12 A Roy Schneider Medical Center.

13 Q How long have you worked there?

14 A Three years.

15 Q And in what capacity?

16 A Emergency room physician.

17 Q All right. Prior to this date,  
18 did I request from you a curriculum vitae or  
19 resume?

20 A You did.

21 ATTORNEY RILEY: Your Honor,  
22 at this time I would like to show the witness  
23 what was previously marked as Government's  
24 Exhibit Number 31.

25 THE COURT: Yes, you may.

1                   ATTORNEY RILEY: And I  
2 understand it's in order, Your Honor.

3                   THE COURT: Okay.

4                   Is there a stipulation here with  
5 respect to Exhibit 31?

6                   ATTORNEY JOHNSON: Your Honor,  
7 to be quite honest, I was going to stipulate  
8 to the medical records.

9                   I'm curious as to why there's a  
10 curriculum vitae. I don't believe, and I  
11 would strongly object to this doctor being  
12 put on as an expert. But as a lay witness I  
13 have no objection.

14                  THE COURT: Okay.

15                  ATTORNEY RILEY: Your Honor,  
16 the People aren't admitting him for expert  
17 opinion. But the fact that he does, in the  
18 report, state that --

19                  THE COURT: I'm sorry. You  
20 are or you're not?

21                  ATTORNEY RILEY: I'm not.

22                  THE COURT: Okay.

23                  ATTORNEY RILEY: But in the  
24 report he does state things that a doctor  
25 would state that are opinions in the report

1 that I believe is stipulated to, so that's  
2 why I wanted to give his curriculum vitae  
3 also.

4 THE COURT: He's the treating  
5 physician, correct?

6 ATTORNEY RILEY: Yes.

7 THE COURT: All right.

8 ATTORNEY JOHNSON: Your Honor,  
9 it's hardly a point of semantics. I would  
10 rather -- I would object to this going to the  
11 Jury just to preclude the fact that they  
12 might give his testimony undue weight. It  
13 could be confused with something approaching  
14 expert testimony, and it's a CV.

15 We will stipulate he's a doctor;  
16 we'll stipulate that he is an ER physician.  
17 But a curriculum vitae going to the Jury is  
18 not something that I would necessarily --  
19 well, its relevance is too close to --

20 THE COURT: Understood. All  
21 right.

22 ATTORNEY RILEY: That's fine,  
23 Your Honor, I can move on.

24 THE COURT: Yes, move on.  
25 Thank you.

1 ATTORNEY RILEY: No problem.

2 THE COURT: All right.

3 **BY ATTORNEY RILEY:**

4 Q Now, you state that you work  
5 there for a few years; is that correct?

6 A Yes, ma'am.

7 Q And did you work at the Roy  
8 Schneider Hospital in the ER on November 15,  
9 2020?

10 A I did.

11 Q And were you working as the ER  
12 physician at that time?

13 A I was.

14 Q And I want to direct your  
15 attention to late that night. Did you have  
16 an occasion to treat a Miss Rocio Ramirez?

17 A I did.

18 Q And what were you treating her  
19 for?

20 A I was treating her for complaint  
21 of back pain, hip pain, elbow pain. She  
22 stated that she had been assaulted.

23 Q Did she report to you, if you  
24 remember, did she report to you any neck  
25 pain?

1           **A**    She did.

2           **Q**    And she described to you where  
3 that neck pain came from?

4           **A**    She states that she had been  
5 choked.

6           **Q**    Now, you also stated that she  
7 talked about some other pains about the body;  
8 is that correct?

9           **A**    Yes, ma'am.

10          **Q**    At that time were you able to  
11 see any bruising at that time?

12          **A**    I did not.

13          **Q**    Is that typical when you're  
14 treating somebody?

15          **A**    It can be with contusions. They  
16 can have delayed presentation.

17          **Q**    And when you say *contusions*, and  
18 I believe that's on your report. Can you  
19 just tell the Jury what you mean by  
20 contusions?

21          **A**    Generally it's a mechanism of  
22 injury with accumulation of blood under the  
23 superficial tissues caused by contact.

24          **Q**    Now, based on what she reported  
25 to you, did you order any test of Miss

1 Ramirez?

2 **A** I did.

3 **Q** And what tests were those?

4 **A** I ordered radiographic  
5 examination of the stated affected areas.

6 **Q** And is that, in lay terms,  
7 usually called x-ray?

8 **A** X-rays.

9 **Q** Okay. And, am I correct that  
10 she didn't have any broken bones, correct?

11 **A** Yes, ma'am.

12 **Q** And on that night, did she  
13 report to you -- and if you don't know that's  
14 okay. But did she report to you who caused  
15 these injuries to her?

16 **A** She stated that it was her  
17 boyfriend.

18 **Q** Okay. Was anyone else at the  
19 hospital with her that night?

20 **A** Yes. She had a patient advocate  
21 with her.

22 **Q** But even if she had a patient  
23 advocate, were you able to freely speak with  
24 her about what was going on?

25 **A** Yes, ma'am.

1           **Q**    Now after the x-rays was there  
2 any other treatment that you gave Miss Rocio  
3 Ramirez?

4           **A**    I ordered an ultrasound to  
5 ensure the safety of her baby for the next  
6 morning, and I treated her with Tylenol and  
7 rest instructions.

8           **Q**    Now, do you often treat  
9 contusions, as you call them?

10          **A**    Yes, ma'am.

11          **Q**    And what Miss Rocio Ramirez  
12 showed, is that common of what is shown of  
13 someone with contusions?

14          **A**    Yes, ma'am.

15          **Q**    And what was your -- what were  
16 your discharge instructions for Miss Rocio  
17 Ramirez?

18          **A**    I gave her discharge  
19 instructions for rest, icing the area and  
20 returning for an ultrasound and follow-up  
21 with her OBGYN.

22          **Q**    Okay.

23                    ATTORNEY RILEY:  Court's  
24 indulgence, Your Honor?

25                    THE COURT:  Yes.



1 **BY ATTORNEY RILEY:**

2 Q When you met with Miss Rocio  
3 Ramirez, do you remember -- how did she  
4 appear to you?

5 A At --

6 Q What was her emotional state at  
7 the time?

8 A I can't really recall.

9 Q And --

10 One moment Your Honor so I can  
11 review my notes?

12 THE COURT: Sure.

13 ATTORNEY RILEY: I have  
14 nothing further of this witness, Your Honor.

15 THE COURT: Very well. Thank  
16 you. Attorney Johnson?

17 ATTORNEY JOHNSON: Yes, Your  
18 Honor. Thank you.

19 **CROSS-EXAMINATION**

20 **BY ATTORNEY JOHNSON:**

21 Q Good afternoon, Doctor.

22 A Good afternoon.

23 Q I am going to try and do this as  
24 quickly as possible, because I know for a  
25 fact that your time is probable more valuable

1 than mine.

2 **A** Okay.

3 **Q** Dr. Smith, you were the  
4 attending physician on November 15, 2020?

5 **A** Yes, sir.

6 **Q** In the early hours -- early  
7 morning hours of November 16, 2020, you were  
8 still on call?

9 **A** Yes.

10 **Q** You were still at the hospital.

11 **A** Still at the hospital.

12 **Q** Still attending.

13 **A** Yes, sir.

14 **Q** You wrote the ER -- I'm sorry.  
15 I don't know if they've established this, but  
16 did you review the medical records submitted  
17 by the prosecution for Miss Rocio Ramirez?

18 **A** Yes, sir.

19 **Q** Okay. When did you last review  
20 those?

21 **A** Probably last night.

22 **Q** Perfect. Thank you. You wrote  
23 the ER physician examine dated November 16,  
24 2020, right?

25 **A** Yes.

1           **Q**    And you signed it electronically  
2           about 2:07 a.m., correct?

3           **A**    Yes, sir.

4           **Q**    So you personally examined Rocio  
5           Ramirez Garcia?

6           **A**    Yes, sir.

7           **Q**    Who else examined her, to your  
8           knowledge?

9           **A**    Vital signs through triage by  
10          the nurses.

11          **Q**    Would that be Nurse Jasmine  
12          Stephens?

13          **A**    I believe so, but I can't say  
14          for certain.

15          **Q**    Okay.

16                    ATTORNEY JOHNSON:  Your Honor,  
17                    these have been stipulated and entered into  
18                    the records.  I would like to put my copy up  
19                    on the Elmo.

20                    THE COURT:  Yes, you may.

21                    ATTORNEY JOHNSON:  This is  
22                    Government Bates stamp 51.

23          **Q**    Your testimony that if you were  
24          able to look at the record you will be able  
25          to determine which nurse actually saw

1 Ramirez?

2 **A** Yes.

3 ATTORNEY JOHNSON: Elmo  
4 please, Your Honor.

5 THE COURT: Yes.

6 (A document is published)

7 **BY ATTORNEY JOHNSON:**

8 **Q** Doctor, can you read that? Do  
9 you need me to zoom in?

10 **A** Yes.

11 **Q** Okay. On the right side, I  
12 believe it says Jasmine Stephens, or Yasmine  
13 Stephens, or however she says her name.

14 **A** Yes, sir.

15 **Q** Would that be the registered  
16 nurse that examined Miss Ramirez?

17 **A** That will be the registered  
18 nurse that performed the triage.

19 **Q** Okay. Anyone else besides the  
20 register nurse at triage examined her before  
21 you were able to exam her?

22 **A** No, sir.

23 **Q** So after she's triaged, you  
24 examined her with a physical exam; is that  
25 fair to say?

1           **A**    Yes, sir.

2           **Q**    Did she have to disrobe for you  
3 for that examination?

4           **A**    No.

5           **Q**    Would a person that comes into  
6 the ER normally have to disrobe for an  
7 examination?

8           **A**    If there was a female and a  
9 female nurse present and it was an  
10 examination that involved more intimate  
11 areas.

12          **Q**    Yes. So you're saying that you  
13 did not examine her intimate areas?

14          **A**    I did not.

15          **Q**    Okay. However, you did examine  
16 her head, a normal inspection, nontender, I  
17 believe you wrote?

18          **A**    Yes, sir.

19          **Q**    You examined her ears.

20          **A**    Yes.

21          **Q**    Normal?

22          **A**    Yes.

23          **Q**    No blood in her ears?

24          **A**    No.

25          **Q**    No petechiae in her ears?

1           **A**    No.

2           **Q**    Have you ever heard of  
3    petechiae?

4           **A**    Yes, sir.

5           **Q**    Can you tell us what petechiae  
6    is?

7           **A**    Common modeling of blood usually  
8    caused by violent action or trauma. It's  
9    usually red in appearance as opposed to a  
10   standard bruise.

11          **Q**    To be quite frank, if I were to  
12   have petechiae, would you be able to see it  
13   from where we are?

14          **A**    No, sir.

15          **Q**    I'd have to get pretty close for  
16   you to see it?

17          **A**    Yes, sir.

18          **Q**    And I'm assuming that you were  
19   able to get that close with Miss Ramirez to  
20   examine her for petechiae; is that correct?

21          **A**    Yes, sir.

22          **Q**    Okay. So no petechiae in her  
23   ears or on her earlobes or anything like  
24   that?

25          **A**    No, sir.

1           **Q**    No petechiae around her nose,  
2           correct?

3           **A**    No.

4           **Q**    And you examined her throat?  
5           Did you examine her throat, maybe I should  
6           put it that way.

7           **A**    Or her pharynx?

8           **Q**    Yes.

9           **A**    Yes.

10          **Q**    That examination, besides just  
11          feeling the throat, were you able to actually  
12          look into her mouth?

13          **A**    Yes.

14          **Q**    Any petechiae in the mouth?

15          **A**    No.

16          **Q**    Any busted lips?

17          **A**    No.

18          **Q**    Any chewing or biting of the  
19          inside of her lips on the inside of her  
20          cheek?

21          **A**    If it's not remarked in the  
22          chart, then I didn't see it.

23          **Q**    Okay. So this should go fairly  
24          quickly, then. So, no missing teeth, right?

25          **A**    No.

1           Q    You examined her for respiratory  
2    distress, correct?

3           A    Yes.

4           Q    Did not find any?

5           A    I don't recall a respiratory  
6    reading, but no apparent stress.

7                    ATTORNEY JOHNSON:  One second,  
8    Your Honor.

9                    THE COURT:  Sure.

10    BY ATTORNEY JOHNSON:

11           Q    I'm putting the Government's  
12    Page 35 of -- I'm sorry.

13                    What Government Exhibit is this, 30  
14    or 29?

15                    ATTORNEY RILEY:  That is our  
16    Government 27.

17                    ATTORNEY JOHNSON:  Thank you.  
18    Government 27.  Medical Records, Exhibit 27,  
19    Bates stamp Page 35.

20           Q    *RESPIRATORY:*  You wrote:  *Lungs*  
21    *clear no respiratory distress.*

22           A    Yes, sir.

23           Q    You took her pulse?

24           A    The triage nurse took her pulse.

25           Q    So you didn't actually take a



1 pulse, you relied on the triage nurse's  
2 pulse?

3 **A** Yes.

4 **Q** Okay. Any reason that that  
5 pulse should changed within the span of an  
6 hour or two between triage and you examining  
7 her?

8 **A** Pulses vary.

9 **Q** If we're talking about 20 beats  
10 per minute or less than ten?

11 **A** No.

12 **Q** Suffice it to say, you did not  
13 think it necessary to take her pulse during  
14 your examination, correct?

15 **A** No.

16 **Q** You listened to her heart rate?

17 **A** I listened to her heart sounds.

18 **Q** Hear sounds. Normal?

19 **A** Yes.

20 **Q** Blood pressure was normal. BP  
21 was 120 over 78?

22 **A** Yes, sir.

23 **Q** The mean arterial pressure was a  
24 normal at 93?

25 **A** Yes.

1           **Q**    Is that excessive or low for a  
2 woman of her stature?

3           **A**    No.

4           **Q**    Okay.  You felt her abdomen?

5           **A**    Yes.

6           **Q**    Normal?

7           **A**    Yes.

8           **Q**    You listened to her abdomen?

9           **A**    I did.

10          **Q**    Normal abdominal sounds?

11          **A**    Yes.

12          **Q**    You have to excuse me, I don't  
13 necessarily -- I'm not medically trained by  
14 any means so normal -- for lack of a better  
15 word, normal gut sounds?

16          **A**    Yes, sir.

17          **Q**    You felt her neck?

18          **A**    I did.

19          **Q**    You wrote normal inspection?

20          **A**    I did.

21          **Q**    A normal inspection is what?

22          **A**    Basically no masses, no  
23 swelling.

24          **Q**    You wrote nontender?

25          **A**    Yes.

1           **Q**    Does that mean what I think it  
2 means?

3           **A**    Yes.

4           **Q**    In other words, that she was not  
5 tender to the touch?

6           **A**    No. No enlarged lymph nodes.

7           **Q**    So, it means something more than  
8 what I think?

9           **A**    Well, it essentially would mean  
10 there's no spasming, no enlarged lymph nodes  
11 in normal bony architecture in the spine.

12          **Q**    So you can't feel anything on  
13 her neck that's abnormal?

14          **A**    I did not.

15          **Q**    Okay. And you also wrote  
16 supple. So good blood return, good color  
17 return; is that what that means?

18          **A**    Flexibility.

19          **Q**    Flexibility. So she can move  
20 her neck back and forth, up and down just  
21 like that?

22          **A**    Yes.

23          **Q**    That's what supple means,  
24 correct?

25          **A**    Yes.

1           **Q**    You examined her for broken  
2 bones?

3           **A**    Palpated her spine, yes.

4           **Q**    Okay. I believe you wrote  
5 *normal bowel sound* -- well, let me make sure  
6 I got this right. Full range of motion and  
7 nontender?

8           **A**    Yes.

9           **Q**    Full range of motion meaning she  
10 did not have -- she had a normal range that a  
11 person of her age, I would imagine, would  
12 have?

13          **A**    Yes.

14          **Q**    Okay. You examined her for  
15 sprained muscles?

16          **A**    I'm sorry, I don't understand  
17 your question.

18          **Q**    Did you -- so you examined her  
19 muscular skeletal physic?

20          **A**    Yes, sir.

21          **Q**    Did you also find -- let me ask  
22 this question first. Are you also examining  
23 for any kind of sprained ankles, sprained  
24 wrist? As you said, there was no sprain in  
25 the neck, there was no hitch in her neck.

1 Do you normally in this type of  
2 exam, examine for any kind of muscular hitch,  
3 sprain, inability to move, full range of  
4 motion?

5 **A** We usually ask for a passive  
6 versus active range of motion, meaning, can  
7 you move? Is there neurologic damages.

8 **Q** So, am I correct in saying that  
9 this particular -- when it comes to whether  
10 or not she could have a sprain either in her  
11 neck, elbow, wrist, anything like that, it's  
12 dependent somewhat on what she tells you; is  
13 that right?

14 **A** Yes.

15 **Q** Okay. You examined her eyes?

16 **A** Yes.

17 **Q** Normal inspection?

18 **A** Yes.

19 **Q** Normal conjunctiva?

20 **A** Yes.

21 **Q** That means that the whites of  
22 her eyes are normal, white, nothing abnormal  
23 about the color?

24 **A** My examination is written within  
25 a normal format abnormality.

1           **Q**   Specifically, you wrote: *Pupils*  
2   *are equal, round, react to light, correct?*

3           **A**   Yes.

4           **Q**   E-O-M-I. Normal extraocular  
5   muscles are intact?

6           **A**   Yes.

7           **Q**   So, she didn't -- I'm assuming  
8   that there was no evidence of injury to her  
9   eyes, as far as you could tell.

10          **A**   Yes.

11          **Q**   Can a person have petechiae of  
12   the eyes?

13          **A**   They can have insufusion or  
14   conjunctival injection. The word petechiae  
15   is used in a lot of different fashions.

16          **Q**   Okay. So I might be using it as  
17   a big tent. I guess what I'm asking for is  
18   her eye -- the whites of her eyes were not  
19   busted. In other words, she didn't have a  
20   bloody eye or the conjunctiva of her eyes was  
21   not red?

22          **A**   Yes, sir.

23          **Q**   And so a vein in her eye had no  
24   burst, to your knowledge?

25          **A**   Yes, sir.

1           **Q**    You ordered x-rays?

2           **A**    I did.

3           **Q**    Two views.  One of the elbow, I  
4 believe, her left elbow?

5           **A**    Yes, sir.

6           **Q**    One of her cervical spine?

7           **A**    Yes, sir.

8           **Q**    There were no fractures?

9           **A**    No fractures.

10          **Q**    Normal alignment?

11          **A**    Yes, sir.

12          **Q**    Does that mean what I think it  
13 means?

14          **A**    Yes.  I expect that it does.  
15 It's written by a radiologist, not by me.

16          **Q**    Did you have a chance to review  
17 before you electronically signed this at 2:00  
18 in the morning?

19          **A**    The radiograph, yes.

20          **Q**    So you had no reason to be  
21 concerned about her spine or neck even after  
22 she came out of radiology?

23          **A**    No.  What I'm examining, a  
24 radiograph is going to be more direct at the  
25 bony architecture, the alignment of the

1 spine. Sometimes soft tissue swelling will  
2 be remarked upon, if it's seen.

3 Q In this case did they remark on  
4 any soft tissue swelling?

5 A They did not.

6 Q Okay.

7 A The remark in them was present.

8 Q And in fact, I believe they said  
9 the soft tissues are unremarkable; is that  
10 what you remember?

11 A Yes.

12 Q The impression was a negative  
13 study?

14 A Yes.

15 Q I assume that means they didn't  
16 find anything remarkable?

17 A Well, there's always spinal cord  
18 injury without radiographic abnormality to  
19 consider.

20 Q That would not show up on an  
21 x-ray, is what you're saying?

22 A Right.

23 Q Anyone find any reason to give  
24 her a CAT Scan?

25 A She's pregnant.



1 Q Okay. Is there a safe --

2 A Contraindication to a CAT scan  
3 is pregnancy.

4 Q Okay. Is there any kind of scan  
5 that is not contraindicated with pregnancy?

6 A An ultrasound.

7 Q Ultrasound. You gave her an  
8 ultrasound of what part of her body?

9 A Her pelvis and abdomen.

10 Q Pelvis and abdomen. I assume to  
11 check on the fetus?

12 A Yes, sir.

13 Q You did not give her an  
14 ultrasound of the neck or the spine?

15 A No.

16 Q So, as far as we know the x-ray  
17 is about as good as it gets as far as  
18 examining her -- the inside of her neck, the  
19 inside of her spine, the cervical spine and  
20 x-ray is all we have; is that right?

21 A Yes, sir.

22 Q On the left elbow, same story.  
23 No evidence of a fracture?

24 A No evidence of a fracture.

25 Q No evidence of dislocation?

1           **A**    That's correct.

2           **Q**    Okay.  Sometimes that can turn  
3 up on an x-ray, correct?

4           **A**    Sometimes.

5           **Q**    Ligaments can tear?

6           **A**    Ligaments would be better  
7 evaluated by an MRI.

8           **Q**    Nonetheless, there was no  
9 abnormality on her x-ray of her elbow; is  
10 that correct?

11          **A**    That's correct.

12          **Q**    You ordered two views of her  
13 left elbow?

14          **A**    Yes.

15          **Q**    The impression was negative for  
16 trauma, correct?

17          **A**    I --

18          **Q**    Don't remember?

19          **A**    Well, no I'm not sure of that  
20 once you make that decision, but I do  
21 remember someone who had not seen the patient  
22 remarking that on the bony structure.

23          **Q**    Okay.

24                    ATTORNEY JOHNSON:  Your Honor,  
25 the Elmo, please.

1 THE COURT: Yes.

2 ATTORNEY JOHNSON: Your Honor  
3 I am showing the witness Bates stamp 37 of  
4 29.

5 THE COURT: 27.

6 ATTORNEY JOHNSON: 27, sorry,  
7 Your Honor.

8 THE COURT: All right. Not a  
9 problem.

10 **BY ATTORNEY JOHNSON:**

11 Q This is part of the records that  
12 you reviewed, correct?

13 A Yes, sir.

14 Q And so this is a determination,  
15 I believe, dictated and signed by Dr. Jeffrey  
16 Guller.

17 A Yes, sir.

18 Q And the impression states  
19 *negative for trauma*?

20 A That's an impression, not a  
21 diagnosis.

22 Q Okay. Can you tell me the  
23 difference?

24 A His impression -- well, I cannot  
25 speak for his impression. The diagnosis that

1 I would see or that normally would be  
2 written, no evidence of dislocation soft  
3 tissue swelling or fracture. He's only  
4 giving the actual indication for the x-ray,  
5 and he's aligning what he'd seen with the  
6 indication per the x-ray.

7 Q Okay. So, it might be above my  
8 pay grade, but he's concerned with what the  
9 x-ray shows, not with necessarily the history  
10 as you would be?

11 A Yes.

12 Q Is that fair to say?

13 A Yes, sir.

14 Q You know what she's told you;  
15 you know that she's come in with the  
16 complaint of trauma?

17 A Right. I'm aware of the  
18 indications for ordering the x-ray.

19 Q Okay. So is this kind of like a  
20 blinded protection in the medical field, that  
21 the doctor that is doing the radiology does  
22 not need to be concerned with diagnosis of a  
23 problem, just reading him an x-ray; is that  
24 kind of the gist?

25 A I wouldn't go that far. I'm

1 writing in a blank why I am ordering the  
2 x-ray. He's writing what he sees on the  
3 x-ray. The impression is added in.

4 Q Okay. So he's not -- I just  
5 want to put this in as plain a terms. From  
6 that x-ray, he is not seeing any evidence of  
7 trauma on the actual x-ray?

8 A That will be a question for  
9 Dr. Guller.

10 Q At least he wrote that as an  
11 impression, correct?

12 ATTORNEY RILEY: Objection,  
13 Your Honor, asked and answered at this point.

14 THE COURT: Sustained.

15 ATTORNEY JOHNSON: Thank you.

16 Q Miss Ramirez wasn't underweight  
17 she was roughly 59.7 kilos; is that correct?

18 A I can't answer that question.

19 ATTORNEY JOHNSON: Your Honor,  
20 I'm showing the witness Bates stamp Page 35  
21 of the same exhibit.

22 THE COURT: Yes.

23 ATTORNEY JOHNSON: I'm sorry.  
24 Hold on. Wrong page. I'm showing the  
25 witness Bates stamp Page 54 of the same

1 exhibit.

2 THE COURT: Yes.

3 **BY ATTORNEY JOHNSON:**

4 Q Doctor, had you had a chance to  
5 review this -- or should I say, this was part  
6 of the medical records that you did review?

7 A Yes, sir.

8 Q Okay. Her weight is 59.7 kilos?

9 A Right. That's triage weight.

10 Q That translates to about a  
11 hundred and thirty-one pounds?

12 A Roughly.

13 Q So she's not underweight or  
14 malnourished.

15 ATTORNEY RILEY: Objection,  
16 Your Honor, this is beyond the scope of the  
17 knowledge of --

18 THE COURT: Sustained.

19 **BY ATTORNEY JOHNSON:**

20 Q You did, however, diagnosed her  
21 with three contusions and a pregnancy; is  
22 that correct?

23 A Yes.

24 Q One to the back. One contusion  
25 to the back?

1           **A**    I'd have to see the chart again.

2                    ATTORNEY JOHNSON: Showing the  
3 witness Page 35 again of the same exhibit.

4                    THE COURT: Yes, you may.

5           **BY ATTORNEY JOHNSON:**

6                    **Q**    Can you read that, Doctor?

7                    **A**    Yes.

8                    **Q**    Under *Differential Diagnosis*,  
9 you wrote: Assault. Contusion, neck.  
10 Contusion, back. Contusion, elbow.  
11 Pregnancy. Can you explain what a  
12 differential diagnosis is?

13                   **A**    The differential diagnosis is a  
14 collection of all the information that you're  
15 giving and what potential states could exist.

16                    **Q**    Is it fair to say that that's a  
17 catch-all, since you said that it was  
18 potential states that could exist?

19                    **A**    I would say it's an accumulation  
20 of potential diagnoses.

21                    **Q**    Is there anymore encompassing  
22 diagnosis than a differential diagnosis at  
23 this stage?

24                    **A**    No.

25                    **Q**    So at this point you diagnosed

1 her with a contusion to the back, contusion  
2 to the neck, contusion to the elbow, and she  
3 was pregnant?

4 **A** Yes.

5 **Q** Other than the remark on  
6 *assault*, any other differential diagnosis  
7 that I have skipped over or missed?

8 **A** I'm not sure I understand the  
9 question.

10 **Q** On your review of the records --

11 **A** Yes.

12 **Q** -- is there anything that I'm  
13 leaving out besides contusion of the elbow,  
14 contusion of the back, contusion of the neck,  
15 and pregnancy?

16 **A** The differential diagnosis that  
17 I've formatted was a combination of the  
18 patient's complaint, patient's presentation,  
19 and my examination of the patient.

20 **Q** And I think we established that  
21 on one of the prior questions. You don't  
22 normally disrobe someone in an ER visit  
23 unless it's required, especially if they are  
24 a member of opposite sex; is that fair to  
25 say?



1                   ATTORNEY RILEY:  Objection  
2                   again.  Asked and answered.

3                   THE COURT:  Overruled.

4                   BY ATTORNEY JOHNSON:

5                   Q     You gave her Tylenol?

6                   A     Yes, sir.

7                   Q     You told her to follow up with  
8                   her OBGYN --

9                   A     Yes, sir.

10                  Q     -- about the pregnancy.  No  
11                  other reason to follow up with an OBGYN, is  
12                  what I'm getting at, correct?

13                  A     He is a medical doctor as well.

14                  Q     So to that point, was there any  
15                  concern that you had, based on her reporting  
16                  to you, as far as pelvic pain or anything  
17                  like that?

18                  A     Well, I was concerned enough to  
19                  order an ultrasound for her as soon as it was  
20                  available.

21                  Q     Because she was worried about  
22                  the pregnancy?

23                  A     Yes, sir.

24                  Q     And the ultrasound found nothing  
25                  remarkable; is that fair to say?

1           **A**    I believe they found an  
2    intrauterine pregnancy, and gave dates.

3                   THE COURT:  I'm sorry, I  
4    didn't hear the answer.

5                   THE WITNESS:  I believe they  
6    had found an intrauterine pregnancy and gave  
7    dates.

8    **BY ATTORNEY JOHNSON:**

9                   **Q**    I don't believe I have the  
10   ultrasound.  Did you review that before you  
11   came to testify today?

12                  **A**    Yes.

13                  **Q**    Okay.  She stated that she was  
14   roughly six weeks pregnant, and I believe  
15   that was recounted in these medical records.  
16   Does that comport with your reading of the  
17   ultrasound, from your memory?

18                  **A**    Yes.

19                  **Q**    Healthy baby?

20                  **A**    At six weeks, that's plus or  
21   minus two weeks by Naegele's Rule of  
22   Pregnancy, and there were no abnormalities  
23   that remarked on in the ultrasound.

24                  **Q**    So it is a very new pregnancy?

25                  **A**    It's a pregnancy.

1           **Q**   Six weeks being two weeks more  
2 than a month, correct?

3           **A**   Yes.

4           **Q**   When you discharged her, she  
5 stated that her pain was a two out of ten,  
6 quote. Do you remember that?

7           **A**   That's a triage -- exit triage  
8 question.

9           **Q**   Did you review these records?

10          **A**   I did.

11          **Q**   Is that a normal question asked  
12 in the triage?

13          **A**   All patients are asked if  
14 there's improvement in their pain or what  
15 their current state was at discharge.

16          **Q**   Upon your review of the medical  
17 records, was there improvement in her pain?

18          **A**   I can't answer the question on a  
19 numeric scale.

20          **Q**   Okay. So a question that lead  
21 into that. She reported that her pain  
22 intensity was ten out of ten when interviewed  
23 by Jasmine Stephens. Did you review that  
24 record?

25          **A**   Yes.

1           **Q**    Ten out of ten being the highest  
2           pain threshold.

3           **A**    It's a subjective question.

4           **Q**    Meaning that there's no way to  
5           check on pain.

6           **A**    Pain is relative to the  
7           patient's perception.

8           **Q**    Is it fair to say we can't  
9           independently verify pain, we have to take  
10          someone's word for it?

11          **A**    Yes.

12          **Q**    But she did list a ten out of  
13          ten when she was interviewed by Dr. Stephens,  
14          correct?

15          **A**    By Nurse Stephens, yes.

16          **Q**    Nurse, sorry. Apologize. Nurse  
17          Stephens. And when she was discharged, or  
18          shortly before she was discharged, her pain  
19          was two out of ten reportable on the medical  
20          records, is that correct?

21          **A**    Yes.

22          **Q**    I don't know if I asked you this  
23          questions. I asked about the nose, but there  
24          was no petechiae of the face when you  
25          examined her?

1           **A**    I'm not sure that petechiae is  
2 actually a word that we would use in  
3 description.

4           **Q**    What word would you use?

5           **A**    I would probably use bruising or  
6 inflammation. You can sustain petechiae with  
7 a violent sneeze.

8           **Q**    I'm sorry, what was that?

9           **A**    You can sustain petechiae with a  
10 violent sneeze.

11          **Q**    Correct. Vomiting could cause  
12 petechiae; is that right?

13          **A**    Um-hum.

14          **Q**    Other forms of lesser trauma  
15 could cause petechiae; is that correct?  
16 Lesser than being choked or strangled?

17          **A**    Yes.

18          **Q**    Nonetheless, there was no  
19 petechiae of her face, her eyes, or her  
20 eyelids?

21          **A**    Yes.

22          **Q**    You did not remark that she had  
23 bruises on her face, did you?

24          **A**    I did not.

25          **Q**    So that's a no for bruises and

1     petechiae.  Is there anything else that we  
2     should be looking out for in a trauma victim  
3     that states that she was hit upon the face or  
4     slapped or punched or generally beaten up?  
5     Anything besides bruises and petechiae, some  
6     other medical term that I as a lowly lawyer  
7     do not know?

8             **A**     A lot of it is time dependent.

9             **Q**     This was, in your opinion, about  
10     how long after she stated that she was  
11     assaulted?

12            **A**     I saw her at 0050, I believe.  
13     She said that it was just peek prior to  
14     arrival to me.

15            **Q**     Any rashes that you indicated in  
16     the medical records?

17            **A**     No.

18            **Q**     Any abrasions?

19            **A**     No.

20            **Q**     Any scratches?

21            **A**     No.

22            **Q**     You already indicated that there  
23     were no busted lip, there's no broken or  
24     chipped teeth.  I believe -- I don't think I  
25     believe I asked you this question.  No

1 bleeding or petechiae of the gums or inside  
2 the month, to your recollection?

3 **A** No.

4 **Q** You did not remark that her  
5 voice was hoarse or raspy, did you?

6 **A** No, I did not.

7 **Q** She could speak normally?

8 **A** I'm not sure how I would  
9 evaluate that. I'm not sure of her normal  
10 voice tone.

11 **Q** Okay. Did she tell you that she  
12 was hoarse or raspy?

13 **A** She did not.

14 **Q** Did she have laryngitis?

15 **A** Not that I'm aware of.

16 **Q** Her esophagus, I wrote down was  
17 normal. Was there anything remarkable about  
18 her esophagus when you examined her?

19 **A** Are you talking about the  
20 external anatomy of her neck or her back?

21 **Q** You wrote that there was a  
22 bruise on the neck. Did you write anything  
23 about the external -- anything else about the  
24 external nature of her neck?

25 **A** I did not.

1           **Q**    Okay. Did you find any reason  
2 to look into her throat deeper than just to  
3 the back of the mouth? Any concern?

4           **A**    No.

5           **Q**    And just to be clear, she had  
6 told you, or should I say she had told  
7 someone at the hospital, that she had been  
8 choked; is that right?

9           **A**    She had.

10          **Q**    Did you know that when you were  
11 examining her?

12          **A**    I had read the triage notes,  
13 yes.

14          **Q**    Her larynx was normal, as far as  
15 you can tell?

16          **A**    As far as I can tell.

17          **Q**    Did she have any trouble  
18 swallowing?

19          **A**    Not that I'm aware of.

20          **Q**    Not normally tested for an ER  
21 doctor, right?

22          **A**    Well, if they're unable to  
23 swallow secretions and are drooling, then I  
24 would notice.

25          **Q**    She was not drooling, and she



1 was not having problems swallowing her own  
2 secretions.

3 **A** Yes.

4 **Q** So can we assume that she did  
5 not have any problems swallowing?

6 **A** She wasn't drooling and she  
7 wasn't pooling secretions.

8 **Q** Okay.

9 THE COURT: I'm sorry. She  
10 wasn't drooling, and she was not...

11 THE WITNESS: Pooling  
12 secretions.

13 THE COURT: I see. Okay.

14 **BY ATTORNEY JOHNSON:**

15 **Q** Fingernails weren't broken or  
16 chipped, that you remarked?

17 **A** No.

18 **Q** As we -- you've already answered  
19 the question on breathing and swallowing, but  
20 she wasn't coughing when she came in?

21 **A** No.

22 **Q** No nausea?

23 **A** No complaint of.

24 **Q** No complaint of nausea?

25 **A** No.

1 Q No complaint of vomiting?

2 A No.

3 Q And of course, she didn't vomit  
4 while she was there with you?

5 A No.

6 Q Complaints of lightheadedness?

7 A No.

8 Q Her nose wasn't broken?

9 A Not that I'm aware of.

10 Q Surely you would have noticed  
11 that, right?

12 A We perform what's called a focus  
13 examination of the patient's complaint, so we  
14 do a general examination call a macro and  
15 then we'll focus in on specific areas that  
16 involve the patient's complaint.

17 Q Thank you, Doctor.

18 I believe you already testified, but  
19 I just want to make sure. Nose wasn't  
20 bloody. She did not have a bloody nose when  
21 she came into the ER?

22 A No.

23 Q No ligature marks. Do you know  
24 what I'm asking you?

25 A I'm just trying to place it in

1 context.

2 Q Okay.

3 A Are you asking if she had rope  
4 marks, or...

5 Q Besides the bruising, any other  
6 indication that she had been strangled?

7 A Other than her complaints of  
8 pain.

9 Q Complaint of pain and the  
10 contusion on her neck, right?

11 A Yes.

12 Q That's it. Did she complain of  
13 concussions when she came in?

14 A No.

15 Q Did you find any reason to  
16 suspect that she had had a concussion?

17 A No. She was neurologically  
18 intact.

19 Q She did not report that she had  
20 lost consciousness, did she?

21 A No. Wait. She did say she  
22 might have, and I believe that's in my note.

23 Q That's in your note?

24 A I believe so, or the triage  
25 notes.

1           **Q**    Do you remember what --

2           **A**    The presenting complaint, the  
3 triage notes where she fell backwards. It's  
4 stated that she possibly had been knocked  
5 out, is what I was told.

6                    ATTORNEY JOHNSON: One second,  
7 Your Honor.

8                    THE COURT: Sure.

9           **BY ATTORNEY JOHNSON:**

10           **Q**    This would be a note from --

11           **A**    Probably triage.

12           **Q**    Nurse Stephens?

13           **A**    Um-hum.

14                    ATTORNEY JOHNSON: Court's  
15 indulgence, Your Honor. I'm trying to find  
16 out what he's talking about.

17                    THE COURT: Sure, no problem.

18           **BY ATTORNEY JOHNSON:**

19           **Q**    Did you say that she might have  
20 hit her head when she fell; is that a  
21 complaint or am I mischaracterizing that?

22           **A**    She -- her presenting complaint,  
23 I believe, was that she had been pushed  
24 backwards and I believe I recollect her  
25 stating that she might have hit her head.

1 But I'm trying to remember that almost three  
2 years.

3 Q I understand. I'll help you  
4 out.

5 ATTORNEY JOHNSON: Judge, I'm  
6 showing him Bates stamp 52 of the exhibit  
7 we've been talking about.

8 THE COURT: Okay. All right.  
9 (The exhibit is published)

10 **BY ATTORNEY JOHNSON:**

11 Q Indicators: Loss of  
12 consciousness.

13 A No.

14 Q Marked by Nurse Stephens. Tell  
15 me if there's anywhere else I'm supposed to  
16 be looking.

17 A No. No. That's correct.

18 Q Okay. One last question. Nurse  
19 Stephens took her history, you did not.

20 A That's correct.

21 Q When you reviewed her medical  
22 record, did you rely on Nurse Stephens'  
23 history?

24 A No. We spoke with the patient  
25 as well and put down what she said.

1           **Q**    So she gave a history to Nurse  
2           Stephens, and then to you?

3           **A**    Yes.

4           **Q**    Okay.  Is it fair to say she had  
5           two opportunities to explain what was ailing  
6           her, what was hurting her, why she was in the  
7           hospital; one to Nurse Stephens, and one to  
8           you, is that fair to say?

9           **A**    Yes.

10                    ATTORNEY JOHNSON:  One second,  
11           Your Honor.

12                    THE COURT:  Sure.

13                    ATTORNEY JOHNSON:  No further  
14           questions, Your Honor.

15                    THE COURT:  Thank you.

16                    ATTORNEY JOHNSON:  Thank you,  
17           Doctor.

18                    THE COURT:  Attorney Riley.

19                    ATTORNEY RILEY:  Yes, Your  
20           Honor.

21                                    **REDIRECT EXAMINATION**

22                    **BY ATTORNEY RILEY:**

23                    **Q**    Attorney Johnson asked you many  
24           times about petechiae.  Are you surprised  
25           that you didn't see petechiae on Miss Rocio

1 Ramirez?

2 **A** No, I'm not.

3 **Q** And why is that?

4 **A** I generally look for petechiae  
5 not really in a trauma scenario. It would be  
6 more along the lines of ecchymosis --

7 THE COURT: All right.

8 Dr. Smith, you need to keep your voice up --

9 THE WITNESS: I'm sorry.

10 THE COURT: -- so everyone can  
11 hear you. Okay.

12 THE WITNESS: Okay. It is not  
13 a term that I would normally use in a trauma  
14 description.

15 **BY ATTORNEY RILEY:**

16 **Q** When would you usually use that  
17 term?

18 **A** Ecchymosis.

19 **Q** And what's that?

20 **A** Rhythm.

21 **Q** Now, what you viewed -- as you  
22 viewed Miss Rocio Ramirez, would you say what  
23 you viewed is consistent with someone that  
24 may have been assaulted less than two hours  
25 before?

1           ATTORNEY JOHNSON: Your Honor,  
2 objection. It calls for an expert opinion  
3 beyond the lay opinion of this particular  
4 doctor.

5           THE COURT: Overruled.

6           ATTORNEY RILEY: Your Honor,  
7 as mentioned before --

8           THE COURT: Overruled.

9           **A** I saw an anxious woman who was  
10 in discomfort and was essentially more  
11 concerned with the well being of her child,  
12 which is why she had the ultrasound.

13          **Q** Are you surprised that there  
14 were no broken bones?

15          **A** No, not surprised.

16          **Q** If there are broken bones -- I'm  
17 sorry. Let me start over. If there are not  
18 broken bones, does that mean that trauma  
19 didn't occur?

20          **A** No, it does not.

21           ATTORNEY RILEY: Court's  
22 indulgence, Your Honor.

23           THE COURT: Sure.

24 **BY ATTORNEY RILEY:**

25          **Q** When would you expect to see



1 bruises after a trauma?

2 **A** Varying on the patient's  
3 condition and general health, probably it's  
4 going to be relative to the mechanism of  
5 jury.

6 A direct contact, bumping your leg  
7 on a table, you might or might not see a  
8 bruise for a day, or if you fall you might or  
9 might not see a bruise for a day.

10 ATTORNEY RILEY: I have  
11 nothing further, Your Honor.

12 THE COURT: Very well.

13 Any recross, Attorney Johnson?

14 ATTORNEY JOHNSON: Yes, Your  
15 Honor. Court's indulgence.

16 **RECROSS EXAMINATION**

17 **BY ATTORNEY JOHNSON:**

18 **Q** From the medical records you saw  
19 a bruise on her neck, right?

20 **A** I wrote the word *contusion*.

21 **Q** Contusion. Attorney Riley asked  
22 you a question, basically where there's no  
23 broken bones does that mean there's no  
24 assault. Contusions don't necessarily have  
25 to come from assaults, do they?

1           **A**    No.

2           **Q**    In fact, in your hospital --  
3    Schneider Regional Hospital, they send home a  
4    contusion/bruise pamphlet, if you will?

5           **A**    Yes, sir.

6           **Q**    Okay. Are you familiar with  
7    that?

8           **A**    Yes, I am.

9           **Q**    Bruises can be caused from  
10   various things, from assaults to minor  
11   injuries; is that correct?

12          **A**    Yes, sir.

13          **Q**    I believe this pamphlet says  
14   most bruises are caused by bumping into or  
15   being struck by something, usually during  
16   sports, fights, falls, physical work like  
17   home repairs. Is that out of date? Is that  
18   something your hospital still distributes?

19          **A**    We still distribute, yes.

20          **Q**    It also says some people bruise  
21   more easily than others, is that right?

22          **A**    That's true.

23          **Q**    Certain medications like blood  
24   thinners, medical conditions, clotting  
25   problems, blood-related diseases can also

1 cause people to bruise more easily; is that  
2 correct?

3 **A** It's true.

4 **Q** This does not take into account  
5 a person's skin color or the fairness of  
6 their complexion. And I don't believe this  
7 indicates that a person is more likely to  
8 show a bruise just because they are fair or  
9 dark, is that the case?

10 **A** Yes.

11 ATTORNEY JOHNSON: I  
12 apologize, Your Honor. Court's indulgence.

13 THE COURT: No problem.

14 **BY ATTORNEY JOHNSON:**

15 **Q** Do different parts of the body  
16 bruise at different rates?

17 **A** It's a subjective question, and  
18 the mechanism of injury and the generalized  
19 metabolic health of the patient. For  
20 example, if I hit my finger with a hammer I  
21 am going to bruise. I don't know that I  
22 would bruise anymore aggressively or vividly  
23 than if I hit my shoulder with a hammer.

24 **Q** Okay. So just to characterize,  
25 you can't say, sitting here, that the same

1 injury on different parts of the body would  
2 necessarily produce the same bruise?

3 **A** Bruises don't always come out as  
4 a brilliant purple or yellow. Then can start  
5 out as a red thing at the tissue. It's a  
6 rupture of capillaries and subcutaneous. So  
7 it's a question that I can't answer.

8 **Q** Okay. So I fall back to all the  
9 other questions that I asked. Besides the  
10 fact that there was a bruise on her neck and  
11 that she reported pain and that she had  
12 reported an assault, is there anything else  
13 in your medical records that indicated that  
14 she had been strangled or choked?

15 **A** No.

16 **Q** Thank you.

17 **ATTORNEY RILEY:** The People  
18 have nothing further, Your Honor.

19 **THE COURT:** All right. Thank  
20 you very much. Can he be completely excused?

21 **ATTORNEY RILEY:** Yes, Your  
22 Honor. I would ask the Court to excuse  
23 Dr. Smith.

24 **THE COURT:** Thank you very  
25 much, Dr. Smith. You may step down, and

1 you're excused.

2 THE WITNESS: Thank you.

3 ATTORNEY JOHNSON: Thank you,  
4 Doctor.

5 THE COURT: Okay.

6 Attorney McRae, how many more  
7 witnesses do you have?

8 ATTORNEY MCRAE: Your Honor,  
9 we have a total of three more witnesses. The  
10 next two would be sort of lengthy. I might  
11 as well ask that we recess for the day.

12 THE COURT: Yes. Very well.

13 So, Ladies and Gentlemen of the  
14 Jury, it's now after 5:00, about 5:15 p.m.,  
15 so we will recess for the evening and come  
16 back tomorrow morning.

17 We'll continue with the Government's  
18 case in chief and we will start -- be back  
19 around 8:30 so we can start, hopefully,  
20 promptly at 9:00 a.m. So do have a good  
21 evening.

22 And as I've said before, do not  
23 speak about this matter. Do not discuss it.  
24 Remember my instructions. So have a good  
25 night. I'll see you tomorrow morning at 9:00

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a.m.

THE MARSHAL: Will everyone,  
please rise.

*(The Jurors exit  
the courtroom.)*

THE COURT: All right. Is  
there anything that we need to talk about?

ATTORNEY MCRAE: Your Honor,  
can we have just a few minutes just to try to  
set up the audio equipment for tomorrow?

THE COURT: Sure. Go right  
ahead.

ATTORNEY MCRAE: Thank you,  
Your Honor.

THE COURT: All right. Have a  
good night.

*(THEREUPON, court recessed for the  
evening to reconvene the next  
day).*

- - -

## CERTIFICATE OF REPORTER

I, ARLENE STEPHENS DONOVAN, an Official Court Reporter of the Superior Court of the Virgin Islands, do hereby certify that I did report Stenographically, in my professional capacity, the hearing held in the matter of **People of the Virgin Islands versus Devindra Jaglal**, taken on May 24, 2022; that I was requested to and did reduce to transcript form, the following proceedings, and that the foregoing pages, 1 to 314, inclusive, comprise a full, true and accurate transcription of the testimony given, objections of counsel, rulings of the Court, and all matters to which same relate.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 4th day of November, 2022.

/s/ Arlene Donovan, RMR  
ARLENE STEPHENS DONOVAN, RMR  
OFFICIAL COURT REPORTER II





I N D E X

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<u>GOVERNMENT WITNESSES</u>	<u>D</u>	<u>X</u>	<u>RD</u>	<u>RX</u>	<u>FRD</u>
Bradley Thomas	34	50	74	78	-
Davion Samples	83	99	125	127	-
Officer Khalil Tatum	129	138	153	-	-

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EXHIBIT PAGE

<u>PEOPLE'S EXHIBIT</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>
No. 3	- Copy of all 911 calls from D. Samples Room 205 Sapphire Beach Resort	88
No. 8	- Photo of victim showing injury on neck	76, 259
No. 9	- Photo of victim showing injury on neck	78, 260
No. 10	- Photo of victim's neck (other side)	80, 261
No. 11	- Close-up view of injury on victim's neck taken on 11-15-20	80, 261
No. 12	- Photo of victim on balcony showing injury to arm taken on 11-15-20	262
No. 14	- Photo of injury to victim's hip taken on 11-15-20	262
No. 16	- Photo of injury to victim's neck taken on 11-16-20	263
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No. 26	- Screen shots of shared notes showing "Unavailable" circled by victim	280
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	Government Exhibit No. 4 - Photo of hallway entrance of Room 206	242

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**COURT IS IN SESSION**

**(The Jury not present)**

THE MARSHAL: Everyone, please rise.

THE COURT: Good morning.

THE CLERK: Criminal jury trial calendar for Wednesday, May 25, year, 2022. People of the Virgin Islands versus Devindra Jaglal.

ATTORNEY MCRAE: Good morning, Your Honor. Quincy McRae for the People. Standing at counsel's table with me is Assistant Attorney General Kimberly Riley.

ATTORNEY RILEY: Good morning, Your Honor.

THE COURT: Good morning.

ATTORNEY JOHNSON: Good morning, Your Honor, again. Frederick Johnson, Devindra Jaglal and Corey Hodge. Good to see everyone, Your Honor.

THE COURT: Good morning. All right. Anything before we start?

ATTORNEY RILEY: Your Honor, there are two things that I wish to address. Number one, in defense counsel's opening,

1 during opening statement Counsel referred to  
2 the punishment the defendant may get. That  
3 is clearly --

4 THE COURT: Slow down. Slow  
5 down. Please go to the mike.

6 ATTORNEY RILEY: Sorry, Your  
7 Honor.

8 During opening statement, Counsel  
9 referred to the punishment that the defendant  
10 may get. That is a province that is fully in  
11 the control of the Court, and it's not  
12 appropriate to be talking to the Jury about.  
13 That is why I objected.

14 I understood he moved on, but I just  
15 want to make sure that that is not brought up  
16 again because that is not an argument that is  
17 allowed to be given to the Jurors. They  
18 aren't supposed to be told about the penalty  
19 section.

20 THE COURT: By the  
21 prosecution.

22 ATTORNEY RILEY: Also by the  
23 defense, Your Honor. I mean, to make us look  
24 like we're gonna put him in jail, we're not  
25 here to decide. The jury instructions says

1 that --

2 THE COURT: Overruled.

3 ATTORNEY RILEY: -- you are  
4 not to take into consideration --

5 THE COURT: Overruled.

6 ATTORNEY RILEY: Can I say --  
7 Your Honor, the instructions that you will  
8 read will tell them not to take it into  
9 consideration that fact; that they are not  
10 to --

11 THE COURT: It's standard.  
12 They are standard instructions.

13 ATTORNEY RILEY: Yes. So  
14 that's why I would believe that because they  
15 are not allowed to take that into account,  
16 that they cannot speak -- Counsel cannot  
17 speak to that.

18 THE COURT: Overruled.

19 ATTORNEY RILEY: And also,  
20 Your Honor, it's not relevant to the guilt or  
21 innocence of the defendant. I don't  
22 understand why it can be brought up, because  
23 it doesn't go to any factor. It's literally  
24 just to get sympathy from the Jury.

25 THE COURT: I understand.

1 It's a defense. I understand.

2 ATTORNEY RILEY: And the  
3 second thing, Your Honor, is that you signed  
4 an order that we were not allowed to speak of  
5 how the two met, the victim and the  
6 defendant, and yesterday, Attorney Johnson  
7 specifically went to that asking who Tony was  
8 and how she knew Tony.

9 THE COURT: It didn't disclose  
10 anything.

11 ATTORNEY RILEY: Well, Your  
12 Honor, I want to be clear that that  
13 question -- if the defendant -- I want to  
14 make sure that the defendant is aware that if  
15 he does take the stand or any other witness,  
16 they cannot say who Tony is, because that  
17 would give up the information of how they  
18 met, which the Court's order stated that was  
19 not something to be questioned about and that  
20 was not allowed to be testified to. And  
21 Attorney Johnson specifically asked her how  
22 she knew him and who he was. And that was  
23 trying to get around the Court's order to  
24 get to how she knew Tony.

25 THE COURT: I understand what

1 you're saying. I understand clearly, but it  
2 did not disclose anything.

3 ATTORNEY RILEY: I understand.  
4 That's because --

5 THE COURT: Tony could be  
6 anyone.

7 ATTORNEY RILEY: I understand,  
8 Your Honor, but that's because the victim  
9 answered it correctly.

10 THE COURT: Exactly. Exactly.

11 ATTORNEY RILEY: But I just  
12 want to be clear that that is not to be  
13 addressed again.

14 THE COURT: Okay. All right.

15 ATTORNEY RILEY: Because it  
16 was very -- because it was totally out of  
17 line, I would say, Your Honor.

18 THE COURT: Yes. I  
19 understand.

20 ATTORNEY JOHNSON: Your Honor,  
21 Tony is mentioned in a Government exhibit --

22 THE COURT: Yes.

23 ATTORNEY JOHNSON: -- and that  
24 was admitted over my objection.

25 THE COURT: Yes.

1                   ATTORNEY RILEY: I understand,  
2 but the Court ordered that we don't say who  
3 Tony is.

4                   ATTORNEY JOHNSON: She almost  
5 certainly lied about not knowing Tony.

6                   THE COURT: Yes, but the  
7 motion in limine was in fact granted, so you  
8 were getting close, but you did not cross the  
9 line.

10                  ATTORNEY JOHNSON: Yes, Your  
11 Honor.

12                  THE COURT: So that's why I  
13 did not call for a sidebar or anything. And  
14 so, I'm sure you understand that, Attorney  
15 Johnson.

16                  ATTORNEY JOHNSON: To the  
17 extent that -- because Tony was mentioned in  
18 a long paragraph that is now before the Jury  
19 and she -- I would proffer that she actually  
20 lied when she said she did not know Tony.

21                  To the extent that if my client  
22 testifies, will he be allowed to say, yes,  
23 she knew Tony, I knew Tony; she lied when she  
24 said she did not know Tony?

25                  THE COURT: So, what's the



1 purpose of that? The Jury could either  
2 believe him or they could believe her.

3 ATTORNEY JOHNSON: Any time  
4 credibility of a -- Miss Ramirez --

5 THE COURT: It cannot cross  
6 the line. You cannot cross the line.

7 ATTORNEY JOHNSON: Yes, Your  
8 Honor.

9 THE COURT: I've already  
10 granted their motion in limine.

11 ATTORNEY JOHNSON: This will  
12 not be crossing the line, Your Honor --

13 THE COURT: Okay.

14 ATTORNEY JOHNSON: -- and  
15 Mr. Jaglal is well aware, and we have  
16 instructed him, not to get on the stand and  
17 talk about her status as a prostitute or him  
18 as a pimp. But she said, I believe, I don't  
19 know who that is.

20 ATTORNEY RILEY: And, Your  
21 Honor, the reason she did that is because  
22 there is a court order that you cannot  
23 speak --

24 ATTORNEY JOHNSON: There's no  
25 court order that she can lie on the stand,

1 Your Honor.

2 THE COURT: There is a court  
3 order saying that you are precluded from  
4 questioning -- you're precluded from making  
5 any reference to how they met three months  
6 ago.

7 ATTORNEY JOHNSON: Yes, Your  
8 Honor.

9 THE COURT: Okay.

10 ATTORNEY MCRAE: Your Honor,  
11 for the record, at the time that the  
12 victim --

13 THE COURT: I'm sorry. Three  
14 months before they came here on vacation.

15 ATTORNEY JOHNSON: Yes, Your  
16 Honor.

17 THE COURT: All right. Go  
18 ahead.

19 ATTORNEY MCRAE: Your Honor,  
20 for the record, whenever defense counsel went  
21 down that line of questioning, the witness  
22 had already been instructed do not answer.  
23 That's whenever the witness was looking at  
24 Attorney Riley and there was a question as to  
25 why do you keep looking at Attorney Riley --

1 THE COURT: Yes.

2 ATTORNEY MCRAE: -- it was  
3 directly down that line of questioning and  
4 she was already instructed that you cannot  
5 answer that line of questions.

6 THE COURT: Okay.

7 ATTORNEY MCRAE: That's the  
8 position that she was put in whenever she was  
9 on that stand at that point. We did not  
10 bring it up, and counsel is fully aware that  
11 she could not speak to it. He was trying to  
12 open the door, even though he knew she was  
13 instructed not to.

14 What Counsel was doing is he was  
15 trying to do it himself and have her answer  
16 that question, and she was instructed no to.  
17 So that's why she was looking over at counsel  
18 saying that you gave me this instruction that  
19 I could not talk about it, and that's  
20 directly where Attorney Johnson went to on  
21 that day. And he fully knew who Tony was  
22 whenever he asked that question.

23 THE COURT: Okay.

24 ATTORNEY JOHNSON: Your Honor,  
25 the Government's exhibit; Tony is in there.

1 This is something she's had since November,  
2 something she reviewed on Sunday, and she got  
3 on the stand and said *I do not know who Tony*  
4 *is*. My question --

5 THE COURT: And that's it.

6 ATTORNEY JOHNSON: Yes.

7 THE COURT: That's it.

8 ATTORNEY JOHNSON: To the  
9 point I want to get out, we intend to proffer  
10 that if Mr. Jaglal gets on the stand, his  
11 testimony would be she knows who Tony is.  
12 She knows who Tony -- she knew who Tony was  
13 back when we were dating and she knows who he  
14 is now. She lied on the stand.

15 ATTORNEY MCRAE: Your Honor,  
16 so he's going to impeach the witness'  
17 testimony down that line of questions that  
18 she was directly asked not to go down?

19 So, since she can't answer, now he's  
20 going to try to impeach her and say that she  
21 knows who Tony is, put the defendant on the  
22 stand and try to lose her credibility even  
23 though she was already given that instruction  
24 that you cannot answer that question?

25 And defense counsel was already

1 aware that she could not answer, so now to  
2 impeach her on something that she was told  
3 that she cannot speak of, he's going to try  
4 to put the defendant on the stand to try to  
5 make her look bad, when everybody knows that  
6 everyone was aware that she could not say  
7 that she knew who Tony was.

8 THE COURT: It doesn't imply  
9 anything other than she lied about knowing  
10 Tony.

11 ATTORNEY MCRAE: Your Honor,  
12 it's going towards credibility. This case is  
13 going to be between two individuals.

14 THE COURT: Yes.

15 ATTORNEY MCRAE: And she was  
16 instructed not to --

17 THE COURT: And that's up to  
18 the Jury to determine who they believe. The  
19 instruction is that they can believe some,  
20 all, or none --

21 ATTORNEY MCRAE: Your Honor,  
22 as far as that, she said --

23 THE COURT: -- of her testimony  
24 or his testimony. It's the same. They weigh  
25 the credibility the same.

1                   ATTORNEY MCRAE:  When they  
2                   asked about it and say is that your friend,  
3                   she said that's his friend.  That should be  
4                   sufficient at that point.  So what is he  
5                   going to say, that, yes, she knows him?  
6                   She's already answered and said that's his  
7                   friend.  So to try to go right back there and  
8                   try to impeach her, this case is going to be  
9                   between the two individuals in that room.  
10                  It's going to be based on the credibility.

11                  THE COURT:  Okay.

12                  ATTORNEY MCRAE:  And to try to  
13                  use that to impeach her before this Jury when  
14                  she's already been instructed not to, that's  
15                  what he's using to have her lose credibility  
16                  with this Jury.  To have her get up there and  
17                  say that yes, she --

18                  THE COURT:  That's part of his  
19                  job.  He has the right to defend his client.

20                  ATTORNEY MCRAE:  Your Honor,  
21                  the only other two points to that she could  
22                  have said is yes, I do know him, he used to  
23                  be my pimp.

24                  THE COURT:  No.  No.  She can  
25                  say, yes, I do know him, and that's it.

1 Because the motion in limine specifically  
2 precludes the defense from making any  
3 reference whatsoever to how they met and the  
4 nature of those circumstances.

5 ATTORNEY MCRAE: And that  
6 question puts that directly short center,  
7 Your Honor, choosing conflict with that and  
8 trying to comply with that Court order and/or  
9 lose credibility at that point. And now it's  
10 going to be putting her in a situation that  
11 it could've only been yes. I'm guessing  
12 that's what she was supposed to say at that  
13 point, but she was instructed that she was  
14 not supposed to speak on that subject  
15 whatsoever.

16 THE COURT: Okay. That's  
17 between you and her. She said she does not  
18 know him. She said that he is the  
19 defendant's friend; am I correct?

20 ATTORNEY MCRAE: Yes.

21 THE COURT: All right. And so  
22 now if the defendant testifies he's going to  
23 say, well, no, she was dishonest or she lied;  
24 she knows exactly who Tony is.

25 ATTORNEY JOHNSON: Thank you,

1 Your Honor.

2 THE COURT: Tony could be  
3 anyone.

4 ATTORNEY MCRAE: Okay.

5 THE COURT: But that's it,  
6 Attorney Johnson. You cannot cross that  
7 line.

8 ATTORNEY JOHNSON: Yes, Your  
9 Honor. I'm well aware, and we told our  
10 client and he's well aware. He's well aware  
11 that he can get not only himself, but me in  
12 very big trouble if we do cross the line.

13 THE COURT: Okay.

14 ATTORNEY JOHNSON: Thank you,  
15 Your Honor.

16 THE COURT: Okay. All right.  
17 Okay. So we need to make sure that we need  
18 to project our voices so that the last  
19 jurors, the last of the jurors can hear  
20 everything that everyone says.

21 That's why I kept saying yesterday  
22 that the witnesses need to speak louder. So  
23 everyone needs to keep their voices as high  
24 as possible so that everyone can hear. It's  
25 not like in the past when everyone sat there.



1                   ATTORNEY JOHNSON: Yes.

2                   The Court has actually complained  
3 about me not being able to be heard, so  
4 specifically, is there any reason to believe  
5 that they didn't hear all of my cross?

6                   THE COURT: No.

7                   ATTORNEY JOHNSON: Okay.

8                   THE COURT: Not necessarily,  
9 but we just want to make sure.

10                  ATTORNEY JOHNSON: Yes, Your  
11 Honor. Would it be too impertinent to maybe  
12 turn and face the Jury as we're crossing? I  
13 know it's going to be difficult.

14                  THE COURT: You can.

15                  ATTORNEY JOHNSON: Okay.

16                  THE COURT: All right. Are  
17 you ready, Attorney McRae?

18                  ATTORNEY MCRAE: Yes, Your  
19 Honor.

20                  ATTORNEY JOHNSON: Your Honor,  
21 as to the point of jury instructions, I just  
22 didn't know if we were going to get a chance  
23 to hash this out, but I believe, if I'm not  
24 wrong, we are in agreement on the matter of  
25 false imprisonment.

1           The Court needs to instruct the Jury  
2 with the *Berry* factors from the Third Circuit  
3 Court.

4           THE COURT: Okay. One minute.  
5 The which factors now, *Berry*?

6           ATTORNEY JOHNSON: Yes, Your  
7 Honor. I've got a citation. This is  
8 assuming that the Court does not dismiss the  
9 charge or JNOV it after the close of  
10 evidence. But *Fahie v People* -- F-A-H-I-E --  
11 59 VI 505, Supreme Court, year 2013.

12           V.I. Supreme Court, 2013 says that  
13 *it is plain error not to instruct the Jury on*  
14 *the four factor of Berry test used in*  
15 *determining a confinement as to whether it*  
16 *was incidental to the commission of another*  
17 *crime or constituted a separate offense of*  
18 *false imprisonment.* The *Berry* factors, for  
19 what it's worth --

20           THE COURT: I'm sorry. Is it  
21 B-E-R-R-Y?

22           ATTORNEY JOHNSON: Yes, Your  
23 Honor. I'm going to give you a cite for  
24 that.

25           THE COURT: Okay.

1                   ATTORNEY JOHNSON: 604 F.2d,  
2                   221. That's an old case from about 1979.  
3                   The Supreme Court case from the Virgin  
4                   Islands affirmed that it will be plain error  
5                   not to instruct the Jury on the four-factor  
6                   *Berry* test. That is going to as to whether  
7                   or not false imprisonment is incidental to  
8                   the actual -- as to any other charges crimes  
9                   in this -- I'm sorry. Any other crimes  
10                  charged for simple assault and second-degree  
11                  assault. I'm sure you picked up on my line  
12                  of questioning as to when she was being  
13                  restrained from getting out.

14                  The four factors which should be --

15                  THE COURT: So when you say  
16                  it's incidental to these assaults, you mean  
17                  that it has to be -- an assault has to be an  
18                  element?

19                  ATTORNEY JOHNSON: No, Your  
20                  Honor.

21                  THE COURT: Is that what  
22                  you're suggesting? What are you saying?

23                  ATTORNEY JOHNSON: The  
24                  reasoning behind the *Berry* -- and this is  
25                  what the Supreme Court of the Virgin Islands

1 said -- was, if a -- some crimes inherently  
2 have false imprisonment or the factors which  
3 could lead a Jury to find for false  
4 imprisonment. And so there's a danger of  
5 crimes like robbery, assault, rape, sexual  
6 assault, as being overcharged and the Jury  
7 actually finding false imprisonment and  
8 kidnapping when those are inherently part of  
9 the original crime.

10 THE COURT: Oh, I see what  
11 you're saying.

12 ATTORNEY JOHNSON: Yes. So  
13 the third circuit said there are four factors  
14 which should be determined before finding  
15 that a person has committed a kidnapping or  
16 false imprisonment.

17 I can read those four factors into  
18 the record, I just want to make sure that we  
19 had time to get a jury instruction that  
20 incorporates those four factors.

21 THE COURT: What are those  
22 four factors?

23 ATTORNEY JOHNSON: The four  
24 factors are: Duration of the detention or  
25 asportation. The second factor is: Whether

1 the detention or asportation occurred during  
2 the commission of a separate offense.

3 THE COURT: Okay.

4 ATTORNEY JOHNSON: The third  
5 is: Whether the detention or asportation  
6 which occurred is inherent in the separate  
7 offense; and the fourth factor is: Whether  
8 the asportation or detention created a  
9 significant danger to the victim independent  
10 of that posed by the separate offense.

11 THE COURT: Okay. So, I'm  
12 familiar with what you're talking about.  
13 What comes to mind is *People versus Baron*,  
14 because it was my case. That was false  
15 imprisonment and kidnapping.

16 ATTORNEY JOHNSON: Yes, Your  
17 Honor.

18 THE COURT: And what also  
19 comes to mind is -- I can't think of his last  
20 name. Raphael... I can't remember. But  
21 looking at the specific charge: Confines,  
22 imprison -- I'm sorry. Imprisons or  
23 inveigles or kidnaps a person with the  
24 intent...

25 So you are -- asportation is the

1 actual movement of the person. That's what  
2 asportation is, the actual movement of the  
3 person. There was no movement here per se.  
4 She was already in his presence by virtue of  
5 just them being in the hotel room or the  
6 condo room together.

7 ATTORNEY JOHNSON: Yes.

8 THE COURT: So this was not a  
9 situation like *People versus Baron* where the  
10 defendant as a Gipsy taxi driver picked up  
11 women and transported them from point A to  
12 point B.

13 ATTORNEY JOHNSON: Yes, Your  
14 Honor.

15 THE COURT: So how does that  
16 apply with the statute in and of itself?

17 ATTORNEY JOHNSON: Okay.

18 Asportation --

19 THE COURT: If the instruction  
20 follows the statute in and of itself, which  
21 is basically to confine a person against his  
22 or her will, how is that an improper  
23 instruction?

24 ATTORNEY JOHNSON: The factor  
25 that I just read where you get asportation

1 from, I'm not saying that asportation needs  
2 to be part of this jury instruction. But the  
3 duration of the detention surely should be a  
4 factor. Whether it is the detention or --

5 THE COURT: So, two minutes  
6 against her will is not sufficient?

7 ATTORNEY JOHNSON: Your Honor,  
8 we've got testimony on the stand that she was  
9 being held while she was being beaten, while  
10 she claimed she was being strangled, while  
11 she claimed she was being kicked and held.

12 Now, I don't believe she was falsely  
13 imprisoned. I don't believe that she was  
14 held in that apartment -- the condo against  
15 her will. That's what I hope the Jury will  
16 find, but they need to find it was not  
17 incidental to the actual assault, the simple  
18 assault or the second-degree assault. That's  
19 what this jury instruction is getting at.

20 They have to prove that she was  
21 detained, inveigles or imprisoned. They do  
22 not have to prove that her movement was  
23 stopped, but they had to prove that she was  
24 not able to leave that condo because of his  
25 actions; those actions being completely --

1 not completely divorced, but separate and not  
2 incidental to the --

3 THE COURT: To the assault.

4 ATTORNEY JOHNSON: Yes.

5 That's what I'm getting at.

6 THE COURT: Okay. So, you  
7 said it's 59 VI -- I didn't get the page  
8 number.

9 ATTORNEY JOHNSON: Yes, Your  
10 honor. 59 VI 505, 2013. And in this case  
11 *Fahie v People*, that was the error on the  
12 Court. It was determined in that case not to  
13 be prejudicial. That case is different from  
14 this case. In this case it would be  
15 prejudicial.

16 In that case I believe it was a  
17 robbery. Also, I want to say there was  
18 allegations of sexual assault and defense --  
19 sexual assault or rape, I believe. I skimmed  
20 the case very quickly.

21 THE COURT: What's the name of  
22 the defendant, the first name; do you recall?

23 ATTORNEY JOHNSON: One second,  
24 Your Honor. I don't recall. I didn't write  
25 that down. The last name is Fahie. I can



1 try and get on the internet and figure it  
2 out.

3 THE COURT: That's all right.  
4 So this is a 2013 Supreme Court case which is  
5 a spin off from the 1979 case?

6 ATTORNEY JOHNSON: Yes. The  
7 Supreme Court specifically said the *Berry*  
8 factors should be given in a jury instruction  
9 and it would be plain error not to.

10 ATTORNEY MCRAE: I apologize.  
11 What was that citation again, Your Honor?

12 THE COURT: It's *Fahie*, 59 VI  
13 505, 2013.

14 ATTORNEY MCRAE: Thank you,  
15 Your Honor.

16 THE COURT: Okay.

17 And so those factors: Duration,  
18 Asportation, and what are the other two?

19 ATTORNEY JOHNSON: Well, the  
20 actual factors -- we do not have to include  
21 asportation. It's a word that I didn't know  
22 what it meant until you actually defined it  
23 for me.

24 THE COURT: Okay.

25 ATTORNEY JOHNSON: But

1 detention surely needs to be in there.

2 THE COURT: All right.

3 Detention.

4 ATTORNEY JOHNSON: Duration of  
5 detention, whether the detention occurred  
6 during the commission of a separate offense,  
7 whether the detention which occurred is  
8 inherent in the separate offense; whether the  
9 detention created a significant danger to the  
10 victim independent of that posed by the  
11 separate offense.

12 THE COURT: Okay.

13 ATTORNEY JOHNSON: The only  
14 quibble I have with that is change the word  
15 *Victim* to Miss Ramirez, the named defendant.  
16 We can call her by name.

17 THE COURT: All right. So  
18 I'll look into that.

19 ATTORNEY JOHNSON: Thank you,  
20 Your Honor.

21 THE COURT: Okay. Anything  
22 else?

23 ATTORNEY JOHNSON: No, Your  
24 Honor.

25 ATTORNEY MCRAE: One other

1 thing, Your Honor. I did have an issue with  
2 one of my witnesses this morning. He is  
3 here. The only issue is that he wore shorts.  
4 We're trying to get him some pants or slacks.

5 ATTORNEY RILEY: That's  
6 covered. He got them.

7 ATTORNEY MCRAE: Oh, they got  
8 some?

9 ATTORNEY RILEY: I took care  
10 of that technicality.

11 ATTORNEY MCRAE: Okay. I got  
12 you.

13 THE COURT: Okay. All right.

14 ATTORNEY JOHNSON: That just  
15 tells nicely on cross-examination, Your  
16 Honor, I swear to God. If we can put him in  
17 shorts on the stand, it will be good for me.

18 THE COURT: Okay. All right.  
19 So, we're ready to start.

20 Oh, before we do begin, I was  
21 thinking about the stipulations. I know that  
22 there was a stipulation with respect to the  
23 credentials of Dr. Robert Smith, and I want  
24 to believe the other one had to do with the  
25 911 tapes, but I was not certain.

1                   ATTORNEY JOHNSON: Yes, Your  
2 Honor. It's quite clear we're not going to  
3 be able to keep the 911 tapes out. So at  
4 this time -- and by the way, as you said Miss  
5 Ramirez got on the stand, said all she's  
6 going to say, so as far as the 911 tapes, at  
7 this time we would stipulate to their  
8 admission, with the quid pro quo being that  
9 my clips of those same 911 tapes be admitted  
10 as well as substantive evidence. I plan on  
11 using them to cross-examine Davion Samples  
12 and I want them to go back with the Jury.

13                   THE COURT: So for your case  
14 you're just going to highlight portions?

15                   ATTORNEY JOHNSON: Yes.

16                   THE COURT: Of what was  
17 already admitted?

18                   ATTORNEY JOHNSON: Exactly.

19                   THE COURT: Okay.

20                   ATTORNEY JOHNSON: Literally,  
21 I took a VLC player and cut -- I believe I  
22 did this with the first recording, Number 10  
23 and Number 12.

24                   THE COURT: Okay.

25                   ATTORNEY JOHNSON: Number 12

1 the entire clip is the entire recording  
2 because it was fairly short. And that is a  
3 CAD report between two -- between Dispatch  
4 and one of the units saying something about  
5 this being recorded as a rape.

6 THE COURT: All right. So  
7 what was admitted was the call history  
8 record, Attorney McRae, the actual call  
9 history record, and there were two disks.

10 ATTORNEY MCRAE: Yes, Your  
11 Honor.

12 THE COURT: So what are those  
13 two disks? One is a complete recording of  
14 the call history record?

15 ATTORNEY MCRAE: Yes, Your  
16 Honor. People's Exhibit Number 2 is the  
17 complete call history record from 911, all  
18 the calls that came in, including the  
19 officers doing dispatch on recordings.

20 From that we made CD Number 3, and  
21 that's just a phone call from Mr. Samples.  
22 So it would be two calls from Mr. Samples on  
23 911 on that day.

24 THE COURT: So Number 3 is an  
25 extraction of Number 2?

1 ATTORNEY MCRAE: Yes, Your  
2 Honor.

3 THE COURT: Okay. All right.  
4 So 3 is also recorded under Exhibit 2. Got  
5 it.

6 ATTORNEY JOHNSON: And just  
7 for clarity sake, I believe he's talking  
8 about the same recordings that I had clipped  
9 from except for Number 12, unless --

10 Are you introducing 12?

11 ATTORNEY MCRAE: Right now I'm  
12 going to introduce, as far as the clips,  
13 Number 1 and Number 10.

14 ATTORNEY JOHNSON: So 12 is  
15 the only one that was not on the Government's  
16 exhibit.

17 THE COURT: So then you need  
18 to introduce yours separately.

19 ATTORNEY JOHNSON: Yes, Your  
20 Honor.

21 THE COURT: All right.

22 Do you have any objections, or is  
23 that a stipulation right now?

24 ATTORNEY MCRAE: As far as 12,  
25 is that just the 911 call?

1                   ATTORNEY JOHNSON: Yes. It's  
2 Dispatch between -- dispatcher and 911.

3                   ATTORNEY MCRAE: I wouldn't  
4 have any objections, Your Honor. It's  
5 already into evidence on People's Exhibit  
6 Number 2.

7                   THE COURT: Oh, okay. All  
8 right.

9                   ATTORNEY JOHNSON: Thank you,  
10 Your Honor.

11                   THE COURT: All right. No  
12 problem. Would that be your Defense Exhibit  
13 1?

14                   ATTORNEY JOHNSON: I believe  
15 so, Your Honor. It's premarked but not  
16 labeled.

17                   THE COURT: I understand.  
18 Okay. Is that the extent of your exhibits?

19                   ATTORNEY JOHNSON: Pretty  
20 much, Your Honor.

21                   THE COURT: All right.  
22                   What's the name of your first  
23 witness, Attorney McRae, for today?

24                   ATTORNEY MCRAE: The first  
25 witness would be Mr. Bradley Thomas.

1 THE COURT: Bradley Thomas.  
2 All right. Ready.

3 THE MARSHAL: Will everyone,  
4 please rise.

5 (The Jurors enter  
6 the courtroom.)

7 THE CLERK: People of the  
8 Virgin Islands versus Devindra Jaglal.

9 ATTORNEY MCRAE: Yes. Good  
10 morning, Your Honor. Good morning, court  
11 staff. Good morning, Ladies and Gentlemen of  
12 the Jury.

13 ALL JURORS: Good morning.

14 ATTORNEY MCRAE: My name is  
15 Quincy McRae, and myself long with Assistant  
16 Attorney General Kimberly Riley.

17 ATTORNEY RILEY: Good morning.

18 ALL JURORS: Good morning.

19 ATTORNEY MCRAE: And Officer  
20 Khalil Tatum. We represent the People of the  
21 Virgin Islands.

22 OFFICER TATUM: Good morning.

23 ATTORNEY JOHNSON: Good  
24 morning again, everyone. Thanks for coming.  
25 Frederick Johnson, I go by Andy; Devindra



1 Jaglal and Thoron Corey Hodge, attorney with  
2 my office. He goes by Corey.

3 ATTORNEY HODGE: Good morning.

4 ALL JURORS: Good morning.

5 THE COURT: All right. Good  
6 morning, everyone.

7 THE JURORS: Good morning,  
8 Your Honor.

9 THE COURT: We're ready to  
10 continue the testimony. Attorney McRae?

11 ATTORNEY MCRAE: Yes, Your  
12 Honor. At this time the People would call  
13 Mr. Bradley Thomas.

14 THE COURT: Very well.

15 THE MARSHAL: Good morning.  
16 Please stand right here and raise your right  
17 hand to be sworn.

18 **BRADLEY THOMAS,**  
19 after having been first duly sworn as a  
20 witness, testified as follows:

21 THE CLERK: Step forward and  
22 be seated, please.

23 THE WITNESS: Thank you.

24 ATTORNEY MCRAE: May I  
25 proceed, Your Honor?

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THE COURT: Yes, you may.

**DIRECT EXAMINATION**

**BY ATTORNEY MCRAE:**

**Q** Good morning.

**A** Morning.

**Q** Could you please state and spell your name for the record?

**A** Bradley. B-R-A-D-L-E-Y.  
Thomas. T-H-O-M-A-S.

**Q** And, Mr. Thomas, what is your occupation?

**A** I'm a forklift driver at Cosco Wholesale in Commerce, Michigan.

THE COURT: And, Mr. Thomas, keep your voice up, please, so the last set of Jurors can hear you.

THE WITNESS: Okay.

**BY ATTORNEY MCRAE:**

**Q** And where do you live?

**A** I live in Whitson, Michigan.

**Q** And how long have you lived there?

**A** It's been approximately four years now.

**Q** And prior to testifying today,

1 have you had an opportunity to visit  
2 St. Thomas, Virgin Islands?

3 **A** Yes, I have.

4 **Q** When was the last time that you  
5 visited St. Thomas, Virgin Islands prior to  
6 testifying today?

7 **A** It was on or about the third  
8 week of November.

9 **Q** And are you familiar with the  
10 area known as the Sapphire Beach Resort?

11 **A** I am.

12 **Q** And how are you familiar with  
13 that area?

14 **A** I stayed there over a period of  
15 days with friends. We were hunting trip on a  
16 vacation trip.

17 **Q** I would like to turn your  
18 attention to November 15th of 2020. Do you  
19 recall that day?

20 **A** I do.

21 **Q** And what, if anything, do you  
22 recall about that day in regards to this  
23 matter?

24 **A** Well, it started out like any  
25 other night. We were on -- me and

1 Mr. Samples were out on the second floor, I  
2 guess, you would call it the balcony area,  
3 just kind of enjoying the night, you know, we  
4 had a little bit of music on.

5 We were just chatting and talking,  
6 and, you know, a little bit through our  
7 conversation we could tell that there was a  
8 gathering or a get together in the next  
9 condominium.

10 Q How were you able to tell that?

11 A They had, you know, they were  
12 playing some music and, you know, it sounded  
13 like they were, you know, they were having a  
14 good time.

15 Q And -- continue on.

16 A At that point, you know,  
17 discussing with Mr. Samples, we were having a  
18 conversation, we heard a scream. Somebody  
19 screamed out for help.

20 Q And, Mr. Thomas, whenever you  
21 said you heard a scream, where were you at  
22 whenever you heard that scream?

23 A We were outside on the balcony.

24 Q And who was outside with you?

25 A It was Mr. Samples.

1           **Q**    And who is Mr. Samples?

2           **A**    He is my friend.

3           **Q**    And were you able to determine  
4 where that scream was coming from?

5           **A**    Oh, we knew. You know, as soon  
6 as I heard that scream a chill went down my  
7 spine. I knew it was coming from the  
8 adjacent condo.

9           **Q**    As far as the condo that you  
10 were staying in, are you -- do you remember  
11 the number of the condo that you were staying  
12 in?

13          **A**    Was it like -- no, I don't  
14 remember.

15          **Q**    But you said that it was the  
16 adjacent condo?

17          **A**    Yeah. It was the next door one.  
18 And we kind of -- me and Mr. Samples just  
19 kind of like looked at each other, and at  
20 that point we heard -- after the scream we  
21 heard the music get turned up a little bit.  
22 And I looked at him and I said, *that's odd*.  
23 You know, somebody screams and the music goes  
24 up. It sounded like, you know, maybe they  
25 were turning the music up to cover up, you

1 know, any signs of a commotion or, you know,  
2 a disturbance.

3 So that kind of send a red flag in  
4 our minds, but at that point we had a  
5 decision. We turned the light out, you know,  
6 turned our music down, and opened up the  
7 screen door and went back inside.

8 **Q** At that point had you heard  
9 anymore screams or anything coming from that  
10 direction at that point?

11 **A** Well, we could hear, you know,  
12 signs of a commotion coming from the adjacent  
13 condo, you know, furniture knocking around;  
14 we could hear more screams, you know,  
15 somebody shouting, you know, *please*, you  
16 know, *help me, get off of me*, you know.

17 We had a choice to make, and at that  
18 time, you know, we decided to call the  
19 police. It wasn't something that we could  
20 just ignore or say, hey, you know, we're on  
21 vacation, you know, this isn't any of our  
22 business or, you know -- somebody needed help  
23 and, you know, we made the decision to call.

24 **Q** Okay. Who called the police?

25 **A** Mr. Samples used his phone to

1 call the police.

2 Q And were you present whenever he  
3 called the police?

4 A I was, yeah.

5 Q And whenever he called the  
6 police, were you able to still hear from the  
7 next door room?

8 A Oh, yeah. I mean, you know,  
9 even with the music there was just, you know,  
10 we could hear voices. Somebody was trying to  
11 get away from another person in that room.  
12 And that was clear to both of us.

13 And at that point when Mr. Samples  
14 got on the phone with the police, they were  
15 asking us all kinds of, you know, questions.  
16 I think they said, well, *can you see the*  
17 *person?* And at that point I kind of peeked  
18 my head around the partition of the balcony  
19 just to see if maybe I could -- if somebody,  
20 you know, if somebody needed help or if  
21 there's something I could do.

22 Q And were you able to see  
23 anybody?

24 A I couldn't. But I peeked back  
25 around, you know. I came back on to my side

1 of the partition shortly after that when I  
2 went back into the condo.

3 Now, the screen door, you know, is  
4 closed, but the sliding, you know, glass is  
5 open at that point. At that point a couple  
6 moments later, somebody peeked back around  
7 the partition.

8 Q And were you able to observe  
9 that person?

10 A I was.

11 Q At the time that you observed  
12 that person, where were you?

13 A I was inside the condo.

14 Q And where did you observe that  
15 person?

16 A He was peeking around the  
17 partition on the balcony.

18 Q And as far as where the screams  
19 were located, was that person coming from the  
20 direction of the screams?

21 A Well, there was a screen in  
22 between us.

23 Q I mean the screams from the  
24 condo.

25 A Oh, yeah. He was coming from



1 the direction where we heard, yes.

2 Q And could you please describe  
3 the person that you observed on that night?

4 A We thought, you know, he just  
5 had a short hair, you know, his complexion --  
6 I though he might have been --

7 THE COURT: Keep your voice  
8 up, please.

9 THE WITNESS: I thought he  
10 might have been either, you know, Latino or  
11 East Asian decent.

12 **BY ATTORNEY MCRAE:**

13 Q And you stated it sounded like  
14 it was a party, or the music was loud coming  
15 from next door originally?

16 A Yeah.

17 Q Whenever you saw that person,  
18 were you invited to go over there and party  
19 with that individual?

20 A No.

21 Q Did that person say anything to  
22 you?

23 A Yes, he did. He said, you know,  
24 *what's going on over here, or why did, you*  
25 *know, you guys turned down your music?* And

1 then he proceeded to say, you know, why --  
2 he's trying to figure out what, you know, was  
3 going through our heads as far as his  
4 actions. That's how I felt.

5 And then he said, well, *do you like*  
6 *spying on people?* Because he must have seen  
7 me peeked my head around the partition.

8 **Q** From the time that you heard the  
9 first scream to the time that you saw that  
10 individual, approximately how much time had  
11 gone passed?

12 **A** From the first scream to when I  
13 saw that individual, I would say it's  
14 probably, you know, 10, 15 minutes, somewhere  
15 around that vicinity.

16 **Q** Whenever you saw that individual  
17 out on the balcony, did you still hear  
18 anymore screams coming from inside that suite  
19 at that time?

20 **A** Yeah, we did. I mean, you know,  
21 it was multiple, you know, cries out for help  
22 and, you know, signs of a struggle. Somebody  
23 saying, *get off of me*, you know. It wasn't a  
24 good situation, and that's why we felt, you  
25 know, the need to call.

1           **Q**    Now, you stated that you first  
2 saw the person on the balcony. Did you have  
3 an opportunity to see that person again?

4           **A**    Last time we saw him was when --  
5 I guess we were leaving outside with the  
6 detective. When we were being interrogated  
7 by the detective we caught a glimpse of him.

8           **Q**    So on that night you saw him on  
9 your balcony?

10          **A**    Yes.

11          **Q**    And then you saw him with a  
12 detective?

13          **A**    Yes.

14          **Q**    Whenever you observed him on  
15 that night, were you able to observe his  
16 demeanor?

17          **A**    He just seemed -- the  
18 interactions I had with him were, you know,  
19 it just seemed hostile, angry, you know,  
20 wasn't a pleasant individual. Threatening is  
21 how I would describe it, to the point where,  
22 you know, when he was peeking around the  
23 partition, we, you know, we definitely,  
24 generally felt like threatened.

25                There was an incident where while we

1 were waiting for the police, he came  
2 around -- there was a knock at the door and,  
3 you know, we said, *who is it?* It wasn't the  
4 police, it was him. And, you know, he is  
5 saying, you know, *open up this door and come*  
6 *out here.* You know, *you're going to find out*  
7 *how it works down on, you know, here down on*  
8 *the island real quick.*

9 So, this was very, you know, very  
10 threatening. We didn't want to leave that  
11 condo. And, you know, we were kind of  
12 prepared at that point to, you know, defend  
13 ourselves if he did decide to enter.

14 **Q** Whenever he knocked at your  
15 front door, were you able to observe that  
16 individual?

17 **A** What's that?

18 **Q** Whenever he knocked on your  
19 front door, were you able to observe that  
20 individual?

21 **A** I was not. But it was the same  
22 voice that, you know, was speaking to me, you  
23 know, on the balcony that crossed over the  
24 partition.

25 **Q** So you were able to hear that

1 person's voice?

2 **A** Yes.

3 **Q** And the voice you heard was the  
4 same voice that you heard from the balcony?

5 **A** Yes.

6 **Q** Approximately how long were you  
7 waiting for the police to arrive at that  
8 time?

9 **A** I mean, all total we were  
10 waiting for the police, it had to be, you  
11 know, 20, 25 minutes in that vicinity.

12 **Q** And during that time did you  
13 hear anymore noise coming from that  
14 apartment?

15 **A** Yeah, we did. We heard, you  
16 know, what sounded like -- like I said,  
17 furniture knocking around, signs of a  
18 struggle, you know, footsteps running around  
19 the apartment, doors opening, stuff being  
20 slammed shut.

21 **Q** And prior to that day, had you  
22 ever met anyone in that apartment, or that  
23 studio?

24 **A** No. You know, we had been out  
25 most of the day and the weekend. I did not

1 see -- I was not familiar with anybody who  
2 was staying in that condo. I didn't see  
3 anybody enter or exit before we had actually,  
4 you know, gotten to -- gotten back, you know,  
5 to our condo.

6 **Q** And during the 20 to 25-minute  
7 duration that you said that you were hearing  
8 noises coming from that apartment, how  
9 many --

10 **A** Definitely.

11 **Q** -- how many people did you see  
12 emerge from that apartment?

13 **A** It was only -- I didn't see  
14 anybody emerge from the apartment in terms of  
15 like, you know, before the police had opened,  
16 you know -- they had knocked on that door.  
17 And, I mean, besides seeing him peek around  
18 the partition and then seeing, you know, the  
19 aftermath of what had happened, I didn't see  
20 anybody like entered or exited.

21 **Q** So it would be fair to say on  
22 that day you saw one individual, the  
23 individual that was on the balcony?

24 **A** Oh, yeah.

25 **Q** Based on his voice, that would

1 be the same individual that was knocking on  
2 your door?

3 **A** Yeah.

4 **Q** As far as whenever you saw that  
5 individual, was he asking for you to get  
6 help?

7 **A** Was he asking for what?

8 **Q** For you to get help?

9 ATTORNEY JOHNSON: Objection,  
10 leading, Your Honor.

11 THE COURT: Sustained.

12 **BY ATTORNEY MCRAE:**

13 **Q** As far as the individual that  
14 you saw on that day, do you see him in the  
15 courtroom today?

16 **A** (Indicting).

17 **Q** And if you need to, you can  
18 stand up and look around?

19 **A** Yeah.

20 **Q** And could you please identify  
21 him for the record?

22 **A** (Pointing).

23 **Q** And could you please describe  
24 what he's wearing?

25 **A** The blue tie; the white shirt.

1                   ATTORNEY MCRAE: Your Honor,  
2 may the record reflect that the witness has  
3 identified the defendant in this matter?

4                   THE COURT: So reflected.

5                   **BY ATTORNEY MCRAE:**

6                   **Q** Mr. Thomas, were you able to  
7 determine -- or, Mr. Thomas, let me ask you.  
8 Why didn't you mind your business on that  
9 day?

10                  **A** What's that?

11                  **Q** Why didn't you mind your  
12 business on that day?

13                  **A** Because I, you know, I mean, the  
14 last thing you want when you're on a trip is  
15 to have any kind of drama or any kind of, you  
16 know, negative experience. You don't want it  
17 to, you know, kind of drag your trip down.

18                  But in this instance, I mean, I had  
19 no choice. Somebody cried out for help.  
20 Somebody was pleading for help, and we had to  
21 take action. I had to take action. So, you  
22 know, other people would say mind your  
23 business, you know, keep to yourself.  
24 Don't -- I mean, when I heard that scream, it  
25 just -- like I said, it send a chill down my



1 spine and I couldn't ignore it.

2 Q Thank you.

3 ATTORNEY MCRAE: Your Honor, I  
4 have no further questions for this witness.

5 THE COURT: Thank you,  
6 Attorney McRae. Attorney Johnson?

7 ATTORNEY JOHNSON: Yes, Your  
8 Honor.

9 **CROSS EXAMINATION**

10 **BY ATTORNEY JOHNSON:**

11 Q Good morning.

12 A Morning.

13 Q You testified that Mr. Samples  
14 called the police?

15 A Correct.

16 Q So you didn't talk with the  
17 police --

18 A I did not.

19 Q -- until they arrived at the  
20 condo?

21 A Correct.

22 Q And then you talked with the  
23 police then.

24 A Correct.

25 Q Okay. So you did not talk on

1 the phone with Dispatch when he called 911,  
2 right?

3 **A** No.

4 **Q** You guys were drinking that  
5 night?

6 **A** We had drinks earlier in the  
7 night, yeah.

8 **Q** Okay. And about what time was  
9 this, do you remember?

10 **A** It was like down by the beach.  
11 For lunch.

12 **Q** What time was it when Davion  
13 Samples called the police?

14 **A** Oh, what time?

15 **Q** Yes.

16 **A** It was earlier like evening, I  
17 believe.

18 **Q** You don't remember --

19 THE COURT: I'm sorry. Keep  
20 your voice up.

21 **A** I don't know of the exact time  
22 that he called.

23 **Q** Okay. You don't remember what  
24 time he called the police?

25 **A** It was in the evening. At

1 night.

2 Q Dark?

3 A Yes.

4 Q The sun had set?

5 A Yes.

6 Q You guys were drinking earlier  
7 in the day, but it is your testimony that you  
8 were not drinking on that porch, that  
9 balcony?

10 A No. I think we were just out  
11 there chatting and listening to some music,  
12 you know.

13 Q Doing anything else on that  
14 balcony?

15 A We were just talking, really.  
16 Mostly we were looking up at, you know, kind  
17 of like looking up at the stars and just, you  
18 know, admiring the night and the scenery.

19 I had never been down to the islands  
20 before, so I was just kind of taking it all  
21 in.

22 Q So this was your first trip to  
23 St. Thomas?

24 A My first trip, yeah.

25 Q The drinking that you did

1 earlier that day, was that the only time you  
2 drank while you were here?

3 **A** No.

4 **Q** So you did drink more than once  
5 during your vacation?

6 **A** Correct.

7 **Q** And when you were on that  
8 balcony, you weren't smoking marijuana, were  
9 you?

10 **A** I don't smoke, so -- I don't  
11 smoke marijuana, but I do vape.

12 **Q** What's a vape pen?

13 **A** Not the THC one. I'm a forklift  
14 driver for work, so if we have an incident we  
15 get tested, so I don't -- I take my job very  
16 seriously, so I don't partake like that. But  
17 I do vape, like nicotine.

18 **Q** Okay. So you were a smoker, or  
19 not? Have you always -- let me rephrase that  
20 question. You always use a vape pen, or do  
21 you use that to kind of replace cigarettes?

22 **A** Kind of to replace cigarettes,  
23 yeah.

24 **Q** So you were a smoker.

25 **A** Yes.

1           **Q**    But you were not smoking that  
2 night on the porch?

3           **A**    I was vaping on the porch.

4           **Q**    Okay. But not marijuana?

5           **A**    No.

6           **Q**    A forklift driver requires some  
7 kind of a certification, right?

8           **A**    Yes.

9           **Q**    So I can't go get a job at Home  
10 Depot and immediately get on to a forklift,  
11 can I, as far as you no?

12          **A**    No.

13          **Q**    And you said you worked at --  
14 did you say Cosco?

15          **A**    Cosco Wholesale, yes.

16          **Q**    So I can't go up to Cosco in  
17 Michigan and get on a forklift without any  
18 kind of certification, right?

19          **A**    Correct.

20          **Q**    It's fair to say you would lose  
21 your job if they found out that you were  
22 smoking marijuana?

23          **A**    Yeah. They test you. Well,  
24 they do incident testing, which is where if  
25 you have an incident and there's over a

1 certain amount of damage, then you would be  
2 required to test. But then they do kind of  
3 almost like surprise testing, like random  
4 drug testing as well.

5 **Q** Would a criminal record affect  
6 your job?

7 **A** Yes.

8 **Q** And you would not be able to  
9 drive that forklift.

10 **A** (No response).

11 **Q** You would not be able to drive  
12 that forklift if you were arrested for  
13 possessing or smoking marijuana, is that fair  
14 to say?

15 **A** No. It would only be if you  
16 were tested. If it was in your system at the  
17 time that the test was administered, you  
18 know. It's not -- they are not going to  
19 like, you know, you have to be on the  
20 forklift, so... It has to be a day that  
21 you're on the forklift.

22 **Q** So, you're saying that you're  
23 not going to lose your job unless there's an  
24 accident on that forklift and you test  
25 positive for marijuana; is that fair to say?

1           **A**    Correct, yes.

2           **Q**    At Cosco?

3           **A**    Yes.

4           **Q**    You kept saying that you heard  
5 signs of a struggle or -- let me put it this  
6 way. You said that there were signs of  
7 struggle, correct?

8           **A**    Correct.

9           **Q**    I'm assuming that you meant you  
10 heard signs of a struggle; is that correct?

11          **A**    Correct.

12          **Q**    Because you didn't see any signs  
13 of a struggle?

14          **A**    No. I heard signs of a  
15 struggle.

16          **Q**    Because the only time you were  
17 able to look into the adjacent apartment, the  
18 next door condo, was when you -- and you said  
19 peeked around the corner to look in.

20          **A**    Yes.

21          **Q**    And you couldn't see the entire  
22 condo, could you?

23          **A**    No, I could not.

24          **Q**    You couldn't see the furniture,  
25 could you?

1           **A**    No, I couldn't see because it  
2 looked like, like I said it looked like they  
3 had kind of closed off the -- pulled the  
4 blinds or whatever, so I couldn't see into  
5 the -- I couldn't see what I was trying to  
6 see, in other words.

7           **Q**    You testified that the sliding  
8 glass door was open, on direct?

9           **A**    In which condo?

10          **Q**    On either.

11          **A**    On our side?

12          **Q**    I believe you testified that the  
13 sliding glass door --

14          **A**    Our side? Yes. It has to be  
15 open for, you know, both the screen and the  
16 sliding one have to be open for you to get on  
17 to the patio, the balcony.

18          **Q**    But I thought you said that the  
19 screen was closed on the neighboring balcony,  
20 correct?

21          **A**    No. They were like -- the  
22 shades were drawn. I couldn't see in there.

23          **Q**    Okay.

24          **A**    So I don't know what doors were  
25 closed, but the shades were definitely -- the



1 curtains were, you know, you couldn't see.

2 Q You couldn't see because of the  
3 curtains?

4 A Yes.

5 Q And this condo, the curtains are  
6 inside that plate glass sliding door, right?

7 A I don't recall.

8 Q You don't remember if the  
9 curtains are on the outside or the inside of  
10 the door?

11 A No, I don't. I really don't. I  
12 am guessing they're on the inside.

13 Q So do you remember if the --  
14 you've already testified that your sliding  
15 glass door was open and you guys were out on  
16 the porch, correct?

17 A Correct.

18 Q There was no one out on the  
19 porch when you went outside and you were  
20 outside on the porch. There was no one on  
21 the next porch, should I say.

22 A No. It seems like most of the  
23 activity was confined to the interior of the  
24 condo.

25 Q I wasn't asking about activity.

1 I was asking was anyone else on that balcony  
2 when you looked around?

3 **A** No.

4 **Q** No. And when you looked around  
5 you couldn't tell if the door was open or  
6 closed because of the curtain?

7 **A** Yeah, I couldn't tell.

8 **Q** Okay. Is there any other thing  
9 obstructing your view of that door when you  
10 looked around into that other condo?

11 **A** No.

12 **Q** So the only thing -- let me ask  
13 you this. You couldn't tell if the screen  
14 door that you described was on the other door  
15 of the other condo, could you?

16 **A** No.

17 **Q** The only thing you saw was that  
18 curtain?

19 **A** Yeah. You couldn't get a good  
20 view in there. I couldn't see anything.  
21 That's why I peeked back around, because I  
22 was like I didn't want to, you know. It was  
23 just kind of a quick look around just to see  
24 if anybody was over there, to see if anybody  
25 needed help.

1 I didn't see anything, so it's like  
2 I didn't linger, okay. I was looking for a  
3 person, a moving body, someone, something. I  
4 wasn't scrutinizing every detail of what door  
5 was open or what door was closed, you know.  
6 It was just kind of a quick motion.

7 Q Davion Samples and you were in  
8 the condo; was there anyone else in the condo  
9 that night with you and Davion Samples?

10 A There was -- he and a friend who  
11 was sleeping, you know.

12 Q That friend didn't wake up and  
13 call the police, did he?

14 A No. I believe she had air buds  
15 in and was listening to some podcast or  
16 something, I don't know.

17 Q Who is that friend?

18 A Or ESMR --

19 Q Sorry, I didn't mean to  
20 interrupt. Go ahead.

21 A I believe her name is Brittany.

22 Q You know Brittany, right?

23 A She's not one of my friends,  
24 so...

25 Q She's one of Davion Samples'

1 friends?

2 **A** Yeah.

3 **Q** She wasn't out on the balcony  
4 with you, was she?

5 **A** No.

6 **Q** Did she ever get up from her bed  
7 for this entire 20 to 25 minutes you guys  
8 were waiting on the police?

9 **A** No.

10 **Q** Okay. Anyone else in that  
11 condo?

12 **A** Nope.

13 **Q** You only met Mr. Jaglal who you  
14 identified in court once, fair to say?

15 **A** Yep.

16 **Q** Okay. And that was when the  
17 police were called and they had already  
18 arrived?

19 **A** No. That would have been when  
20 he looked over the partition onto our  
21 balcony.

22 **Q** You guys were on the balcony  
23 when he did that?

24 **A** No.

25 **Q** In fact, the balcony --

1           **A**    As I stated before previously,  
2           we were back inside the patio, or back inside  
3           the condo, excuse me, with the screen door  
4           pulled but you could see him peek around the  
5           partition. And he proceeded to, you know,  
6           have a conversation with us about why I had  
7           peeked around the partition, and about why we  
8           had turned our music down and went inside and  
9           cut our lights off and stuff like that. I  
10          mean, it seemed that he was curious about  
11          what we had seen, heard, or knew about what  
12          was going on.

13          **Q**    Hum. And so it's fair to say  
14          that he peeked around the same way you peeked  
15          around that same partition between the  
16          condos?

17          **A**    Correct.

18          **Q**    Okay. How tall are you?

19          **A**    I'm about -- I'm 5' 9.

20          **Q**    Five, nine. So if he's at least  
21          5' 9 or taller, he should be able to see  
22          about as much as you saw into that apartment.  
23          In other words, is there anything obstructing  
24          his view from your condo?

25                    ATTORNEY MCRAE:  Objection.

1 That calls for speculation.

2 THE COURT: Sustained.

3 **BY ATTORNEY JOHNSON:**

4 Q What's his -- was your curtain  
5 closed?

6 A No. He could see me and Davion  
7 where we were standing at that point, because  
8 like I said, the only thing that was closed  
9 was the screen.

10 Q Um-hum.

11 A You can see through the screen,  
12 you know, you can hear through the screen.  
13 It's very easy to, you know, make out that  
14 detail. So he could see -- yeah, he saw both  
15 of us. I don't doubt that.

16 Q And you met him once more, or I  
17 believe you said you saw him once more when  
18 the police arrived?

19 A Yeah, I did. I didn't -- the  
20 only other verbal confrontation I had was  
21 when he pounded on the front door. And then  
22 after that the only other time I saw him was  
23 just from a distance like if, you know, the  
24 police were taking care of their business.  
25 So I didn't have a conversation with him at

1 that point.

2 Q You guys were waiting on the  
3 police for 20 to 25 minutes, correct?

4 A Correct.

5 Q You guys called the police  
6 immediately, right?

7 A Yeah. I would say within a  
8 minute of hearing, you know, that  
9 information, you know, that couple minutes, I  
10 would say, of hearing that scream. Because,  
11 you know, we kind of had to take a minute to  
12 process it. But, yeah, it was soon after  
13 that.

14 We called them and stayed on the  
15 phone with the police, and, you know, asked  
16 for -- you know, the operator was giving us  
17 some directions and asking us what was going  
18 on and what we heard.

19 Q So -- it's a great answer. But  
20 my question was, you guys called the police  
21 immediately, right?

22 A I wouldn't say like -- okay.  
23 You heard the scream; we picked up  
24 immediately. So no. The answer to your  
25 question is no, we did not call immediately.

1           **Q**    Within a minute is what you  
2           said?

3           **A**    I would say it was longer than a  
4           minute. I don't -- it's hard to remember,  
5           but it was within -- I would say it was  
6           within a couple minutes. I don't remember  
7           precisely, but a couple minutes give or take,  
8           yes.

9           **Q**    Couple minutes. No more than  
10          five, fair to say?

11          **A**    Yes.

12          **Q**    So your testimony is, you guys  
13          hear a scream, within five minutes you called  
14          the police, correct?

15          **A**    Yes.

16          **Q**    No more than five.

17          **A**    Yep.

18          **Q**    Davion Samples called the police  
19          from his cell phone?

20          **A**    Yes.

21          **Q**    Okay. It wasn't plugged into  
22          anything; it wasn't jacked into the wall, was  
23          it?

24          **A**    No. There was no -- I don't  
25          believe there was a land line. No, there was



1 no land line in the condo. It was all --  
2 everybody was doing everything from their  
3 cell phone, so...

4 **Q** When Devin Jaglal peeked around  
5 the corner and you guys actually talked to  
6 each other for the first time, where was  
7 Davion Samples with that cell phone in his  
8 hand in your condo?

9 **A** He was inside by like the -- I  
10 guess the kitchen counter.

11 **Q** The kitchen counter?

12 **A** Like the dinette counter. It's  
13 a small condominium, so there's like a  
14 dinette that is right in the living space.

15 **Q** Okay.

16 **A** Not a Dinette, but like a, you  
17 know, it's almost like a galley, you know, a  
18 counter.

19 **Q** So, is it fair to say that it's  
20 closer to the screen door that you said was  
21 closed than the front door?

22 **A** Correct.

23 **Q** It's fair to say he's closer to  
24 that screen door when you guys were talking  
25 to each other, when Davion Samples was

1 talking to Jaglal.

2 **A** Correct.

3 **Q** When Jaglal was talking to you  
4 and Davion Samples.

5 **A** Correct.

6 ATTORNEY JOHNSON: One second,  
7 Your Honor.

8 THE COURT: Sure.

9 ATTORNEY JOHNSON: Court's  
10 indulgence.

11 THE COURT: Sure.

12 ATTORNEY JOHNSON: I just need  
13 to go back to Counsel's table.

14 THE COURT: Sure.

15 **BY ATTORNEY JOHNSON:**

16 **Q** Mr. Thomas, when is your date of  
17 birth?

18 **A** August 23rd, 1982.

19 **Q** Can you list the last four of  
20 your social security number?

21 ATTORNEY MCRAE: Objection,  
22 Your Honor.

23 THE COURT: Sustained.

24 **Q** Have you ever been arrested for  
25 a crime?

1 ATTORNEY MCRAE: Objection,  
2 Your Honor.

3 THE COURT: Sustained.

4 THE WITNESS: I have not.

5 ATTORNEY MCRAE: Your Honor, I  
6 would move to strike the questions, Your  
7 Honor.

8 THE COURT: He said no. His  
9 answer is no.

10 **BY ATTORNEY JOHNSON:**

11 Q You testified that the music in  
12 the next door condo went up?

13 A Correct.

14 Q All right. In other words -- I  
15 apologize. I tripped over that cord.

16 The music went up, so the volume  
17 went up, is what you testified to?

18 A Yes.

19 Q More than once going up and  
20 down?

21 A I don't recall the specifics of  
22 if it sounded like it was going up. I mean  
23 it did, but there was that initial crank up  
24 in the volume, like immediately after the  
25 screaming had begun. Noticeably so, yeah.

1           **Q**    And you did not give a report to  
2 the police officers, did you?

3           **A**    I believe I did.

4           **Q**    You believe you did?

5           **A**    Yeah. I mean, when they came  
6 they took -- the detective took, you know, we  
7 filled out a report. Me and Davion.

8           **Q**    Do you remember which detective  
9 you're talking to?

10          **A**    I don't remember his name.

11          **Q**    It was a man?

12          **A**    It was -- yes, it was an African  
13 American male.

14          **Q**    Okay. Did you have to sign any  
15 papers?

16          **A**    I don't believe so, no.

17          **Q**    Did you have to write any words  
18 down on a note pad and gave it to the  
19 officer?

20          **A**    No. I think he took whatever  
21 statement was required.

22          **Q**    So you told the officer what  
23 happened, he wrote down some words and that  
24 was it?

25          **A**    No, then he asked for my

1 personal cell phone number and my e-mail  
2 address.

3 Q You have almost certainly spoken  
4 with the prosecutors about this case before  
5 you testified today, right?

6 A Correct.

7 Q I'm sure you spoke with some  
8 kind of case agent or some kind of a  
9 coordinator with their office?

10 A Correct.

11 Q When did you first speak with  
12 anyone about this case after you left  
13 St. Thomas?

14 A After I left St. Thomas the  
15 first time what did I --

16 Q Well, from November 15, 2020 --

17 A Yes.

18 Q -- the night that this all  
19 occurred, the reason we are all here, you  
20 left St. Thomas.

21 A Um-hum.

22 Q I don't terribly care if you  
23 came back or came back for vacation. Did you  
24 talk with the police; did you talk with any  
25 prosecutors; did you talk with anyone about

1 this case before this weekend?

2 **A** I did.

3 **Q** Who did you talk with?

4 **A** It would have been -- I believe  
5 it was Miss Scott.

6 **Q** Miss Scott?

7 **A** Anna Scott.

8 **Q** The other prosecutor, she's not  
9 here today. Do you remember when you talked  
10 with her?

11 **A** I mean this started back in --  
12 the preparation for this started back last  
13 month, so that would have been the first time  
14 I spoke to anybody about, you know, anybody  
15 in the, you know, prosecutor's office since  
16 that incident in November 2020.

17 **Q** And I'm assuming you didn't talk  
18 with any other police officers once you  
19 started talking to the prosecutors, correct?

20 **A** No.

21 **Q** And the people in their office,  
22 correct?

23 **A** No.

24 **Q** So in your testimony you  
25 described him as a Hispanic male, possibly of

1 Asian decent, or a man of possibly Asian  
2 decent?

3 **A** Well, I think, you know, like  
4 Indian/Asian. It wasn't very clear. It was,  
5 you know...

6 **Q** So a man of DESI decent, I  
7 believe, is how I refer to it.

8 **THE COURT:** What did you say,  
9 Attorney Johnson?

10 **ATTORNEY JOHNSON:** Desi,  
11 D-E-S-I.

12 **Q** It's of East Asian subcontinent?

13 **A** Yes.

14 **Q** You didn't tell anyone prior to  
15 today that he wasn't an East Asian man, did  
16 you?

17 **A** I did.

18 **Q** Who did you tell?

19 **A** Well, when me and Davion were  
20 discussing it, that came up.

21 **Q** On that night?

22 **A** No. I mean -- yeah, that night,  
23 afterwards, I would say. Maybe the day  
24 after, like discussing like, you know, the  
25 events of the night in details and kind of

1 drilling down into it, you know, that came  
2 up.

3 Q Okay. So you talked about the  
4 case with Davion, and you referred to him as  
5 an East Asian male, or at least you guys were  
6 trying to pin him down as to what his race  
7 was, is that right? Kind of trying to figure  
8 out what you saw?

9 A Yes.

10 Q You didn't tell the police that  
11 he was an East Asian man, did you?

12 A I don't recall. I think we said  
13 he may have been, you know, *slarkier*  
14 complexion, darker complected, certainly not  
15 black, but not white.

16 Q You said he was a Hispanic male  
17 to the police?

18 A Yes.

19 Q Possibly.

20 A Possibly, yes.

21 ATTORNEY JOHNSON: One second,  
22 Your Honor.

23 THE COURT: Sure.

24 ATTORNEY JOHNSON: No further  
25 questions, Your Honor.



1 THE COURT: All right. Thank  
2 you.

3 Attorney McRae, any redirect?

4 ATTORNEY MCRAE: Just briefly,  
5 Your Honor.

6 THE COURT: Sure.

7 **REDIRECT EXAMINATION**

8 **BY ATTORNEY MCRAE:**

9 Q Mr. Thomas, during cross you  
10 said that you were not able to see into that  
11 apartment that night, correct?

12 A Correct.

13 Q And this was your first time  
14 traveling to St. Thomas, Virgin Islands,  
15 right?

16 A Yes.

17 Q And as far as you called into  
18 the police, would it be fair to say that that  
19 call wasn't for loud music like partying,  
20 correct?

21 A No, certainly not.

22 Q And it would be fair to say that  
23 it was in regards to that scream?

24 A Yes. That was the catalyst for  
25 the police call.

1           Q    And throughout the time that you  
2 were waiting for the police, did you ever get  
3 a chance to see into that apartment?

4           A    Like besides when I like peeked  
5 over, I couldn't see into the apartment. I  
6 could really just see the balcony and, you  
7 know, that was it. It was a quick motion and  
8 I was looking for people, somebody who needed  
9 help, mainly. It wasn't, you know, I wasn't  
10 casing every detail of that balcony in that  
11 apartment.

12          Q    So, you wasn't able to see in  
13 and you waited for the police approximately  
14 20 to 25 minutes?

15          A    Yes.

16                    ATTORNEY JOHNSON:  Objection.  
17 Leading, Your Honor.  Beyond redirect.

18                    THE COURT:  Overruled.

19                    THE WITNESS:  Yes.  That's  
20 correct.

21    BY ATTORNEY MCRAE:

22           Q    And although you couldn't see  
23 in, were you able to hear?

24           A    Oh, yeah.

25           Q    From your apartment were you

1 able to hear into the other apartment?

2 **A** Yes.

3 **Q** And what, if anything, were you  
4 able to hear?

5 **A** I mean, we were able to hear,  
6 you know, signs of a struggle, furniture  
7 knocking up against the wall, you know,  
8 people running around, footsteps, you know, a  
9 woman -- a terrified woman screaming out,  
10 *somebody help me, please! Get off of me!*  
11 You know, *get off.*

12 She clearly did not want to be in  
13 that condo with whoever she was with. That  
14 was evident from the screams and the, you  
15 know, the sounds that we heard.

16 **Q** So, would it be fair to say that  
17 based on what you heard, it caused you  
18 concern and you waited for the police to  
19 arrive?

20 **A** Yes.

21 **Q** At any time that you saw that  
22 individual on the balcony, did it lessened  
23 your concerns; meaning, Davion, just hang up  
24 the phone, it's fine over there?

25 **A** No.

1           **Q**    How about, whenever you saw that  
2 person at your front door, or you heard that  
3 person at your front door, did that cause you  
4 to lessen any concern and say, you know,  
5 Mr. Samples, just hang up that phone call?

6           **A**    No. I mean, these weren't --  
7 the interactions that we had with the  
8 gentleman were not pleasant. They were not  
9 friendly. It wasn't like, you know, he was  
10 like, *Oh, hey, how is it going.* They were  
11 threatening, menacing, filled with menace,  
12 like he knew what we were doing, what we had  
13 done, what we heard, what we had, you know,  
14 may or may not have seen, whatever. But, you  
15 know, I think he was just trying to  
16 intimidate us at that point. Rattle us up,  
17 you know. He probably figured we were here  
18 on a trip and said, you know -- that's why he  
19 knocked on the door and said *you're gonna*  
20 *find out how it works down here on the*  
21 *island.*

22           **Q**    And even though he said that,  
23 did you hang up that phone?

24           **A**    No. We stayed on the phone.

25           **Q**    Okay.

1                   ATTORNEY MCRAE: Thank you,  
2 Your Honor. I have no further questions for  
3 this witness.

4                   THE COURT: Thank you. Any  
5 recross?

6                   ATTORNEY JOHNSON: Yes, Your  
7 Honor, two very short brief questions.

8                   THE COURT: Sure.

9                   **RECROSS EXAMINATION**

10                  **BY ATTORNEY JOHNSON:**

11                   **Q** On direct you said that there  
12 was a gathering, a get-together.

13                   **A** You said --

14                   **Q** You could hear the music across;  
15 is that correct?

16                   **A** In the next condo?

17                   **Q** Yes.

18                   **A** It sounded like there may have  
19 been more than just a couple people there  
20 because of the music, the activity; so, yeah,  
21 you know.

22                   **Q** Okay.

23                   **A** When we heard them, they are  
24 having a, you know, a get-together, whatever,  
25 and that was fine. But it sounded like --

1 initially it sounded like there was a group  
2 of people.

3 Q Okay. So you didn't know if  
4 there was a party or not?

5 A No.

6 Q You testified that you were not  
7 smoking weed, and you were not vaping weed  
8 from that pen, correct?

9 A Correct.

10 Q Davion Samples, was he smoking  
11 on the balcony?

12 A I believe so, yes.

13 Q Was he smoking weed on that  
14 balcony?

15 A I don't recall.

16 Q You don't remember?

17 A Yes.

18 ATTORNEY JOHNSON: Thank you,  
19 Your Honor.

20 THE COURT: All right. Thank  
21 you. May Mr. Thomas be excused?

22 ATTORNEY MCRAE: Yes, Your  
23 Honor.

24 THE COURT: All right.

25 Thank you, Mr. Thomas, you may step

1 down.

2 THE WITNESS: Thank you.

3 THE COURT: You're excused.  
4 Your next witness, please?

5 ATTORNEY MCRAE: Yes, Your  
6 Honor. At this time the People would call  
7 Mr. Davion Samples.

8 THE COURT: Very well.

9 ATTORNEY MCRAE: Brief  
10 sidebar, Your Honor?

11 THE COURT: Sure.

12 **(SIDE BAR CONFERENCE AS FOLLOWS)**

13 THE COURT: Go ahead, Attorney  
14 McRae.

15 ATTORNEY MCRAE: Yes, Your  
16 Honor. As far as our next witness, we would  
17 be calling Mr. Davion Samples.

18 THE COURT: Yes.

19 ATTORNEY MCRAE: As far as the  
20 last line of questioning, I want to just --

21 THE COURT: Which last line of  
22 questioning?

23 ATTORNEY MCRAE: About the  
24 arrest of Mr. Thomas.

25 THE COURT: Okay. Yes.

1                   ATTORNEY MCRAE: As far as his  
2 record, I think there was some confusion, but  
3 the next individual does have an arrest. He  
4 does not have any convictions on his record,  
5 and that line of questioning would be  
6 improper.

7                   THE COURT: Yes. So an arrest  
8 is inadmissible.

9                   ATTORNEY MCRAE: Yes, Your  
10 Honor.

11                   THE COURT: Okay.

12                   ATTORNEY MCRAE: So based on  
13 the last witness, I want to go ahead and just  
14 be cautious as to this time, because I don't  
15 think it's proper at that point.

16                   THE COURT: All right.

17                   Attorney Johnson, is that clear?

18                   ATTORNEY JOHNSON: That's  
19 clear. I won't ask it.

20                   THE COURT: I'm sorry?

21                   ATTORNEY JOHNSON: I won't ask  
22 it.

23                   THE COURT: Very well.

24                   ATTORNEY MCRAE: Thank you,  
25 Your Honor.



1 THE COURT: Is that it?

2 ATTORNEY MCRAE: Yes, Your  
3 Honor.

4 THE COURT: Okay. Thank you.

5 ATTORNEY JOHNSON: Yes, Your  
6 Honor. Anyway can we do a bathroom break  
7 before Davion Samples gets on?

8 THE COURT: Yes. Not a  
9 problem. Okay.

10 ATTORNEY JOHNSON: Thank you,  
11 Your Honor.

12 THE COURT: So we're gonna go  
13 in after a five-minute recess.

14 **(After Recess)**

15 THE MARSHAL: Will everyone,  
16 please rise.

17 *(Her Honor enters the courtroom)*

18 *(All Jurors present)*

19 THE CLERK: People of the  
20 Virgin Islands versus Devindra Jaglal.

21 ATTORNEY MCRAE: Yes, Your  
22 Honor. At this time the People will call  
23 Davion Samples.

24 THE COURT: Very well.

25 THE MARSHAL: Come forward,

1 sir. Stand here and raise your right hand to  
2 be affirmed.

3 THE WITNESS: Thank you.

4 **DAVION SAMPLES,**

5 after having been first duly sworn as a  
6 witness, testified as follows:

7 THE CLERK: Thank you. Step  
8 forward and be seated, please.

9 THE WITNESS: Thank you.

10 THE COURT: You may proceed.

11 ATTORNEY MCRAE: Yes.

12 **DIRECT EXAMINATION**

13 **BY ATTORNEY MCRAE:**

14 Q Good morning.

15 A Oh, hi. Sorry. Good morning.

16 Q Could you please state and spell  
17 your name for the record?

18 A Davion Jamell Samples.

19 D-A-V-I-O-N. J-A-M-E-L-L. S-A-M-P-L-E-S.

20 Q And, Mr. Samples, what is your  
21 occupation?

22 A I work for a drug testing  
23 facility.

24 Q And where do you live?

25 A In Detroit, Michigan.

1           **Q**    And prior to testifying today,  
2    have you visited St. Thomas, Virgin Islands?

3           **A**    Yes.

4           **Q**    When was the last time that you  
5    visited St. Thomas, Virgin Islands, prior to  
6    testifying today?

7           **A**    December of last year.

8           **Q**    How often would you travel to  
9    St. Thomas, Virgin Islands?

10          **A**    Every couple months.

11          **Q**    Are you familiar with the area  
12    known as the Sapphire Beach location?

13          **A**    Yes.

14          **Q**    And how are you familiar with  
15    that area?

16          **A**    Me and my husband have a condo  
17    there.

18          **Q**    And I would like to turn your  
19    attention to on or about November 15th of  
20    2020. Do you recall that day?

21          **A**    Yes.

22          **Q**    And what, if anything, do you  
23    recall about that day in regards to this  
24    matter?

25          **A**    We were on our back porch and I

1 heard a woman screaming and I called the  
2 police.

3 Q Whenever you say "we" who was on  
4 the back porch with you?

5 A On the porch at the time was me  
6 and my friend, Brad, that was visiting for my  
7 birthday at the time.

8 Q And where were you at when you  
9 say on the back porch?

10 A We were on our patio sitting on  
11 the couch just talking.

12 Q And where is that located?

13 A In the back of our condo.

14 Q Okay. And which location would  
15 that be?

16 A Sapphire Beach Resort.

17 Q And do you remember your number,  
18 your condo number?

19 A Yes. 205.

20 Q And you said you were on the  
21 back porch with Mr. Thomas?

22 A Um-hum. Yes.

23 Q And while on the back porch with  
24 Mr. Thomas what, if anything, occurred?

25 A We were smoking a cigarette, we

1 were talking and we were listening to music  
2 and we heard the music next door, and that's  
3 when we heard the scream.

4 **Q** And whenever you said you heard  
5 the scream, how were you able to determine it  
6 was coming from next door?

7 **A** Well, I told him to be quiet. I  
8 say shh, so we would hear who it was coming  
9 from, and I could just tell it was from the  
10 right side of the other side of the  
11 partition.

12 **Q** And whenever you heard that  
13 scream, what did you do?

14 **A** We just kind of looked at each  
15 other, so, *did you hear that?* And then we  
16 didn't hear another one follow up right away,  
17 but then a couple seconds later we heard it,  
18 and I said *call the police. Go on in the*  
19 *house, turn off the light and call the*  
20 *police.*

21 **Q** At that time had you been over  
22 to the next-door residence?

23 **A** No.

24 **Q** Were you able to see inside at  
25 that time?

1           **A**    No.

2           **Q**    What, if anything, made you call  
3 the police at that point?

4           **A**    The girl was screaming for her  
5 life. She said, *please don't kill me.*  
6 *Please get off me. Please just -- it was*  
7 *like a scary movie.*

8           **Q**    Did you know any other  
9 individuals in that apartment where you heard  
10 the screams?

11          **A**    No, I don't.

12                    ATTORNEY MCRAE: Your Honor,  
13 at this time the People would request that  
14 the witness be shown what's previously been  
15 admitted as People's Exhibit Number 3.

16                    THE COURT: Very well.  
17                                    (*The exhibit is shown*  
18                                    *to the witness.*)

19          **BY ATTORNEY MCRAE:**

20           **Q**    Mr. Samples, you have just been  
21 handed what's been previously admitted as  
22 People's Exhibit Number 3. Do you recognize  
23 that exhibit?

24           **A**    Yes. I see my initial.

25           **Q**    Your initial appears on that

1 exhibit?

2 **A** Yes.

3 **Q** Prior to testifying today, have  
4 you had an opportunity to review over that  
5 exhibit?

6 **A** Yes.

7 **Q** And is People's Exhibit Number 3  
8 a fair and accurate copy of all calls that  
9 you made to 911 on or about November 15th of  
10 2020 --

11 **A** Yes.

12 **Q** -- regarding screams that were  
13 coming from the Sapphire Beach Resort  
14 Building F, Suite 206?

15 **A** Yes. Yes, sir.

16 **ATTORNEY MCRAE:** Permission to  
17 publish, Your Honor?

18 **THE COURT:** Yes.

19 **ATTORNEY MCRAE:** And  
20 permission for Attorney Riley to unlock the  
21 computer, Your Honor.

22 **THE COURT:** Yes.

23 **ATTORNEY MCRAE:** For the  
24 record, Your Honor, on People's Exhibit  
25 Number 3, I'm going to publish Track Number 1

1 on that exhibit.

2 THE COURT: Very well.

3 (A 911 tape is played)

4 **BY ATTORNEY MCRAE:**

5 Q Mr. Samples, after that call did  
6 the police immediately arrive on the scene?

7 A Not immediately after that call.  
8 After that call he came and banged on our  
9 door, on my front door. And I called the  
10 police again.

11 Q You had to call the police  
12 again.

13 A Correct.

14 ATTORNEY MCRAE: Your Honor,  
15 permission to publish the second 911  
16 recording.

17 THE COURT: Yes.

18 ATTORNEY MCRAE: And  
19 permission to have Attorney Riley unlock  
20 the --

21 THE COURT: Yes.

22 (A 911 tape is played)

23 **BY ATTORNEY MCRAE:**

24 Q Mr. Samples, as far as the  
25 individuals that were staying in Suite 206,



1 prior to you calling 911, had you ever met  
2 anyone in 206?

3 **A** No.

4 **Q** On that recording you said it  
5 sounded like multiple people were in that  
6 room. Were you able to see in that room?

7 **A** No.

8 **Q** What made you say it sounded  
9 like multiple people were in that room?

10 **A** There was just -- I kept hearing  
11 banging and like chairs moving and stuff, and  
12 she was screaming like, *get off me*, for help.  
13 So I just figured in these trait, there's so  
14 many people that get trafficked every day,  
15 like you just don't notice or don't see  
16 little things happen; that, you know, they  
17 could just be gone in one second.

18 So when I heard her screaming, I  
19 just thought, okay, she's being trafficked.  
20 I didn't think it was a domestic violence  
21 thing, although it was. So that's where my  
22 mind was going when I kept hearing like men's  
23 voices.

24 And there was also music playing and  
25 like loud noises, and I'm on the phone with

1 the police, and then my friend, Brad, and my  
2 other two friends are scared; they don't know  
3 what's going on. So -- and I promised them  
4 that St. Thomas was safe, so I was just  
5 trying to hold everything together. I didn't  
6 know what was going on.

7 **Q** And on the recording you also  
8 said that she was being raped. What was that  
9 statement based on?

10 **A** Well, she kept saying, please  
11 get off me; ow. Like screaming for her life.  
12 I though she was being raped.

13 **Q** So you weren't able to see in  
14 the room, but you were able to hear what was  
15 going on inside there?

16 **A** I was able to hear but not see,  
17 correct.

18 **Q** Now, on that recording, it  
19 appear that you were speaking with someone on  
20 that recording.

21 **A** Um-hum.

22 **Q** Where did you see that person  
23 whenever you first saw that individual?

24 **A** If we're talking about -- I was  
25 speaking to a few people, the people in my

1 unit and then the defendant.

2 I saw the defendant after my friend,  
3 Brad, peeked over. You could hear me, I  
4 said, *Brad*, and he peeked his head over and  
5 peeked it back. And I was like, *why would*  
6 *you do that. Go in the house and turn off*  
7 *the light so he doesn't see us and then come*  
8 *outside and then draw attention to us.*

9 In maybe like two minutes he was in  
10 the house, he peeked his head around the  
11 corner and he said, *You're in my business?*  
12 And I said, *What are you doing, I'm not in*  
13 *your business.* And, yes, that's when I saw  
14 the defendant.

15 **Q** And as far as his demeanor, how  
16 did he appear whenever you saw him at that  
17 time?

18 **A** He looked like he was  
19 intoxicated. His eyes were like open. He  
20 wasn't blinking at all. He was just staring  
21 at me straight in my eyes like this, like he  
22 hadn't slept.

23 He just said, *Why are you in my*  
24 *business? You know, You're calling the*  
25 *police? Okay, here I come.* And I said,

1       *Yeah, we're calling the police. Come on.*

2       And then he came around the corner.

3               **Q**     And did you see him another time  
4       on that night?

5               **A**     Yeah, when he came to our front  
6       door. We have a mahogany door -- we have a  
7       main door and then we have a mahogany, like  
8       breeze door, and it has slits in it. So I  
9       could see him standing there through the  
10      slits, but he just couldn't see into our unit  
11      because it goes like this. But I could see  
12      him standing there when he was banging on the  
13      door. And that's when I grabbed a knife.

14              **Q**     And that was the same person  
15      that you saw on the balcony?

16              **A**     Um-hum. Yes, sir.

17              **Q**     And the individual that you saw  
18      on the balcony and in front of your front  
19      door, do see that person in the courtroom  
20      today?

21              **A**     Yes. He's wearing a blue suit  
22      over there.

23                              ATTORNEY MCRAE: Your Honor,  
24      may the record reflect that the witness has  
25      identified the defendant.

1           ATTORNEY JOHNSON: Your Honor,  
2 objection. He hasn't identified the  
3 defendant.

4           THE COURT: Sustained.

5           ATTORNEY MCRAE: If you like  
6 you could stand up to --

7           THE WITNESS: Okay. The  
8 defendant over there with the striped tie and  
9 blue jacket. Yes, that's the defendant, who  
10 I saw.

11       **BY ATTORNEY MCRAE:**

12           **Q** Now, Mr. Samples, as far as --  
13 why didn't you go get -- why didn't you speak  
14 to the security on that night?

15           **A** The security was walking like on  
16 the dock where the boats were, and if I was  
17 to jump off the balcony even to run down  
18 there or go around the front door to go down  
19 the passage, I was scared.

20           I just didn't want to leave the girl  
21 by herself because she was screaming and I  
22 was the only person on the phone with the  
23 police.

24           **Q** Um-um.

25           **A** My friends didn't -- they just

1 were kind of like really in shock and didn't  
2 know what to do, so I didn't want to leave  
3 them there, for one, unintended without me in  
4 my unit; and two, I didn't want to leave her  
5 and something happen or they leave with her  
6 or whatever while I go and get the police.

7 I didn't want to yell his name like,  
8 security, please come help, because I didn't  
9 want them to hurt her more than what they  
10 were already doing, or the defendant to hurt  
11 her more than what he was already doing.

12 Q As far as on that recording, it  
13 appeared that the police had knocked on your  
14 door, correct?

15 A Yeah.

16 Q And did you tell them what you  
17 saw on that night, the police officers?

18 A Yes.

19 Q Do you remember what officers  
20 you spoke with?

21 A Yes. There were two, but, yes,  
22 one is here now.

23 Q And who do you recall speaking  
24 to?

25 A I'm not sure what his name is,

1 but this officer here with the face mask.

2 Q The officer that you said that  
3 is him, you're saying that's Officer Tatum?

4 A Mr. Tatum, yes.

5 Q And in regards to Mr. Tatum,  
6 after you said that, the person that you saw  
7 on the balcony and you said *that's him*, did  
8 you observe what Officer Tatum did at that  
9 point?

10 A They took him -- they already  
11 had him outside of the condo so I could see  
12 him, and I just was saying that's him.

13 I was recording a video of him, and  
14 the defendant said, *He's not allowed to*  
15 *record me, I'm a lawyer*. And then they took  
16 him away. And I got to see the victim, and I  
17 talked to her.

18 Q So the person that you saw on  
19 the balcony was the same person that you saw  
20 at your front door?

21 A Yes.

22 Q And that's the same person that  
23 you saw talking to Officer Tatum?

24 A Yes.

25 Q Now, Mr. Samples, as far as this

1 matter, with regards to the victim, did you  
2 have a chance to speak to her that night or  
3 the following day?

4 **A** Yes, both times. Um-hum.

5 ATTORNEY JOHNSON: Your Honor,  
6 objection. Calls for hearsay. It's also not  
7 listed in discovery.

8 THE COURT: Overruled.

9 **BY ATTORNEY MCRAE:**

10 **Q** And what was your reason for  
11 wanting to speak to her?

12 **A** I want to make sure she was  
13 okay. I didn't know what was going on at the  
14 time. I was talking to my property  
15 management people and security and like  
16 trying to figure out what was going on, but  
17 we just were trying to make sure she had a  
18 place to stay, if she needed anything; if she  
19 needed any money like to get home or  
20 whatever.

21 That's why I talked to her that  
22 night, but there was so much going on, so I  
23 really just talked to her the next morning  
24 when we were in our condo. I saw her on the  
25 balcony outside and she really told me what



1 happened.

2 Q As far as whenever the defendant  
3 was at your front door, how did you feel at  
4 that time?

5 A I was scared. I grabbed a  
6 knife.

7 Q And what was your reason for  
8 grabbing the knife?

9 A Because if he came to the door I  
10 was going to stab him.

11 Q So, based on what was happening  
12 in the other room, you grabbed a knife in  
13 this matter?

14 A Um-hum.

15 Q And that was to -- what was the  
16 reason for grabbing the knife?

17 A To defend my house and my  
18 friends and our property.

19 Q All right.

20 ATTORNEY MCRAE: Thank you,  
21 Your Honor. I have no further questions.

22 THE COURT: Very well. Thank  
23 you.

24 Attorney Johnson?

25 ATTORNEY JOHNSON: Yes, Your

1 Honor. One second.

2 THE COURT: Sure.

3 ATTORNEY JOHNSON: One second,  
4 Your Honor, while I set up.

5 THE COURT: Sure.

6 **CROSS-EXAMINATION**

7 **BY ATTORNEY JOHNSON:**

8 Q Mr. Samples, good morning.

9 A Hi. Good morning.

10 Q So, you said that you reviewed  
11 the calls before you got on the stand today,  
12 right?

13 A That's correct.

14 Q So I shouldn't be telling you  
15 anything that you haven't already heard,  
16 correct?

17 A Um-hum.

18 Q And if I cut those little calls  
19 into samples of what you were talking to with  
20 the Dispatch, you should be able to recognize  
21 your voice, correct?

22 A I hope so, um-hum.

23 Q And you were the only one that  
24 actually called the police that night, right?

25 A There were two lines on the

1 police phone. There was -- I was recording  
2 on my cell phone when I first heard the  
3 scream.

4 **Q** Um-hum.

5 **A** You can hear me in the beginning  
6 of the phone call telling Brad to call the  
7 police, which he called on his phone, and I  
8 took his phone and had it while I was  
9 recording on my phone, because you hear me,  
10 I'm going live. I'm on live right now.

11 **Q** Um-hum.

12 **A** So I was live on Facebook. I  
13 was on the phone with the police, and then I  
14 had two other friends inside of my house that  
15 had headphones on who were doing school work,  
16 so they literally had no idea of what was  
17 going on to hear me say that.

18 But, yes, there were two lines  
19 activity calling the police at once, if  
20 that's what you're asking. But I was the  
21 only person on the phone with both of them.

22 **Q** Um-hum. Did Brad talk with the  
23 police?

24 **A** Brad never talked to the police,  
25 but the cellphone that was used to call the

1 police was Brad's cellphone.

2 Q So that's a no, Brad never  
3 talked with the police?

4 A No.

5 ATTORNEY JOHNSON: Your Honor,  
6 at this time I'd like to move to enter this  
7 into evidence. It's been stipulated to  
8 authenticity, and I believe to admissibility.  
9 This is the clips that I was about to play  
10 here during cross-examination.

11 THE COURT: Okay. It's  
12 admitted. Defense Exhibit 1.

13 ATTORNEY JOHNSON: Thank you,  
14 Your Honor. Marshall.

15 Your Honor, and I'm asking for  
16 continuing permission to publish these clips  
17 throughout cross-examination.

18 THE COURT: Yes.

19 ATTORNEY JOHNSON: And just  
20 for the record, these are clips I labeled  
21 Recording 1, referring to the first phone  
22 call.

23 THE COURT: Yes.

24 ATTORNEY JOHNSON: They are  
25 Clips 1 through 15 on that recording.

1 Recording 10, I believe there are two clips  
2 from that recording, and then Recording 12,  
3 which is the entire clip from that recording.

4 THE COURT: Yes.

5 **BY ATTORNEY JOHNSON:**

6 Q So you called the police and you  
7 did not know what was going on, correct?

8 A Well, I called the police when I  
9 heard that there was a commotion going on,  
10 but I didn't know if there was a rape or a  
11 kidnapping. I just knew that a woman was in  
12 danger.

13 Q Okay. Let's see if I could get  
14 this to play.

15 (A clip from a 911  
16 recording was played.)

17 So, you're smoking on the porch with  
18 your friends?

19 A Um-hum.

20 Q We can hear you say that in the  
21 clip, correct?

22 A Yes, I said that, too, in my  
23 statement.

24 Q Brad was smoking a cigarette  
25 too?

1           **A**    He might have had like a vape  
2 cigarette because he likes those, but I had a  
3 menthol cigarette, um-hum.

4           **Q**    How many people were in that  
5 apartment?

6           **A**    It was me, my friend, Brittany,  
7 Brad, and my friend, Michael, but they were  
8 staying in a different unit, they just were  
9 in my unit at the time.

10          **Q**    Okay. You were in that unit all  
11 night?

12          **A**    I was in that unit all night,  
13 um-hum.

14          **Q**    Certainly, you didn't leave the  
15 unit while this was going on?

16          **A**    No.

17          **Q**    So you thought that there were  
18 multiple men in the room?

19          **A**    I thought that there were  
20 multiple men in the room, um-hum.

21          **Q**    In fact, you said there were  
22 multiple men in the room, correct?

23          **A**    I said that over the 911 call,  
24 yes.

25          **Q**    Um-hum.

1           **A**    And that she was being raped.

2           **Q**    You didn't say that at that  
3 time.

4                    ATTORNEY JOHNSON:  Permission  
5 to publish, Your Honor?

6                    THE COURT:  Yes.

7                                    *(A clip from a 911*  
8                                    *recording is played.)*

9           **BY ATTORNEY JOHNSON:**

10                   **Q**    So you said, *Now, there are*  
11 *multiple guys in that room,* I believe was  
12 your actual statement, correct?

13                   **A**    That's what we just heard, yes.

14                   **Q**    And that was you.

15                   **A**    That was me.

16                   **Q**    And you wanted to remain  
17 anonymous when you called the police?

18                   **A**    I never said that.

19                    ATTORNEY JOHNSON:  Permission  
20 to publish.

21                    THE COURT:  Yes.

22                                    *(A clip from a 911*  
23                                    *recording was played.)*

24                    ATTORNEY JOHNSON:  Sorry, Your  
25 Honor, I just stepped on this power cord, and

1 that's why we only heard part of the clip.  
2 But I think I got the point across.

3 THE COURT: All right.

4 **BY ATTORNEY JOHNSON:**

5 Q The police asked you for a  
6 description, and you referred to them as  
7 "they".

8 A Is that a question, or a  
9 statement?

10 Q Well, did you?

11 A Again, is that a question or a  
12 statement?

13 Q Did you refer to the men in that  
14 room as "they"?

15 A Can I hear it again? I can't  
16 remember.

17 Q We haven't heard this one.

18 A Okay. Well, then, I'm not sure.  
19 I'd have to hear it.

20 Q All right.

21 ATTORNEY JOHNSON: Permission  
22 to publish?

23 THE COURT: Yes.

24 (A clip from a 911  
25 recording is played.)



1 **BY ATTORNEY JOHNSON:**

2 Q You also said they had their  
3 door cracked. We just heard that, right?

4 A Yes. Their door was cracked.

5 Q Um-hum. And once again, when  
6 you were asked -- well, let me rephrase this.  
7 You said twice that there were multiple men  
8 in there, at least three; you remember that?

9 A Yes, I did.

10 Q Okay.

11 ATTORNEY JOHNSON: Permission  
12 to publish?

13 THE COURT: Yes.

14 (A clip from a 911  
15 recording is played.)

16 **BY ATTORNEY JOHNSON:**

17 Q You slurred your speech when you  
18 were talking to the dispatcher officer?

19 A Yes. I have anxiety. I've had  
20 anxiety since I was 12, and I'm also a  
21 trafficking victim of sexual assault by  
22 police officers. So, hearing that triggered  
23 me, and just talking about it, yes, sometimes  
24 I feel my heart racing and I have to catch my  
25 breath because it's triggered.

1           **Q**    Okay. I'm sorry about what  
2 happened to you. My question was, you  
3 slurred your speech, right?

4           **A**    I did, um-hum.

5                    ATTORNEY JOHNSON: Permission  
6 to publish?

7                    THE COURT: Yes.

8                                    (A clip from a 911  
9 recording is played.)

10           **BY ATTORNEY JOHNSON:**

11           **Q**    You saw a security guard or a  
12 security officer, I believe you referred to  
13 him, roughly 6 minutes 33 seconds into this  
14 recording; do you remember that?

15           **A**    Yes.

16                                    (A clip from a 911  
17 recording is played.)

18           **Q**    And then about a minute later,  
19 you forgot that you saw a security, yes?

20           **A**    That's what you're implying now,  
21 I never said that.

22           **Q**    Did you forget that you even saw  
23 a security?

24           **A**    Okay, that's a question. No, I  
25 didn't.

1           **Q**    You didn't?

2           **A**    I did not.

3                    ATTORNEY JOHNSON:   Permission  
4 to publish, Your Honor?

5                    THE COURT:   Yes.

6                                    (A clip from a 911  
7                                    recording is played.)

8           **BY ATTORNEY JOHNSON:**

9                    **Q**    Jaglal, the defendant, told you  
10 to call the police; is that correct?

11                   **A**    I'm sorry, what did you say?

12                   **Q**    Mr. Devindra Jaglal, the  
13 defendant, told you to call the police?

14                   **A**    No. The defendant asked when he  
15 peeked over the balcony, *why are you guys in*  
16 *my business.* I said -- my friend was scared.  
17 He didn't know what was going on. He didn't  
18 even see the defendant walk out. He just  
19 walked on the porch and saw me talking to  
20 somebody and didn't even know what was going  
21 on.

22                                    The defendant asked, *Why are you in*  
23 *my business?* I said, *I'm not in your*  
24 *business.* You can hear that on the call.  
25 And then he said, *What are you guys doing?*

1 And then that's when Brad walked out and  
2 said, *What's going on?* And I said (hand  
3 motion), and I pointed at him.

4 And Brad saw the defendant with his  
5 eyes and got scared and walked back in the  
6 house, and I said, *Go call the police.* And  
7 he said, *Oh, you guys are calling the police?*  
8 And I said, *Yes, we're calling the police.*  
9 He said, *Okay. Here I come right now.* And  
10 then that's when he walked around and started  
11 banging on our door.

12 **Q** So, that's a no, he did not say  
13 call the police?

14 **A** No, he did not.

15 **Q** In fact, what you're saying is  
16 he said, *all right. I'm coming around right*  
17 *now.*

18 **A** He asked if we were going to  
19 call the police and I said yes, we're calling  
20 the police. And then he said, okay, here I  
21 come. And then he came and started banging  
22 on our door, which is when the second police  
23 call starts.

24 ATTORNEY JOHNSON: Permission  
25 to publish, Your Honor?

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THE COURT: Yes.

*(A clip from a 911 recording is played.)*

**BY ATTORNEY JOHNSON:**

Q So, that's not him saying, *okay, call the police?*

A Yeah, it could be.

Q Could be. You want to listen to it again?

A You can if you would like.

Q Do you need to listen to it again?

A Okay, then, you can play it. I'll listen to it again.

*(A clip from a 911 recording is played.)*

Q Is that clear?

A Um-hum, yes.

Q So he did say call the police.

A He did at the end. I took it as him saying okay, well, call the police, 'cause he did say he was coming over, and that's what he did directly after following with his action.

Q But you didn't hear him say *I'm*

1       *coming over* in that clip, did you?

2               **A**     There were a lot of things that  
3 weren't heard in the clips.

4               **Q**     Did you or did you not hear him  
5 say I'm coming over?

6               **A**     I did 'cause he followed up  
7 right afterwards and did it.

8               **Q**     You heard it in the courtroom  
9 right now?

10              **A**     No, I heard him say it to me  
11 personally.

12              **Q**     Okay. So, that's a no, you  
13 didn't hear it when I played it on that clip?

14              **A**     In that specific clip, no, but  
15 these are also cut-up clips.

16              **Q**     Okay. So you heard it when the  
17 prosecutors played the entire version?

18              **A**     I can't recall, but I do know  
19 that that was said, and also the other  
20 witness heard that as well.

21              **Q**     So you don't remember if you  
22 heard that when we listened to that entire  
23 12-minute clip earlier today?

24              **A**     It wasn't earlier today that I  
25 listened to the 12-minute clip, it was a

1 couple days ago when I first arrived. But as  
2 far as the clips that you're -- the cut-up,  
3 chopped clips that you're playing, I did not  
4 hear it, no.

5 **Q** Okay. So that's a no on this  
6 one clip --

7 **A** No.

8 **Q** -- and that's a no in the  
9 courtroom when we played it today.

10 **A** No, in the courtroom for today.  
11 As far as yesterday or a couple days ago, I  
12 can't tell you 'cause that was a couple days  
13 ago.

14 **Q** Okay. You forgot you were even  
15 talking to Dispatch. You forgot you had even  
16 called the police.

17 **A** I never forgot that I was on the  
18 phone with the police. I was more worried  
19 about the well being of the victim, my  
20 friends that are on vacation in my home that  
21 I promised that this was a safe place, and  
22 the fact that I'm telling them there's a  
23 trafficking victim in the next room over and  
24 none of them know what to do but me, and I'm  
25 the only person with the cellphones.

1           **Q**    Okay.

2           **A**    So, yes, there was a lot going  
3 on. I'm trying to keep them calm. There's a  
4 dispatcher that clearly doesn't know what's  
5 going on and she's trying to figure out the  
6 problems.

7                    I have somebody that's shaking  
8 scared with anxiety, I have anxiety 'cause  
9 I'm getting flashbacks, and I'm trying to  
10 stay calm for the girl too so I don't leave  
11 her and she could end up dead.

12                   But to sum up what I was thinking, I  
13 never forgot -- but to answer your question,  
14 no, I never forgot I was on the phone with  
15 the police.

16           **Q**    So once again, you did not  
17 forget that you were on the phone with the  
18 police while you were on the phone with the  
19 police or at least Dispatch?

20           **A**    I was doing other things during  
21 the process, like grabbing a knife, telling  
22 my friends to stay calm, turn off the lights,  
23 lock the doors, keep recording, put my phone  
24 as close to the door as possible.

25                   I was a little preoccupied when



1 there's an emergency situation going on, but  
2 no, I'd never forgot that I was on the phone  
3 with the police during that entire time.

4 Q And I'm sure you know what I'm  
5 going to do next.

6 ATTORNEY JOHNSON: Permission  
7 to publish?

8 THE COURT: Yes.

9 (A clip from a 911  
10 recording is played.)

11 **BY ATTORNEY JOHNSON:**

12 Q Dispatch had to try and get your  
13 attention again.

14 A Is that a question or a  
15 statement?

16 Q Well, it's a statement from me,  
17 but let me ask you. Did Dispatch have to try  
18 and get your attention?

19 A I was trying to get their  
20 attention a lot of time. I don't know, we  
21 were both trying to get each other's  
22 attention.

23 Q You said you were going to hurt  
24 somebody?

25 A I did say that.

1 Q Okay.

2 ATTORNEY JOHNSON: Permission  
3 to publish?

4 THE COURT: Yes.

5 (A clip from a 911  
6 recording is played.)

7 **BY ATTORNEY JOHNSON:**

8 Q Now, that's about the end of  
9 your first call, and then you called the  
10 police back, correct?

11 A Yes, I think so. I presume so.

12 Q A few minutes later, correct?

13 A Yes, I presume so.

14 Q In fact, we can hear the police  
15 arrive on your recording, right?

16 A Yes, with the heavy banging,  
17 yes.

18 Q The heavy banging that you can  
19 hear it through, right?

20 A Yes.

21 ATTORNEY JOHNSON: Permission  
22 to publish, Your Honor?

23 THE COURT: Yes.

24 (A clip from a 911  
25 recording is played.)

1 **BY ATTORNEY JOHNSON:**

2 Q And of course, you told them  
3 pretty unequivocally, that she was getting  
4 raped?

5 A Once again, I did say that.

6 Q Um-hum. Multiple men in the  
7 other apartment.

8 A Um-hum.

9 Q She was getting raped.

10 A Um-hum.

11 Q You were smoking on the porch  
12 with your friends, correct?

13 A Okay. Yes, I'm following.

14 Q Cigarettes.

15 A Okay, yes.

16 Q You were not smoking marijuana?

17 A No, but if I was? No, I was  
18 not.

19 Q If you was...

20 A If I was, hypothetically...

21 Q Okay. Three other friends in  
22 that condo, correct?

23 A Brad, Brittany and Michael, yes.

24 Q And you were the only one to  
25 call the police, correct?

1           **A**    Yes. Like I said, Michael  
2 was -- he listens to audio books. He's about  
3 50-something years old. He's a doctor. He  
4 was studying for a new whatever, new medical  
5 thing. He was doing that most of the trip.

6           He had his headphones in so you  
7 could hear me on the call saying, *Michael the*  
8 *police are outside, there's a girl next*  
9 *door* -- when the police were knocking on our  
10 door, 'cause he had no idea what was going  
11 on.

12           My friend, Brittany, was on the  
13 phone with her boyfriend or watching a movie,  
14 I can't remember, but she was on her  
15 computer. So me and Brad are pacing back and  
16 forth with what's going on and they didn't  
17 know what was going on. But, yes, I was the  
18 only person on the phone with the police. I  
19 was recording with one phone and on the phone  
20 with the police on other.

21           **Q**    So you don't remember where  
22 Brittany Walker -- is that Brittany Walker?

23           **A**    Brittany Walker, yes.

24           **Q**    You said you don't remember  
25 where she was?

1           **A**    I mean she was -- like I said,  
2 Michael was listening to his audio set and  
3 she was doing her computer stuff for school.

4           **Q**    So she was back in her room?

5           **A**    There's a -- it's a studio and  
6 there's a divider, but she was in the condo,  
7 yes.

8           **Q**    Okay.

9                    ATTORNEY JOHNSON: Your Honor,  
10 one second.

11                   THE COURT: Yes.

12           **BY ATTORNEY JOHNSON:**

13           **Q**    You're sure that Brittany was  
14 not sleeping while all this was happening?

15           **A**    I don't know. She might have  
16 been. Like I said, she was preoccupied  
17 'cause the only person that knew what was  
18 going on at the moment was me and Brad.

19                    After the police came, everybody was  
20 like, *Oh my gosh, we didn't...* But me and  
21 Brad were on the back porch talking and  
22 smoking, so we were the ones that initially  
23 knew what happened.

24                    I'm assuming Brad didn't go in the  
25 house and say, oh my gosh there's a woman

1 being attacked next door, because nobody knew  
2 was what was going on.

3 So, I don't know if she was sleeping  
4 or not. I just know what I was doing; I know  
5 what Brad was doing; I know I could hear the  
6 victim screaming and yelling, and I know that  
7 the defendant came out and cursed us out  
8 because we were listening.

9 Q He came out of the apartment  
10 twice, according to your testimony, correct?

11 A He did. He came out the first  
12 time originally when Brad peeked around the  
13 corner, and that's when he said, *What are you*  
14 *doing in my business.*

15 It was very scary 'cause I was like  
16 hello. Then he came and knocked on our front  
17 door after we said we were calling the  
18 police. And he banged on our door, and  
19 that's what prompted me to grab the knife.

20 Q And so that's a yes?

21 A Yes, with a little bit of a back  
22 story, but yes.

23 Q Um-hum. Once again, he came out  
24 once from the sliding glass door to the  
25 balcony?

1           **A**     The sliding -- that glass door  
2     was already -- you just made it like he just  
3     opened the sliding glass door, but the  
4     sliding glass door was already cracked.  
5     That's how I could hear the music that was  
6     playing, 'cause I recognized the song, which  
7     is what made me hear the scream because I was  
8     listening to their song. So, you know, just  
9     to keep it all the way, you know, all the  
10    details in line for everybody to know.

11           But, yes, he came out the door then  
12    and then he came to the front of the condo  
13    and banged on our front door, which I could  
14    see him through the mahogany slits in our  
15    door 'cause our condo has mahogany doors.

16           **Q**     Okay. So he came out through  
17    the sliding glass door, correct?

18           **A**     The first time, um-hum.

19           **Q**     And you testified, and we heard,  
20    that that sliding glass door was open,  
21    correct?

22           **A**     It was cracked enough to hear  
23    the music that was going on and the bangs and  
24    stuff. You can hear -- these are hurricane  
25    sealed doors that we got in 2018 after the

1 last hurricane that the units put in, so you  
2 can't hear anything once they are closed.

3 Q Okay.

4 A But by the grace of God in  
5 Jesus, it was cracked enough that I could  
6 hear her screaming.

7 Q Okay. So you can't hear  
8 anything through the walls.

9 A You can hear through the walls  
10 as well if somebody's being loud enough. But  
11 there's music being played, so you can't just  
12 count how many voices there are or whatever  
13 the case is at the moment. But, yes, we  
14 heard through the door.

15 Q Okay. And you just said with  
16 the hurricane doors and the reinforcement,  
17 you can't hear anything through those doors  
18 when those doors are shut, can you?

19 A If they are closed all the way,  
20 but they weren't closed all the way.

21 Q Because, as you testified, that  
22 door was cracked the entire time.

23 A The entire time, correct.

24 Q At no point was that door shut,  
25 the sliding glass door.



1           **A**    No. Not until he went back to  
2 come around to the front door to confront us.  
3 That's when the door was closed 'cause we  
4 heard it closed and you couldn't hear the  
5 music anymore.

6            You couldn't hear the screaming  
7 except for when we were in the house and the  
8 dispatcher said is that screaming? What's  
9 that noise? And I said that's the woman  
10 screaming, begging for her life. That's when  
11 the doors were all the way closed.

12           My door was closed, their door was  
13 closed, but you could hear them through the  
14 walls. So that's how loud they were being.

15           **Q**    So now it's your testimony that  
16 you can hear the screaming after that door  
17 was closed?

18           **A**    You can hear that on the 911  
19 call.

20           **Q**    That's not what I asked. Your  
21 testimony today, could you hear her screaming  
22 after the door was closed?

23           **A**    Yes.

24           **Q**    That's something you remember?

25           **A**    Something I remember.

1           **Q**    Okay. Through the hurricane  
2 shutters?

3           **A**    The hurricane sliding doors, you  
4 mean?

5           **Q**    Okay, yes. My bad.

6           **A**    Okay.

7           **Q**    The hurricane sliding doors.  
8 It's your condo, you reinforced it. I'm  
9 assuming you didn't do this with your own  
10 hands, but you hired someone to install  
11 pretty good glass doors.

12           **A**    We have a good association, so  
13 they did.

14           **Q**    You just said you can't hear  
15 anything from the inside once those doors are  
16 shut, correct?

17           **A**    I said it's hard to hear once  
18 the doors are shut, but yes, um-hum. That's  
19 correct.

20           **Q**    All right. So the only way to  
21 hear that screaming would have been through  
22 the wall once those doors are shut?

23           **A**    At the point -- if that's what  
24 you're trying to suggest, at the point when  
25 the doors were shut and the first call was

1 ended and she asked, *are you in the house?*  
2 And I said, *yes, the door is locked,* the  
3 doors were still locked and the 911 operator  
4 could hear her screaming through the wall.

5 Q Okay.

6 A So, yes, I could as well, 'cause  
7 she asked me *what's that noise?* And I said  
8 *that's the woman screaming and begging for*  
9 *her life, so where are you guys. It's been*  
10 *20 minutes.*

11 Q Okay.

12 A So, yes, um-hum, I could still  
13 hear her with the door shut. Their door  
14 shut, my door shut, with the hurricane proof  
15 shutter doors through the wall, I can hear  
16 her. Yes, sir, that's correct.

17 Q That was my next question. Your  
18 hurricane sliding glass doors are shut?

19 A Yes.

20 Q His hurricane sliding glass  
21 doors, presumably, are shut?

22 A Were shut at that time, yes.

23 Q Thank you.

24 A You're welcome.

25 THE COURT: All right. Thank

1 you, Attorney Johnson.

2 Any redirect, Attorney McRae?

3 ATTORNEY MCRAE: Very briefly,  
4 Your Honor.

5 THE COURT: Sure. All right.

6 **REDIRECT EXAMINATION**

7 **BY ATTORNEY MCRAE:**

8 Q Mr. Samples, as far as your  
9 question -- the question from defense  
10 counsel, he stated, were all those doors  
11 shut, the hurricane doors shut, every single  
12 door shut, you said that you could still here  
13 the victim scream?

14 A Yes, we would hear the victim.  
15 The 911 operator heard the victim screaming,  
16 I could hear her screaming, everyone could  
17 hear her screaming.

18 And there wasn't just screaming. It  
19 was like chair moving, you know, like  
20 commotion; banging against the wall, like,  
21 you know, loud noises that even with the  
22 doors were shut we could hear loudly and very  
23 clearly. Not a doubt in our mind what it  
24 was. That's correct.

25 Q And as far as the person that

1 you saw on that balcony, you said that you  
2 told it to Officer Tatum?

3 **A** Yes.

4 **Q** And after you told Officer Tatum  
5 that, what did you see Officer Tatum do?

6 **A** Officer Tatum was with two other  
7 officers and they pulled him out the room and  
8 separated him from the victim.

9 The victim thanked me and was  
10 crying, and that was it. And I talked to  
11 Tatum. And I had a knife when I first walked  
12 out the door, so they told me to drop the  
13 knife.

14 **Q** And I heard you said *that is*  
15 *him?*

16 **A** Yes, that's him, yes.

17 **Q** And who were you speaking to at  
18 that time?

19 **A** About the defendant. And I was  
20 talking to Mr. Tatum pointing at him, 'cause  
21 he was standing at the door and I was  
22 recording him.

23 **Q** Okay. So, the last thing.  
24 After the officers arrived on the scene, you  
25 spoke with Office Tatum and you said *that's*

1        *him?*

2                    **A**    Yes, sir.

3                    **Q**    And then you saw Office Tatum  
4 with two other officers pulling him out of  
5 the room and started to speak with him at  
6 this time?

7                    **A**    Um-hum.

8                    **Q**    All right.

9                    ATTORNEY MCRAE: Thank you,  
10 Your Honor. I have no further questions.

11                    THE COURT: Very well. Thank  
12 you. Any recross, Attorney Johnson?

13                    ATTORNEY JOHNSON: Yes. One  
14 question, Your Honor. One second.

15                    THE COURT: Sure.

16                    ATTORNEY JOHNSON: Very  
17 briefly Your Honor.

18                    THE COURT: Sure.

19                    **RECROSS EXAMINATION**

20                    **BY ATTORNEY JOHNSON:**

21                    **Q**    You closed your door after you  
22 hung up the -- after the police hung up with  
23 you the first time, right?

24                    **A**    I'm sorry. Ask that again?

25                    **Q**    I believe, and I don't have a

1 transcript, so I don't want to misstate your  
2 words. But I believe you said after you got  
3 off the phone with the police the first time,  
4 you shut your door, that sliding glass  
5 hurricane door, correct?

6 **A** Yes.

7 ATTORNEY JOHNSON: No further  
8 questions.

9 THE COURT: Okay. Thank you.

10 All right. Mr. Samples, thank you  
11 very much. You may step down.

12 Can he be completely excused?

13 ATTORNEY MCRAE: Yes, Your  
14 Honor.

15 THE COURT: You are excused.

16 THE WITNESS: Okay. Thank  
17 you.

18 THE COURT: Your next witness,  
19 please.

20 ATTORNEY RILEY: Your Honor,  
21 at this time the People call Officer Tatum to  
22 the stand.

23 THE COURT: Very well.

24 **OFFICER KHALIL TATUM,**

25 after having been first duly sworn as a

1 witness, testified as follows:

2 THE CLERK: Step forward and  
3 have a seat, please.

4 ATTORNEY RILEY: May I  
5 proceed, Your Honor?

6 THE COURT: Yes, you may.

7 **DIRECT EXAMINATION**

8 **BY ATTORNEY RILEY:**

9 Q Officer Tatum, can you please  
10 tell us your full name and spell it for the  
11 Court?

12 A My full name is Khalil Tatum.  
13 K-H-A-L-I-L. And Tatum, T-A-T-U-M.

14 Q Where do you work, Officer  
15 Tatum?

16 A I work at the Virgin Islands  
17 Police Department, Newton Command, Patrol  
18 Division.

19 Q How long have you worked in that  
20 capacity?

21 A I've worked in that capacity for  
22 approximately five years.

23 Q I'd like to direct your  
24 attention to November 15, 2020. Did you work  
25 at that job on that date?



1           **A**    Yes, ma'am.

2           **Q**    I'd like to direct your  
3 attention to a little bit after 9:00 p.m.  
4 Did you have the occasion to be called to the  
5 Sapphire Beach Condos?

6           **A**    Yes, I did.

7           **Q**    And what did you get called  
8 there for?

9           **A**    We was called to Sapphire Beach  
10 Resort in reference to a female screaming for  
11 help.

12          **Q**    Did you go alone?

13          **A**    No. I had a partner with me,  
14 and an assisting officer traveled to assist.

15          **Q**    Okay. And the partner that was  
16 with you, who was that?

17          **A**    That was Officer C. Claudio.

18          **Q**    And is Officer C. Claudio a  
19 female?

20          **A**    Yes, ma'am.

21          **Q**    And is she on the island at this  
22 time?

23          **A**    No, she's not.

24          **Q**    Okay. Do you know why she's not  
25 on the island?

1           **A**    She went on leave.

2           **Q**    Okay. Now, when you first got  
3 to the Sapphire Beach condos, which apartment  
4 did you go to, or which building?

5           **A**    Upon reaching Sapphire Beach  
6 condos, we went to the instructed building,  
7 Building F, Apartments 205 and 6 where we  
8 made contact with Unit 205 first.

9           **Q**    I'm going to back up for just a  
10 second. When you were first called by the  
11 911 Dispatch, was there a confusion on where  
12 to go for police officers?

13          **A**    Yes, ma'am.

14          **Q**    And what was that confusion?

15          **A**    The confusion was, if it was in  
16 Sapphire Village or the actual resorts.

17          **Q**    And when you actually got to  
18 Sapphire Beach where you stated you first  
19 went to Room 205; is that correct?

20          **A**    When we first went to the  
21 Sapphire Beach condos, we went to Room --  
22 Building F, Apartment 205.

23          **Q**    And who did you meet with there?

24          **A**    We made contact with  
25 Mr. Samples.

1           **Q**   And you've been in the courtroom  
2 today and you heard the 911 video. That  
3 pounding on the door at the end of the first  
4 phone call, who was that?

5           **A**   That was me.

6           **Q**   Okay. And did you have an  
7 opportunity to speak with Mr. Samples?

8           **A**   Yes, ma'am.

9           **Q**   And what did he tell you?

10          **A**   He told me that the lady next  
11 door was screaming for help. He may have  
12 multiple people in the building, and he feels  
13 problems was at her hand.

14          **Q**   Based on that information you  
15 received, what did you do?

16          **A**   I made contact with the  
17 residents of the apartment, 206, where I  
18 had -- where the defendant came and the  
19 suspect came to the door. I asked him if  
20 everything was all right.

21          **Q**   Okay. I'm just going to pause  
22 just for a second. So the next thing you  
23 said is the place at 206. Is this right next  
24 to 205?

25          **A**   Yes, ma'am.

1           **Q**    Would they share a door -- I  
2 mean, I'm sorry. A wall?

3           **A**    Yes, they do.

4           **Q**    So when you first went to Room  
5 206, was the door opened or closed?

6           **A**    The door was closed.

7           **Q**    And is this the only entrance or  
8 exit of that apartment?

9           **A**    Yes, the only entrance.

10          **Q**    Okay. And who answered that  
11 door?

12          **A**    The suspect.

13          **Q**    And the person that you're  
14 calling the suspect, do you see that person  
15 in the courtroom today?

16          **A**    Yes, ma'am.

17          **Q**    Can you point him out by where  
18 he's sitting and what he's wearing?

19          **A**    He's sitting behind the two  
20 attorneys wearing a white shirt and I believe  
21 a blue tie and glasses.

22                    ATTORNEY RILEY: Your Honor,  
23 for the record, inquiring the location of the  
24 defendant.

25                    THE COURT: So reflected.

**BY ATTORNEY RILEY:**

1  
2           **Q**    And was he the person that  
3 opened the door?

4           **A**    Yes, ma'am.

5           **Q**    And can you describe to me --  
6 what happened when you first opened the door?

7           **A**    When I opened the door, I  
8 observed the suspect with red eyes, strong  
9 odor of alcohol coming from his person, and  
10 he appeared very upset. Very mad.  
11 Aggressive.

12           **Q**    Very mad and aggressive. What,  
13 if anything, did he say to you?

14           **A**    He said, why am I there; he  
15 never called the police; he never -- he  
16 doesn't need police, nothing happened there.

17           **Q**    So he told you that he didn't  
18 need police and nothing had happened; is that  
19 correct?

20           **A**    Yes.

21           **Q**    Okay. Did you ask him any  
22 further questions?

23           **A**    I did ask him if he can step  
24 outside.

25           **Q**    Did you see anyone else in the

1 room at that time?

2 **A** I did not, but our fellow  
3 officer did see the female in the room.

4 **Q** And what happened when you asked  
5 the defendant to step outside?

6 **A** When I asked him to step  
7 outside, he did. He did step outside and  
8 Officer Claudio asked him if she can go  
9 inside the condo.

10 **Q** And did Officer Claudio go  
11 inside that condo?

12 **A** Yes, ma'am.

13 **Q** While Officer Claudio was in  
14 with the victim, what happened with you and  
15 the defendant?

16 **A** While outside, he -- we just  
17 waited until to find out if anything  
18 happened. He said he doesn't need police,  
19 why are we there. He doesn't have to speak  
20 to me. He knows his rights and that he's an  
21 attorney.

22 **Q** Approximately -- now, he stated  
23 he knew his rights and he was an attorney.  
24 Did he say anything else after that?

25 **A** I can't recall.

1           **Q**    Okay.  Approximately how long  
2 was Officer Claudio inside talking to Miss  
3 Rocio Ramirez?

4           **A**    We'll say about approximately  
5 15 minutes.

6           **Q**    At some point did Officer  
7 Claudio come out, and did you two made a  
8 decision based on the two of yours'  
9 experience that night?

10          **A**    Yes, ma'am.

11          **Q**    What was that decision?

12          **A**    We decided a domestic violence  
13 situation happened at that location causing  
14 injuries, and we had to place him under  
15 arrest.

16          **Q**    During the time at the apartment  
17 -- I'm sorry.  Were you outside the apartment  
18 during the whole time that the victim was  
19 being interviewed?

20          **A**    Yes.  I did not enter the  
21 apartment.

22          **Q**    Okay.  Did anybody other than  
23 the defendant and the victim -- did you ever  
24 see anyone other than the defendant and the  
25 victim come in or out of that room?

1           **A**    Yes.

2           **Q**    And who was that?

3           **A**    It was Detective Hunt and  
4 Detective Fleming.

5           **Q**    Other than law enforcement, was  
6 there anyone else that was in that room, or  
7 came in and out of that room later there?

8           **A**    No.

9           **Q**    At any time were you able to  
10 view the victim, Rocio Ramirez?

11          **A**    The only time I was able to see  
12 her was when she came outside to be  
13 transported to the hospital.

14          **Q**    And can you describe to me what  
15 her demeanor was like?

16          **A**    She was very meek, very scared.  
17 She was huddling in a standing fetal  
18 position. She basically looked like a  
19 beaten, wet dog.

20          **Q**    And what was the defendant's  
21 demeanor the whole time you were with him?

22          **A**    Very upset; anxious. He did not  
23 want to stay in one spot. He kept saying he  
24 doesn't have to tell me nothing; he knows his  
25 rights.



1           **Q**   And while you were there, was  
2 there any other noise coming from the  
3 apartment?

4           **A**   No. While I was there, no.

5                   ATTORNEY RILEY: May I just  
6 have a moment, Your Honor?

7                   THE COURT: Yes.

8                   ATTORNEY RILEY: I have  
9 nothing further at this time, Your Honor.

10                   THE COURT: Very well. Thank  
11 you.

12                   Attorney Hodge, cross-examination?

13                   ATTORNEY HODGE: Thank you,  
14 Your Honor.

15                   Good afternoon, Officer Tatum.

16                   THE WITNESS: Good afternoon.

17                   ATTORNEY HODGE: May it please  
18 the Court?

19                   THE COURT: Yes.

20                   **CROSS-EXAMINATION**

21                   **BY ATTORNEY HODGE:**

22                   **Q**   All right. Officer Tatum, you  
23 are the case agent in this matter, correct?

24                   **A**   Yes, sir.

25                   **Q**   And I would assume that --

1 excuse me. You reviewed the entire file for  
2 this case, correct?

3 **A** Yes, sir.

4 **Q** This wasn't -- you weren't  
5 assigned to this case initially, correct?

6 **A** Correct.

7 **Q** You didn't type out the Probable  
8 Cause Fact Sheet filed in this case did you,  
9 Officer Tatum?

10 **A** No, that was Officer Claudio.

11 **Q** Officer Claudio. You didn't  
12 sign that Probable Cause Fact Sheet, did you?

13 **A** No, I did not.

14 **Q** You didn't type out the  
15 affidavit attached to this information sheet,  
16 did you?

17 **A** No, sir.

18 **Q** You didn't sign that affidavit  
19 attached to this information sheet, did you?

20 **A** No, sir.

21 **Q** However, you did fill out the  
22 Offense Report, correct?

23 **A** Yes, sir.

24 **Q** And during the offense report,  
25 you typed out the narrative of the offense,

1 correct?

2 **A** Yes, sir.

3 **Q** And you signed that Offense  
4 Report?

5 **A** Um-hum, yes, sir.

6 **Q** In that narrative you wrote that  
7 you spoke with Mr. Davion Samples, correct?

8 **A** Yes, sir.

9 **Q** He had explained to you what he  
10 had heard that night, correct?

11 **A** Yes, sir.

12 **Q** And his explanation is that he  
13 heard everything from his condo room,  
14 correct?

15 **A** He explained while on the  
16 balcony he heard noise.

17 **Q** Um-hum.

18 **A** He then explained what happened  
19 prior -- after.

20 **Q** So in the condo, whether that be  
21 in the balcony or inside the room, right?

22 **A** Yes.

23 **Q** And his condo is right next to  
24 Room 206, correct?

25 **A** Yes.

1           **Q**    And he told you he had heard  
2 multiple voices -- excuse me. He stated that  
3 he had heard multiple voices in the room next  
4 door; is that correct?

5           **A**    Yes.

6           **Q**    Multiple male voices, correct?

7           **A**    Yes, I believe so.

8           **Q**    And this is also told to 911  
9 Dispatch, correct?

10          **A**    Yes.

11          **Q**    Were you able to hear that  
12 through the Dispatch?

13          **A**    Central Dispatch did notify us  
14 this it may be multiple people in the  
15 apartment.

16          **Q**    Okay. And he had stated that  
17 Mr. Jaglal, the defendant in this matter, had  
18 come out of Room 206, correct?

19          **A**    Yes.

20          **Q**    And that would be on to the  
21 balcony?

22          **A**    Yes.

23          **Q**    And in the narrative that you  
24 wrote, you listed Mr. Bradley Thomas as W,  
25 which means witness, correct?

1           **A**    Yes, sir.

2           **Q**    Did you talk with him?

3           **A**    Yes, sir.

4           **Q**    And you confirmed that

5    Mr. Samples was telling the truth?

6           **A**    Yes, sir.

7           **Q**    So, essentially, I'm asking did

8    you compare and match their stories?

9           **A**    Yes, I did.

10          **Q**    And is that the only time you

11   spoke with Mr. Thomas?

12          **A**    No. I did advise him after,

13   after everything was done, to stay calm

14   because he was freaking out. He was very

15   jittery and scared.

16          **Q**    Um-hum.

17          **A**    He had a panic -- he stated to

18   me that he was -- he don't know what he was

19   going to do, so I had to calm him down a

20   little bit.

21          **Q**    Okay. And according to the

22   report, contact was made with Miss Rocio

23   Ramirez at about 2132 hours, give or take,

24   correct?

25          **A**    Yes.

1           **Q**    You never talk with Miss  
2 Ramirez, correct?

3           **A**    No, I did not.

4           **Q**    Did you take any pictures of  
5 Miss Ramirez?

6           **A**    I do not take pictures. We did  
7 call Forensics and they did travel and take  
8 pictures of her in the condo.

9           **Q**    Inside the condo?

10          **A**    Correct.

11          **Q**    You weren't the first officer to  
12 arrive on that scene the day in question,  
13 correct?

14          **A**    We all arrived approximately at  
15 the same time.

16          **Q**    When you say that *we all*, is  
17 that --

18          **A**    My unit and the other unit.

19          **Q**    Okay. And is that -- was --  
20 excuse me if I'm not misspeaking, but was  
21 that Detective Tianna Hunt? Was she on the  
22 scene when you arrived there?

23          **A**    No.

24          **Q**    She arrived after?

25          **A**    Yes. We had to call her to

1 travel.

2 Q Okay. And Detective Fleming,  
3 was he on the scene when you arrived on the  
4 scene?

5 A No. We had to call both of them  
6 to come and travel.

7 Q Okay. What about Sergeant  
8 Hamdan?

9 A Sergeant Hamdan came prior to  
10 any situation. She comes and -- for any  
11 supervisor -- any instances people decide  
12 they want to speak to a supervisor.

13 Q Okay. And Officer Prescott --  
14 Prescod --

15 A Officer Prescott and Officer  
16 Francis were driving the other unit as  
17 partners.

18 Q Okay. So they arrived  
19 essentially when you arrived at the scene?

20 A Yes.

21 Q Okay. And you and Officer  
22 Claudio arrested Mr. Jaglal, correct?

23 A Yes, sir.

24 Q When you arrived on the scene,  
25 was Miss Ramirez wearing a hoodie, a sweater?

1           **A**    I do not know.  I did not see  
2 what she was wearing.

3           **Q**    Okay.  But you stated that  
4 previously that you were in the doorway when  
5 Mr. Jaglal opened the door, correct?

6           **A**    Yes, I was.

7           **Q**    And therefore, you were then  
8 able to see Miss Ramirez in that same  
9 doorway, correct?

10          **A**    He was blocking my view of her.  
11 Officer Claudio did see her.

12          **Q**    So, he's standing in the middle  
13 of the doorway, correct?

14          **A**    Um-hum.

15          **Q**    But you're unable to see past  
16 him, but the officer there standing next to  
17 you was able to see her?

18          **A**    Because she was standing at a  
19 certain angle which she was able -- she would  
20 be able to see behind him and further.

21          **Q**    Okay.

22          **A**    She was my cover.

23          **Q**    Okay.  And how tall are you,  
24 Officer Tatum?

25          **A**    I'm 5' 11.



1 Q Okay. And -- thank you.

2 ATTORNEY HODGE: One second,  
3 Your Honor.

4 THE COURT: Yes.

5 **BY ATTORNEY HODGE:**

6 Q I would like to turn your  
7 attention to the report that was filled out  
8 in this matter, the Offense Report that you  
9 filled out.

10 The reason for this -- excuse me.  
11 Your determination of the incident at that  
12 moment was that it was a second-degree  
13 assault, correct?

14 A Yes.

15 Q And that's where it was filled  
16 out in the Information and report from  
17 yourself and -- is it Sergeant Hamdan?

18 A Yes. Sergeant Hamdan did sign  
19 it.

20 Q Okay. And there you guys had  
21 made the determination that it was a  
22 second-degree assault, correct?

23 A Yes, sir.

24 Q Okay. So in this report it  
25 states that *contact was made with the victim,*

1 correct?

2 **A** Yes, sir.

3 **Q** And *who refused to talk to the*  
4 *undersigned officer.* And the undersigned  
5 officer would be you?

6 **A** Would be me, yes.

7 **Q** Yes, since this is your report,  
8 right?

9 **A** Yes.

10 **Q** So, you said that she refused to  
11 speak to you?

12 **A** She refused to speak to me, yes.

13 **Q** So, she refused to speak to you  
14 but you couldn't see her?

15 **A** She refused to speak to me after  
16 we removed Mr. Jaglal from the area.

17 **Q** Okay. So --

18 **A** She was frightened. She was  
19 very frightened and would not leave the  
20 apartment building if he was in the area. So  
21 we removed him from the area.

22 **Q** And so this would be -- okay.  
23 All right. I got you.

24 ATTORNEY HODGE: One second,  
25 Your Honor.

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THE COURT: Sure.

**BY ATTORNEY HODGE:**

Q Okay. I want to take you back to that last statement that you made.

A No problem.

Q And forgive me, I may just not quite understand how the report is written. *Contact was made with the victim who refused to talk to the undersigned officer, correct?*

A Correct.

Q There's no statement that -- your previous answer that you just gave me is that, you know, she would not talk while the defendant was in her presence, correct?

A Correct.

Q But there's nothing, nothing in the report that states that. The report simply reads, *contact was made with the victim* --

ATTORNEY RILEY: Objection, Your Honor. Counsel is reading from that piece of paper that's not in evidence.

THE COURT: Sustained.

ATTORNEY HODGE: Okay, Your

1 Honor, I'll take that back.

2 Q So, Officer Tatum, you arrived  
3 on the scene, correct?

4 A Yes, sir.

5 Q You observed Mr. Jaglal in the  
6 doorway.

7 A Yes, sir.

8 Q You were unable to see Miss  
9 Ramirez.

10 A Yes, sir.

11 Q At that moment that you were  
12 unable to see Miss Ramirez, apparently  
13 Officer Claudio was able to see Miss Ramirez,  
14 correct?

15 A Yes, sir.

16 Q And then at that moment, did you  
17 tell Mr. Jaglal to step outside?

18 A Yes, sir. As soon as we arrived  
19 to the scene, on cases with any domestic  
20 violence, we separate both parties that's  
21 there.

22 Q Okay.

23 A Anyone who is in the residence  
24 and whoever is suspected as a suspect, we  
25 remove them from each other to give each

1 other space where they can be comfortable and  
2 not under corrosion -- coercion.

3 Q Coercion. I struggle with that  
4 word as well.

5 A To make it be able to give us a  
6 proper statement or to see if they will be  
7 willing to talk to us and not scared of the  
8 other individual.

9 Q You stated that Mr. Jaglal  
10 stated that he was an attorney?

11 A Yes.

12 Q Was this mentioned in your  
13 report?

14 A No.

15 Q Is it not proper protocol to  
16 take any statements from a defendant and  
17 enter it into a report?

18 A I did not put it in the report  
19 due to the fact that I did not read him his  
20 rights at this time.

21 Q But, if I'm not mistaken --

22 A Because he was not placed under  
23 arrest at that time.

24 Q But if I'm not mistaken, there  
25 are things in your report that Mr. Jaglal

1 said before he was arrested, and that was the  
2 initial of you meeting him at the front door.  
3 That's in your report, correct?

4 **A** Because after I read him his  
5 rights, he still stated the same things he  
6 told me without the rights, the same time he  
7 told me after I read him his rights.

8 **Q** So, you're saying that  
9 Mr. Jaglal opened the door, made a statement  
10 to you and then later, made that same  
11 statement again in the same exact form?

12 **A** Yes, sir.

13 **Q** All right.

14 ATTORNEY HODGE: One second,  
15 Your Honor.

16 THE COURT: Sure.

17 **BY ATTORNEY HODGE:**

18 **Q** Officer Tatum.

19 **A** Yes.

20 **Q** Is it your habit to not write  
21 down statements given by a possible defendant  
22 in a matter?

23 **A** My habit?

24 **Q** Yes. Is it the habit of police  
25 officers? So, my question is, you spoke to

1 the witnesses. You spoke to Mr. Samples, you  
2 spoke to Mr. Thomas, right?

3 **A** Yes, sir.

4 **Q** Officer Claudio spoke to Miss  
5 Ramirez, correct?

6 **A** Yes, sir.

7 **Q** Now, with Mr. Jaglal, he made  
8 one statement, correct? When he initially  
9 opened the door, he made one statement to  
10 you?

11 **A** He made multiple statements.

12 **Q** Okay. That was the first  
13 statement -- let me restate that. He made  
14 his first statement to you, correct?

15 **A** Um-hum, yes, sir.

16 **Q** Then some time later he made  
17 another statement stating that he's an  
18 attorney.

19 **A** Yes.

20 **Q** But that statement was not  
21 entered into the report?

22 **A** No.

23 **ATTORNEY HODGE:** No further  
24 questions.

25 **THE COURT:** Okay. Thank you.

1                   ATTORNEY HODGE: Thank you,  
2 Office Tatum.

3                   THE COURT: All right.

4                   ATTORNEY RILEY: Briefly, Your  
5 Honor.

6                   THE COURT: Yes.

7                   **REDIRECT EXAMINATION**

8                   **BY ATTORNEY RILEY:**

9                   **Q** Officer Tatum, can you explain  
10 when it was that the victim did not want to  
11 speak to you?

12                   **A** When was it?

13                   **Q** When was it in this whole  
14 incident at the beginning?

15                   **A** After she came out of the  
16 residence, because I would not leave  
17 Mr. Jaglal outside by himself. Officer  
18 Claudio was inside with her the whole time.

19                   **Q** So this was after Office Claudio  
20 had already spoken to her?

21                   **A** Yes.

22                   **Q** Okay.

23                   ATTORNEY RILEY: I have  
24 nothing further, Your Honor.

25                   THE COURT: Very well. Any



1 recross?

2 ATTORNEY HODGE: No, Your  
3 Honor.

4 THE COURT: Very well. Thank  
5 you.

6 You have another witness, Attorney  
7 McRae?

8 ATTORNEY MCRAE: No, Your  
9 Honor. At this time the People would rest.

10 THE COURT: All right. Very  
11 well.

12 All right. Ladies and Gentlemen,  
13 the People have rested at this time. I'm  
14 going to -- if there are any legal matters  
15 this will be the time for me to address those  
16 matters, so we are going to break and I'm  
17 also checking on lunch to see if it's here at  
18 the same time, because it's about 12:15.

19 So, at this time you will break and  
20 go to the other room, and we'll resume -- or  
21 I will let you know if lunch is here and then  
22 we will resume. All right.

23 THE MARSHAL: Everyone, please  
24 rise.

25 *(The Jurors were excused.)*

1 THE COURT: Is there a motion,  
2 Attorney Johnson?

3 ATTORNEY JOHNSON: Yes, Your  
4 Honor. We move to dismiss the counts for  
5 lack of evidence at this time of Count 1 and  
6 2. That will be the false imprisonment and  
7 the second-degree assault, specifically to  
8 the false imprisonment. There's been no  
9 evidence showing that she was imprisoned  
10 separately from the crime of assault.

11 THE COURT: Okay. So you're  
12 raising the same factors you raised a while  
13 ago?

14 ATTORNEY JOHNSON: Yes, Your  
15 Honor.

16 THE COURT: The *Berry* factors?

17 ATTORNEY JOHNSON: Yes.

18 THE COURT: Okay. So I know  
19 it's *People versus Clifton Fahie*. I didn't  
20 have a chance to brief it.

21 I don't know if you've had an  
22 opportunity, Attorney McRae, but I'm going  
23 to break -- we can break for about ten  
24 minutes and brief the *Fahie* matter, and then  
25 we can resume in ten minutes and then we'll

1 break for lunch. All right?

2 ATTORNEY JOHNSON: Yes, Your  
3 Honor.

4 THE COURT: After we have the  
5 motion.

6 ATTORNEY JOHNSON: Yes, Your  
7 Honor.

8 THE COURT: All right. Okay.

9 THE MARSHAL: Will everyone  
10 please rise.

11 *(After a ten-minute recess*  
12 *the proceeding continued*  
13 *as follows.)*

14 THE CLERK: People of the  
15 Virgin Islands versus Devindra Jaglal.

16 ATTORNEY MCRAE: Yes. Good  
17 afternoon, Your Honor.

18 THE COURT: Good afternoon.

19 ATTORNEY MCRAE: Quincy for  
20 the People. Sitting at counsel table with me  
21 is Assistant Attorney General Kimberly Riley.

22 THE COURT: All right. Very  
23 well. Good afternoon.

24 ATTORNEY JOHNSON: Good  
25 afternoon. For the record everyone is still

1 here.

2 THE COURT: All right.

3 ATTORNEY JOHNSON: Frederick  
4 Johnson and Thoron Corey Hodge. I swear I  
5 could not remember his first name. And  
6 Devindra Jaglal.

7 THE COURT: All right. Good  
8 afternoon. All right. So I had the  
9 opportunity to review *Fahie*, so I'll hear  
10 from you now, Attorney Johnson.

11 ATTORNEY JOHNSON: Yes, Your  
12 Honor. Just to be clear, this is a Rule 29  
13 Motion before -- after close of the  
14 Government's evidence.

15 THE COURT: All right. So,  
16 let's start from the top. Count 1.

17 ATTORNEY JOHNSON: So, first  
18 of all, there's not enough evidence to put  
19 this forward to a Jury on the strangulation  
20 itself.

21 THE COURT: Okay.

22 ATTORNEY JOHNSON: As we  
23 indicated, I thought quite effectively the  
24 only evidence of strangulation is a  
25 contusion, a bruise on her neck.

1           Clearly, it contravenes her  
2 testimony directly, so that's the basis for  
3 the Rule 29 Motion on a more straightforward  
4 ground.

5           THE COURT: Understood.

6           ATTORNEY JOHNSON: And  
7 specifically, when it comes to strangulation  
8 and the lesser included offense of Simple  
9 Assault.

10          THE COURT: All right.

11          ATTORNEY JOHNSON: And then I  
12 believe what the Government's getting at is  
13 that the simple assault was also from the  
14 kicking, punching, slapping --

15          THE COURT: No, let's deal  
16 with one at a time. Okay.

17          ATTORNEY JOHNSON: So --

18          THE COURT: Which count are  
19 you referring to now? Refer to the count  
20 first.

21          ATTORNEY JOHNSON: Count 1 is  
22 the false imprisonment.

23          THE COURT: Right. Okay.

24          ATTORNEY JOHNSON: Rule 29  
25 Motion on that. Count 2 would be --

1 THE COURT: Yes, the assault  
2 in the second degree.

3 ATTORNEY JOHNSON: Yes. But  
4 because that is a lesser included offense to  
5 Simple Assault, I'm assuming that the  
6 Government is trying to prove that the  
7 strangulation meets the burden for  
8 Second-degree Assault.

9 The kicking, shoving, hitting,  
10 punching, all that is --

11 THE COURT: But that's not --  
12 that should not be an assumption. That is  
13 what the statute says. The strangulation is  
14 the Second-Degree Assault.

15 ATTORNEY JOHNSON: Yes.

16 THE COURT: Okay.

17 ATTORNEY JOHNSON: But since  
18 he's also being charged with simple assault,  
19 and the information indicated that he struck  
20 her about her body, and this act was  
21 committed in an act of domestic violence,  
22 simple assault, we are asking for a Rule 29  
23 only on the first two counts. On  
24 Strangulation, Count 2, and False  
25 Imprisonment.

1 THE COURT: Right. Okay.

2 ATTORNEY JOHNSON: Even though  
3 there was testimony as to her being unable to  
4 exit the condo, I believe, not in earnest,  
5 the only evidence for false imprisonment,  
6 which is under the kidnapping statute in this  
7 matter, is that he pulled her by the back of  
8 the collar and she had a sweater, a hoodie,  
9 on and therefore kept her from leaving.

10 In fact, it was never mentioned  
11 except for when she got on the stand. It's  
12 nowhere in the police report.

13 THE COURT: Okay. But it's  
14 still testimony.

15 ATTORNEY JOHNSON: Yes, it is,  
16 Your Honor.

17 THE COURT: All right. Okay.

18 ATTORNEY JOHNSON: One of the  
19 things that was in the police report that  
20 never made it into evidence was, according to  
21 Claudio's report, the false imprisonment  
22 actually came from her not being able to  
23 leave the condo because he wouldn't give her  
24 her phone. That was never remarked by the  
25 witness on the stand.

1 THE COURT: Okay.

2 ATTORNEY JOHNSON: The only  
3 evidence of false imprisonment is that he  
4 pulled her, and I believe she testified that  
5 during the assault, and kept hitting her,  
6 kept kicking her, and she kept screaming at  
7 that time.

8 This was not separate and distinct  
9 from the second-degree assault and it was not  
10 separate and distinct from the simple  
11 assault. So that would be --

12 THE COURT: Her testimony was  
13 that she tried to run to the door.

14 ATTORNEY JOHNSON: Yes, Your  
15 Honor.

16 THE COURT: But she was never  
17 able to get to the door.

18 ATTORNEY JOHNSON: Yes, Your  
19 Honor. The testimony is that she was never  
20 able to get to the door, and I believe  
21 because he had pulled the back of her collar  
22 on the sweater, the sweater that she had  
23 taken off and changed before she went to the  
24 hospital. We have no picture of the sweater;  
25 it was not in evidence.



1           There was no remark as to why it  
2 wouldn't be logged into evidence, but  
3 nonetheless, the more important testimony  
4 that I was able to elicit from her on the  
5 stand under cross-examination was that this  
6 was during the time where he was punching,  
7 hitting and kicking her. And she had also  
8 described that she had been choked multiple  
9 times.

10           THE COURT: Yes.

11           ATTORNEY JOHNSON: She also  
12 described that she had lost consciousness  
13 most of the time for a few seconds. At no  
14 time did she differentiate this from her  
15 being falsely imprisoned.

16           In other words, in the *Fahie* case,  
17 one of the reasons that the Court held that  
18 that was plain error beyond a reasonable  
19 doubt -- sorry. Am I saying *Fahie*, or how do  
20 you say that name?

21           THE COURT: Fahie. (Foy)

22           ATTORNEY JOHNSON: Yes, that's  
23 what I thought.

24           THE COURT: Yes.

25           ATTORNEY JOHNSON: I had a

1 couple of clients and I thought that's how  
2 they said it.

3 One of the reasons that the Supreme  
4 Court held that that was clearly plain error  
5 and it would be plain error in this case to  
6 not put that jury instruction in, was that  
7 the assault was already done. And there was  
8 some testimony that he had detained her after  
9 the assault, and the detention was not part  
10 of the assault.

11 So, I know I'm kind of muddling this  
12 for the jury instruction question, but this  
13 detention they were talking about here, brief  
14 as it is, is not distinct from the  
15 strangulation, and it's not distinct from the  
16 simple assault, the other two counts.  
17 Therefore, I'm asking for a Rule 29 dismissal  
18 of that.

19 THE COURT: All right. Okay.

20 ATTORNEY JOHNSON: I am  
21 impressing the Court more for a Rule 29  
22 dismissal of that than from the  
23 strangulation, because although I make my  
24 record and I make my motion, I understand  
25 that there's plenty of evidence that the

1 Court can lean her hat on.

2 THE COURT: How are you making  
3 the leap between a complete dismissal of  
4 Count 1, the false imprisonment, and just  
5 providing an instruction consistent with  
6 *Berry*?

7 ATTORNEY JOHNSON: Because,  
8 Your Honor, *Berry* is an interesting case for  
9 a couple of reasons. Sorry. Not *Berry*,  
10 *Fahie*.

11 THE COURT: *Fahie*, yes.

12 ATTORNEY JOHNSON: In that  
13 case the Jury returned a verdict that said he  
14 did not assault her.

15 THE COURT: Correct.

16 ATTORNEY JOHNSON: But  
17 acquitted him on the heavy felonies of sexual  
18 assault or attempted sexual assault.

19 That was one of the reasons that the  
20 *Fahie* court said, in my opinion, wrongly, but  
21 they were able to assume that the Jury had  
22 differentiated for themselves, they had made  
23 that demarkation and said well, he didn't  
24 assault her but he definitely kept her in  
25 that bathroom. I think the testimony was 25

1 minutes or so.

2 THE COURT: Yes.

3 ATTORNEY JOHNSON: Or at last  
4 that was -- yes. The Jury heard testimony  
5 that she knows Fahie about 25 minutes to  
6 8 o'clock -- I'm sorry, Your Honor, I'm  
7 muddling my facts.

8 But there were some testimony for  
9 the Court to have hang his hat on, saying  
10 that the false imprisonment was separate and  
11 distinct from the assault, and that was  
12 ratified when the Jury returned a not guilty  
13 for the assaults.

14 It will be dangerous for this Court  
15 to assume that -- well, first of all, I'm  
16 maintaining that it is plain error for the  
17 Court not to give that instruction, not to  
18 make sure that the Jury knows that that is an  
19 option.

20 THE COURT: Yes, I'm going to  
21 give the instruction, so that's not even the  
22 issue now. So how do we cross this bridge,  
23 though?

24 So in other words, how do we get  
25 past your -- how do we get past what you're

1 asking me now? You're asking me, now, to  
2 dismiss Count 1 at this point.

3 ATTORNEY JOHNSON: Yes, Your  
4 Honor.

5 THE COURT: But if I don't  
6 dismiss Count 1, the instruction will be  
7 given.

8 ATTORNEY JOHNSON: Yes, Your  
9 Honor.

10 THE COURT: But let's deal  
11 with what you're asking, which is to dismiss  
12 Count 1.

13 ATTORNEY JOHNSON: Yes, Your  
14 Honor.

15 THE COURT: So you're saying  
16 that there's been no proof whatsoever that  
17 she was confined against her will?

18 ATTORNEY JOHNSON: The only  
19 proof that she was confined against her will  
20 was put on by her directly. There was no  
21 other evidence submitted either on direct or  
22 cross-examination of the officer.

23 There was suppositions by, I  
24 believe, Thomas as to, *I don't think she*  
25 *could get out, or I don't think she could*

1 leave. I seem to remember him saying  
2 something like that. That is the only  
3 evidence that's going to go before the Jury  
4 in support of what effectively is a  
5 kidnapping charge.

6 THE COURT: Okay.

7 ATTORNEY JOHNSON: A 20-year  
8 kidnapping charge. It's not enough, Your  
9 Honor.

10 THE COURT: Okay.

11 ATTORNEY JOHNSON: More so on  
12 this than the strangulation, I will press  
13 this Court to drop this charge on a Rule 29.  
14 Part of that argument is also, I don't  
15 believe that the Jury is going to be able to  
16 distinguish, even with an instruction, that  
17 false imprisonment can be wrapped up into an  
18 assault charge, and specifically the simple  
19 assault charge. Because I think my testimony  
20 that I had elicited from her was on -- I  
21 don't believe she testified that she was  
22 being choked after --

23 THE COURT: She placed her  
24 hand up to her neck -- I'm sorry. Up to her  
25 neck on more than one occasion during the

1 testimony. So she made reference, she spoke  
2 about it, and she identified the -- it was a  
3 hand motion, and she identified the bruises  
4 around her neck. And the doctor says those  
5 were contusions.

6 ATTORNEY JOHNSON: One  
7 contusion.

8 THE COURT: One contusion. He  
9 said there were three, but one around her  
10 neck, yes.

11 ATTORNEY JOHNSON: Yes, Your  
12 Honor. So my argument for dismissing Count 2  
13 is weaker than dismissing Count 1. I would  
14 concede that.

15 THE COURT: All right.

16 ATTORNEY JOHNSON: But what I  
17 was getting at, I don't believe she had  
18 testimony that she was choked and then he  
19 grabbed her from leaving and then he choked  
20 her -- she was choked again.

21 THE COURT: Okay.

22 ATTORNEY JOHNSON: But she  
23 definitely testified that as she was grabbed  
24 from leaving, she -- this was in the middle  
25 of an assault. I was pretty specific about

1 he was still beating up on her. He was still  
2 hitting, kicking, punching.

3 THE COURT: Okay. And the  
4 second factor, I believe, is Factor Number 2,  
5 which is -- no. Factor Number 3, the  
6 confinement, whether it was done before,  
7 during or after the assault.

8 ATTORNEY JOHNSON: Yes, Your  
9 Honor. So in this case it would be during,  
10 and, according to her testimony, even before  
11 one of the simple assaults.

12 THE COURT: So, you're saying  
13 that the imprisonment is incidental?

14 ATTORNEY JOHNSON: Yes. Yes,  
15 Your Honor. And I know that's more of a Jury  
16 question issue, but in this case a 20-year  
17 felony is going to be put into the hands of  
18 the Jury with the only evidence being coming  
19 from her herself saying I was strangled, I  
20 lost consciousness twice.

21 There's no medical testimony to  
22 actually corroborate anything, Your Honor,  
23 other than a bruise on her neck.

24 THE COURT: How would the  
25 officer -- how would the officer have added



1 that, though? Because you made mention that  
2 there was nothing by the police, I believe  
3 you said?

4 ATTORNEY JOHNSON: Yes.

5 THE COURT: In other words,  
6 there were only two people in the apartment.

7 ATTORNEY JOHNSON: Yes, Your  
8 Honor. Let me pull up the report. The  
9 narrative in his report actually doesn't  
10 mention anything about false imprisonment or  
11 any actual facts that could be stated or that  
12 could lead to a false imprisonment.

13 He mentioned that she said she was  
14 beaten and strangled. *Contact was made with*  
15 *her who refused to talk. Investigation*  
16 *revealed that she sustained bruises in the*  
17 *face, arm, back and neck. She's afraid*  
18 *suspect would kill her and kill her if she*  
19 *says anything.*

20 If I'm not correct, on Government  
21 Page 25 and 26, there is nothing in the  
22 narrative to indicate a false imprisonment.  
23 False imprisonment instead comes from  
24 Claudio's affidavit and Claudio's statement.

25 One second, Your Honor.

1 THE COURT: Sure.

2 ATTORNEY JOHNSON: In  
3 Claudio's statement--and this is Government's  
4 Bates stamp Page 4, the affidavit attached to  
5 the Information. *Jaglal would not allow her*  
6 *to leave the room alone, and she would have*  
7 *called 911, but she couldn't because he took*  
8 *her cell phone and wouldn't allow her to use*  
9 *it.*

10 The only evidence before we got to  
11 trial of a false imprisonment was, *he would*  
12 *not allow her to leave the room alone.* In  
13 her statement, in her Probable Cause Fact  
14 Sheet, which is Government Page -- I believe  
15 this is on Government Page 7 in our discovery  
16 in which he said the same thing. I'm trying  
17 to find the actual quote, Your Honor.

18 THE COURT: Yes.

19 ATTORNEY JOHNSON: I'm sorry.  
20 On Page 8 she says: *Miss Ramirez stated that*  
21 *Jaglal would not allow her to leave the*  
22 *hotel room alone, and she would have*  
23 *called 911 herself, but she couldn't*  
24 *because he took her cell phone and*  
25 *wouldn't allow her to use it.*

1 I believe those are the only statements of  
2 false imprisonment before we actually got to  
3 trial, Your Honor.

4 THE COURT: All right.

5 ATTORNEY JOHNSON: None of  
6 that was elicited in testimony by any of the  
7 witness, that that's the reason she was  
8 falsely imprisoned, because she could not  
9 leave the room without him following her.

10 THE COURT: Okay. All right.  
11 Thank you, Attorney Johnson.

12 Attorney Riley.

13 ATTORNEY RILEY: Your Honor,  
14 the People would ask you to deny the  
15 defendant's Rule 29 motion.

16 As the Court is well aware, the  
17 standard the Court would use in deciding a  
18 motion for a judgment of acquittal is to look  
19 at all of the evidence in the light most  
20 favorably to the People. Therefore, the  
21 testimony that came off the stand yesterday  
22 and today, I would believe if you look at it  
23 in the light most favorably to the  
24 Government, that Rule 29 is not appropriate.

25 Here Attorney Johnson argued a lot

1 about what did not come into evidence, but  
2 that is not to be taken into consideration.  
3 We can only address what has been taken into  
4 evidence.

5 As to Second-Degree Assault, the  
6 victim did clearly testify that she was  
7 strangled several times; that she lost  
8 consciousness. And then to corroborate  
9 that -- and I'm sorry if I said that word  
10 funny, but she -- there are marks about her  
11 neck and bruises the next day.

12 As to False Imprisonment, the  
13 testimony that came off the stand did show  
14 false imprisonment. As the victim testified  
15 she tried to leave the room, tried to run  
16 out, and the defendant pulled her back in.  
17 That is separate from him choking her as a  
18 second-degree assault, and separate from him  
19 slapping her and kicking her and pushing her  
20 in the simple assault. Therefore, I would  
21 ask you to deny the Rule 29 motion.

22 THE COURT: Okay. All right.  
23 Attorney Johnson.

24 ATTORNEY JOHNSON: One second,  
25 Your Honor.

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THE COURT: Sure.

ATTORNEY JOHNSON: First of all, I don't believe she actually testified that she made it out of the apartment, so I think Attorney Riley characterized it as he pulled her back in, and that's not in evidence. She never testified that she opened the door. She testified that she could open the door easily without a key by turning a couple of locks.

THE COURT: Yes. She tried to run to the door but she didn't make it.

ATTORNEY JOHNSON: Yes.

THE COURT: He pulled her back by his sweater that she was wearing at the time.

ATTORNEY JOHNSON: Yes, Your Honor.

THE COURT: All right.

ATTORNEY JOHNSON: That's the evidence that's before the Court. I implore the Court to drop Count 1 on the Rule 29, and more so, I am imploring the Court to drop Count 2.

There is a danger that the Jury,

1 even with an instruction, is not going to  
2 understand that this has to be separate and  
3 distinct event for the felony, provable  
4 beyond a reasonable doubt. The only evidence  
5 we have is on the stand the day from her,  
6 uncorroborated with anything.

7 THE COURT: Okay.

8 ATTORNEY MCRAE: Briefly, Your  
9 Honor.

10 THE COURT: Okay. I'm sorry.

11 ATTORNEY MCRAE: There is more  
12 evidence on the record. As far as today, we  
13 did play People's Exhibit Number 3. In that  
14 recording you could hear Mr. Samples saying,  
15 *you all need to hurry up and get here*  
16 *quickly, they are holding her against her*  
17 *will.* And that lasted for a duration of  
18 time.

19 Also, during the testimony of the  
20 victim, not only did she speak about the  
21 carpet, she also said that the defendant made  
22 threats that he knew people around here, so  
23 if she tries to leave he could have some  
24 people do something to her. So those are  
25 threats to keep her there, Your Honor. She

1 also said --

2 THE COURT: I remember the  
3 testimony was something about *this is how it*  
4 *works on this island.*

5 ATTORNEY MCRAE: Yes.

6 THE COURT: Is that what you  
7 mean?

8 ATTORNEY MCRAE: Yes, Your  
9 Honor.

10 THE COURT: Okay.

11 ATTORNEY MCRAE: And she said  
12 she didn't know anyone here.

13 THE COURT: Yes.

14 ATTORNEY MCRAE: And after  
15 that first chance of trying to run for that  
16 door, she said that she did not attempt that  
17 again because of what had happened that first  
18 time. And pretty much for her, she said she  
19 had given up then.

20 THE COURT: She gave up, yes.

21 ATTORNEY MCRAE: So, Your  
22 Honor, I think it is more evidence. And if  
23 you're looking for outside people, Officer  
24 Claudio is not in the room. No one is in the  
25 room except for the defendant and the victim.

1           So looking at this in the light most  
2 favorable to the People, if you're looking at  
3 any other statements, those statements are  
4 going to come from the victim anyway, and she  
5 testified on the stand.

6           Right now we're in the middle of  
7 trial. We're not looking for other evidence  
8 in the photo. It's what's presented before  
9 the Jury for them to make a determination.  
10 And I think what is presented is sufficient  
11 to establish guilt beyond a reasonable doubt.

12           I would say, as far as that, the  
13 Court should include the instruction and  
14 submit it to the jury.

15           THE COURT: All right. Thank  
16 you.

17           ATTORNEY MCRAE: And, Your  
18 Honor, I would also say, last Friday we were  
19 asked about special jury instructions and it  
20 was not provided up until today, and now it's  
21 presented and we're doing this in the middle  
22 of a lunch hour trying to make a  
23 determination that was asked about last  
24 Friday.

25           And I think based on that, Your



1 Honor, defendant had an opportunity on Friday  
2 where we could have briefed it and we could  
3 have been fully aware. This is after the  
4 victim has testified.

5 If we were aware of this on Friday  
6 whenever it was asked for it at that time, it  
7 could have been dealt with. Part of that  
8 error is the defendant's own based on his own  
9 hand. He invited that error because the  
10 Court asked everyone if we had any other  
11 instructions, and the defendant said nothing  
12 at that point.

13 So after the victim has testified,  
14 to bring this up at the last moment and then  
15 try to have a count dismissed, Your Honor, I  
16 think based on that, the cure would be to  
17 submit it to the Jury and let them make a  
18 determination with the proper jury  
19 instructions.

20 THE COURT: Okay.

21 So, Attorney Johnson, your motion  
22 for judgment of acquittal at this point is  
23 denied.

24 I'm going to allow both parties to  
25 submit a special instruction with respect to

1 these four factors, the *Berry* Factors as is  
2 established and adopted in the *Fahie* case.

3 ATTORNEY JOHNSON: Yes, Your  
4 Honor.

5 THE COURT: So it addresses  
6 the length of time of confinement, the  
7 danger, and confinement whether the assault  
8 occurred, or the felonies occurred before,  
9 during or after the confinement, and whether  
10 the confinement was incidental or an integral  
11 part of the assaults that occurred.

12 So, I will allow you all to each  
13 submit your proposed instructions.

14 ATTORNEY JOHNSON: Yes, Your  
15 Honor.

16 ATTORNEY MCRAE: Yes, Your  
17 Honor.

18 THE COURT: Okay. So, we'll  
19 break for lunch at this time. We will  
20 start -- you need 45 minutes? Would 45  
21 minutes suffice, or 30 minutes?

22 ATTORNEY JOHNSON: If we could  
23 just get an hour, Your Honor. We got stuck  
24 in the hallway last time.

25 THE COURT: I'm sorry?

1                   ATTORNEY JOHNSON: We had just  
2 gotten our sandwiches back from Subway by the  
3 time 10:50 hit, so could you push it back to  
4 one hour even?

5                   THE COURT: Another hour is  
6 2:15, so -- no. 45 minutes, because I  
7 already told them 1:45.

8                   ATTORNEY JOHNSON: Thank you,  
9 Your Honor.

10                   ATTORNEY MCRAE: And, Your  
11 Honor, as far as the defense side, are they  
12 calling any witnesses, or...

13                   THE COURT: Do you plan to  
14 call any witnesses, Attorney Johnson?

15                   ATTORNEY JOHNSON: At this  
16 time we are planning on calling Mr. Jaglal.

17                   THE COURT: All right. Thank  
18 you.

19                   THE MARSHAL: Everyone, please  
20 rise.

21                                   *(Thereupon, a luncheon*  
22                                   *recess was taken.)*

23                                   **AFTERNOON SESSION**

24                   THE MARSHAL: Will everyone,  
25 please rise.

1                   (*The Jurors enter the courtroom.*)

2                   THE CLERK: People of the  
3 Virgin Islands versus Devindra Jaglal.

4                   ATTORNEY MCRAE: Yes. Good  
5 afternoon, Your Honor. Good afternoon, court  
6 staff. Good afternoon, Ladies and Gentlemen  
7 of the Jury. My name is Quincy McRae.

8                   Sitting at counsel table with me is  
9 Assistant Attorney General Kimberly Riley.

10                  ATTORNEY RILEY: Good  
11 afternoon, everyone.

12                  ATTORNEY MCRAE: And also  
13 Officer Kahlil Tatum, and we represent the  
14 People of the Virgin Islands.

15                  THE COURT: All right. Good  
16 afternoon.

17                  ATTORNEY JOHNSON: Good  
18 afternoon, Your Honor. Good afternoon,  
19 everyone.

20                  THE DEFENDANT: Good  
21 afternoon, everyone.

22                  ATTORNEY JOHNSON: Devindra  
23 Jaglal, the defendant. Attorney Thoron Corey  
24 Hodge, my co-counsel in this case.

25                  ATTORNEY HODGE: Good

1 afternoon, everyone.

2 THE COURT: Good afternoon.  
3 Attorney Johnson, are you ready?

4 ATTORNEY JOHNSON: I believe  
5 so, Your Honor. I would call Devindra Jaglal  
6 to the stand.

7 THE COURT: Very well.

8 **DEVINDRA JAGLAL,**  
9 after having been first duly sworn as a  
10 witness, testified as follows:

11 ATTORNEY JOHNSON: Your Honor,  
12 may I?

13 THE COURT: Yes, you may.

14 **DIRECT EXAMINATION**

15 **BY ATTORNEY JOHNSON:**

16 Q Good afternoon, Mr. Jaglal.

17 A Good afternoon.

18 Q For the record, go ahead and  
19 spell your name, first and last.

20 A For the record my name is  
21 Devindra Jaglal. D-E-V-I-N-D-R-A. The last  
22 name is Jaglal. J-A-G-L-A-L.

23 Q And where do you live right now?

24 A Currently I live in Tampa.

25 Q Can you give us your address?

1           **A**    Yes.  It's 2422 Dovesong Trace,  
2 Tampa, Florida, 22 -- 33570.

3           **Q**    When was the first time you came  
4 to the Virgin Islands?

5           **A**    First time I came to the Virgin  
6 Islands was in 2008, I believe.  I'm sorry.  
7 2010, sorry, for vacation with an  
8 ex-girlfriend at the time and we stayed at  
9 Frenchman Resort.

10          **Q**    Did you come to the Virgin  
11 Islands in 2020?

12          **A**    Yes, I did.

13          **Q**    When did you come to the Virgin  
14 Islands?

15          **A**    Friday the 13th.

16          **Q**    How long did you stay?

17          **A**    November 2020.  I'm sorry.  
18 Friday the 13th, November, 2020.

19          **Q**    And how long did you stay?

20          **A**    We stayed -- I stayed about  
21 seven days, seven to ten days.  I only  
22 planned on staying five days.

23          **Q**    Did you come with anyone?

24          **A**    Yes.  I came with my girlfriend  
25 at the time.

1 Q And who is that?

2 A Rosio Ramirez.

3 Q She's also known as Rocio  
4 Ramirez Garcia?

5 A Yes.

6 Q Was that the young woman who  
7 testified yesterday?

8 A Yes, that's correct.

9 Q How long were you guys dating?

10 A We were dating about three  
11 months.

12 Q And when did you guys separate,  
13 break up?

14 A We separated while we were down  
15 here, pretty much.

16 Q You said that you stayed longer  
17 than you were supposed to; why was that?

18 A Yes. So I was arrested  
19 November 15th, that Sunday, carrying into the  
20 16th, that morning of, with some serious  
21 charges. Yeah.

22 Q Were you able to bond out of  
23 jail?

24 A Initially the prosecutors did  
25 not want to post -- give me bond. They

1 thought I was a flight risk and wouldn't come  
2 back to the island, but I believe it was  
3 Judge Carty was gracious enough to bail me  
4 bond. It was a very large amount, but I was  
5 able to bond out, yes.

6 **Q** When you were arrested, was  
7 there anyone on this island besides Miss  
8 Ramirez that you knew or were related to?

9 **A** No. I did not know anyone on  
10 this island. I was not related to anyone on  
11 this island.

12 **Q** Where were you staying when you  
13 visited on November of 2020?

14 **A** November 2020 I was staying at  
15 the Sapphire Beach Resort at an Airbnb condo.

16 **Q** Would that be in Room 206 in  
17 Sapphire Beach Resort?

18 **A** That's Room 206, yes.

19 **Q** Was Miss Ramirez staying with  
20 you?

21 **A** Yes, that's correct.

22 **Q** So no one but you and Miss  
23 Ramirez was staying in that room?

24 **A** Yes, that's correct.

25 **Q** Okay. Did you have a chance to



1 go back to that room and get your stuff when  
2 you were arrested and jailed?

3 **A** Unfortunately not.

4 **Q** If you didn't have any relations  
5 on the island, how were you able to -- sorry.  
6 Let me strike that.

7 When you left the island, did you  
8 have your suitcase with all your belongings?

9 **A** No, I did not -- I'm sorry. I'm  
10 sorry. Can you repeat that question? When I  
11 left the island?

12 **Q** Yes. When you flew off the  
13 island, where was your suitcase with all your  
14 belongings?

15 **A** Yes. Someone brought the  
16 suitcase to the jail for me.

17 **Q** Do you know who that was?

18 **A** It was at the time my  
19 girlfriend, Rosie Ramirez.

20 **Q** You've been sitting right next  
21 to me this whole time, so you've heard all  
22 the testimony, correct?

23 **A** That's correct. Can you speak  
24 up a little bit louder, please?

25 **Q** Yes. Sorry. You've been

1 sitting next to me this whole time, so you've  
2 heard all the testimony that was presented in  
3 court today?

4 **A** I heard every single testimony  
5 that's presented in court today.

6 **Q** Did you also see all the  
7 exhibits that were presented to the Jury?

8 **A** I definitely saw all the  
9 exhibits.

10 **Q** Did you hear all of the 911  
11 calls that we played for the Jury?

12 **A** Yes, I did.

13 **Q** So, on November 15th, the night  
14 of, did you punch Miss Ramirez?

15 **A** No, I definitely did not punch  
16 Mrs. Ramirez.

17 **Q** You said Mrs. Is she married  
18 now?

19 **A** Miss. Sorry, Miss. It's Miss  
20 Ramirez.

21 **Q** So you did not punch Miss  
22 Ramirez?

23 **A** I did not punch Mrs. Ramirez; I  
24 did not choke Mrs. Ramirez; I did not slap  
25 Mrs. Ramirez; did not kick Mrs. Ramirez; did

1 not poison Mrs. Ramirez; did not pull her  
2 hair, Mrs. Ramirez. I did not do any of  
3 those things I just said to Mrs. Ramirez.

4 **Q** Did you shove Miss Ramirez?

5 **A** At one point I did shove  
6 Mrs. Ramirez off of me, yes, correct.

7 **Q** Okay. Did you ever grab her arm  
8 or her elbow?

9 **A** I definitely grabbed her arm,  
10 which I believe there's a bruise on her arm,  
11 to shove her away from me, yes, correct.

12 **Q** Okay. Have you ever pushed Miss  
13 Ramirez?

14 **A** I shoved her off of me, correct,  
15 yes, sir.

16 **Q** So as you're well aware, this  
17 all started at the condo, Room 206. What  
18 were you guys doing before?

19 **A** So that morning of, we had a  
20 booked, an excursion, to do a half day  
21 Catamaran snorkeling, booze cruise, type of  
22 thing with Heavenly Days. It started -- we  
23 got on the Catamaran probably around  
24 ten o'clock, did the snorkeling; probably  
25 around lunch time-ish or after got done with

1 snorkeling and started drinking, you know,  
2 until we got back to the -- I think it's  
3 Booth Cay. Booth Cay Beach. Does that ring  
4 a bell to anyone here?

5 But Booth Cay Beach is where we  
6 went, ended up having lunch and spending the  
7 day on the beach there and headed back --  
8 headed off the Catamaran cruise or excursion  
9 and then headed to Coki Beach to continue or  
10 night.

11 **Q** Do you remember what boat you  
12 were on, by chance?

13 **A** It's called the Heavenly Days  
14 off of Bolongo Bay.

15 **Q** Do you remember where you left  
16 from, or where that boat left from?

17 **A** I believe it left off of -- I  
18 think the Lindbergh area -- no, not the  
19 Lindbergh Hotel area. No, I don't remember.  
20 I don't remember.

21 **Q** Okay. But that was not -- where  
22 that boat left from, did it leave from the  
23 same bay as your hotel, Sapphire?

24 **A** No.

25 **Q** Did you have to drive to that

1 boat?

2 **A** Yes, we had to drive to that  
3 boat.

4 THE COURT: Did you drive to  
5 Bolongo Bay Resort?

6 THE WITNESS: Yes. I drove to  
7 Bolongo Bay Resort.

8 THE COURT: Okay.

9 THE WITNESS: That's probably  
10 where the boat left off at.

11 **BY ATTORNEY JOHNSON:**

12 **Q** Did you actually drive the car?

13 **A** Yes, I was driving the whole  
14 trip.

15 **Q** That wasn't your car, was it?

16 **A** It's a rental.

17 **Q** Okay. Do you own any cars or  
18 hotels or condos, any rooms, any apartments,  
19 do you rent anything down here?

20 **A** I don't own anything down here.  
21 I just -- I came down here one time before  
22 and I liked the island for vacationing.

23 **Q** So that Room 206, you just  
24 rented that for the few days you were here?

25 **A** From Airbnb, correct.

1           **Q**    After you got off the boat, do  
2           you remember where you went?

3           **A**    After we got off the boat, we  
4           drove down to Coki Beach 'cause Coki Beach --  
5           obviously everyone here is from the Virgin  
6           Islands so they know it has a nice night  
7           life. It has a different vibe to it, and we  
8           wanted to continue that night, right, so we  
9           went to Coki Beach.

10          **Q**    Do you know how long you were at  
11          Coki Beach?

12          **A**    I don't know how long, but I do  
13          want to say we left around 9:00 because we  
14          wanted to get back to Sapphire Beach Resort.  
15          But we were probably there about  
16          three hours-ish. Two to three hours in the  
17          water, got a fish from the stand, went and  
18          got some drinks. They started playing music.  
19          The vibe was starting to turn into a night  
20          life vibe.

21          **Q**    I'm assuming you caught that  
22          boat in the morning; is that true?

23          **A**    Yes. Ten o'clock in the morning  
24          we were on that boat.

25          **Q**    Do you know when you actually

1 got off the boat?

2 **A** No. It was in the afternoon.

3 **Q** Right before you went to Coki?

4 **A** Right before we went to Coki,  
5 started driving over to Coki.

6 **Q** You referred to it as a booze  
7 cruise. Can you tell us what that means?

8 **A** It's snorkeling in the morning  
9 and then it's all unlimited drinks. But the  
10 drink are rum punch. It's nothing to get you  
11 super drunk on, it's just to keep a good  
12 spirit. So it's some type of rum and more  
13 sweet Kool Aid or something. More punch than  
14 rum, pretty much.

15 **Q** And were you drinking these rum  
16 punches?

17 **A** Yeah, I was trying to get my  
18 money's worth.

19 **Q** Was Miss Ramirez drinking these  
20 rum punches?

21 **A** Yes, we both were.

22 **Q** When you got to Coki, did you  
23 guys drink any more alcohol?

24 **A** Yes. We ordered two drinks from  
25 the stand. I ordered a fish, and -- yes.

1 We -- and then I think I befriended a couple.  
2 He's always at Coki Beach. He has long  
3 dreads. It's a black dude with long, long  
4 dreads. And I think he has an Asian  
5 girlfriend. And we befriended them, and then  
6 we ordered -- we bought some marijuana.

7 **Q** Do you know how long you were  
8 actually at Coki Beach?

9 **A** No. Like I said -- but I do  
10 know we left around 9:00, a little bit after  
11 9:00, because we wanted to get back to  
12 Sapphire Beach Resort, and then I wanted to  
13 drop the car off and then continue back out  
14 and, you know, get a taxi and continue back  
15 out to Coki Beach.

16 **Q** So did you go straight from Coki  
17 Beach to your hotel room -- sorry. Your  
18 Airbnb, 206, Sapphire?

19 **A** Straight from Coki Beach to  
20 Sapphire, yes, that's correct.

21 **Q** Okay. What happened next?

22 **A** So we get to the room --

23 THE COURT: What was that?  
24 Just one minute.

25 ATTORNEY JOHNSON: Yes, Your



1 Honor.

2 (Brief pause)

3 THE COURT: All right. Please  
4 continue.

5 THE WITNESS: Can you repeat  
6 the question, please?

7 ATTORNEY JOHNSON: I will.  
8 Let the record reflect that I didn't do that.

9 THE COURT: Okay.

10 **BY ATTORNEY JOHNSON:**

11 Q I believe I was at the point  
12 where you've gone from Coki straight to  
13 Sapphire, and then I asked you what happened  
14 next?

15 A We get into the hotel room. My  
16 phone is dead from being all day out taking  
17 pictures in the water and what not and on the  
18 boat and what not. So her phone is the only  
19 one that's working, right.

20 The plan was, on the car ride back  
21 to Coki Beach -- back from Coki Beach to the  
22 resort is that we were going to go back to  
23 Coki Beach on a taxi. My phone is dead. So  
24 her phone is on the charger. It's connected  
25 to Bluetooth; it's playing music.

1           While it's connected to Bluetooth,  
2           the app that she's using to play music on  
3           it's -- her phone is unlock, right. So my  
4           phone is dead. We only brought one charger.  
5           I unplugged her phone, plugged my phone in  
6           the charge to get some juice. I have her  
7           phone now, right.

8           But before that, we're in the room,  
9           we're kind of getting ready. We opened up a  
10          -- we mixed a drink. We're kind of  
11          pre-gaming a little bit. We're gonna go back  
12          out to Coki Beach, right.

13          So music is playing. We're kind of  
14          in good spirits. This is around, I don't  
15          know, 9:15, 9:20, all right. The moment I  
16          grabbed that girl's phone, that's when the  
17          mood changed, okay. So I have her phone.  
18          Her phone is unlocked, right. I'm going to  
19          use Google to Google a taxi, to get a taxi in  
20          here and then we can then take the taxi and  
21          then go to Coki Beach and continue the night.

22          It went from good spirit night, good  
23          vibes to all hell broke loose. She did not  
24          want me to have her phone, and I'm like --  
25          she's like, *give me my phone. Get off my*

1     *phone.* She never said get off of me, she was  
2     screaming *get off my phone.* So, I'm like  
3     chill. I'm like calm down. So, I'm raising  
4     my voice, calm down. She's like, *get off my*  
5     *phone.*

6             I'm trying to -- I don't want to be  
7     too colorful of language that I use, you  
8     know, in respect to the Court, but there were  
9     some foul language used on both sides. I'm  
10    like, 'cause she's saying, *get off my phone,*  
11    and I'm like, calm the F down, right.

12            So in our condo, there's a bed --  
13    when you kind of walk into the room there's a  
14    hallway with a closet and across from the  
15    closet there's a bathroom. And you come  
16    in -- there's no doors. It's a wide open  
17    studio.

18            There's a bed, and there's a little  
19    side where you can walk on the side of the  
20    bed to the right, and then there's a table, a  
21    small table, and there's a kitchenette.  
22    Might be a couch and a TV, right, but I don't  
23    remember the couch and TV part.

24            So I got her phone. The speaker is  
25    on the table, that little round able, right.

1 I got her phone, she wants her phone back.  
2 So now I'm like, what's the big deal with me  
3 having your phone.

4 Now, let me put it into context.  
5 This wasn't a perfect relationship, and we  
6 had some distrust issues, okay. It's a  
7 fairly new relationship, three months in. So  
8 I'm like, what's the problem with me having  
9 your phone. So now, I'm kind of like I don't  
10 want to give her the phone, and so I'm like,  
11 what are you hiding here.

12 So she comes at me trying to get the  
13 phone. I pulled the chair out, you know,  
14 from the dining room table to kind of get in  
15 her way. At first it was like nothing  
16 physical, right. I go around the table, if  
17 she's still following me, I pull another  
18 chair out.

19 This happens -- I have a little --  
20 now I have a pattern. I'm trying to  
21 multitask now. I have one hand on her phone  
22 trying to go through her phone, trying to get  
23 to Google, you know, but now I'm also curious  
24 to see what are you hiding here. So I'm  
25 going to look at some text.

1 I get on the bed, jump over the bed,  
2 jump on it. She's following me around. We  
3 go around this way, I make another loop  
4 around that same loop. It's a big loop. Not  
5 a big loop, but it's a loop that starts  
6 around the table, jumping over the bed, going  
7 on the side and running this way. I'm  
8 multitasking at this point.

9 At some point, she does come on me,  
10 right, and she's like, you know, she's not  
11 coordinated. We were both -- I don't want to  
12 say I was high because I have a tolerance for  
13 smoking marijuana, but I want to say I felt  
14 like she was high, discoordinated.

15 So when she's coming at me, she's  
16 not coordinated to get the phone and I have a  
17 longer reach. So one hand has the phone and  
18 one hand is here. I want to say the first  
19 time we got physical was when she caught up  
20 to me in front of the bed area. And that's  
21 when I kind of shoved her off. I'm like, *get*  
22 *off of me*, you know, like that, or *get off of*  
23 *me*, like that.

24 And then I come back around the  
25 table and I'm like, let me see what's going

1 on. So then I kind of go to go use two  
2 hands, and that's when she kinda comes at me  
3 and rush into me, and I grabbed her by her  
4 arm, right. I'm like, *calm the F down*, you  
5 know, and I shoved her off of me like that.  
6 And that's where you can clearly see a thumb  
7 print on her biceps.

8 This girl is anemic, right. And if  
9 I were to be beating on her for an hour, you  
10 would -- she told me she was anemic. I don't  
11 know if she's anemic.

12 ATTORNEY MCRAE: Objection,  
13 Your Honor.

14 THE COURT: Overruled.

15 **A** This girl told me she was  
16 anemic. We lived together, okay. She would  
17 bruise as easy as -- if somebody pressed on  
18 her skin she would bruise. If I punched this  
19 girl, slapped this girl, beat this girl,  
20 kicked this girl, all the things that she  
21 described in her testimony, she would have  
22 not only bruises all over her body, but she  
23 would have blood -- there would be blood. It  
24 would be a bloody.

25 I'm sorry. I'm not the biggest guy

1 in the room, but if I'm beating on somebody  
2 for an hour, they are not going to look like  
3 what those pictures showed.

4 **BY ATTORNEY JOHNSON:**

5 Q Let me ask you this. You said  
6 you had her phone.

7 A That's right.

8 Q How long did you have her phone  
9 in your hand?

10 A I had her phone in the hand --  
11 that was the course of the argument, right.  
12 And in the course of the argument, she's  
13 saying *get off my phone*. She's never saying  
14 *get off of me*. She's saying *get off my*  
15 *phone*, screaming, yelling.

16 She became hysterical, right --  
17 these are stress issues. At that point I  
18 realize there's more to it that she didn't  
19 want me to see her phone. So that's when I  
20 was like, *take your F'ing phone, all right*.  
21 It was like -- this was going on for about 5,  
22 7, 10 minutes, I don't know. But like my  
23 phone is probably charged up already. And  
24 I'm like, *when we get back to the States you*  
25 *and I are done*.

1           *That baby, I'll take the baby. I'll*  
2           *take the baby, but you and I are done. I*  
3           *don't want anything -- this relationship is*  
4           *not going to work if I can't trust you and,*  
5           *you know, so I can't be with you. Okay. I'm*  
6           *going to continue back out my night at Coki*  
7           *Beach.*

8           And that's when she started  
9           screaming again like, *I don't want you to go*  
10          *to Coki Beach, blah, blah, blah, right. That*  
11          *Asian girl -- and I'm like, I'm pretty sure*  
12          *that Asian girl is dating that dude, you*  
13          *know. I'm not going back there for the Asian*  
14          *dude [sic.], I'm going back out there to just*  
15          *get out of this vibe.*

16                **Q**   Wait a second. You're talking  
17                about stuff that I have no idea, 'cause I  
18                wasn't in that room.

19                **A**   I'm sorry. I'm just going over  
20                it. This is my first time being able to tell  
21                in a year and-a-half what happened, you know.  
22                Okay. Sorry.

23                **Q**   So, let's just recap. Was  
24                there -- you said there was trust issues, and  
25                you just mentioned the girl at Coki Beach.



1 So are you saying that this was a fight over  
2 you going back out to Coki Beach?

3 **A** It was initially a fight about  
4 the phone. That's when things went -- a mood  
5 went from a good mood to a bad mood when I  
6 grabbed her phone. We had already opened and  
7 made drinks. We were going to drink and have  
8 a good time. The moment I grabbed her phone,  
9 that's when the mood changed, okay.

10 **Q** So -- I'm sorry.

11 **A** But now, she's good at what they  
12 call gas lighting, right. It's a term where  
13 the other person makes some other person feel  
14 guilty for things. So she was thinking now  
15 she's switching on me about me going out  
16 there to check out this Asian girl, like at  
17 the Coki Beach. And that wasn't the case.  
18 I'm like, I just don't want to be in this  
19 vibe anymore. I don't want to be in this  
20 type of toxic, you know, drama.

21 **Q** Is it fair to say that you were  
22 yelling?

23 **A** I was screaming. I was  
24 screaming because this girl was screaming.  
25 I'm like why are you so historical. Take a

1       fucking -- sorry. Take a Xanax and calm  
2       down. And I gave her one of my Xanax. It's  
3       a prescription drug Xanax.

4               **Q**     The way she said it, it sounds  
5       like you forced her to take the Xanax.

6               **A**     I never forced her to take a  
7       Xanax. I'm like, *take a Xanax; calm down.*  
8       *There's your phone. My phone is probably*  
9       *charged up by now, I'm going to go out in the*  
10      *back.*

11              **Q**     Did she actually take the Xanax?

12              **A**     I don't know. I don't know if  
13      she took the Xanax.

14              **Q**     During this time, was the two  
15      doors to that condo, the glass door and the  
16      front door that you heard a lot of testimony  
17      about, was the glass door open?

18              **A**     The glass door, not only was it  
19      cracked open, it was wide open. And now in  
20      hindsight -- I've been on this island, this  
21      trip, four times. Two out of the night in  
22      Lindbergh Hotel, two separate couples are  
23      arguing until like five o'clock in the  
24      morning and I heard everything. In hindsight  
25      I'm pretty sure the whole Sapphire Beach

1 Resort heard us -- our commotion.

2 Q But certainly, your next door  
3 neighbors heard you.

4 A Certainly, our next door  
5 neighbors heard it.

6 ATTORNEY JOHNSON: One second.

7 THE COURT: Sure.

8 **BY ATTORNEY JOHNSON:**

9 Q What did she say when she was  
10 screaming?

11 A *Get off -- Get off my phone, you*  
12 *know. And -- I don't know, like, you know, I*  
13 *don't remember exactly, but I remember one of*  
14 *those was get off my phone.*

15 Q Well, I'm pretty sure that she  
16 said she was screaming help.

17 A She never screamed help.

18 Q Pretty sure the neighbors that  
19 overheard you and called the police, they  
20 said they can clearly hear her screaming  
21 help?

22 A She never said help. There was  
23 no reason to say help.

24 Q Okay. Was she screaming loudly?

25 A She was screaming loudly.

1           **Q**    At the top of her lungs?

2           **A**    Yeah.  I mean, yeah, I would  
3   assume so.

4           **Q**    How did the fight end?

5           **A**    The fight ended -- I wanted to  
6   get some air.  I stepped out into the back  
7   porch, all right, and as I stepped out on the  
8   back porch, I see some type like a Gremlin or  
9   like a -- I thought it was an animal like  
10   kind of on the balcony, and I realized it was  
11   somebody's face.  Somebody's head.

12                    So I come out and I'm kind of  
13   shocked.  And I'm like, *what's up, bro.,* you  
14   know.  *What are you doing, you know,* or  
15   something along the lines of that.  And  
16   he's -- I'm like, *why are you in my business,*  
17   you know, *mind your business,* you know.  *You*  
18   *got a problem with this, call the police.*  
19   *But don't be -- give me some privacy here.*  
20   I'm in a quarrel with my girlfriend -- with  
21   my girlfriend at the time.

22                    And I'm heated, because at that  
23   point I felt like the relationship was going  
24   to be over, you know.  When I got back to the  
25   States I already made my mind up that this

1 relationship is going to be over.

2 Q Did you know that they had  
3 already called the police at that time?

4 A No. I did not know they had  
5 called the police at the time. They said  
6 they were going to call the police.

7 Q Did you talk with anyone else in  
8 that condo next door?

9 A I only spoke to one person, and  
10 he testified today and his name was Damian  
11 [sic.] Samples.

12 Q So you didn't see the other  
13 three people that were in that room?

14 A No, I did not.

15 Q But the police were called,  
16 right?

17 A The police were called, yes.

18 Q You didn't call the police?

19 A No, I did not call the police.

20 Q Do you remember about when the  
21 police arrived, by chance; what time?

22 A No. It was shortly after I told  
23 the neighbors go ahead and call the police.  
24 There was a knock on the door. It was  
25 Officer Prescott and Officer Francis.

1           **Q**    Office Tatum's been in the court  
2 the entire time, correct?

3           **A**    He has.

4           **Q**    Which one was the first officer  
5 that you actually talked to?

6           **A**    I remember him clear like day.  
7 He was the only calm officer on that scene.  
8 And I'm shocked that no one's brought him in.  
9 It was Officer Prescott. He's a big, big  
10 dude. And a slim office name Officer  
11 Francis. And he knocked on the door.

12                   He said, *look, we got a complaint.*  
13 He's like, *I want you to step outside.* The  
14 woman officer is going to talk, you know --  
15 he said it's two people in the room. He went  
16 through the questions, and I'm kind of  
17 getting to the gist of it. And he said I'm  
18 going to have my female officer talk to your  
19 girlfriend. I was like, yeah, no problem  
20 man.

21                   While we're talking, Tatum comes in  
22 about shortly after. But he doesn't come to  
23 me. He goes to Damian Samples' room because  
24 Officer Francis is talking to me. But in  
25 that before Tatum comes, which I believe on

1 the CAD report is 323, me and Officer  
2 Francis -- Officer Prescott are kind of  
3 building a relationship.

4 He's like, *listen man, calm down.*  
5 *You know, I get it. Let us go through this*  
6 *and figure out what's going on. I'm like, I*  
7 *didn't call the police. I don't know why a*  
8 *police can tell you that. Let us figure out*  
9 *what's going on and it will be all good.*  
10 *There is a complaint of somebody screaming*  
11 *for help, so we just want to figure out*  
12 *what's going on. So I'm like, okay, cool.*  
13 *He's like, all this stuff goes on in the*  
14 *islands all the time, you know, if*  
15 *everything's clear we'll be good to go.*

16 And then Officer Tatum and Sergeant  
17 Claudia [sic.] show up. And I didn't know  
18 that if a sergeant shows up on the scene in  
19 the Virgin Islands, that's like a big thing.  
20 Somebody is going to jail.

21 So Sergeant Claudia and Officer  
22 Tatum show up. The officer that was talking  
23 to Rosie came back out and said she doesn't  
24 speak any English, she wants to speak to a  
25 Spanish speaking officer.

1           Officer Claudia went and talk to  
2 her, and right off the bat, Officer Claudia,  
3 if anybody's met her, she has a straight  
4 attitude. It's like, you know, put him in  
5 the squad car.

6           ATTORNEY MCRAE:  Objection,  
7 Your Honor.  Hearsay.

8           THE COURT:  Sustained.

9           **BY ATTORNEY JOHNSON:**

10           **Q**    Which squad car did they put you  
11 in?

12           **A**    They put me into Officer  
13 Prescott's squad car.  And him and I  
14 continued to have conversations.  He's like,  
15 *man, look, you know, once everything is*  
16 *cleared, you know, you're going to be good to*  
17 *go.  We'll probably put you in another hotel,*  
18 *let her stay here, y'all sleep it off*  
19 *tonight --*

20           ATTORNEY MCRAE:  Objection,  
21 Your Honor.  Hearsay.

22           THE COURT:  Sustained.

23           **Q**    -- Y'all sleep it off tonight --

24           ATTORNEY MCRAE:  Objection,  
25 Your Honor.



1 THE COURT: Sustained. You  
2 cannot respond.

3 THE WITNESS: Oh, I'm sorry.  
4 Sustained means no response?

5 THE COURT: Yes.

6 THE WITNESS: Okay.

7 THE COURT: You cannot say  
8 what someone else said to you.

9 THE WITNESS: Okay, got it.  
10 Got it.

11 **BY ATTORNEY JOHNSON:**

12 Q Officer Tatum, was he in that  
13 car with you?

14 A No.

15 Q When you finally went to jail,  
16 which officer took you to jail?

17 A It was Officer Prescott. I  
18 believe it was Officer Prescott, okay.

19 Q You sat here through all the  
20 testimony, and I believe you've established  
21 that you broke up with her, or you guys broke  
22 up shortly after; is that right?

23 A Yes. With this happening, you  
24 know, it forced issues.

25 Q In fact, you were under a

1       restraining order not to talk with her, is  
2       that right?

3               **A**     That's right.

4               **Q**     And there's been testimony about  
5       that restraining order, and there's been  
6       testimony about you contacting her.

7               **A**     That's right.

8               **Q**     So the notes that you saw, the  
9       exhibit, did you actually send that to her?

10              **A**     It was a shared notes, yes.

11              **Q**     So you shared it with her?

12              **A**     Correct.

13              **Q**     Did you text her?

14              **A**     Yes, I texted her.

15              **Q**     Did you call her?

16              **A**     Yes, we called. I called her,  
17       yes.

18              **Q**     Okay. In her testimony she  
19       said, and I'm sure you heard, she did not  
20       text you back or at least she didn't text you  
21       back in 2021; is that true?

22              **A**     No, it's not true.

23              **Q**     You guys were talking back and  
24       forth with each other in 2021?

25              **A**     Yes. We're talking now.

1 ATTORNEY MCRAE: Objection,  
2 Your Honor.

3 THE COURT: What's the  
4 objection?

5 ATTORNEY MCRAE: As far as the  
6 notes and the text, those items have already  
7 been requested and they have never been  
8 turned over. As far as this goes, this is  
9 just pure speculation at this point. We've  
10 had hearings; we requested it and we've never  
11 received any text.

12 THE COURT: Overruled.

13 ATTORNEY JOHNSON: Thank you,  
14 Your Honor.

15 THE COURT: Wasn't the  
16 testimony, Attorney Johnson, that the contact  
17 was made in 2021?

18 ATTORNEY JOHNSON: Yes. Yes,  
19 Your Honor.

20 THE COURT: All right. So  
21 there was no contact up until then.

22 ATTORNEY JOHNSON: No, but  
23 there was. I can establish that, Your Honor.

24 THE COURT: I'm sorry?

25 ATTORNEY JOHNSON: There was.

1 I can establish that.

2 THE COURT: You can establish  
3 that there was contact before 2021 by her to  
4 him?

5 ATTORNEY JOHNSON: Yes, Your  
6 Honor.

7 THE COURT: Okay.

8 ATTORNEY JOHNSON: If I may?

9 THE COURT: Yes.

10 **BY ATTORNEY JOHNSON:**

11 Q Were you and her texting between  
12 each other after your arrest --

13 A Yes.

14 Q -- in 2020?

15 A Yes.

16 Q Did she ever reach out to you,  
17 unprovoked, in 2020?

18 A Yes.

19 Q How do you know? You don't have  
20 your cell phone, and I'm not letting you --

21 THE COURT: Sidebar.

22 ATTORNEY JOHNSON: Yes.

23 **(SIDEBAR CONFERENCE AS FOLLOWS)**

24 THE COURT: Attorney Johnson,  
25 so you're saying that you have text messages

1 or notes somewhere to show that Miss Ramirez  
2 made contact with your client before 2021,  
3 and that has not been turned over to the  
4 Government?

5 ATTORNEY JOHNSON: Yes, Your  
6 Honor.

7 THE COURT: Do you have it  
8 now?

9 ATTORNEY JOHNSON: It's on  
10 my -- yes. I have some of the screen shots,  
11 yes, Your Honor.

12 ATTORNEY MCRAE: Your Honor,  
13 at this time -- you know, it's been several  
14 days before we even picked the jury. I was  
15 told I was misquoting Rule 16 wrong, it had  
16 to be in the defendant's case in chief.

17 This is the defendant's case in  
18 chief, and he's trying to introduce stuff  
19 that I've asked for. I've stated before that  
20 we had a reciprocal demand. He read Rule 16  
21 and said that he needed it in his case in  
22 chief.

23 This is his witness; his case in  
24 chief, and those things have never been  
25 turned over to the Government up until trial

1 right now. I ask that he be precluded from  
2 using those items, Your Honor.

3 ATTORNEY JOHNSON: Your Honor,  
4 I'm not going to introduce any text messages,  
5 any conversations. I'm not even going to  
6 show the note that was introduced.

7 THE COURT: Okay. There are  
8 two different issues here. So the one issue  
9 was the notes that we spoke about that were  
10 produced by the Government to you on  
11 Sunday --

12 ATTORNEY JOHNSON: Yes.

13 THE COURT: And you -- the  
14 impression was at that time that the  
15 modification, any modification that was done  
16 by her, I understand that it was not turned  
17 over. You did not produce it, and it was not  
18 turned over to the Government although they  
19 asked for it, if you're saying that she did  
20 in fact modify the text messages. So that  
21 was one issue.

22 ATTORNEY JOHNSON: Yes, Your  
23 Honor.

24 THE COURT: Now, you're saying  
25 that you have some separate messages that you

1 don't want to introduce and you don't want to  
2 turn over to the Government, but you're  
3 trying to elicit the testimony from your  
4 client in your case in chief, but at the same  
5 time you don't want to turn it over.

6 ATTORNEY JOHNSON: Your Honor,  
7 I had no idea before Miss Ramirez got on the  
8 stand that she would deny having texted him,  
9 unprovoked, until she did. She said that in  
10 2021 she did not text him; she has.

11 THE COURT: No. She said  
12 she text -- she said there was communication  
13 in 2021.

14 ATTORNEY JOHNSON: The  
15 qualifying question was, did you ever -- I  
16 believe. I'm trying to remember testimony  
17 from yesterday.

18 THE COURT: Right.

19 ATTORNEY JOHNSON: I believe  
20 she said, I was already responding to him or  
21 I did not text him without him talking with  
22 me first. I believe she said that she did  
23 not text him in unprovoked way. I'm  
24 paraphrasing.

25 ATTORNEY MCRAE: Your Honor,

1 at this time we're talking about documents  
2 that aren't even in evidence. How do I cross  
3 examine someone who is just sitting up there  
4 on the stand just talking about some text  
5 message I can't even see.

6 THE COURT: Right.

7 ATTORNEY MCRAE: He can say  
8 that she texted him October 15, 2021, and  
9 just continue with the conversation and it's  
10 not even any text that I can look at. He's  
11 speaking about stuff that's not in evidence  
12 whatsoever.

13 At lunch I asked do you have any  
14 witnesses, and he said, yes, meaning the  
15 defendant. And we complained about our  
16 discovery. He knew at that time that he was  
17 going to call the defendant to speak about  
18 these items and he didn't even give it to me  
19 at lunch when he's sitting at counsel table,  
20 and it's in the middle of his testimony.

21 And now, he starts to go down this  
22 path and starts talking about some notes that  
23 he doesn't intend to turn over. Your Honor,  
24 I would say that he should be precluded from  
25 using it in --



1           ATTORNEY JOHNSON: The notes  
2 that I referred to were the notes that have  
3 been entered into evidence. Those are the  
4 notes we talked about.

5           ATTORNEY MCRAE: The text  
6 messages that we're talking about now with  
7 the same witness is about the text from 2021.

8           ATTORNEY JOHNSON: Your Honor.

9           ATTORNEY MCRAE: And it's the  
10 case in chief again, and it goes back to  
11 Rule 16. This is your case in chief. And  
12 we've already put you on notice at the last  
13 hearing that we had a reciprocal demand.  
14 It's on-going.

15           Every time that we get something, we  
16 turn it over to you within 30 minutes. Now  
17 you're walking around with this for days  
18 knowing that you're going to call this guy.  
19 You're walking around with it for days.

20           Your Honor, I ask that he be  
21 precluded from introducing it.

22           ATTORNEY JOHNSON: I'm not  
23 introducing any text.

24           THE COURT: But isn't it the  
25 same thing, eliciting the testimony to show

1 that she made contact with him?

2 ATTORNEY JOHNSON: Your Honor,  
3 they did the exact same thing. This is text  
4 messages. That's where those notes came  
5 from, and Miss Ramirez testified that she had  
6 texted and that's how she got the notes. In  
7 fact, on that --

8 THE COURT: No. Wait a  
9 minute. The note is dated November 23rd,  
10 2020.

11 ATTORNEY JOHNSON: Yes.

12 THE COURT: Her testimony is  
13 that she texted him, or there was  
14 communication between him and her in 2021.

15 ATTORNEY JOHNSON: Yes, Your  
16 Honor.

17 THE COURT: Okay. But you are  
18 now saying that there was communication  
19 unprovoked by her.

20 ATTORNEY JOHNSON: There are  
21 two instances, Your Honor.

22 THE COURT: And that note from  
23 yesterday was, if my memory serves me  
24 correctly, I understand it was one long  
25 message.

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ATTORNEY JOHNSON: Yes.

THE COURT: One text. One long set of notes.

ATTORNEY JOHNSON: Yes, Your Honor.

THE COURT: Okay.

ATTORNEY JOHNSON: Here is my proffer as to what I wanted to get out on the stand from Mr. Jaglal's memory, because he obviously doesn't remember every text message conversation from 2020 up to 2022.

THE COURT: Up until 2022?

ATTORNEY JOHNSON: Yes. They were texting in 2022, Your Honor.

THE COURT: You have to produce it, because they asked for it from December 30, 2020. They asked for the information. So if there's anything, and they have an on-going obligation, you have an obligation once he made the request -- once he made the demand, not the request.

ATTORNEY JOHNSON: Yes, Your Honor.

THE COURT: And he made the demand. He made the demand a year and-a-half

1 ago, so if there is something that you intend  
2 to use now, he should also have a copy of it  
3 so he can make a determination as to what  
4 type of examination he will conduct, if  
5 necessary.

6 ATTORNEY JOHNSON: Your Honor,  
7 this is the exact same issue that I brought  
8 up. The text messages -- these notes were  
9 shared in a text message conversation, a  
10 phone that was mere feet away from counsel.

11 THE COURT: What do you mean?

12 ATTORNEY JOHNSON: She  
13 testified that when she shared this  
14 information to counsel, she send it from her  
15 phone to the other.

16 THE COURT: On Sunday.

17 ATTORNEY JOHNSON: On Sunday.

18 THE COURT: Okay.

19 ATTORNEY JOHNSON: I objected  
20 strenuously to those notes coming in on the  
21 grounds of authenticity, and also on the  
22 ground that we don't even have the whole  
23 picture. We don't have a -- I know she  
24 testified and prosecution made a big deal  
25 about being able to swipe over and look at

1 the --

2 THE COURT: The  
3 modifications --

4 ATTORNEY JOHNSON: Yes, the  
5 modifications.

6 THE COURT: -- who made them  
7 and the dates.

8 ATTORNEY JOHNSON: I don't  
9 have that. I don't have her phone. I don't  
10 have any metadata. We did not have  
11 sufficient time to subpoena that. There has  
12 been no warrant for her phone. That is  
13 something that I haven't --

14 THE COURT: You don't have it  
15 because your client has it.

16 ATTORNEY JOHNSON: No, Your  
17 honor. My client doesn't have her phone.

18 THE COURT: His phone.

19 ATTORNEY JOHNSON: Yes, Your  
20 Honor.

21 THE COURT: It came from his  
22 phone.

23 ATTORNEY JOHNSON: Yes, Your  
24 Honor.

25 THE COURT: Yes.

1           ATTORNEY JOHNSON: My client  
2 has my phone. That information that they  
3 submitted came from her phone. All I have is  
4 a sheet of paper, a photo copy of the notes,  
5 no metadata, no text message conversations.

6           THE COURT: What do you mean  
7 metadata when it's a simple swipe?

8           ATTORNEY JOHNSON: As we had  
9 fought, and as I have fought pretty  
10 strenuously, the metadata might show, although  
11 I'm not sure it will, but it might have shown  
12 that that document was not authentic.

13          THE COURT: Right.

14          ATTORNEY JOHNSON: And we  
15 may --

16          THE COURT: Right. And you're  
17 repeating the same argument. It was not  
18 authenticated.

19          ATTORNEY JOHNSON: Yes.

20          THE COURT: And basically what  
21 you're saying is that Rosie, Miss Ramirez,  
22 modified it; that she altered it.

23          ATTORNEY JOHNSON: Yes, Your  
24 Honor.

25          THE COURT: The alteration

1 will show up in your client's phone, and you  
2 have chosen not to ask him for it, or not to  
3 turn it over to the Government, but you're  
4 demanding at the same time that it be  
5 excluded, despite the fact that the original  
6 notes came from your client and you're trying  
7 to have it excluded based upon the same  
8 argument that it was altered. You don't know  
9 whether it was altered or not.

10 ATTORNEY JOHNSON: Yes, Your  
11 Honor.

12 THE COURT: But you're  
13 suggesting that it was altered. You're  
14 constantly suggesting that it would have been  
15 altered and altered only by her.

16 ATTORNEY JOHNSON: The main  
17 issue with authenticity is not that it  
18 probably was altered. More than likely it  
19 probably wasn't. But the issue with  
20 authenticity at the time was, it could have  
21 been altered. And swiping over to the right  
22 would not have shown that, metadata would  
23 have shown that.

24 THE COURT: That's not true.  
25 The swiping would show who made the

1 alteration.

2 ATTORNEY HODGE: To add  
3 something to that, Judge, the swiping --  
4 there are three features in which you can  
5 show -- there are three features in which you  
6 can select in terms of when it comes to the  
7 notes. You can select the feature that shows  
8 only the last time you logged in who changed  
9 it. If that's the case, she could have  
10 logged in in November -- let's say she logged  
11 in in January 5th, Mr. Jaglal made no changes  
12 since then, right --

13 THE COURT: Okay.

14 ATTORNEY HODGE: Now, when she  
15 logs in again, it's going to say that no  
16 changes have been made. In view only it's  
17 going to say that. It's not going to show  
18 any change.

19 And the same thing goes for her. If  
20 she edited anything or Mr. Jaglal edited  
21 anything, that is a feature that is  
22 accessible. You can show that only the last  
23 edit be shown. And to our point, and you  
24 know, what Attorney Johnson is saying is that  
25 it's not authenticated.



1           Even swiping to the left to show the  
2 possible -- unless she has it on all edits,  
3 unless we are able to see all edits, then the  
4 view only goes just as much -- it could be  
5 anything. That could be just the last thing  
6 in which she saw.

7           ATTORNEY RILEY: Can I speak?  
8 That's why we asked for the evidence from  
9 your client's phone because he can choose to  
10 see all edits. So that's what we're --

11           ATTORNEY JOHNSON: You guys  
12 were in the room with this phone.

13           THE COURT: Yes, but you did  
14 not honor the Government's demand, and now  
15 you want to use it to your advantage.

16           ATTORNEY JOHNSON: Your Honor,  
17 here is my proffer on what I wanted to  
18 elicit.

19           THE COURT: It's a reciprocal  
20 demand. It's a standard demand that is made  
21 in just about every single case coming from  
22 the Attorney General's Office. It's part of  
23 the discovery process.

24           ATTORNEY JOHNSON: Yes, Your  
25 Honor. This is the proffer that I want to

1 make as to the two pieces of information that  
2 I wanted to get out without having to  
3 introduce text messages, metadata, based on  
4 his personal knowledge, and then we could  
5 take it from there.

6 THE COURT: Is Miss Ramirez  
7 still here?

8 ATTORNEY MCRAE: Yes, your  
9 Honor.

10 THE COURT: All right.

11 ATTORNEY RILEY: Yes, she is.  
12 She's gone but she's still on the island,  
13 yes.

14 THE COURT: All right.

15 ATTORNEY MCRAE: Your Honor --

16 THE COURT: So one second.  
17 Let me hear this complete proffer.

18 ATTORNEY JOHNSON: I was going  
19 to ask him -- I believe my last question was,  
20 how do you know that she contacted you  
21 unprovoked in 2020. He was going to say --

22 THE COURT: So this is -- so  
23 when is this, November 23rd 2020, or some  
24 time thereafter in 2020?

25 ATTORNEY JOHNSON: After he

1 was arrested. I said how do you remember  
2 that she contacted you unprovoked? His  
3 answer, I expected, was going to be she told  
4 me that she no longer had the baby. She told  
5 me she was no longer pregnant. That was the  
6 first.

7 The second, did she contact you  
8 unprovoked in 2021? Yes. How do you  
9 remember? She contacted me on my birthday  
10 and wished me happy birthday. Those are the  
11 two proffers, Your Honor.

12 ATTORNEY MCRAE: And what's  
13 the relevance to any of this evidence to  
14 introduce that? If you already have the  
15 contents -- he's speaking about contents of  
16 these documents.

17 Your Honor, whenever he's saying  
18 that we have the phone in our office,  
19 whenever we first received the information I  
20 called Attorney Johnson and let him know, and  
21 then we send it over that day.

22 THE COURT: Yes.

23 ATTORNEY MCRAE: First thing  
24 that we did in the morning whenever we walked  
25 into the court, I said, Your Honor, I

1 apologize. We have couple issues to bring to  
2 the Court. I told you that we had received  
3 it that Sunday and turned it over to Attorney  
4 Johnson that day.

5 This is a classic example of trial  
6 by ambush. How can I get up there and ask  
7 any questions with him sitting around with  
8 all these text messages ready to go back and  
9 rebut anything I say? I will say if those  
10 things have not been turned over up until  
11 this point, he shouldn't be allowed to  
12 introduce it into this courtroom, Your Honor.

13 Before you, Your Honor, he made his  
14 representation that he didn't have it or he  
15 couldn't get it. We had requested it and  
16 that was on Monday, and it's now Wednesday  
17 and they have not been turned over and we  
18 have not received an e-mail from Attorney  
19 Johnson letting us know.

20 We received 16 clips of a track that  
21 he wanted to cross-examine Mr. Samples on,  
22 but as far as this evidence it was not even a  
23 proffer. I spoke with him before we even  
24 went to lunch. He could have said, Quincy, I  
25 have a couple text messages I did not turn

1 over at that time. Whenever we were trying  
2 to get the instructions ready, he said  
3 absolutely nothing until this witness is on  
4 the stand, and now he had some text messages  
5 that I don't even have in my possession.

6 How am I supposed to cross-examine  
7 this guy on there? This is just setting me  
8 up to open the door that I have no knowledge  
9 of, and it's just ambush on the Government.

10 THE COURT: So the only two  
11 issues that you're going to raise is that she  
12 lost the child?

13 ATTORNEY JOHNSON: He  
14 thinks she -- he suspects that she --

15 THE COURT: So there's a  
16 follow up question.

17 ATTORNEY MCRAE: Yes.

18 ATTORNEY JOHNSON: No.

19 THE COURT: That's what I'm  
20 hearing.

21 ATTORNEY JOHNSON: He suspects  
22 that she aborted the child, but he will say  
23 lost the child.

24 ATTORNEY MCRAE: And that's  
25 more prejudicial, Your Honor.

1 THE COURT: Okay. All right.  
2 So you're setting him up to provide more  
3 detail, but now at the same time you're  
4 trying to say, no, it's just going to be this  
5 one question, that she lost the child?

6 ATTORNEY JOHNSON: How do you  
7 know that she -- how do you remember that she  
8 contacted you in 2020 after you got to jail?  
9 He should say she contacted me that she lost  
10 the child.

11 If you want, I can narrow his  
12 testimony down and basically lead him to say,  
13 did she text you that she lost the child; yes  
14 or no.

15 ATTORNEY MCRAE: Did she  
16 contact you in 2021.

17 THE COURT: Your question will  
18 be leading, number one, so that's no.

19 ATTORNEY JOHNSON: Yes, Your  
20 Honor.

21 THE COURT: And number two,  
22 what you're doing is trying to open the door  
23 to him saying that she aborted the child.  
24 That's what you're doing.

25 ATTORNEY JOHNSON: Well, then,

1 if that's the case, all I want is she contact  
2 me in 2020 and she contact me in 2021. On  
3 the 2021, she contacted me to wish me happy  
4 birthday.

5 Surely that's not prejudicial, at  
6 least not to her. It does go to her  
7 credibility. Both of these statements do go  
8 to her credibility, and he can testify from  
9 his own personal knowledge.

10 I do not have to introduce text  
11 messages; I do not have to do what the  
12 Government did not do, which was download an  
13 entire phone that was in my possession,  
14 although, Lord knows, I've tried.

15 ATTORNEY MCRAE: And, Your  
16 Honor, we tried. And before we can get it  
17 turned over to Attorney Johnson, we told him  
18 that his client had blocked that account.

19 ATTORNEY JOHNSON: Wait, wait,  
20 wait.

21 ATTORNEY MCRAE: We had asked  
22 for all his witnesses to be turned over. But  
23 as far as the happy birthday, I have no idea  
24 if one text who happy birthday at this point.  
25 It's just representations being made right

1 now. You want me to pay your phone bill in  
2 2021? I have nothing to base that on  
3 whatsoever.

4 THE COURT: But how harmful is  
5 that?

6 ATTORNEY MCRAE: Your Honor,  
7 he's speaking about --

8 THE COURT: If she calls him  
9 to wish him a happy birthday, how harmful is  
10 that?

11 ATTORNEY MCRAE: If those  
12 items exist and it's in his possession --

13 THE COURT: No, I understand  
14 that. But what is the harm or the detriment  
15 to you if the testimony is that she called  
16 me. She called me or sent me a text or  
17 whatever, and she wished me a happy birthday,  
18 period.

19 ATTORNEY MCRAE: Because  
20 People have asked for everything in the  
21 defendant's position. He's picking and  
22 choosing. We're going to choose happy  
23 birthday. We're going to choose abortion.

24 THE COURT: No. The lost of  
25 the child, the abortion, that's not going to



1 come in.

2 ATTORNEY MCRAE: But as far as  
3 it, if we don't have it I will say did she  
4 contact you in 2021, yes. And that's it.  
5 Did she initiate contact with you in 2021,  
6 yes. But whenever you start talking about  
7 context, we don't have any piece of evidence  
8 to judge that on.

9 THE COURT: Well, she's still  
10 here. You can call her on rebuttal. She can  
11 say no, that's not true, I didn't call him to  
12 wish him a happy birthday.

13 ATTORNEY MCRAE: Your Honor,  
14 as far as that issue, I don't think it goes  
15 to any fact in issue. Those things sort of  
16 become prejudicial when you start to talk  
17 about abortion and contacting her in 2021.

18 THE COURT: Well, no. The  
19 issue with her and the lost of the child is  
20 not -- that question will not be asked.

21 ATTORNEY JOHNSON: I will not  
22 ask the question. I will not ask him did she  
23 contacted you, did she contact you in 2020.  
24 Sorry to interrupt, Judge.

25 ATTORNEY MCRAE: And I think

1 he asked her that question and I think her  
2 response was yes whenever she was on the  
3 stand.

4 ATTORNEY JOHNSON: If we can  
5 sum up in our summation without an objection  
6 that she did contact him unprovoked in 2020  
7 as Attorney McRae just summarize, the only  
8 thing I want to get out is that she was also  
9 contacting him unprovoked in 2021.

10 I don't really care about how I get  
11 that in. I just want to make sure that he can  
12 testify from his own knowledge that she  
13 contacted him in 2021.

14 I will make a proffer that the way I  
15 will get that would be a little leading, but  
16 I will say did she contact you in May of 2021  
17 for his birthday.

18 THE COURT: That's sufficient.  
19 Nothing more than that, and no reference to  
20 2020 as it relates to her calling to say that  
21 she lost the child or the child was aborted  
22 or anything of that sort. Nothing.

23 ATTORNEY JOHNSON: Yes, Your  
24 Honor.

25 THE COURT: All right.

1 ATTORNEY JOHNSON: I won't.

2 THE COURT: Okay.

3 ATTORNEY JOHNSON: That's it.

4 Thank you, Your Honor.

5 THE COURT: All right.

6 **(END OF SIDEBAR CONFERENCE)**

7 ATTORNEY JOHNSON: Your Honor,  
8 may I proceed?

9 THE COURT: Yes, you may.

10 **BY ATTORNEY JOHNSON:**

11 **Q** Mr. Jaglal, I'm going to ask you  
12 a yes or no question; very simple. I want  
13 you to only answer yes or no to this  
14 question. In May of 2021, did Miss Ramirez  
15 contact you by text?

16 **A** Yes.

17 **Q** Thank you.

18 ATTORNEY JOHNSON: One second,  
19 Your Honor.

20 THE COURT: Yes.

21 ATTORNEY JOHNSON: Your Honor,  
22 may I have the exhibits. Not the CDs, but  
23 the paper exhibits.

24 THE COURT: Yes.

25 *(Exhibits tendered.)*

1 **BY ATTORNEY JOHNSON:**

2 Q When the police arrested you,  
3 you already know that they took a lot of  
4 pictures of Rocio Ramirez. Did they take any  
5 picture of you?

6 A No.

7 Q From the time you got into your  
8 condo and started fighting with -- fighting  
9 and arguing with Miss Ramirez to the time you  
10 were in the police car and had been rested,  
11 can you say how long that was?

12 A From the time I got into the  
13 condo and had the quarrel, and from the  
14 time -- in addition to the time that I was in  
15 the police car, is that what you're asking?

16 Q Yes. Basically, when you guys  
17 started yelling and screaming at each  
18 other --

19 A Yep.

20 Q -- to the time that you were  
21 arrested, about how long was that?

22 A I want to say close to about  
23 45 minutes.

24 ATTORNEY JOHNSON: Your Honor,  
25 at this time I'd like to publish what's been

1 entered as Government's Exhibit 1. Page -- I  
2 believe it's Page 4 of that exhibit.

3 THE COURT: Yes. Page 4 of  
4 the exhibit, you said?

5 ATTORNEY JOHNSON: Yes. The  
6 CAD report, Your Honor.

7 THE COURT: Yes.

8 *(Government Exhibit 1*  
9 *Page 4 is published.)*

10 **BY ATTORNEY JOHNSON:**

11 Q Mr. Jaglal, you said about 45  
12 minutes?

13 A Yes.

14 Q What time do you think you  
15 started fighting, arguing and screaming with  
16 Miss Ramirez?

17 A So, I would say probably around  
18 9:20, in the 9:20s.

19 Q Okay. Would that have been  
20 about a few minutes before the police were  
21 actually called?

22 A It would have been several  
23 minutes before the police was actually  
24 called. I mean, from listening to the  
25 testimony yesterday, the 911 recordings, it

1 looks like it was during the whole time the  
2 police was called this argument was going on,  
3 actually.

4 **Q** And about when do you remember  
5 being arrested and detained, put into a  
6 police car?

7 **A** So, I'm outside on the balcony,  
8 Officer Claudia and Tatum showed up on the  
9 scene. Like I said, once Sergeant Claudia --  
10 she had an attitude. She told me go into the  
11 squad car and I went into Officer Prescott's  
12 squad car; the first arriving officers on the  
13 scene. I went in his squad car.

14 **Q** Okay.

15 **A** I wasn't arrested at that time,  
16 though, I was just placed in the squad car.

17 **Q** Another question I'm going to  
18 ask very, very directly. Yes or no answer,  
19 please.

20 **A** Okay. Yes, sir.

21 **Q** Usually I don't lead on direct,  
22 but I believe I'm going to have to lead on  
23 this one just to get what I need out, if you  
24 don't mind.

25 **A** Okay.

1                   ATTORNEY JOHNSON: I  
2 apologize, Your Honor. Your Honor, I would  
3 like to republish what is marked Government  
4 Exhibit 22 for the jury.

5                   THE COURT: Yes.

6                                 *(Government Exhibit 22 is*  
7                                 *republished to the Jury.)*

8                   **BY ATTORNEY JOHNSON:**

9                   Q     A yes or no question. To your  
10 knowledge, did Rocio Ramirez know Tony  
11 personally?

12                   A     Yes.

13                   Q     Thank you. During the  
14 45 minutes between when you guys started  
15 yelling, screaming and putting your hands on  
16 each other, did you ever put both hands  
17 around Miss Ramirez's neck?

18                   A     No.

19                   Q     Did you ever put one hand around  
20 Miss Ramirez's neck?

21                   A     No.

22                   Q     Did any part of your body touch  
23 Miss Ramirez's neck --

24                   A     Yes.

25                   Q     -- in that 45 minutes?

1           **A**    Yes.

2           **Q**    What part of your body?

3           **A**    So it wasn't 45 minutes.  You  
4    keep saying 45 minutes, but our quarrel was  
5    probably about 15, 20 minutes, just to be  
6    clear.  But I shoved her off and my hand hit  
7    her neck.  It must have hit her neck or her  
8    face area, around that area.

9           **Q**    Did you ever keep Miss Ramirez  
10   from leaving that apartment?

11          **A**    Definitely not, no.

12          **Q**    The glass door, was it ever  
13   locked?

14          **A**    No.

15          **Q**    The front door, did she ever  
16   tried to leave from the front door?

17          **A**    No.

18          **Q**    To your knowledge, did she ever  
19   actually try and leave that apartment?

20          **A**    No.

21          **Q**    You heard the testimony same as  
22   I did.  She said that you pulled the back of  
23   her -- pulled on her sweater; is that true?

24          **A**    No.

25          **Q**    She also testified that that was



1 your sweater; is that at least true?

2 **A** I don't remember what sweater  
3 she had on.

4 **Q** Okay. Do you remember what  
5 clothes she was wearing at all that night?

6 **A** She was wearing like a long  
7 sleeve black top, and like a white pants.

8 ATTORNEY JOHNSON: Your Honor,  
9 I would like to republish Government's  
10 Exhibit 4.

11 THE COURT: Yes, you may.

12 *(Government Exhibit 4 is*  
13 *republished to the Jury.)*

14 **Q** I'm sure you recognize this  
15 exhibit.

16 **A** Yes.

17 **Q** Is this a picture of the room  
18 that you guys were staying in?

19 **A** Yes.

20 **Q** The person that's taking this  
21 picture, where are they in relation to that  
22 front door?

23 **A** They are in the front door  
24 framing of the front door.

25 **Q** So directly behind them would be

1 the front door?

2 **A** Directly behind them would be  
3 the porch -- I mean the front walkway.

4 **Q** How many doors are between where  
5 this photo is taken, about where my finger  
6 is, and the outside of that apartment?

7 **A** How many, what?

8 **Q** How many doors are between my  
9 finger and the outside of that apartment?  
10 You see where my finger is?

11 **A** Between your finger and the  
12 outside of the apartment?

13 **Q** Yes.

14 **A** One door. The front door.

15 **Q** Was there an outer door or a  
16 shutter of any kind?

17 **A** I believe so. I believe it's  
18 actually -- I want to say -- let me clarify,  
19 because I heard that it's two doors. It's  
20 one main front door and then like a -- I  
21 don't know how to describe it. It's like a  
22 screen door or something.

23 **Q** So there are two doors. Do  
24 either one of those lock from the outside?

25 **A** They lock from -- you lock it

1 from the outside, yes.

2 Q Are you sure?

3 A What I mean by that is, if  
4 you're leaving the apartment you can lock the  
5 door but you can unlock the door from the  
6 inside to get out.

7 Q Miss Ramirez says you don't need  
8 a key to get out of that apartment.

9 A You don't. It's a keypad.

10 Q Okay. Did either one of you  
11 have any keys to this apartment?

12 A No, because it's a keypad.

13 Q Did you have any keys to the  
14 back sliding glass door?

15 A No.

16 Q Did it have a lock where you had  
17 to unlock it with a key?

18 A No. We didn't have a key.

19 Q So the only way to lock that  
20 door is from the inside; is that correct?

21 A Yes, or if you're outside you  
22 punch the lock and it locks.

23 Q I guess I'm referring to the  
24 glass door.

25 A The glass door, yes. The only

1 way to lock it is from the inside.

2 Q It can't be dead bolted shut?

3 A It's a screen glass door. It  
4 has like a little safety lock, but no, it  
5 doesn't have a dead bolt.

6 Q Okay. Miss Ramirez had bruises;  
7 you saw those on the photos. Did you have  
8 any bruises when you went to the police  
9 station?

10 A I went to the police station.  
11 They didn't -- I wasn't checked in for  
12 bruises, I was thrown in jail. It's not  
13 jail, it's prison.

14 Q You don't remember her -- you  
15 don't remember -- let me ask another  
16 question. To your memory, did you have any  
17 marks on you?

18 A No. To my memory, no.

19 Q Okay. No scratches?

20 A No.

21 Q You heard me go through it with  
22 the doctor, but no busted lip, no broken  
23 nose, no busted teeth, anything like that?

24 A Nothing like that, no.

25 Q So, did Miss Ramirez throw any

1 punches at you?

2 **A** No.

3 **Q** Okay. Did she try and slap you?

4 **A** Yes.

5 **Q** Okay.

6 **A** She was not coordinated. She  
7 had been drinking and literally high. So  
8 when she's coming for her phone, she's  
9 flaring at me and she's hitting me and  
10 slapping me. I'm like, *calm down*, you know.  
11 That's when I like grabbed her arm and was  
12 like, *calm down*.

13 ATTORNEY JOHNSON: Sorry, Your  
14 Honor, one second.

15 THE COURT: No problem.

16 ATTORNEY JOHNSON: I  
17 apologize, Your Honor, I'm trying to wrap up.

18 THE COURT: All right. No  
19 problem.

20 **BY ATTORNEY JOHNSON:**

21 **Q** You heard testimony from Miss  
22 Ramirez that you went out on the porch, is  
23 that true?

24 **A** Yes, I went out on the porch and  
25 I confronted the neighbors.

1           **Q**    Did you go out any other times  
2 on that porch?

3           **A**    I went out two times on that  
4 porch.

5           **Q**    What about before the fight  
6 ensued.

7           **A**    Before the fight, yes, I was on  
8 that porch as well.

9           **Q**    So several times you went out  
10 onto that porch?

11          **A**    Correct.

12          **Q**    Were your neighbors out on that  
13 porch when you guys got home?

14          **A**    Yeah. They were smoking weed  
15 out there on that porch.

16          **Q**    Was this the first time you went  
17 out on that porch?

18          **A**    Yep.

19          **Q**    How do you know they were  
20 smoking weed?

21          **A**    I can smell -- I know what weed  
22 smells like.

23          **Q**    Okay. Because you and Miss  
24 Ramirez had just smoked it at Coki Beach?

25          **A**    We had smoked it at Coki Beach,

1 and there was weed in the apartment, yes.

2 Q So when both of those  
3 witnesses got on the stand and said they  
4 weren't smoking weed, they were smoking  
5 cigarettes, you smelled weed?

6 A I smelled weed.

7 Q At any time -- let me ask you  
8 this. When did you give Miss Ramirez her  
9 cell phone back?

10 A I threw it back somewhat towards  
11 when it just got, you know, when I shoved her  
12 off and was like, *here is your phone*, and I  
13 threw it on the bed. So it's pretty much  
14 towards the end of the argument?

15 Q Did you break the phone?

16 A No, it landed on the bed.

17 Q Was anything in that apartment  
18 broken?

19 A Not -- nothing in that apartment  
20 was broken.

21 Q Okay. Did you guys have to pay  
22 any kind of deposit or did you lose your  
23 deposit after this?

24 A I did not lose my deposit. The  
25 only thing that was moved in that apartment

1 was those chairs, that if you look at those  
2 pictures you'll see the chairs pulled out  
3 because I'm pulling it out as she's chasing  
4 me to kinda impede her from following me.

5 Q Were you ever allowed to return  
6 to that condo?

7 A No. They kicked me out telling  
8 me I'm banned for life at Sapphire Beach  
9 Resort.

10 ATTORNEY JOHNSON: No further  
11 questions, Your Honor.

12 THE COURT: Very well. Any  
13 cross?

14 ATTORNEY MCRAE: Yes, Your  
15 Honor.

16 **CROSS-EXAMINATION**

17 **BY ATTORNEY MCRAE:**

18 Q Good afternoon.

19 A Good afternoon.

20 Q How do you pronounce your name  
21 again? I apologize.

22 A You can call me Devin.

23 Q I can call you Devin.

24 A Yes, sir.

25 Q Thank you, Mr. Devin.



1 Mr. Devin, as far as this matter you stated  
2 that you arrived on St. Thomas on Friday the  
3 13th, correct?

4 **A** Yes.

5 **Q** And it will be fair to say that  
6 Sunday will be November 15th of 2020,  
7 correct?

8 **A** Yes.

9 **Q** And that's whenever Officer  
10 Prescott was arresting you, correct?

11 **A** Officer Prescott never arrested  
12 me. He put me in his squad car.

13 **Q** He put you in his squad car?

14 **A** That's right.

15 **Q** How did he treat you?

16 **A** Very pleasant.

17 **Q** Very pleasant. How was he, I  
18 think you said he was a big guy?

19 **A** It's either Officer Prescott or  
20 Officer Francis, but one of them is a bigger  
21 gentleman.

22 **Q** Okay. Now, you stated during  
23 your direct examination with your counsel  
24 that you had your sliding glass door open the  
25 whole time, the whole neighborhood can hear

1 you, correct?

2 **A** Correct.

3 **Q** And you always had it open and  
4 then some officers knocked on your door,  
5 correct?

6 **A** What's that question, sir?

7 **Q** You all had your door open the  
8 whole time that you were arguing so the whole  
9 neighborhood can hear you, then the officers  
10 knocked on your door, correct?

11 **A** At some point we did close the  
12 glass door.

13 **Q** Okay. So that audio recording  
14 that we heard today, one of them was 12  
15 minutes, correct?

16 **A** Um-hum. Yes.

17 **Q** Were you in there with Miss  
18 Ramirez that whole time?

19 **A** Was I in that room with Miss  
20 Ramirez? Yes.

21 **Q** And the other one was six  
22 minutes. And were you in there with Miss  
23 Ramirez the whole time?

24 **A** Yes.

25 **Q** And there was no one else in

1 that room except for you and Miss Ramirez,  
2 correct?

3 **A** You're speaking a little too  
4 fast for me. Slow down, please.

5 **Q** I apologize. There was no one  
6 else in that room except for you and  
7 Mrs. Ramirez that whole time?

8 **A** That's correct.

9 **Q** So whenever we here her on that  
10 911 screaming, you are in that room with her  
11 correct?

12 **A** That's correct.

13 **Q** Now, as far as this matter, you  
14 heard Miss Ramirez stated that your mother  
15 contacted her, correct?

16 **A** I'm sorry, repeat that.

17 **Q** As far as -- you said that you  
18 sat here the whole time during the trial.  
19 You listened to the witnesses, correct?

20 **A** That's correct.

21 **Q** And you listened to the witness  
22 of Mrs. Ramirez, correct?

23 **A** Yes, that's correct.

24 **Q** And she told you that on Sunday  
25 right before jury selection your mother

1 contacted her to try to get her to drop this  
2 case, correct?

3 **A** That's not correct.

4 **Q** Isn't it true that your mother's  
5 number is 954-663-5045?

6 **A** That is correct.

7 **Q** This is correct. So if that  
8 number contacted her on a Sunday, because you  
9 saw Mrs. Ramirez said that she spoke to me,  
10 correct?

11 **A** Repeat the question. You're  
12 going a little fast.

13 **Q** As far as on Sunday --

14 **A** Um-hum.

15 **Q** You sat here during the  
16 testimony of Mrs. Ramirez and she said that  
17 while she was in my office, your mother  
18 contacted her, correct?

19 **A** That's correct.

20 **Q** And I just read you the number  
21 and you said that is your mother's number,  
22 correct?

23 **A** That's correct.

24 **Q** And she stated that your mother  
25 was trying to get her to drop this case?

1           **A**    That's not correct.

2           **Q**    And after I spoke to your  
3 mother, she stated that you deleted those  
4 notes, correct?

5           **A**    Can you repeat the question?  
6 You're going a little fast. You just got to  
7 give me some time to process your questions.  
8 I want to give a correct answer, so just slow  
9 down just a little bit for me.

10          **Q**    What I said is, as far as Miss  
11 Ramirez, she said that after I spoke to your  
12 mother, your mother deleted those notes or  
13 you deleted those notes, correct?

14          **A**    My mother never deleted those  
15 notes.

16          **Q**    You deleted those notes,  
17 correct?

18          **A**    I did not delete those notes.

19          **Q**    You stopped sharing that account  
20 with Mrs. Ramirez, correct?

21          **A**    I stopped sharing that account a  
22 long time ago with Mrs. Ramirez.

23          **Q**    As far as that whole time that  
24 you were in that room with Mrs. Ramirez, you  
25 never sought any type of help for

1 Mrs. Ramirez, correct?

2 **A** What's that, sir?

3 **Q** You never tried to reach out and  
4 get any type of help for Mrs. Ramirez,  
5 correct?

6 **A** That's correct.

7 **Q** That whole time you have  
8 neighbors concerned about her, you were in  
9 the room with her and you never sought any  
10 help for Miss Ramirez, correct?

11 **A** Who was concerned about her,  
12 sir?

13 **Q** Now, whenever you --

14 THE COURT: You cannot ask  
15 questions, Mr. Jaglal. Just listen to the  
16 question and answer carefully.

17 THE WITNESS: Okay.

18 **BY ATTORNEY MCRAE:**

19 **Q** You were not concerned about  
20 her, correct?

21 **A** I was concerned about her.

22 **Q** And you never called 911?

23 **A** There was no need to call 911.

24 **Q** Whenever Officer Tatum arrived,  
25 you never said that my wife needed help,

1 correct?

2 **A** She's not my wife.

3 **Q** Or Miss Ramirez needed help,  
4 correct? You never said that to Officer  
5 Tatum?

6 **A** She didn't need help.

7 **Q** Okay. Now, I'm going to publish  
8 a couple of exhibits, and as far as  
9 Mrs. Ramirez, I want you to tell me how she  
10 got these injuries.

11 **A** Okay.

12 **Q** As far as her neck, she's  
13 pointing to a red mark on her neck, right?

14 THE COURT: That's exhibit  
15 what?

16 ATTORNEY MCRAE: It will be  
17 Exhibit 8.

18 THE COURT: Exhibit 8?

19 ATTORNEY MCRAE: Yes, Your  
20 Honor.

21 **A** Can you identify where the red  
22 mark is, because all I see is pretty much --  
23 I don't see a red mark.

24 ATTORNEY MCRAE: Your Honor,  
25 maybe if I turn off the lights on this one.

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THE COURT: Sure.

**BY ATTORNEY MCRAE:**

Q And that would be right after she's pointing to this area, right?

A I'm sorry, sir?

Q As far as Mrs. Ramirez, this mark here that she's pointing to, did you see how she got that mark?

A Did I see how she got that mark?

Q Yes.

A No, I didn't.

Q You did that mark, correct?

A Did I do that mark?

Q Yes.

A I shoved her. I don't know if I did that mark, yes.

Q That's whenever you grabbed her by her throat, isn't that correct?

A I did not grab her by her throat, sir. I said that in my testimony earlier.

Q As far as People's Exhibit Number 9.

A Uh-huh.

Q That's a close-up of that area.



1 Do you see the marks on her neck at that  
2 point?

3 **A** No, I don't. In my image I do  
4 not see the marks of her neck.

5 **Q** You don't see it on your image?

6 **A** No.

7 **Q** Okay.

8 ATTORNEY MCRAE: Your Honor,  
9 may the witness be shown this photograph?

10 THE COURT: Yes.

11 ATTORNEY MCRAE: Please.

12 THE COURT: No problem.

13 *(A photograph is shown*  
14 *to the witness.)*

15 **BY ATTORNEY MCRAE:**

16 **Q** So, you were in the room with  
17 her, just you and her, and she's pointing to  
18 her neck. See I'm just asking how did she  
19 get that mark?

20 **A** She may have gotten this mark  
21 when I shoved her.

22 **Q** Whenever you shoved her. So she  
23 got the mark around her neck whenever you  
24 shoved her?

25 **A** Yes, because this is -- this

1 picture only shows the mark on one side of  
2 the neck.

3 Q But you can see the mark on that  
4 exhibit, correct?

5 A I can barely see something, but  
6 I see -- from the testimony she had a -- I  
7 know she had a bruise there and that had to  
8 have been when I shoved her.

9 Q And you heard the testimony of  
10 Dr. Smith, correct?

11 A Correct, yes.

12 Q And he said that with bruises,  
13 it would take about 24 hours for that bruise  
14 to develop, correct?

15 A He said a lot of things, but I  
16 don't know if he said that.

17 Q Okay. As far as People's  
18 Exhibit Number 11 --

19 A Um-hum.

20 Q -- this area here. Do you see  
21 the bruises on that area?

22 A No, I don't.

23 ATTORNEY MCRAE: Your Honor,  
24 may the witness be shown People's Exhibit  
25 Number 11.

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THE COURT: Yes.

*(Government Exhibit 11  
is shown to the witness.)*

**BY ATTORNEY MCRAE:**

**Q** Mr. Devin, I apologize. I was not in that room, so I'm just trying to figure out what caused these marks since you were there. Now, that's the other side of the neck, correct?

**A** That looks like -- that looks correct, yes.

**Q** And that has marks on that one also, correct?

**A** It does have marks.

**Q** So, on the other side, the other photo, People's Exhibit Number 11, you said that you pushed her and that's how she got that one?

**A** Correct, yes. I said I shoved her.

**Q** You shoved her.

**A** Shoved her.

**Q** Okay. So that's on the left side. So on the right side, how did she get that mark?





1           **A**    Okay.

2           **Q**    Now, Miss Ramirez said that you  
3 were choking her.

4           **A**    Correct.

5           **Q**    And that's how she got those  
6 marks.

7           **A**    Okay.

8           **Q**    How did she get those marks?

9           **A**    I don't know. I wasn't choking  
10 her.

11          **Q**    So the whole time it's you and  
12 her in that room, and you don't know how she  
13 got those marks?

14          **A**    That's correct. I don't know.

15          **Q**    She said that you choked her  
16 multiple times.

17          **A**    You're saying I choked her  
18 multiple times, or she --

19          **Q**    She said that you choked her  
20 multiple times.

21          **A**    I never choked that girl.

22          **Q**    Same area where those  
23 fingerprints or that hand marks are, correct?

24          **A**    They are marks, correct.

25          **Q**    So this isn't really anything

1 that's valid. There's nothing on this  
2 exhibit that needs to be there. Okay.  
3 People's Exhibit Number 18.

4 (The exhibit  
5 is published.)

6 **A** Um-hum.

7 **Q** Now about those bruises?

8 **A** On her elbow? I don't know how  
9 she got a bruise on her elbow. That's a --

10 **Q** So during that 18 minutes that  
11 we are listening to this audio recording,  
12 what are you doing at that time?

13 **A** We're arguing. We're back and  
14 forth arguing. There was a shoving match  
15 going on. I mean, I explained that to you  
16 just now earlier.

17 **Q** So you caused that mark,  
18 correct?

19 **A** No, I didn't cause that mark,  
20 correct.

21 **Q** Now, Mr. Devin, as far as that  
22 audio, you were the individual that was on  
23 that porch or on the balcony on the audio,  
24 correct?

25 **A** Was I that individual on the

1 audio --

2 Q On the balcony.

3 A Yes, sir.

4 Q The one that Davion said that he  
5 was speaking to, or Mr. Samples said that he  
6 was speaking to?

7 A That's correct.

8 Q And then also, you were that  
9 person at the front door, correct?

10 A I never heard me at the front  
11 door on that audio.

12 Q Well, you heard Mr. Thomas say  
13 that you were at that front door, correct?

14 A Correct.

15 Q And you heard on that audio that  
16 Mr. Samples said that, *yeah, he just banged*  
17 *on my door, it's the same guy that was on the*  
18 *balcony.*

19 A I heard the police officers  
20 banging on the door. I never heard me  
21 banging on the door.

22 Q You heard Mr. Samples say that,  
23 hey, he's just banging on my front door, it's  
24 the same guy on that balcony?

25 A I heard Mr. Samples say that,



1 yes.

2 **Q** What were you doing at his front  
3 door?

4 **A** I was knocking on the front  
5 door.

6 **Q** Now, in this matter today --

7 **A** Um-hum.

8 **Q** -- some of these stories you  
9 haven't told before, correct? You say that  
10 this is your first time to get a chance to  
11 tell your side, correct?

12 **A** Correct.

13 **Q** And you put down as one thing  
14 that the argument lead up to is because your  
15 phone was dead and it became an argument  
16 because you wanted to use her phone, correct?

17 **A** It became an argument when I got  
18 her phone.

19 **Q** And also, that it was raising  
20 voice and you were trying to get her to calm  
21 down, correct?

22 **A** Correct.

23 **Q** And you heard Miss Ramirez's  
24 testimony, she stated that at one point you  
25 tried to put her in the shower and tried to

1 give her a Xanax and she spat it out. You  
2 tried to give her that Xanax, correct?

3 **A** I did not try to gave her that  
4 Xanax, I gave her a Xanax. I gave her a pill  
5 in her hand.

6 **Q** And as far as Mrs. Ramirez,  
7 you're stating that she gas lighted this  
8 thing, correct?

9 **A** You're using that in the wrong  
10 context. Gas lighting is -- what are you  
11 trying to say is gas lighting, the whole  
12 incident --

13 **Q** Yes.

14 **A** -- or gas lighting our  
15 relationship; what context are you putting it  
16 in?

17 **Q** The whole -- the way that you  
18 used it.

19 **A** I used it as gas lighting the  
20 aftermath of this situation.

21 **Q** So, as far as this situation,  
22 based on your testimony today, it is because  
23 you had walked into that room and you pretty  
24 much knew that it was over with Mrs. Ramirez  
25 on that day?

1           **A**    That's not correct.

2           **Q**    You said that whenever you  
3 walked into that room, you already knew that  
4 it was over with you and Miss Ramirez,  
5 correct?

6           **A**    That's not what I said.

7           **Q**    What did you say?

8           **A**    I -- you want me to re-clarify  
9 what I said to you so that you can understand  
10 what I said?

11          **Q**    Yes.

12          **A**    I said that once I realized that  
13 she wasn't going to allow me to look through  
14 her phone to make a -- to Google a taxi cab  
15 and there was going to be trust issues here,  
16 that when I got back to the States this  
17 relationship was going to be over.

18          **Q**    Now, as far as the medical  
19 reports, I heard your counsel say that you're  
20 a professional, so I know you read over  
21 everything. As far as these medical reports,  
22 you've had an opportunity to review over the  
23 medical reports, correct?

24          **A**    No.

25          **Q**    You have not reviewed over the

1 medical records?

2 **A** I have -- I'm -- I know enough  
3 to be dangerous on it.

4 **Q** You know enough to be dangerous.  
5 So under the section of *History of Present*  
6 *Illness* --

7 **A** Um-hum.

8 ATTORNEY MCRAE: Your Honor,  
9 may I switch to the Elmo?

10 THE COURT: Yes.

11 **Q** I want you to tell me if I'm  
12 reading this correct.

13 **A** Um-hum.

14 **Q** Whenever Miss Ramirez was at the  
15 hospital, it says, *patient to ED with*  
16 *complaint of assault by boyfriend.*

17 This is the Patient. *Patient says*  
18 *she has left elbow pain.* You don't know  
19 where that pain came from, do you?

20 **A** No. I thought I'd said that I  
21 don't know.

22 **Q** *Neck pain. Right back pain.*  
23 *Patient also stated that she is six weeks*  
24 *pregnant and is also worried about her*  
25 *baby.*

1           Now, as far as that, why did she  
2 blame that assault on you?

3           **A**    I felt that once she realized  
4 that I told her it was going to be over and,  
5 you know, I'll take care of that baby, that's  
6 when she knew that that's it.

7           She wasn't working. She was  
8 dependent on me for financial support, and I  
9 realized that leading up to it, she pulled  
10 the baby card on me, right. I was going to  
11 break up with her probably before that, and  
12 now this, I think she, you know, I don't know  
13 for sure. To actually just answer your  
14 question, I don't know.

15           **Q**    Okay. So as you stated earlier,  
16 Mr. Devin, that on Friday was November 13th.

17           **A**    Friday November 13th.

18           **Q**    And Sunday was November 15th.

19           **A**    Yes.

20           **Q**    And you were riding in -- you  
21 were being arrested on November 15th,  
22 correct?

23           **A**    Yes.

24           **Q**    Now, during the People's case we  
25 introduced these notes.

1           **A**    Correct.

2           **Q**    Correct.  And Mrs. Ramirez said  
3 that these notes came from you, right?

4           **A**    She did say that, yes.

5           **Q**    Now, I'm going to read these  
6 notes, and I want you to tell me if I read it  
7 correctly.  From you.

8           **A**    Well, this is what gas lighting  
9 is.  This is what I referenced gas lighting.

10          **Q**    Okay.

11          **A**    So that's what gas lighting is.

12          **Q**    So, what is gas lighting about  
13 this?

14          **A**    Gas lighting is when someone  
15 makes you feel guilty for something, you  
16 know, put you in a state of -- I don't know  
17 the true definition of gas lighting, but I do  
18 know she's good at gas lighting.  And that  
19 is, she makes me feel guilty for things that,  
20 you know, and I felt -- and I have a good  
21 heart, I felt sorry.  But go ahead and read  
22 it.

23          **Q**    Oh, so you felt guilty after she  
24 gas lighted you on this one?

25          **A**    After we came back from

1 St. Thomas, I felt like, you know, like I had  
2 let her down.

3 Q But you wrote these notes,  
4 correct?

5 A Can you scroll up a little bit?  
6 I wrote -- can you scroll up to the top of  
7 it? All the way to the top, I'm sorry. To  
8 the top of the diary --

9 Q The document?

10 A The top of the document, yes.  
11 The other way. Keep going up. Keep going  
12 up. Keep going up. Keep going up.

13 Q Go the other way?

14 A Until it end. Okay. So this  
15 note, right, is an editable note by both  
16 parties, okay. It's where both parties can  
17 go in and write and change and make edits to  
18 this note. For me to say I wrote every  
19 single word in this note, I'm going to say  
20 no.

21 Q Okay. So, as far as these notes  
22 go, you did know Miss Ramirez as Rosie,  
23 correct?

24 A That's -- yes. That's Rosie,  
25 Rosie, yes.

1           **Q**    Okay.  So I want you to tell me  
2           which part of this note you didn't write.

3           **A**    I can't tell you that right now.  
4           It's been so long since I wrote that note, I  
5           don't have a recollection of it.

6           **Q**    So you wrote it.  As far as the  
7           parts that you didn't write or the editable  
8           portions of it, you heard Mrs. Ramirez say,  
9           whenever asked about this note, that if you  
10          want my phone you can come get it.  You can  
11          look through it, *I ain't got nothing to hide*,  
12          right?

13          **A**    Likewise.  Your phone, my phone,  
14          you can come get it too.

15          **Q**    Now, as far as this, this will  
16          be your phone?

17          **A**    It's in both of our phones.

18                    ATTORNEY MCRAE:  Your Honor, I  
19                    would like to request that phone.

20                    THE WITNESS:  I don't have the  
21                    phone with me, it's in the hotel.

22          **Q**    Well, I'm going to read this  
23          note, and you tell me which part you don't  
24          recognize.

25          **A**    Go ahead.  Read it, sir.



1           Q     *I'm writing this journal entry.*  
2     *That's you, right? I would see and learn*  
3         *from Rosie that writing helps. That girl*  
4         *taught me so much and I didn't respect and*  
5         *appreciate it all. She would write about*  
6         *me and about the things that she felt.*

7                 *Now I know why, as I sit here in*  
8         *this airport waiting for my flight to*  
9         *finally get off of this miserable island,*  
10         *the gravity of my mistake can help to*  
11         *overwhelm me.*

12                 *I came here with a girl I love, my*  
13         *future wife, future mom of my children, to*  
14         *celebrate her birthday to make it special,*  
15         *but instead only to make a disaster and*  
16         *leave without the girl I love and to lose*  
17         *her.*

18                 *Spending Sunday night to Thursday*  
19         *evening in jail was one of the worse*  
20         *things to happen to me in my life.*  
21         *Equally as worse was knowing how much I*  
22         *broke the trust and ruin a relationship of*  
23         *the woman that truly love me and that I*  
24         *love. God knows. I had time to think in*  
25         *jail. That's all I did was think. Self*

1           *reflect about Sunday night, about the day*  
2           *before, about how bad I been treating her,*  
3           *about the disrespect. About the fights.*  
4           *About the hurt I caused.*

5 Did I read that correctly?

6           **A**    That's correct.

7           **Q**    That's all you, correct?

8           **A**    Correct.

9           **Q**    *I made this girl fall in love*  
10          *with a monster. This is something very*  
11          *hard to accept. If she knew we would end*  
12          *up like this right now, she wouldn't give*  
13          *me the time of day.*

14 And that's all you, correct?

15          **A**    I can't see it, but that part I  
16 don't remember writing. That last paragraph,  
17 I don't remember writing that?

18          **Q**    You don't remember writing --

19          **A**    No.

20          **Q**    -- *I made this girl fall in love*  
21 *with a monster?*

22          **A**    No.

23          **Q**    *This is something very hard to*  
24 *accept?*

25          **A**    No.

1           **Q**    *If she knew we would end up like*  
2 *this right now, she wouldn't give me the time*  
3 *of day?*

4           **A**    No, definitely not.

5           **Q**    *I broke her trust. I fucked up.*  
6 *To think she had to fend for her own on a*  
7 *strange island makes me sick. All of*  
8 *these thoughts ran through my mind in*  
9 *jail.*

10          That's you, right?

11          **A**    Like I said, this document can  
12 be edited by both parties. You can literally  
13 go in there and edit a word, okay. And so to  
14 me, to recollect to that I wrote everything  
15 in this, I can't say I did.

16          **Q**    You don't remember --

17          **A**    The gist of it, the beginning  
18 part, I definitely remember writing that.  
19 Some of this other stuff, I don't remember  
20 writing that.

21          **Q**    You don't remember any of it?

22          **A**    No, I remember some of it, okay.

23          **Q**    Okay. *All of these thoughts ran*  
24 *through my mind in jail. All I had was*  
25 *time to think. Wow, what a fuck up I am.*

1           *I was depressed to feel even more bad*  
2           *knowing how I treated her. How could I*  
3           *treat someone as nice, sweet and good like*  
4           *that. I must be a monster. That's all*  
5           *that ran through my mind.*

6           That's you?

7                   **A**    Yeah. That could be me, I  
8           guess. I'm not sure, man, you know.

9                   **Q**    *It was the day she found*  
10           *niceness to bring me my luggage in jail is*  
11           *whenever I vowed myself to get help and*  
12           *fix these issues. I vowed to get*  
13           *myself -- I promise my parent, sister and*  
14           *cousin to get hip and fix these issues. I*  
15           *broke her heart.*

16           That's you?

17                   *But I also broke theirs as well. I'm so*  
18           *ashamed and disappointed in my life.*  
19           *Enough is enough. Time for change.*

20                    *If Rosie was here now, I would tell*  
21           *her all that and I'm sorry for all the*  
22           *hurt I caused you, and I regret all the*  
23           *things I've done. I lost the one girl I*  
24           *truly loved and it's because of the things*  
25           *I've done.*

1           Now, Rosie, or Mrs. Ramirez, is  
2 saying that you assaulted her on that day.

3           **A**    On November 15th, yes.

4           **Q**    And today you came in here and  
5 told a completely different story. It's a  
6 completely different story, and all of this  
7 you try to spin it on Rosie, correct?

8           **A**    I never try to spin nothing on  
9 Rosie.

10          **Q**    Everything was her fault on that  
11 day, according to you, in this courtroom  
12 today, right?

13          **A**    How is that -- when did I say it  
14 was all her fault?

15          **Q**    As far as whenever you told her  
16 that you knew it was going to be done, you're  
17 gonna be done with her whenever you got back  
18 to DC, and she started to act up and going  
19 crazy in that apartment?

20          **A**    So, in that moment,  
21 November 15th when we got that argument  
22 because of the phone, and I -- she was  
23 basically didn't want to let me get her phone  
24 and there was definitely trust issues there,  
25 at that moment I was going to be done with

1 her, okay. I didn't want to be in the  
2 relationship before.

3 I don't know if you've even been in  
4 a quarrel with your wife or your girlfriend,  
5 but sometimes you want to break up with  
6 somebody and then maybe later on you miss  
7 that person and want to be back with that  
8 person. It's a relationship. It's a  
9 quarrel. It's a lover's quarrel. We came  
10 here on a lover's vacation for her birthday.  
11 So Mr. McRae --

12 **Q** Yes.

13 **A** I'm telling you right now. At  
14 that moment on November 15th, I wanted to end  
15 the relationship based on those trust issues.

16 **Q** And at the time that you wrote  
17 this, had Rosie ever contacted you whether  
18 she tried to gaslight you or ring light you,  
19 I don't want to use an incorrect term.

20 **A** So, rephrase that question and  
21 I'll be able to answer it.

22 **Q** As far as this, you are the  
23 owner of this account, correct?

24 **A** It's a shared account.

25 **Q** You are the owner of this

1 account, correct?

2 **A** It's a shared account.

3 ATTORNEY MCRAE: Publishing  
4 People's Exhibit Number 26.

5 THE COURT: Yes.

6 (The exhibit  
7 is published.)

8 **Q** Tell me if I'm reading this  
9 correctly. *Devin S. Jaglal.*

10 **A** Slow down a little, please, so I  
11 can see it.

12 **Q** Yep. Okay. *Note unavailable.*  
13 *The owner stopped sharing, or you don't have*  
14 *permission to open it. That's you, right?*

15 **A** That's me.

16 **Q** And you heard Miss Ramirez say  
17 that whenever she met with me and she was  
18 giving me these notes, that's whenever you  
19 did that, correct?

20 **A** That's me on a different note,  
21 Mr. McRae. You're referencing two notes.

22 **Q** As far as the notes, she circles  
23 Rosie, right?

24 **A** That's the note I have ownership  
25 of.

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Q Okay. All right, thank you.

ATTORNEY MCRAE: Thank you, Your Honor, I have no further questions of this witness.

THE COURT: All right. Very well. Thank you. Any redirect, Attorney Johnson?

ATTORNEY JOHNSON: One second, Your Honor.

THE COURT: Sure.

ATTORNEY JOHNSON: No further questions, Your Honor.

THE COURT: All right. Very well. Thank you.

Mr. Jaglal, you may step down and resume your seat.

THE WITNESS: Thank you.

THE COURT: Any other witnesses?

ATTORNEY JOHNSON: No, Your Honor.

THE COURT: So, you rest?

ATTORNEY JOHNSON: Defense rest.

THE COURT: Any rebuttal



1 testimony, Attorney McRae?

2 ATTORNEY MCRAE: No, Your  
3 Honor.

4 THE COURT: No. Okay. Very  
5 well. All right.

6 All right. So, Ladies and  
7 Gentlemen, we have reached the end of the  
8 testimony of having the evidence introduced.  
9 At this point it's almost four o'clock, so  
10 what I'll do is break for the evening.

11 We will start again tomorrow. We  
12 will start about 9:30 tomorrow morning, so  
13 you can be here about nine o'clock, have some  
14 refreshments, and then we'll start again.  
15 All right.

16 THE MARSHAL: Will everyone,  
17 please rise.

18 THE COURT: Have a good  
19 evening.

20 *(The Jurors were excused for*  
21 *the evening and the following*  
22 *proceeding continued outside*  
23 *of their presence.)*

24 THE MARSHAL: Please be  
25 seated.

1 THE COURT: So.

2 ATTORNEY RILEY: Your Honor,  
3 while the defendant was on the stand he  
4 folded up the Court's exhibits.

5 THE DEFENDANT: I'm sorry  
6 about that.

7 ATTORNEY RILEY: Can we  
8 substitute them with one that the People have  
9 that will not be folded up during closing  
10 arguments?

11 THE COURT: No, it's fine.  
12 It's fine as it is.

13 ATTORNEY RILEY: Well, to show  
14 to the --

15 THE COURT: I can see it from  
16 here, it's fine.

17 ATTORNEY RILEY: Well, the  
18 jury is allowed to see it too, so we just  
19 want to make sure that it wasn't folded  
20 when --

21 THE COURT: It's fine. It's  
22 fine. All right.

23 So each side can submit a proposed  
24 instruction as we have discussed earlier with  
25 respect to -- at least with respect to false

1 imprisonment. You will still have the  
2 opportunity to submit any other instruction  
3 that you feel appropriate, either side. You  
4 can e-mail them to Miss Duggins, okay.

5 ATTORNEY RILEY: Your Honor, I  
6 did already e-mail the false imprisonment  
7 ones to Miss Duggins.

8 THE COURT: I'm sorry?

9 ATTORNEY RILEY: I did e-mail  
10 the false imprisonment ones from the People  
11 to Miss Duggins while we were on our lunch  
12 break.

13 THE COURT: All right. So  
14 what we'll do is, when we resume tomorrow,  
15 the first thing we'll do is review the  
16 instructions, have that conference.

17 After the instructions, we'll move  
18 towards the closing arguments and then jury  
19 instructions will be given, and then on it  
20 deliberations, all right.

21 ATTORNEY RILEY: Your Honor,  
22 I'm sorry. Just to be clear, do you want  
23 from us like all the standard jury  
24 instructions, our just outside of the  
25 ordinary?

1 THE COURT: No, anything  
2 outside of the ordinary, in particular what  
3 we discussed today as it relates to false  
4 imprisonment.

5 ATTORNEY RILEY: Yes. Thank  
6 you, Your Honor, I just want to make sure.

7 THE COURT: Yes. Just  
8 anything that is special. And like I said,  
9 we will review them in the morning, have the  
10 conference in the morning, and then closing  
11 arguments, and then we'll have the Jury go to  
12 the deliberation room. Anything else we need  
13 to discuss?

14 ATTORNEY JOHNSON: Your Honor,  
15 with the *Berry* instructions, I know that we  
16 didn't --

17 THE COURT: I'm sorry. Keep  
18 your voice up.

19 ATTORNEY JOHNSON: With the  
20 *Berry* instructions, the four factors --

21 THE COURT: Yes.

22 ATTORNEY JOHNSON: -- instead  
23 of detention, do you want us to use the  
24 phrase *imprisonment* or *confinement*, or it's  
25 good enough with *detention*?

1 THE COURT: *Detention* is fine.  
2 You just cannot use asportation.

3 ATTORNEY JOHNSON: Yes.

4 THE COURT: So just *detention*  
5 is fine.

6 ATTORNEY JOHNSON: So deleting  
7 asportation, then?

8 THE COURT: Yes.

9 ATTORNEY JOHNSON: Thank you,  
10 Your Honor.

11 THE COURT: All right.  
12 Anything from the People?

13 ATTORNEY MCRAE: No, Your  
14 Honor.

15 THE COURT: Okay. Are you  
16 going to use the exhibits in the closing?

17 ATTORNEY MCRAE: Yes, Your  
18 Honor.

19 THE COURT: Okay.

20 We probably should start at 9:15  
21 because we're going to be addressing the  
22 instructions before the Jury comes in. So  
23 let us start at 9:15, and we'll start with  
24 them at 9:30.

25 ATTORNEY MCRAE: Yes, Your

1 Honor.

2 THE COURT: Is that it? Is  
3 there anything else?

4 ATTORNEY JOHNSON: Your Honor,  
5 as a matter of formality, I would renew my  
6 Rule 29 for the same reasons, my Rule 29  
7 motion for a JNOV, a directive verdict on  
8 Counts 1 and 2.

9 THE COURT: Okay. So you're  
10 not adding anything to your original  
11 argument.

12 ATTORNEY JOHNSON: No, Your  
13 Honor.

14 THE COURT: Attorney McRae?

15 ATTORNEY MCRAE: Your Honor,  
16 we rest on the same arguments that I made.

17 THE COURT: Same argument?

18 ATTORNEY MCRAE: Yes, Your  
19 Honor.

20 THE COURT: All right. Your  
21 motion is denied.

22 ATTORNEY JOHNSON: Thank you,  
23 Your Honor.

24 THE COURT: All right. Thank  
25 you.

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THE MARSHAL: Will everyone,  
please rise.

(Thereupon, court recessed for the evening.)

- - -

**CERTIFICATE OF REPORTER**

I, ARLENE STEPHENS DONOVAN, an Official Court Reporter of the Superior Court of the Virgin Islands, do hereby certify that I did report Stenographically, in my professional capacity, the hearing held in the matter of **People of the Virgin Islands versus Devindra Jaglal**, taken on May 25, 2022; that I was requested to and did reduce to transcript form, the following proceedings, and that the foregoing pages, 1 to 289, inclusive, comprise a full, true and accurate transcription of the testimony given, objections of counsel, rulings of the Court, and all matters to which same relate.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 10th day of November, 2022.

/s/ Arlene Donovan, RMR  
ARLENE STEPHENS DONOVAN, RMR  
OFFICIAL COURT REPORTER II





**I N D E X**

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1 THE CLERK: Criminal jury  
2 trial calendar for Thursday May 26, year  
3 2022. People of the Virgin Islands versus  
4 Devindra Jaglal.

5 ATTORNEY MCRAE: Yes. Good  
6 morning, Your Honor. Quincy McRae for the  
7 People. At counsel table with me is  
8 Assistant Attorney General Kimberly Riley.

9 ATTORNEY RILEY: Good morning,  
10 Your Honor.

11 THE COURT: Good morning.

12 ATTORNEY JOHNSON: Good  
13 morning again, Your Honor. Federick Johnson,  
14 Thoron Corey Hodge and Devindra Jaglal. Good  
15 morning.

16 THE COURT: Good morning.

17 ATTORNEY HODGE: Good morning,  
18 Your Honor.

19 THE COURT: Good morning.

20 All right. So has everyone had an  
21 opportunity to review the instructions?

22 ATTORNEY RILEY: Yes, Your  
23 Honor. We have had an opportunity and the  
24 People have no objections at this time.

25 THE COURT: Very well.

1                   ATTORNEY JOHNSON: No  
2 objections, Your Honor.

3                   THE COURT: All right. Very  
4 well. Thank you. Are we ready to proceed?

5                   ATTORNEY MCRAE: Yes, Your  
6 Honor.

7                   THE COURT: Okay.

8                   Before -- just one second.

9                   So, Attorney Johnson, I just want to  
10 caution you that I reflected back on Attorney  
11 Riley's -- one of her objections yesterday,  
12 so just be careful now that we're going to  
13 the closing arguments.

14                   You know the closing is not  
15 evidence, and I don't want you to use this  
16 opportunity to speak to the length of the  
17 sentence or anything of the nature. I'm just  
18 cautioning you.

19                   ATTORNEY JOHNSON: Okay.

20                   THE COURT: There's a specific  
21 instruction, I think it might be Number 33,  
22 that references the punishment is within the  
23 Court's discretion -- and I know that you  
24 know, but I'm just reminding you not to tow  
25 the line.

1                   ATTORNEY JOHNSON: Yes, Your  
2 Honor.

3                   THE COURT: Okay.

4                   ATTORNEY JOHNSON: Referring  
5 to these as two felonies and a misdemeanor is  
6 not towing the line, would it be?

7                   THE COURT: No.

8                   Well, do you have any objections to  
9 that, Attorney McRae?

10                  ATTORNEY MCRAE: Your Honor,  
11 that's not for them to take into  
12 consideration. They are not making any  
13 decision about whether it's a felony or a  
14 misdemeanor.

15                  THE COURT: Yes.

16                  ATTORNEY MCRAE: They are just  
17 looking at the facts of the case and looking  
18 at the charges.

19                  THE COURT: Okay.

20                  ATTORNEY JOHNSON: All right.  
21 Attorney Hodge is going to be doing the  
22 closing, so I'm sure he won't tow the line as  
23 much as I do.

24                  THE COURT: Okay. All right.  
25 So refrain from that, Attorney Hodge.

1 ATTORNEY HODGE: Yes, Your  
2 Honor.

3 THE COURT: Thank you.

4 ATTORNEY HODGE: And just to  
5 clarify, there's no mentioning of a felony or  
6 misdemeanor, right?

7 THE COURT: I'm sorry?

8 ATTORNEY HODGE: To clarify,  
9 there's no mentioning of any felonies or  
10 misdemeanors for any of the charges.

11 THE COURT: Precisely.

12 ATTORNEY HODGE: Okay. Thank  
13 you, Your Honor.

14 THE COURT: All right. Thank  
15 you.

16 One other thing. Keep your voices  
17 as high -- I mean I know we're not trying to  
18 scream, but everyone needs to hear, so keep  
19 your voices up, please.

20 ATTORNEY JOHNSON: So, I don't  
21 know where Attorney Hodge is planning on  
22 standing, or --

23 THE COURT: He can stand in  
24 the middle of the Well.

25 ATTORNEY JOHNSON: Thank you,

1 Your Honor.

2 ATTORNEY HODGE: Okay, Your  
3 Honor.

4 THE COURT: You can turn your  
5 back to me, it's okay, but you need to get  
6 their attention, and as loud as possible.

7 ATTORNEY JOHNSON: You're not  
8 going to use the computer or the speakers,  
9 are you?

10 ATTORNEY HODGE: I don't think  
11 so.

12 ATTORNEY MCRAE: At this  
13 point, I am going to use the videos.

14 ATTORNEY RILEY: It's possible  
15 that I may as well.

16 ATTORNEY HODGE: I don't think  
17 so, no.

18 THE COURT: All right.

19 Keep your voice up too, Attorney  
20 McRae. Do you all need the exhibits?

21 ATTORNEY MCRAE: I have my  
22 exhibits, what I need, Your Honor.

23 THE COURT: Okay. All right.

24 ATTORNEY JOHNSON: No, Your  
25 Honor.

1 THE COURT: Okay. It doesn't  
2 matter, as long as you have access, prompt  
3 access to them. All right.

4 THE MARSHAL: Will everyone,  
5 please rise.

6 (The Jurors enter  
7 the courtroom.)

8 THE CLERK: People of the  
9 virgin Islands versus Devindra Jaglal.

10 ATTORNEY MCRAE: Yes. Good  
11 morning, Your Honor. Good morning, court  
12 staff.

13 Good morning, Ladies and Gentlemen  
14 of the Jury. My name is Quincy McRae and I  
15 represent the People of the Virgin Islands.

16 Standing at Counsel table with me is  
17 Assistant Attorney General, Kimberly Riley.

18 ATTORNEY RILEY: Good morning.

19 ATTORNEY MCRAE: And also  
20 Officer Khalil Tatum.

21 OFFICER TATUM: Good morning.

22 ALL JURORS: Good morning.

23 ATTORNEY JOHNSON: Good  
24 morning, Your Honor.

25 Good morning, Ladies and Gentlemen



1 of the Jury. Again, Mr. Devindra Jaglal,  
2 Attorney Thoron Corey Hodge. Good morning  
3 again, and thank you for being here.

4 THE JURORS: Good morning.

5 THE COURT: All right.

6 Good morning, Ladies and Gentlemen.  
7 We are at the point of the closing arguments,  
8 and we will start at this moment.

9 So, Attorney McRae.

10 ATTORNEY MCRAE: Yes, Your  
11 Honor. For the first part I would like to  
12 play a portion of the audio.

13 THE COURT: Yes.

14 *(Audio is being played.)*

15 **CLOSING ARGUMENT**

16 **BY ATTORNEY MCRAE:** A cry for help.

17 Ladies and Gentlemen of the Jury,  
18 Assistant Attorney General Kimberly Riley  
19 spoke about relationships at the beginning of  
20 this matter, and hopefully by now you  
21 understand that you have not been called in  
22 today for any type of celebratory event,  
23 because I submit to you, that we all just  
24 listened to a crime being committed on a  
25 recording.

1           Because of Mrs. Ramirez's cry for  
2 help, you have been called in today to do  
3 justice in this matter, to determine the  
4 guilt or innocence of the defendant.

5           Based on the defendant's actions on  
6 that day, and more specifically his action  
7 inside of Suite 206, the People of the Virgin  
8 Islands have charged the defendant with  
9 committing the crimes of: False  
10 imprisonment, Second-Degree Assault and  
11 Simple Assault.

12           To prove the crimes of second-degree  
13 assault and simple assault, you have been  
14 provided with photographs that were taken of  
15 the victim on that day. Those photos as well  
16 as the photos that she took of herself the  
17 following day, as well as her medical  
18 reports, as well as the testimony of  
19 Dr. Smith, as well as the testimony of the  
20 victim, are evidence for you to consider in  
21 this matter.

22           Mrs. Ramirez came into this  
23 courtroom and she told you about her day,  
24 about how it started off with her going  
25 sailing. She also told you that whenever she

1 was leaving Coki Beach, that the defendant  
2 became upset and she just wanted to calm down  
3 and just relax.

4 And she told you that whenever they  
5 went into Room 206, it was an argument over  
6 her phone. He wanted to contact her friend,  
7 so she turned it off. And he began to slap  
8 her across the face and started to commit  
9 other assaults against her.

10 Mrs. Ramirez was taken to the  
11 hospital that day. Her injuries were  
12 photographed. Dr. Smith came in here and he  
13 told you that usually with bruises it takes  
14 about 24 hours for them to appear.

15 The following day Mrs. Ramirez took  
16 a photograph of those bruises, and they began  
17 to appear right where she complained of.

18 As to the crime -- there are other  
19 assaults that she also mentioned, those  
20 photos will be provided to you.

21 As to the crime of second-degree  
22 assault, strangling, Miss Ramirez told you  
23 that whenever she was in that room, the  
24 defendant had her on that bed and he had his  
25 hands around her neck, and he was just

1 squeezing her. And at one point she said  
2 that she wanted to give up.

3 She went to the hospital that day.  
4 Her injuries were photographed, and Dr. Smith  
5 came here and told you that usually with  
6 bruises it takes about 24 hours for them to  
7 appear. She took photographs of her injuries  
8 the following day, and those bruises began to  
9 appear.

10 As to the crime of false  
11 imprisonment. You have been provided with  
12 911 recordings and also the testimony of  
13 Mrs. Ramirez. You need to keep those  
14 recordings in context. They're taken from  
15 the outside perspective, but what they do  
16 give you is a total of two 911 calls. One is  
17 12 minutes, the other is 6 minutes. That's  
18 the total amount of time that you get to  
19 listen to Miss Ramirez on the inside  
20 struggling with the defendant.

21 Mrs. Ramirez came in here and she  
22 told you exactly what happened on that day  
23 inside that room, but you'll listen to her on  
24 those 18 minutes from the outside. She told  
25 you about the assaults that the defendant was

1 committing. She told you that he was  
2 strangling her, and she told you that at one  
3 point she tried to flee and before she got to  
4 the door, he grabbed her by the shirt and  
5 pulled her back near that carpet and got her  
6 on that bed and continue to strangle her and  
7 commit other assaults against her.

8 Mrs. Ramirez had just turned  
9 21 years old two days prior. A young college  
10 student. And just like a lot of college  
11 students, she didn't have a lot of money.  
12 She was taken down to an island in which she  
13 knew no one.

14 The defendant had already told her  
15 that he can pay someone to do some things, so  
16 at that point she pretty much felt helpless.

17 While she is being beaten inside of  
18 that room, and strangled, all she could do is  
19 cry out for help. Thank goodness her cry did  
20 not fall on deaf ears.

21 Mr. Samples came into this courtroom  
22 and told you that he was outside on his  
23 balcony with Mr. Thomas smoking whenever he  
24 heard a scream. And he said that he called  
25 911. It was something about that scream that

1 he just didn't want to leave Mrs. Ramirez in  
2 that room by herself.

3 Thank goodness for his decision to  
4 call 911 on that day. Thank goodness for his  
5 decision not to leave Mrs. Ramirez alone, and  
6 thank goodness for his decision to come  
7 before you and testify about what he observed  
8 on that day. Based on his decisions, you  
9 have those 911 recordings.

10 Mr. Thomas told you that he was also  
11 on the porch with Mr. Samples. And he said  
12 whenever you heard that scream, it send a  
13 chill down his spine. He ain't never been to  
14 this island; this was his first time he was  
15 visiting, but he said whenever he heard it,  
16 it just didn't feel right not to do nothing.

17 He said that whenever you hear the  
18 18 minutes, he observed an individual on the  
19 balcony. And then that individual that he  
20 observed on the balcony, he heard at the  
21 front door. And he came in here and told you  
22 that the person that he observed on the  
23 balcony and that he heard at the front door,  
24 was this defendant.

25 Now, I don't know what happened to

1 Mr. Samples with his identification, but he  
2 got the scream right. But what he did tell  
3 you on that day is that whenever you hear the  
4 audio recording and you hear the person on  
5 the balcony, then you heard him at the door.  
6 He said that he spoke with Officer Tatum, and  
7 after speaking with Officer Tatum he said  
8 that he observed Officer Tatum go and speak  
9 to the person that he just told him that  
10 *that's him.*

11 Officer Tatum walked into this  
12 courtroom and he told you that on that night  
13 whenever he arrived he spoke with Mr. Samples  
14 and then he went over there to Room 206. And  
15 whenever he got to that room, he described  
16 Mrs. Ramirez was looking like a beaten wet  
17 dog. And he said there was only two people  
18 in that room, the defendant and Mrs. Ramirez.

19 Based on the actions of Mr. Samples,  
20 based on the actions of Mr. Thomas and  
21 Officer Tatum and the other responding  
22 officers, Miss Ramirez was able to emerge  
23 from that room and go seek medical attention.  
24 Then she was able to come in here and tell  
25 you exactly who was committing these crimes

1 against her in that room. And she said that  
2 the only person in that room during the times  
3 that these crimes were being committed  
4 against her, was the defendant.

5 Now, Ladies and Gentlemen, you have  
6 the medical reports. This is evidence.  
7 Whenever you go through the medical reports,  
8 this is what Miss Ramirez is reporting  
9 whenever she emerged from that room.

10 It states: *Initial Comment:*  
11 *Patient to ED with complaint of assaulted by*  
12 *boyfriend. This is the patient. Patient*  
13 *stated that she has left elbow pain, neck*  
14 *pain, right back pain. Patient also says*  
15 *she's six weeks pregnant and she's worried*  
16 *about her baby.*

17 On another document of that report,  
18 she states: *Patient is pregnant and was*  
19 *assaulted by her boyfriend a few hours ago.*  
20 *Patient states she was choked and shoved.*  
21 *Patient complains of neck pain and lower back*  
22 *pain. Patient wants to be examined to be*  
23 *ensured that the baby is safe.*

24 Now, Dr. Smith came in here and he  
25 was asked about the petechiae or petechia, I



1 don't know. But he told you that the correct  
2 word that he was looking for was contusions.  
3 And in his report he noted that she had  
4 contusions of the neck, contusions of the  
5 back, contusion of the elbow, and pregnancy.

6 Now, if they want to talk about  
7 whether she was unconscious or not, whenever  
8 you look at those medical reports look at  
9 what she's claiming as soon as she walks into  
10 that hospital immediately after emerging from  
11 Room 206. And she was asked: *Complaint of*  
12 *Pain? Yes. Pain Location: Neck. Pain*  
13 *description: Aching. Intensity Now: Ten.*

14 I give you, that after she stayed in  
15 the hospital for a couple of hours they were  
16 able to reduce the pain down to two. But  
17 also on that form they were asked about:  
18 *Have you ever been abused by a former or*  
19 *current partner?* Her answer was yes.

20 Your Honor, may I use the Elmo?

21 THE COURT: Yes, you may.

22 ATTORNEY MCRAE: Now, Ladies  
23 and Gentlemen, you've also been provided with  
24 a note in this matter.

25 Mrs. Ramirez has told you that when

1 she was meeting with me on Sunday before  
2 coming here for jury selection on Monday, the  
3 defendant's mom contacted her while she was  
4 in my office and tried to discourage her from  
5 coming forward in this matter.

6 The defendant took the stand and  
7 tried to deny it. Whenever I asked about  
8 this number, he said, yes, that's his mother.

9 Whenever Mrs. Ramirez is trying to  
10 give me these notes, the defendant stopped  
11 sharing that account with her. So whenever  
12 she got on that stand she stated that, you  
13 know, he stopped sharing these notes with me  
14 but you can have my phone, because if you  
15 slide to the right or left, you can see if  
16 there was any modification to those notes.

17 The defendant got on the stand  
18 saying he's a professional; he's reviewed  
19 over all of this; he looked at all the  
20 testimony. I asked him the same questions,  
21 and he knew that this note was in contention.  
22 And that professional said when I asked him,  
23 can I look at your phone, to rebut what Miss  
24 Ramirez said, he said yes, you can look at my  
25 phone. Then I told the Marshal go get that

1 phone, and as soon as I said that,  
2 conveniently he will say, oh, he left it at  
3 the hotel room.

4 Well, Ladies and Gentlemen, I don't  
5 have that phone. So since you're here to  
6 judge the credibility, there were only two  
7 people in that room that night.

8 Mrs. Ramirez told you what happened  
9 to her, and the defendant is saying that she  
10 brain lighted a portion of this or changed a  
11 portion of this. I can't slide it back and  
12 forth, but you're here to judge the  
13 credibility of the defendant and the victim.

14 I'm going to read this note to you,  
15 and you can make a determination as to  
16 whether it seems to be modified, or who wrote  
17 this note. I submit to you, it's a  
18 confession about that night.

19 It reads: *I am writing this journal*  
20 *entry. I will see and learn from Rosie*  
21 *that writing helps. That girl taught me*  
22 *so much, and I didn't respect and*  
23 *appreciate it at all. She would write*  
24 *about me and about the things she felt.*

25 *Now I know why, as I sit here in*

1     *this airport waiting for my flight to*  
2     *finally get off this miserable island, the*  
3     *gravity of my mistake can't help to*  
4     *overwhelm me.*

5             *I came here with a girl I love; my*  
6     *future wife, future mom of my children, to*  
7     *celebrate her birthday to make it special,*  
8     *but instead only to make it a disaster and*  
9     *leave without the girl I love and to lose*  
10    *her.*

11            *Spending Sunday night to Thursday*  
12    *evening in jail was one of the worst*  
13    *things to happen to me in my life.*  
14    *Equally as worse was knowing how much I*  
15    *broke the trust and ruin a relationship*  
16    *with a woman that truly love me and that I*  
17    *love. God knows.*

18            *I had time to think in jail, that's*  
19    *all I did was think. Self reflect about*  
20    *Sunday night, about the day before, about*  
21    *how bad I've been treating her. About the*  
22    *disrespect. About the fights that --*  
23    *about the hurt I caused.*

24            *I made this girl fall in love with a*  
25    *monster. This is something very hard to*

1 accept. If she knew we would end up like  
2 this right now she wouldn't give me the  
3 time of day. I broke her trust. I fucked  
4 up.

5 To think she had to fend for her own  
6 on a strange island makes me sick. All of  
7 these thoughts ran through my mind in  
8 jail. All I had was time to think. Wow.  
9 What a fuck up I am.

10 I was depressed, but felt even more  
11 bad knowing how I treated her. How can  
12 I treat someone as nice, sweet and good  
13 like that. I must be a monster. That's  
14 all that run through my mind.

15 It was the day she found my -- she  
16 bring my luggage to jail is when I vowed  
17 to myself to get help and fix my issues.  
18 I promised my parents, sister and cousin  
19 to get help and fix this issue. I broke  
20 her heart but I also broke theirs as well.

21 I am so ashamed and disappointed in  
22 my life. Enough is enough. It's time to  
23 change. If Rosie was here right now, I  
24 would tell her all that and that I'm sorry  
25 for all the hurt I've caused you and I

1           *regret the things I've done. I lost the*  
2           *one girl I truly love and it's because of*  
3           *the things I done.*

4           Now, Ladies and Gentlemen, at the  
5 beginning I told you, you are not here for  
6 any type of celebratory event. Because of  
7 Mrs. Ramirez's cry for help, you've been  
8 called here today to do justice in this  
9 matter, to determine the guilt or innocence  
10 of this defendant.

11           Now, whenever he took the stand, I  
12 was asking about the marks, and whenever it  
13 came to the neck, the ones that comes from  
14 the defendant on the stand, the one on the  
15 left side of her neck, he said yes he did it,  
16 and that came from him shoving her on that  
17 night.

18           And whenever I reminded him that,  
19 you know, she said that you had her hands  
20 around her neck, I asked her about the other  
21 side, he said he didn't know how she did  
22 that. Ladies and Gentlemen, Mrs. Ramirez  
23 told you he did that while choking her.

24           As to the mid section, I submit to  
25 you the mid section is whenever he had her on

1 that bed and was just choking her, and she  
2 was fighting for her life. I'd say as far as  
3 the other half, the defense don't need your  
4 help.

5 I want to ask that you review over  
6 all this evidence, and after you review over  
7 all of the evidence, that you find this  
8 defendant guilty, because he's guilty of each  
9 and every crime charged.

10 Thank you, Your Honor.

11 THE COURT: All right. Thank  
12 you, Attorney McRae. Attorney Hodge.

13 **CLOSING ARGUMENT**

14 **BY ATTORNEY HODGE:** Good morning, Ladies and  
15 Gentlemen of the Jury.

16 First I would like to thank you for  
17 being here. Thank you for coming out. Thank  
18 you for listening attentively. I truly  
19 appreciate it, for you and your Civic service  
20 as a member of the Virgin Islands.

21 You have a difficult task at hand,  
22 Ladies and Gentlemen. We just met Mr. Jaglal  
23 and Miss Ramirez on Monday. Now, you are to  
24 determine to finding the credibility of  
25 Mr. Jaglal and Miss Ramirez.

1           Now, you must determine what  
2 occurred on that night on November 15, 2020,  
3 what occurred in that room. The only way you  
4 can do that, Ladies and Gentlemen, is by  
5 looking at the evidence: The pictures  
6 presented, the testimony given, the medical  
7 record.

8           But keep in mind, what did the  
9 evidence not show? What are you not seeing  
10 there? What's not adding up in the  
11 Government's case?

12           Now, at the onset of this case the  
13 Government made you a promise. They promised  
14 you at the onset of this case that they could  
15 prove without a reasonable doubt each and  
16 every element of this case. They said that  
17 they can prove false imprisonment. They can  
18 prove simple assault, and they can prove  
19 assault in the second degree for each and  
20 every element.

21           Growing up, my grandmother used to  
22 tell me, Corey, a promise is a comfort to a  
23 fool. Do not let the Government of the  
24 Virgin Islands fool you. Hold them  
25 accountable for that promise that they told



1 you that they would achieve.

2 Now, after listening to the  
3 Government's case, I am still at odds with  
4 four major areas of their case. The first  
5 being, what started this fight. The second  
6 being, the timeline of events. The third,  
7 the actual injuries sustained, and fourth,  
8 the possibility of false imprisonment. I ask  
9 you to give serious thought about these  
10 questions with deliberating in the jury room.

11 Now, at first I want to start with  
12 what actually caused this fight? It may seem  
13 inconsequential, you know, this doesn't  
14 provide an element to any of the charges, but  
15 this gives you a background to who Mr. Jaglal  
16 is, and Miss Ramirez.

17 They came down here on vacation, had  
18 what sounds like an ideal day for a tourist  
19 in the Virgin Islands. They went on a  
20 Catamaran. All day drinks. Snorkeling.  
21 Went to one of my favorite beaches at Coki  
22 Point. Stayed there, ate fried fish.  
23 Listened to live music on a Sunday. Have you  
24 ever been to Coki Point on a Sunday, it's a  
25 pretty nice lime.

1           They left there, went back to the  
2 hotel. Both parties state that it at least  
3 started on what was amplified by the  
4 possibility of a cellphone.

5           It is Mr. Jaglal's story that he  
6 wanted to use her cellphone while his was  
7 charging to call a taxi so he could go back  
8 up to Coki Point to continue there.

9           It is her testimony that Mr. Jaglal  
10 wanted to use her cellphone to call her  
11 friend so she can fly down to Miami to join  
12 them on vacation.

13           Ladies and Gentlemen, why would a  
14 fight start over her version of the story?  
15 It does not make sense. What makes sense is  
16 that she did not want Mr. Jaglal to use her  
17 cellphone. That is why the fight started.

18           The second point I would like to  
19 bring up, Ladies and Gentlemen, is the  
20 timeline of events.

21           Miss Ramirez stood on this stand and  
22 she stated that this occurred for at least  
23 one hour, possibly even two hours that she  
24 was apparently viciously beaten, kicked,  
25 assaulted, choked, all of the above. But

1 what does the evidence show?

2 Mr. Jaglal stated that he believes  
3 the timeline of events occurred from 25 to 30  
4 minutes. Now luckily in this case we have  
5 the CAD report. It's in the evidence. You  
6 can see when the first 911 phone call was  
7 made from Room 206 by Mr. Samples. It  
8 occurred at 21:32.

9 Now, the police arrived on scene at  
10 21:52. This is 20 minutes. Now, if you  
11 remember back when Mr. Bradley and  
12 Mr. Samples were on the stand, what did they  
13 say? They said that they were outside  
14 smoking, looking at the stars.

15 Their first observation of the  
16 people next door seem to be having a good  
17 time. There was no commotion then. There  
18 was no fight.

19 Once they did, Mr. Samples heard --  
20 excuse me. Once Mr. Samples said that he  
21 heard something next door, within two to  
22 three minutes they called the police. What  
23 does that timeline show you? It showed you  
24 that it could not have lasted more than 30  
25 minutes. It's impossible. There was no one

1 hour to two hour vicious beating on her. So  
2 I ask you, why would Miss Ramirez lie about  
3 the timeline? If she's here to be truthful  
4 about everything, why lie about the timeline?

5 Now, the third topic I would like to  
6 take you on to is the injuries. Now, I can't  
7 stand before you, Ladies and Gentlemen, I  
8 refuse to, to say that my client never  
9 touched Miss Ramirez. On the stand he stated  
10 that he did in fact pushed her away. He did  
11 in fact pushed her with two hands. And I  
12 would submit to you, Ladies and Gentlemen,  
13 that the bruise that occurred on her hip was  
14 from Mr. Jaglal pushing her.

15 I'll go on to further say that the  
16 bruise that you can actually see on her arm,  
17 was from Mr. Jaglal grabbing her. But,  
18 Ladies and Gentlemen, what the evidence does  
19 not show, and what will not show you, is that  
20 he put two hands around her neck multiple  
21 times and strangled her to the point where  
22 she was unconscious. Where is the evidence  
23 for that? Where is the marks for that? It  
24 just simply does not add up.

25 Now, Mr. McRae mentioned that, you

1 know, when she came to the hospital her pain  
2 threshold stated that she was a ten out of a  
3 ten. Dr. Smith stood on the stand and said  
4 pain is relative. It's relative to the  
5 person. I wholeheartedly agree.

6 For me, a ten out of ten is a  
7 shooting; a stabbing. That's my version of a  
8 ten out of ten in pain. That means you've  
9 got to carry me to the hospital on a gurney,  
10 a stretcher or something to that effect.

11 So she gets there. It's ten out of  
12 ten. She's now examined by the doctor. What  
13 did the doctor say? Doctor says she has no  
14 cuts in her mouth. But apparently she was  
15 slapped multiple times, but just no cuts  
16 inside of her mouth.

17 There's not one drop of blood  
18 anywhere throughout this thing. The doctor  
19 stated there was no blood. No blood from the  
20 nose, no blood from the mouth, her eyes were  
21 not swollen. She did in fact have what the  
22 doctor did say could be a contusion,  
23 trachea -- and I don't want to get into the  
24 dynamics of that, but there is a slight  
25 marking on her neck. And I submit to you

1 that you cannot -- the evidence does not show  
2 that he strangled her. It just simply does  
3 not.

4 Now, when Miss Ramirez left the ER,  
5 on her out case chart she stated now that her  
6 pain was a two out of a ten. Think about  
7 that, Ladies and Gentlemen. You go from a  
8 possible ten out of ten to a two out of ten  
9 by taking a Tylenol.

10 Why do you think she changed the  
11 story? She changed her story, not because of  
12 the Tylenol, but because she realized she had  
13 just been examined by a medical doctor who  
14 showed that there was nothing wrong  
15 structurally with her neck.

16 He showed that there's no scars,  
17 there's no bruise, there's no stitches  
18 needed. There's no bandages, none of that  
19 was required. She knows she could not  
20 continue with this ten out of ten, the worse  
21 pain possible in her life. It simply does  
22 not make sense.

23 Now, in order to prove second-degree  
24 assault, the Government must show that --  
25 excuse me, Ladies and gentlemen. In order to

1 prove second-degree assault, the Government  
2 must prove that my defendant strangled or  
3 intend to strangle any person in an act of  
4 domestic violence.

5 Now, Miss Ramirez says the wasn't an  
6 attempt, this was a full arm strangling; that  
7 he did in fact strangled her. That is the  
8 words that are coming from Miss Ramirez.

9 So I ask you, Ladies and Gentlemen,  
10 my defendant stated that he did in fact touch  
11 her here on her arm. You can see that  
12 bruise. You can see the bruise on her hip.  
13 But where are the other bruises? How can  
14 someone be slapped repeatedly over and over  
15 and no black eye. No cut in the mouth. No  
16 hand marks across the neck.

17 This is a lady of fair complexion,  
18 Ladies and Gentlemen. It's unequivocally a  
19 lot easier to bruise, or for the scars or  
20 marks to show up on her neck. They were in a  
21 catamaran all day. They went snorkeling,  
22 Ladies and Gentlemen.

23 I don't know if you've ever been  
24 snorkeling on a catamaran, but the majority  
25 of the time you wear a life vest all day.

1 You're snorkeling, you wear a life vest.  
2 It's a tubing around the neck.

3 I would submit to you, Ladies and  
4 Gentlemen, that those marks around her neck  
5 more than likely came from the life vest  
6 around her neck, than it did from Mr. Jaglal  
7 viciously strangling her to the point where  
8 she lost consciousness. It simply does not  
9 make sense. It does not add up. And the  
10 Government must prove that she in fact  
11 strangled -- that he in fact strangled her  
12 without a reasonable doubt. Not that he  
13 might have, or that he possibly strangled  
14 her. They must prove to you that that  
15 occurred. I ask you, where is the evidence  
16 for that? Talking about light bruising on  
17 the neck; that's the evidence?

18 Now lastly -- well, not lastly.  
19 Excuse me. My fourth point is the false  
20 imprisonment of possibly of Miss Ramirez.

21 Now, in order to prove false  
22 imprisonment, the Government must prove that  
23 whoever, without lawful authority, confines  
24 or imprisons another person within this  
25 territory against his will, or confines, or



1       inveigles or kidnaps another person with  
2       intent to cause to be confined or imprisoned  
3       in this territory against his will.

4               Now, remember what started this  
5       incident. Both parties stated that it  
6       started over a phone. We all agree with  
7       that.

8               I submit to you, Miss Ramirez never  
9       wanted to leave that room, she wanted her  
10      cellphone. She did not want Mr. Jaglal to  
11      have her cellphone under no circumstances.

12              Now, let's say you do believe her  
13      story. Let's say in fact that she was  
14      running to the door and Mr. Jaglal grabbed  
15      her by the sweater, pulled her down and  
16      viciously beat her and stomped on her. Where  
17      are the additional injuries for that, Ladies  
18      and Gentlemen? They are not there.

19              Now, I would like for you to go in  
20      her mind at this time. Let's attempt to go  
21      into her mindset. She states that she was  
22      paralyzed in fear. She had been beaten,  
23      strangled, slapped about her face. It even  
24      came to the point where she no longer decided  
25      to escape, where she decided to just lay down

1 and let whatever was going to occur happen.

2 But Ladies and Gentlemen of the  
3 Jury, she also stated that she had no idea  
4 there was anyone next door. Now, there comes  
5 a time where Mr. Jaglal goes outside to speak  
6 to Mr. Samples. They have a conversation.  
7 Both parties testified that Mr. Jaglal's  
8 curtains are closed.

9 Would you have me believe that you  
10 were so resign to death that at that one  
11 moment when you actually realized that  
12 someone was next door, someone could actually  
13 help you, that you did not scream? You did  
14 not attempt to run next door? It does not  
15 add up. It does not make sense, Ladies and  
16 Gentlemen.

17 How could she be falsely imprisoned  
18 if you had the ability to escape after you  
19 thought your life was over, was going to be  
20 completely done with, and now you have a  
21 lifeline of someone next door and you're not  
22 going to take it? That does not add up,  
23 Ladies and Gentlemen. She was not falsely  
24 imprisoned. She wanted her cellphone. She's  
25 not leaving that room without her cellphone.

1           Now, Ladies and Gentlemen, you are  
2 going to hear the 191 calls. There's no  
3 doubt about it, the 911 calls sound like a  
4 wild story. It was provided to us by  
5 Mr. Davion Samples who came here yesterday on  
6 the stand.

7           Mr. Samples stated many things in  
8 that 911 interview, and I want you to listen  
9 carefully to what he said. He said there  
10 were multiple men in the room. He said there  
11 was a rape occurring. He said there were  
12 items being thrown about the room, Ladies and  
13 Gentlemen.

14           He also said he heard someone  
15 screaming for help like someone is attempting  
16 to kill me. But what did he also say. He  
17 said there was music playing loudly. How can  
18 you disseminate what you're hearing between a  
19 wall?

20           More important than that, Ladies and  
21 Gentlemen, Mr. Samples stood on the stand  
22 yesterday and he said something that I think  
23 you really need to take into consideration  
24 when determining his mindset. He stated that  
25 he was a past victim of sexual trafficking.

1           Now, Ladies and Gentlemen of the  
2 Jury, my heart goes out to Mr. Samples. No  
3 one should ever have to be a victim of sexual  
4 trafficking. So, what did he say? He said  
5 it instantly took him back to that moment.

6           So what did he do? I'm not going to  
7 say he lied, because I don't believe  
8 Mr. Samples is a liar. I believe his  
9 perception of what had occurred on the  
10 outside of the room is not truthful. And the  
11 reason it's not truthful is not because he's  
12 malicious, it's because of his past  
13 experiences.

14           That moment took him back to that  
15 moment in his life where it was the most  
16 triggering, traumatic moment of his life.  
17 That is why he thought there were multiple  
18 men in there. That's why he thought it was a  
19 gang rape. That's why he thought that it was  
20 a possible sexual trafficking.

21           Now, Mr. Samples states that when  
22 the police came he was so fired up that he  
23 had a knife in his hand. Why is that? It's  
24 because it took him back to that moment.  
25 Everything he perceived in that moment was

1 not clear. His mind was fogged.

2 So, as you listen to that 911 call,  
3 you may hear some stuff that you think does  
4 make sense, but there's a lot that doesn't  
5 make sense. Why is that? He cannot see  
6 what's going on, he's hearing. But I'll say  
7 this to you, Ladies and Gentlemen, even if he  
8 could see what's going on, can you trust it?

9 Attorney McRae stated that he  
10 identified my client yesterday, in his  
11 closing, that Mr. Samples identified my  
12 client. He did not. When given the  
13 opportunity twice, he identified me as the  
14 defendant; that I was the defendant. This is  
15 the same guy that sat on the stand and said,  
16 oh, I could never forget those eyes.

17 Now, somebody said that me and  
18 Mr. Jaglal may look alike; I disagree. I'm  
19 light skinned; that's about it. He has a  
20 beard. I've been trying all my life, still  
21 cannot get a beard to this day. We do not  
22 look alike.

23 So why is that? Why did he come on  
24 the stand, swore to tell the truth, and then  
25 ID'd me as the defendant. It's because that

1 entire night his perception was not reality.  
2 He actually did see Mr. Jaglal when  
3 Mr. Jaglal spoke to him outside on the  
4 balcony. He said he stated he saw him again  
5 when he was being taken away from the police.  
6 But he doesn't remember him. Why is that?  
7 It's because it took him back to that  
8 traumatic moment in his life. That's why he  
9 came to court. That's why he ID'd me as the  
10 possible defendant in this case. You can't  
11 trust his ears, you cannot trust his eyes,  
12 Ladies and Gentlemen.

13 Now, the Government would like to  
14 proffer that Mr. Jaglal's letters or notes or  
15 whatever you would like to call it is an  
16 admission of guilt. Well, read it. What is  
17 he really admitting? Does he admit to  
18 strangling Miss Ramirez? No. Does he admit  
19 to falsely imprisoning her? No. As he  
20 stated, it was a lover's quarrel, something  
21 that may have spiralled out of control, but  
22 it is not what the Government would like it  
23 to be.

24 In that letter he does not  
25 specifically state that he did any of those

1 actions that the Government is stating. He  
2 is just simply sorry and remorseful. And  
3 once again, he stood on the stand, he was  
4 brave. He stood on the stand and admitted to  
5 actually pushing Miss Ramirez, defending  
6 himself against Miss Ramirez.

7 Now, at the opening of this case my  
8 co-counsel, Mr. Johnson, told you that this  
9 is like a puzzle. All the pieces to the  
10 puzzle must fit for each and every element of  
11 the crime.

12 Ladies and Gentlemen of the Jury, I  
13 can see at least four or five pieces that do  
14 not fit correctly into the People of the  
15 Virgin Islands's puzzle. It simply does not.  
16 The injuries doesn't match up. The timeline  
17 does not match up. The false imprisonment  
18 never happened.

19 Now, this is the last time you're  
20 going to hear from myself, the last time  
21 you're going to hear from Attorney Johnson,  
22 the last time you're going to hear from  
23 Mr. Jaglal.

24 The Government will have a rebuttal  
25 at which time I'm sure they will attempt to

1 message your fears of what I just told you.  
2 But I want you to remember what I said. I  
3 want you to keep those four and five issues  
4 in mind when reviewing the evidence.

5 And Ladies and Gentlemen of the  
6 Jury, I ask you one thing. Stand for what  
7 you believe in. When you're deliberating,  
8 and you're in that room, if you believe  
9 Mr. Jaglal did not do it, stand up for it.  
10 Thank you for your time. Have a good day.

11 THE COURT: All right. Thank  
12 you, Attorney Hodge. Attorney Riley.

13 ATTORNEY RILEY: Thank you,  
14 Your Honor.

15 **REBUTTAL CLOSING**

16 **BY ATTORNEY RILEY:**

17 At the beginning of this trial just  
18 a little bit ago, my co-counsel came to you  
19 and we brought up the fact of relationships.  
20 And sitting through this trial and hearing  
21 both closing, something came to my mind about  
22 what this relationship was about.

23 This relationship was about power  
24 and control, the power and control of the  
25 defendant had over the victim.



1           As you heard him testify, he is the  
2 professional, she is just a student. He paid  
3 for everything. She knew no one on this  
4 island. She could not survive on this island  
5 by herself. That was what the defendant told  
6 her.

7           The defendant even told her that if  
8 she doesn't do what he wants her to do, he  
9 could hire anybody off the street to take  
10 care of her. Power. He tried to pull power  
11 over her at all times.

12           On November 15, 2020, he used that  
13 power to physically assault her and strangle  
14 her. But what happened later that night is  
15 that Miss Ramirez started to take that power  
16 back when she told the police what happened,  
17 when she went to the hospital and had  
18 pictures taken of her and told the nurses and  
19 the doctors what happened. She took that  
20 power back and she decided that she was not  
21 going to be the defendant.

22           And when she got on that stand on  
23 Tuesday, that's when she truly took her power  
24 back, to come here and tell you what this  
25 monster did to her. And I'm not making up

1 that word, the defendant himself called  
2 himself a monster.

3 Now, Attorney Hodge came up here and  
4 gave you four points that he thinks you  
5 should pay attention to. And this is great  
6 because it gives me an outline of what to  
7 address and I could answer each and every one  
8 of those points to you today. Four issues.

9 First. What started that fight.  
10 Ladies and Gentlemen, power started that  
11 fight. Control started that fight because,  
12 the defendant didn't like what Miss Ramirez  
13 was doing. She went on that stand and said  
14 they were at Coki Beach and she didn't want  
15 to eat, and she didn't want to have a drink,  
16 and he got mad and angry and brought her back  
17 to her room where no one else was there. And  
18 I do submit to you that her story makes  
19 sense.

20 He was mad at her so he says, give  
21 me your phone, I'll call up this other girl  
22 to come down. Because as he said, I have all  
23 the money I can do what I want. I can have  
24 whatever woman I want. So let me call her  
25 down and kick you to the curb. That's what

1 make sense, Ladies and Gentlemen, not that  
2 they were at Coki Beach, came back, went  
3 passed probably many taxis, and then went and  
4 Google a taxi service and she didn't want him  
5 to see that phone. That don't make any  
6 sense. So that's the first issue of what  
7 started that fight.

8 The second is the timeline, and  
9 whose timeline makes more sense. Defense  
10 counsel harped on the hour that Miss Ramirez  
11 said this was, and I honestly can't tell you  
12 the exact amount of time this incident  
13 occurred. But even if it was a half hour,  
14 isn't it understandable that Miss Ramirez  
15 would think it was longer?

16 Think about any time you've gone  
17 through something stressful or painful and  
18 how long you can say a few hours later I felt  
19 like that was days. I felt stuck in it. And  
20 I submit to you that's why Miss Ramirez  
21 thinks it may be longer than it was, because  
22 she's getting beaten. She's getting  
23 strangled. She's been entrapped. She's  
24 getting threatened.

25 The timelines lined with both of

1       them coming back. It lined up for when the  
2       911 calls were made, and when the police  
3       arrived. But unfortunately, the police did  
4       not arrive as fast as everyone had hoped.  
5       But that's why the timeline is the way it is.

6               The injuries of the victim. You've  
7       heard from Dr. Smith very clearly that the  
8       injuries are consistent with an assault; that  
9       bruising and marking take some time to show,  
10      and that's why you see the pictures from  
11      24 hours earlier -- later, I'm sorry. The  
12      bruising on her hip, the large bruising on  
13      her arm, the marks around her neck. He  
14      pictures show all of that.

15              Attorney Hodge asked you to believe  
16      that the marks around her neck is from a  
17      lifejacket. Ladies and Gentlemen, that's not  
18      reasonable that a lifejacket she wore that  
19      the defense said himself that it was before  
20      lunch they went snorkeling, and then they  
21      went to the beach, and then they went to the  
22      boat ride and then to Coki. Would that mark  
23      still be there that night if it's just a soft  
24      lifejacket? Absolutely not. Would it be  
25      there the next day? Absolutely not.

1           And the fact that there are bruises  
2 on both sides of her neck and the defendant  
3 got on that stand and say, oh, I pushed her.  
4 I pushed her. And he even showed that one  
5 hand. That wouldn't give her marks on both  
6 sides of her neck. So how did she get those  
7 marks on both sides of the neck? This is how  
8 you get marks on both sides of the neck.

9           Now, the last point he brought up --  
10 Attorney Hodge brought up is false  
11 imprisonment, and I'm going to take this in  
12 two. I'll talk about false imprisonment and  
13 then the other charges.

14           False imprisonment, as Attorney  
15 Hodge stated to you, we must prove beyond a  
16 reasonable doubt. It's something that we  
17 must prove, and it's something that's outside  
18 of the other two crimes charged. So it's  
19 outside of the strangling; it's outside of  
20 the kicking, and it's outside of the grabbing  
21 and pushing against the wall. And the  
22 testimony you heard said that there was  
23 something totally different.

24           When she tried to run out of the  
25 room, the defendant grabbed her, pulled her

1 back and made her not be able to leave that  
2 room, and threatened her not to leave that  
3 room. And she stated that she felt if she  
4 tried to leave that room again he would kill  
5 her or hurt her more.

6 And speaking of that, Counsel tried  
7 to address the fact that she knew someone was  
8 next door so why did she give up. But that's  
9 mischaracterizing what happened. She stated  
10 that this attack occurred; she was strangled  
11 on the bed, went to the bathroom and back to  
12 the bed, and it was after that that the  
13 defendant took it upon himself to go outside  
14 and scream at the next-door neighbors.

15 Why would he do that if he wasn't  
16 doing anything wrong? You can hear him on  
17 the 911 call being very aggressive. You  
18 don't hear the victim being very aggressive.  
19 Instead, she's screaming for her life. And  
20 if you listened to his testimony yesterday, I  
21 would submit to you that everything he said  
22 did not make sense.

23 First off himself when he was trying  
24 to say oh, yeah, and I told her that I need  
25 my phone back and she said get off my phone.

1 They you heard what he said? Then she said  
2 get off of me, Oh, I need my phone.

3 He went up there and told you by his  
4 untruthfulness what really happened, because  
5 his stories don't make sense. He admits to  
6 writing those letters to her where he says he  
7 is a monster, where he's sorry for hurting  
8 her. What story is more believable, Ladies  
9 and Gentlemen?

10 Now simple assault is the second  
11 charge that you will be faced with. And I  
12 submit to you that has been proven beyond a  
13 reasonable doubt. You see that by the  
14 bruising on her, by the kicking, by the  
15 grabbing, by the slapping.

16 And then as we talked about the  
17 second-degree assault, that's the  
18 strangulation. And Attorney Hodge mentioned  
19 that we did not present any evidence of that,  
20 but that's simply not true. You saw the  
21 photos and you heard the testimony of Miss  
22 Ramirez, and she did not falter once saying  
23 what the defendant did to her.

24 To find the defendant not guilty,  
25 you would have to believe that the defendant

1 is the only person that went up on that stand  
2 and is telling the truth. You would have to  
3 disbelieve Miss Ramirez, Bradley Thomas,  
4 Davion Samples and Officer Tatum.

5 It's pretty convenient that the one  
6 person that this case matters to the most is  
7 the only one telling the truth and everyone  
8 else is lying, even though we've presented a  
9 tape that gives the same statement of what  
10 happened that all of them talked about. The  
11 story aligns perfectly with those 911 calls.

12 And let's talk about each of those  
13 people's credibility. Why would Miss Ramirez  
14 make this up? She's getting -- according to  
15 the defense, she's getting everything paid  
16 for from this professional man when she's  
17 just a student.

18 If she's getting everything paid  
19 for, Ladies and Gentlemen, why would she make  
20 up this story unless she was terrified for  
21 her life. You want to hear the story that  
22 defense is giving you, she has it free.  
23 Getting everything paid for. Getting taken  
24 on vacation. She has nothing to gain to even  
25 come down here this week and testify. She



1 did that because the defendant hurt her and  
2 scared her and made her feel like she was  
3 going to die.

4 And then Bradley Thomas and Davion  
5 Samples, they have nothing to gain or lose  
6 from this whatsoever. They flew all the way  
7 back from Michigan because they just wanted  
8 to make sure that justice was served.

9 And finally, Officer Tatum. He has  
10 no reason to lie to you. He doesn't lose his  
11 job or anything like that depending on what  
12 he says to you today. He came here to tell  
13 you exactly what happened, how the defendant  
14 was angry and want to talk to him. And  
15 that's what he would like you to believe when  
16 he was on that stand. This is the first time  
17 I've ever been able to tell my story.

18 Interesting, because you stood outside with  
19 Officer Tatum for a half hour that night and  
20 didn't say anything about this fight.

21 Before I sit down, I do want to talk  
22 a little bit more about the defendant's  
23 testimony because Attorney Hodge spoke to it.  
24 I would submit to you that you could see the  
25 disrespect and lack of care that he ever had

1 for Miss Ramirez.

2 He stood up there on that stand and  
3 kept called her "that girl." He said things  
4 like yes, she's making it up. Typical --  
5 she's just crazy, right. That's what he was  
6 doing up there. The person that was gas  
7 lighting somebody, and I don't know if that's  
8 a term that's being used that much because I  
9 had to look it up last night, but making  
10 someone else to take the blame, that's what  
11 the defendant is doing.

12 Now, I know some of you have heard  
13 my closings before, and I've used a puzzle  
14 analogy just like defense did. And I'm sorry  
15 to repeat it for those of you who have heard  
16 it. But I do submit to you that a case is  
17 like a puzzle.

18 Reasonable doubt is like a puzzle,  
19 because when you are at the end of a puzzle  
20 you sit down with your family sometimes some  
21 pieces are missing. Maybe the dog ate it,  
22 maybe the kid flushed it down the toilet, but  
23 you look at that puzzle and even though a  
24 piece or two is missing, you can still see  
25 the whole picture. And that's what a trial

1 is like, and reasonable doubt is like.

2 Unfortunately we take our job very  
3 seriously, but we can never present a perfect  
4 case. It's just not possible, especially in  
5 the days of Covid where we're trying cases  
6 that are very old. Memories fade and there  
7 can be pieces of evidence that you may want  
8 but you just don't have.

9 I submit to you, Ladies and  
10 Gentlemen, look at that puzzle and you'll see  
11 the whole picture. In that puzzle it may be  
12 a house, it may be a fork, it may be a dog or  
13 a cat. And you can see what it is without  
14 those two missing pieces. And I submit to  
15 you that when you look at this case and when  
16 you go back to that deliberation room, the  
17 picture you'll see is the monster of the  
18 defendant who scared Miss Ramirez, who  
19 assaulted Miss Ramirez, who strangled Miss  
20 Ramirez, and at all times had control over  
21 Miss Ramirez.

22 I ask you to take that control away  
23 from that defendant and find justice for Miss  
24 Ramirez and the People of the Virgin Islands,  
25 and find the defendant guilty. Thank you.

1 THE COURT: All right. Thank  
2 you very much, Attorney Riley.

3 All right. Ladies and Gentlemen of  
4 the Jury, you have heard all the evidence and  
5 the arguments of the lawyers on both sides  
6 and now it is my duty to instruct you on the  
7 law.

8 Before going into the instructions,  
9 on behalf of the Court, the parties, the  
10 attorneys in this matter, I sincerely thank  
11 you for your patience, your service in this  
12 case, and the close attention that you have  
13 given to this matter.

14 Your willingness as citizens of this  
15 community to come out and assist the Court in  
16 administering justice is not only commendable  
17 but also crucial.

18 As I said at the jury selection,  
19 without citizens actively embracing their  
20 duty to serve as jurors, our judicial system  
21 would come to a halt. We are all grateful to  
22 you for this. It is not an easy job, but it  
23 is a solemn one that calls for the highest  
24 civic response.

25 Regardless of what verdict you

1 render after your deliberations, this Court  
2 truly appreciates your efforts and your  
3 sacrifice, so once again, thank you.

4 Now, as you may remember, the Court  
5 gave you certain preliminary instructions  
6 before the presentation of any evidence in  
7 this case on Tuesday. The Court gave you  
8 those instructions to help you follow the  
9 case and to help you understand your duties.  
10 I will essentially repeat those instructions  
11 that I gave you and give you additional  
12 instructions at this time. All of these  
13 instructions taken together constitute the  
14 law of this case and are equally binding upon  
15 you.

16 The function of the trial judge of  
17 this court is to regulate the conduct of the  
18 trial, to instruct you on the law, and to lay  
19 down for you the legal rules by which you  
20 will reach your verdicts in this case.

21 It is your duty to accept the law as  
22 I stated to you and apply that law to the  
23 facts as you find them. You have complete  
24 discretion in making your factual judgment,  
25 but you have no discretion whatsoever with

1 respect to the law or the legal rules.

2 You must apply only the law that I  
3 state to you as the Court. You must entirely  
4 disregard any opinion or idea you may hold as  
5 to what the law is, or what you think it  
6 ought to be.

7 You have two duties as the Jury in  
8 this case. Your first duty is to decide the  
9 facts from the evidence that you have heard  
10 and seen in court during this trial. That is  
11 your job and yours alone. I play no part in  
12 finding the facts.

13 You should not take anything I have  
14 said or done during the trial as indicating  
15 what I think of the evidence or what I think  
16 about what your verdict should be.

17 Your second duty is to apply the law  
18 that I give you to the facts you find. In  
19 carrying out this duty, you must apply my  
20 instructions carefully. Each of the  
21 instructions is important and you must apply  
22 all of them. You must not substitute or  
23 follow your own notion or opinion about what  
24 the law is or ought to be. You must apply  
25 only the law that I give you, whether you

1 agree with it or not.

2           Whatever your verdict, it would have  
3 to be unanimous. All of you would have to  
4 agree on it, or there will be no verdict. In  
5 the jury room you will discuss the case among  
6 yourselves, but ultimately, each of you will  
7 have to make up your mind -- his or her mind.  
8 This is a responsibility that each of you  
9 have and that you cannot avoid.

10           Perform these duties fairly and  
11 impartially. Do not allow sympathy,  
12 prejudice, fear or public opinion to  
13 influence you. You should also not be  
14 influenced by any person's race, color,  
15 religion, national ancestry, gender,  
16 occupation or any economic circumstances.

17           You must take your decision in this  
18 case based only on the -- you must make your  
19 decision in this case based only on the  
20 evidence that you saw and heard in the  
21 courtroom. Do not let rumors, suspicions or  
22 anything else that you may have seen or heard  
23 outside of the court influence your decision  
24 in any way.

25           The evidence from which you are to

1 find the facts consist of the following. The  
2 testimony of the witnesses; any documents or  
3 other things received as exhibits; any fact  
4 or testimony that was stipulated, meaning  
5 items or facts formerly agreed to by the  
6 parties, and any facts that have been  
7 judicially noticed, meaning any facts which I  
8 say you may accept as true even without other  
9 evidence.

10 The following items are not evidence  
11 and may not be considered in your  
12 deliberations: The statements and the  
13 arguments of the lawyers for the parties in  
14 this case; the questions asked by the lawyers  
15 and questions that I may have asked; the  
16 objections by lawyers; any testimony I struck  
17 or told you to disregard, and anything you  
18 may have seen or heard about this case  
19 outside of the courtroom.

20 You should use your common sense in  
21 weighing the evidence. Consider it in light  
22 of your every-day experience with people and  
23 events, and give it whatever weight you  
24 believe it deserves. If your experience and  
25 common sense tells you that certain evidence



1 reasonably leads to a conclusion, you may  
2 reach that conclusion.

3           The rules of evidence control what  
4 can be received into evidence. During the  
5 trial, lawyers objected when they thought an  
6 item of evidence was offered but not  
7 permitted by the rules of evidence. These  
8 objections simply meant that the lawyers were  
9 asking me to decide whether the evidence  
10 should be allowed under the rules.

11           You should not be influenced by the  
12 fact that an objection was made. You also  
13 should not be influenced by my rulings on  
14 objections or any sidebar conferences that  
15 you may have overheard.

16           If I overruled an objection, the  
17 question was answered or the exhibit was  
18 received as evidence and you should treat  
19 that testimony or exhibit like any other  
20 piece of evidence.

21           If I allowed evidence, whether  
22 testimony or exhibits for limited purpose  
23 only, I instructed you to consider that  
24 evidence only for that limited purpose and  
25 you must do so.

1           If I sustained an objection, any  
2 answer to the pending question or the exhibit  
3 was not received as evidence. You must  
4 entirely disregard the question, answer or  
5 exhibit. Do not think about or guess what  
6 the witness might have said in answering the  
7 question. Do not think about or guess what  
8 the exhibit might have shown.

9           Sometimes a witness may have already  
10 answered a question before the lawyer  
11 objected or I ruled on the objection. If  
12 that happened and if I sustained the  
13 objection, you must disregard the answer that  
14 was given.

15           Also, if I ordered that same  
16 testimony or other evidence be stricken or  
17 removed from the record, you must disregard  
18 that evidence. When you are deciding the  
19 case, you must not consider or be influenced  
20 in any way by any of the testimony or other  
21 evidence I instructed you to disregard.

22           Although the lawyers may have called  
23 your attention to certain facts or factual  
24 conclusions that they felt were important,  
25 what the lawyer said is not evidence and is

1 not binding on you. It is your recollection  
2 and interpretation of the evidence that  
3 controls your decision in this case.

4 Again, do not assume from anything I  
5 may have done or said during the trial that I  
6 have any opinion about any of the issues in  
7 this case or about what your verdict should  
8 be.

9 There are two times of evidence that  
10 may -- I'm sorry. There are two types of  
11 evidence that have been presented in this  
12 trial, direct evidence and circumstantial  
13 evidence.

14 Direct evidence is the testimony of  
15 a person who asserts or claims to have actual  
16 knowledge of a fact such as an eyewitness.  
17 An example of direct evidence occurs when a  
18 witness testifies about something the witness  
19 knows from his or her own senses, something  
20 the witness saw, something the witness  
21 touched, heard or smelled.

22 Circumstantial evidence is proof of  
23 a chain of facts and circumstances which may  
24 indicate the existence of a fact.

25 You should consider equally all the

1 evidence that is presented in this trial,  
2 both direct and circumstantial. The law  
3 makes no distinction between the weight that  
4 you should give to either direct or  
5 circumstantial evidence. It is for you to  
6 decide how much weight to give any evidence.

7 Inferences are simply deductions or  
8 conclusions which reason and commonsense lead  
9 the jury to draw from the evidence received  
10 in the case. A reasonable inference is a  
11 deduction or conclusion that reason,  
12 experience and commonsense lead you to make  
13 from the evidence.

14 A reasonable inference is not a  
15 suspicion or a guess, it is a reasoned  
16 logical decision to find that a disputed fact  
17 exist on the basis of another fact.

18 Sometimes different inferences may  
19 be drawn from the same set of facts. The  
20 Government may ask you to draw one inference,  
21 and the defense may ask you to draw another  
22 while both refer to the same set of facts and  
23 circumstance.

24 As the Jury, you and you alone must  
25 decide what reasonable inferences you may

1 drawn from all of the evidence using your  
2 reason, experience and your commonsense.

3 As Jurors you should consider the  
4 evidence received in this trial in the same  
5 manner that any reasonable and careful person  
6 would treat any very important question that  
7 must be resolved.

8 You are expected to use your good  
9 sense in considering and evaluating the  
10 evidence in this case for only those purposes  
11 for which it has been received to give such  
12 evidence a reasonable and fair construction,  
13 and draw reasonable inferences from that  
14 evidence in that of your common knowledge of  
15 the natural tendencies and inclinations of  
16 human beings.

17 Keep in mind that it would be a  
18 violation of your sworn duty to base a  
19 verdict upon anything other than the evidence  
20 received in the case and the instructions of  
21 this Court.

22 A stipulation is an agreement  
23 between the parties. You have heard that the  
24 parties have already stipulated to the  
25 admission of the 911 tapes, 911 call history

1 record, and the credentials of Dr. Robert  
2 Smith. You are to accept and consider the  
3 items stipulated to as any other piece of  
4 evidence.

5 In certain circumstances, evidence,  
6 whether testimony or an exhibit may have been  
7 admitted only for a particular purpose and  
8 not generally for all purposes. As the Jury,  
9 it is for you to determine what weight, if  
10 any, you give to this evidence; however,  
11 should you choose to give that evidence any  
12 weight, you must consider it solely for  
13 purposes for which I have instructed you to.  
14 You may not use this evidence for any other  
15 purpose which I did not specifically mention.

16 The testimony of a witness may be  
17 discredited or impeached by showing that he  
18 or she previously made statements which are  
19 inconsistent with his or her present  
20 testimony. It is the providence of the Jury  
21 to determine the credibility, if any, to be  
22 given to the testimony of a witness who has  
23 been impeached.

24 If a witness is shown knowingly to  
25 have testified falsely concerning any

1 material matter, you have a right to distrust  
2 such witness's testimony in other  
3 particulars, and you may reject all the  
4 testimony of that witness or give it such  
5 credibility as you may think it deserves.

6 In order to determine what the facts  
7 are in this case, as Jurors you must decide  
8 what testimony you believe and what testimony  
9 you do not believe. You are the sole judges  
10 of the credibility of the witnesses.

11 Credibility refers to whether a  
12 witness is worthy of belief. You may ask  
13 yourself whether the witness is truthful or  
14 the witness's testimony is accurate. You may  
15 believe everything a witness says or only  
16 part of it or none of it.

17 In deciding the question of  
18 credibility, remember to use your  
19 commonsense, your good judgment and your  
20 experience. You may decide whether to  
21 believe a witness based on any number of  
22 factors such as the opportunity and the  
23 ability of the witness to see or hear or know  
24 the things about which the witness testified;  
25 the quality of the witness's knowledge

1 understanding and memory; whether the witness  
2 has an interest in the outcome of the case or  
3 any motive, bias or prejudice; any relation  
4 the witness may have with a party in the  
5 case, and any effect the verdict may have on  
6 the witness; whether the witness said or  
7 wrote anything before the trial that was  
8 different from the witness's testimony in  
9 court; whether the witness's testimony was  
10 consistent or inconsistent with other  
11 evidence that you believe; the witness's  
12 appearance, behavior and manner while  
13 testifying, and any other factors that bear  
14 on whether the witness should be believed  
15 just as you would in any important matter,  
16 whether you are trying to decide if a person  
17 is truthful, straightforward and accurate in  
18 his or her recollection.

19 Inconsistencies or discrepancies in  
20 a witness's testimony or between the  
21 testimonies of different witnesses may or may  
22 not cause you to believe or disbelieve a  
23 witness. Remember, that two or more persons  
24 witnessing the same event may simply hear,  
25 see or recall it differently.



1 Mistaken recollection, like failure  
2 to recall, is a common human experience. In  
3 weighing the effect of an inconsistency, you  
4 should also consider whether it was about a  
5 matter of importance or an insignificant  
6 detail. You should also consider whether the  
7 inconsistency was innocent or intentional.

8 Remember, that you are not required  
9 to accept testimony even if the testimony was  
10 not contradicted and the witness was not  
11 impeached. You may decide that the witness  
12 is not worthy of belief because of the  
13 witness's bearing and demeanor because of the  
14 inherent improbability of the testimony or  
15 for any other factors.

16 After you make your own judgment  
17 about the believability of a witness, you can  
18 then attach to that witness's testimony the  
19 importance or weight that you think it  
20 deserves.

21 Defendant Devindra Jaglal chose to  
22 testify in this case. While a defendant in a  
23 criminal case cannot be forced to testify,  
24 the law does permit a defendant to testify on  
25 his or her behalf. The testimony of a

1 defendant is to be judged in exactly the same  
2 manner as any other witness who testified in  
3 the case.

4 As with the testimony of any other  
5 witness, you must determine to what extent  
6 the testimony of the defendant is credible  
7 and you must determine whether to believe all  
8 of the defendant's testimony, some of it, or  
9 none of it, and then give it whatever weight  
10 you deemed appropriate.

11 During the trial, witness identified  
12 the defendant Devindra Jaglal as the person  
13 who committed the criminal offenses contained  
14 in the Information. Again, as the judges of  
15 the facts, it is up to you to decide how much  
16 importance of weight you think the testimony  
17 deserves and how persuasive it is.

18 You should consider the testimony of  
19 the witnesses along with all other evidence  
20 that is relevant to the question of who  
21 committed the crime. You cannot find the  
22 defendant guilty unless you are satisfied  
23 beyond a reasonable doubt by all of the  
24 evidence, that not only that the crime was  
25 committed but that it was committed by the

1 defendant.

2           The People, as I have explained,  
3 have the burden of proving every element,  
4 including identity, beyond a reasonable  
5 doubt. Although it is not essential that a  
6 witness testify about the identification  
7 himself be free from doubt as to the accuracy  
8 or correctness of the identification, you  
9 must be satisfied beyond a reasonable doubt,  
10 based on all the evidence in the case, that  
11 the defendant is the person who committed the  
12 crimes charged.

13           If you are not convinced beyond a  
14 reasonable doubt that the defendant is the  
15 person who committed the crimes charged in  
16 the information, you must find him not  
17 guilty.

18           Identification testimony is, in  
19 essence, the expression of an opinion or  
20 belief by the witness. You must decide  
21 whether you believe the witness's testimony  
22 and whether you find beyond a reasonable  
23 doubt that the identification is correct.

24           You should evaluate the testimony of  
25 a witness who makes an identification in the

1 same manner as you would any other witness.  
2 If, after examining all of the evidence, you  
3 have a reasonable doubt as to whether the  
4 defendant is the individual who committed the  
5 crimes charged in the information, you must  
6 find him not guilty.

7 Although the People of the Virgin  
8 Islands are required to prove a defendant  
9 guilty beyond a reasonable doubt, the People  
10 are not required to present all possible  
11 evidence related to the case or to produce  
12 all possible witnesses who might have some  
13 knowledge about the facts of the case.

14 In addition, as I have explained,  
15 the defendant is not required to present any  
16 evidence or produce any witnesses. If it is  
17 within the power of the People to produce a  
18 witness who could give relevant testimony on  
19 an issue in the case and they fail to call  
20 that witness, you may or you may not draw an  
21 inference that the witness's testimony would  
22 have been unfavorably to the People.

23 Whether to draw such an inference  
24 under the circumstances of this case is  
25 within the sole discretion of you as the

1 Jury; however, the Jury must always bear in  
2 mind that the law never imposes on a  
3 defendant in a criminal case the burden or  
4 duty of calling any witnesses or producing  
5 any evidence.

6 Your decision on the facts of this  
7 case should not be determined by the number  
8 of witnesses testifying for or against a  
9 party. You should consider all of the facts  
10 and circumstances in evidence to determine  
11 whether the witnesses to choose -- which of  
12 the witnesses to choose to believe or not  
13 believe. You may find that the testimony of  
14 a smaller number of witnesses on one side is  
15 more credible than the testimony of a greater  
16 number of witnesses on the other side.

17 Now, during the course of this trial  
18 you heard that some witnesses met with the  
19 attorneys for the prosecution or the  
20 defendant prior to testifying at trial, and  
21 that they discussed this case at those  
22 meetings. It is a common procedure in the  
23 practice of law for lawyers to meet with  
24 witnesses in advance of trial.

25 The fact that an attorney may have

1 met with a witness prior to trial to discuss  
2 this case is simply one item which you may  
3 consider when determining the credibility of  
4 witnesses and the weighing of the evidence  
5 presented at trial. You should treat facts  
6 of such meetings as you treat any other facts  
7 presented at trial that you may consider  
8 during your deliberations.

9 I have been called upon to make  
10 certain legal rulings. I instruct you to  
11 constantly bear in mind that whatever the  
12 ruling may have been, it dealt strictly with  
13 legal concerns. Therefore, you may not  
14 consider any legal ruling which I have made  
15 as an indication of any opinion of any kind  
16 about any fact on the part of the Court. I,  
17 in no way, intended to indicate any leaning  
18 about any factual issue nor to suggest  
19 anything by either allowing or disallowing  
20 any testimony or other evidence.

21 Further, I did not suggest anything  
22 regarding the credibility of any witness or  
23 the weight to be given to that witness's  
24 testimony by any ruling which I made on any  
25 objections made by the attorneys.

1           In addition, if during the course of  
2 the trial I found it necessary to admonish  
3 any of the lawyers, remember that because  
4 they are adversaries in this matter, they  
5 may, out of excessive zeal, have said or done  
6 something that should not have been said or  
7 done. You are to draw absolutely no  
8 inference whatsoever against any side --  
9 against the side of the lawyer to whom  
10 admonition of the Court was addressed during  
11 the trial of this case.

12           Finally, if in the course of trial I  
13 found it necessary and appropriate to ask  
14 questions of the witnesses, it was simply an  
15 attempt to clarify something that, in my  
16 view, needed clarification as a testimony  
17 then stood.

18           You should not assume that I held  
19 any opinion whatsoever about any matter which  
20 related to a question that I asked. You  
21 should assume that it was my intention to  
22 favor one side or the other or to in any way  
23 influence your opinion as to any fact. You  
24 may not attach any special significance to  
25 witnesses' response simply because it

1       resulted from a question by the Court.

2               Defendant Devindra Jaglal is charged  
3       in the information with violating particular  
4       provisions of Virgin Islands law, each of  
5       which I will explain to you as I continue  
6       with these instructions.

7               As I explained at the beginning of  
8       the trial, the Information is only the formal  
9       way of specifying the exact crimes that the  
10      defendant is accused of committing in this  
11      case. The information simply describes the  
12      essence of the charges against the defendant  
13      and is an accusation only.

14              The Information is not evidence of  
15      anything, and you should not give any weight  
16      to the fact that defendant Devindra Jaglal  
17      has been charged in making your decision in  
18      this case. However, always bear in mind that  
19      the defendant is not on trial for any act or  
20      conduct not alleged in the Information.

21              A separate crime is charged in each  
22      count of the Information. Each charge and  
23      the evidence pertaining to it should be  
24      considered separately by the Jury.

25              The fact that you may find the



1 defendant guilty or not guilty as to one of  
2 the counts should not control your verdict as  
3 to any other count.

4 Defendant Jaglal pleaded not guilty  
5 to the offenses charged in the Information.  
6 He is presumed to be innocent. He started  
7 the trial with a clean slate, with no  
8 evidence against him. The presumption of  
9 innocence stays with him, unless and until  
10 the Government has presented evidence that  
11 overcomes that presumption by convincing you  
12 that he's guilty of the offenses charged  
13 beyond a reasonable doubt.

14 The presumption of innocence  
15 requires that you find him not guilty, unless  
16 you are satisfied that the People of the  
17 Virgin Islands have proved his guilt beyond a  
18 reasonable doubt.

19 The presumption of innocence means  
20 that the defendant has no burden or  
21 obligation to present any evidence at all or  
22 to prove that he is not guilty. The burden  
23 or obligation of proof is on the People to  
24 prove that the defendant is guilty, and this  
25 burden stays with the People throughout the

1 trial.

2 In order for you to find the  
3 defendant guilty of the offenses charged, the  
4 People must convince you that he's guilty  
5 beyond a reasonable doubt. This means that  
6 the People must prove each and every element  
7 of the offenses charged in the Information  
8 beyond a reasonable doubt.

9 The defendant may not be convicted  
10 based upon suspicion or conjecture, but only  
11 on evidence proving guilt beyond a reasonable  
12 doubt.

13 Now, proof beyond a reasonable doubt  
14 does not mean proof beyond all possible doubt  
15 or to a mathematical certainty. Possible  
16 doubts or doubts based on conjecture,  
17 speculation or hunch are not reasonable  
18 doubts.

19 A reasonable doubt is a fair doubt  
20 based on reason, logic, commonsense or  
21 experience. It is a doubt that an ordinary,  
22 reasonable person has after carefully  
23 weighing all the evidence, and is a doubt of  
24 the sort that would cause him or her to  
25 hesitate to act in matters of importance in

1 his or her own life. It may arise from the  
2 evidence or from the lack of evidence or from  
3 the nature of the evidence.

4 If, having now heard all the  
5 evidence you are convinced that the People  
6 proved each and every element of the offenses  
7 charged in the Information beyond a  
8 reasonable doubt, you should return a verdict  
9 of guilty for those offenses. However, if  
10 you have a reasonable doubt about one or more  
11 of the elements of the offenses charged, then  
12 you must return a verdict of not guilty for  
13 those offenses.

14 The Information states that each  
15 charge against the defendant occurred on or  
16 about a certain date. The People of the  
17 Virgin Islands are not required to prove the  
18 exact date of each alleged offense. Rather,  
19 the People need only prove that each of the  
20 offenses occurred on a date reasonably close  
21 to the asserted date. However, the People  
22 still must prove the reasonably close date  
23 beyond a reasonable doubt, as the date is an  
24 element of the offense charged.

25 The term domestic violence means the

1 occurrence of any acts, attempts or threats  
2 against a person who may be protected under  
3 the Virgin Islands Code.

4 The terms victim means any person  
5 who has been subjected to domestic violence  
6 by a spouse, former spouse, parent, a child,  
7 or any other person related by blood or  
8 marriage, a present or former household  
9 member, a person with whom the victim has a  
10 child in common, or a person who is or has  
11 been in a sexual or otherwise intimate  
12 relationship with the victim.

13 In Count 1 of the Information,  
14 defendant Devindra Jaglal is charged with  
15 False Imprisonment; that is, he confined or  
16 imprisoned Rocio Ramirez against her will.  
17 He is also charged with Assault in the Second  
18 Degree, Count 2, and Simple Assault, Count 3.

19 False Imprisonment is based on his  
20 alleged violation of Title 14 VIC  
21 Section 1051, and with the domestic violence  
22 portion, Title 16 VIC Section 91(b)(12).

23 The relevant portion of this false  
24 imprisonment charge reads as follows:

25 Whoever without lawful authority

1 confines or imprisons another person within  
2 this territory against his will, or confines  
3 or inveigles or kidnaps another person with  
4 intent to cause him to be confined or  
5 imprisoned in this territory against his  
6 will, is guilty of kidnapping.

7 In order to sustain its burden of  
8 proof for the crime of false imprisonment,  
9 domestic violence, as set forth in Count 1 of  
10 the Information against defendant, the People  
11 of the Virgin Islands must prove beyond a  
12 reasonable doubt, that: On or about  
13 November 15, 2020, in St. Thomas, Virgin  
14 Islands, the defendant, Devindra Jaglal,  
15 unlawfully confined or imprisoned Rocio  
16 Ramirez within this territory against her  
17 will and intended to cause Rocio Ramirez to  
18 be confined or imprisoned in this territory  
19 against her will.

20 If you find beyond a reasonable  
21 doubt that the defendant confined or  
22 imprisoned Rocio Ramirez against -- I'm  
23 sorry. As defined below, you must then  
24 determine whether the confinement or  
25 imprisonment was separate from and not

1 incidental to the defendant's other charged  
2 crimes in this case, which are the assault in  
3 the second degree and the simple assault.

4 In order to determine beyond a  
5 reasonable doubt that the defendant committed  
6 the crime of false imprisonment as a separate  
7 crime that was not incidental to the  
8 defendant's other alleged crimes of assault  
9 in the second degree and simple assault, you  
10 the Jury must consider the following four  
11 factors:

- 12 1. The duration of the detention;
- 13 2. Whether the detention occurred  
14 during the commission of a separate offense.
- 15 3. Whether the detention which  
16 occurred is inherent in the separate offense.
- 17 4. And whether the detention  
18 created a significant danger to the victim,  
19 independent of that posed by the separate  
20 offense or offenses.

21 So let me give some definitions at  
22 the this point. Confine is a physical  
23 restraint by threats of violence with a  
24 present force, or by physical restraint of  
25 the person.

1           Imprisoned is the act of putting or  
2           confining a person in prison, or the restrain  
3           of a person's personal liberty.

4           Detention is the act of keeping back  
5           or withholding, either accidentally or by  
6           design, a person or a thing.

7           If you find from the evidence that  
8           each of these elements have been proven  
9           beyond a reasonable doubt, then it is your  
10          duty to find defendant Devindra Jaglal guilty  
11          of false imprisonment, domestic violence.

12          However, if you find that the People  
13          have failed to prove any one of the elements  
14          beyond a reasonable doubt, you must find  
15          defendant Devindra Jaglal not guilty of the  
16          false imprisonment, domestic violence charge.

17          In Count 2 of the information,  
18          defendant Jaglal is charged with assault in  
19          the second degree. This charge is based on  
20          his alleged violation of Title 14 VIC  
21          Section 296(3), and the relevant portion of  
22          that charge is as follows:

23                 Whoever willfully strangles or  
24                 attempt to strangle any person in an act of  
25                 domestic violence.

1           In order to sustain its burden of  
2 proof for the crime of assault in the second  
3 degree, domestic violence, as set forth in  
4 Count 2 of the Information against the  
5 defendant, the People of the Virgin Islands  
6 must prove beyond a reasonable doubt that, on  
7 or about November 15, 2020, in St. Thomas,  
8 Virgin Islands, the defendant Devindra Jaglal  
9 strangled or attempted to strangle Rocio  
10 Ramirez, a person with whom he had an  
11 intimate relationship.

12           Strangling means intentionally,  
13 knowingly or recklessly impeding the normal  
14 breathing or circulation of the blood of a  
15 person by applying pressure to the throat or  
16 neck, regardless of whether that conduct  
17 results in any visible injury, or whether  
18 there's any intent to kill or continuously  
19 injure the victim.

20           If you find from the evidence that  
21 each of these elements have been proven  
22 beyond a reasonable doubt, then it is your  
23 duty to find defendant Devindra Jaglal guilty  
24 of assault in the second degree, domestic  
25 violence.



1           However, if you find that the People  
2 have failed to prove any one of the elements  
3 beyond a reasonable doubt, then you must find  
4 defendant Jaglal not guilty of the assault in  
5 the second degree, domestic violence.

6           In Count 3 of the Information  
7 Defendant Jaglal is charged with unlawful  
8 violence on the person of another with whom  
9 he had an intimate relationship with intent  
10 to injure. This charge is based on his  
11 alleged violation of Title 14 VIC  
12 Section 292, 299(2), the relevant portion of  
13 which reads as follows:

14           Whoever uses any unlawful violence  
15 upon the person of another with intent to  
16 injure him, whatever be the means or the  
17 degree of violence used, commit an assault  
18 and battery.

19           In order to sustain its burden of  
20 proof for the crime of simple assault as set  
21 forth in Count 3 of the Information against  
22 defendant, the People of the Virgin Islands  
23 must prove beyond a reasonable doubt that, on  
24 or about November 15, 2020, in St. Thomas,  
25 Virgin Islands, the defendant Devindra

1 Jaglal, used unlawful violence on the person  
2 of another, Rocio Ramirez, with whom he had  
3 an intimate relationship with intent to  
4 injure Rocio Ramirez.

5 If you find from the evidence that  
6 each of these elements have been proven  
7 beyond a reasonable doubt, then it is your  
8 duty to find defendant Devindra Jaglal guilty  
9 of simple assault, domestic violence.

10 However, if you find that the People  
11 have failed to prove any one of the elements  
12 beyond a reasonable doubt, then you must find  
13 defendant Devindra Jaglal not guilty of  
14 simple assault, domestic violence.

15 In order to complete your duty as  
16 jurors, all jurors must agree upon a verdict  
17 for each count of the Information after due  
18 deliberations. In pursuing this goal, jury  
19 deliberations should be conducted in a  
20 businesslike manner.

21 Upon submission of this case to you,  
22 you should first select a foreperson to  
23 preside over your deliberations and who will  
24 speak for the Jury in court.

25 The foreperson should see to it that

1 each juror has the opportunity to discuss all  
2 the issues fully and fairly. However, the  
3 views and votes of the foreperson are not  
4 entitled to any greater weight than the views  
5 and votes of any juror.

6 During your deliberation, it is  
7 natural that differences of opinion will  
8 arise. When they do, each juror should not  
9 only express his or her opinions, but also  
10 should discuss the reasons upon which he or  
11 she bases them. Each juror should also  
12 listen with an open mind to the opinions and  
13 reasons of each other juror during the  
14 deliberative process.

15 Although a juror should not hesitate  
16 to change his or her vote when that juror's  
17 opinion and judgment are changed, based on  
18 the discussions, each juror should vote  
19 according to his or her honest judgment,  
20 applying the law contained in the  
21 instructions the facts proven.

22 Do not ever change your mind just  
23 because other jurors see things differently,  
24 or simply to get the case over with. Your  
25 vote must be exactly that, your vote.

1           It is your duty as jurors to consult  
2 with each other and to deliberate with a view  
3 of reaching an agreement if you can do so  
4 without betraying your own honest individual  
5 judgment.

6           No one will be allowed to hear your  
7 discussions in the jury room, and no record  
8 will be made of any statements made in the  
9 course of your deliberations. Do not talk to  
10 any or with any court personnel, including  
11 me, or anyone else about this case until  
12 after a verdict is reached and announced in  
13 open court.

14           Your verdict on each count must be  
15 unanimous whether it is guilty or not guilty.  
16 Therefore, to find the defendant guilty of an  
17 offense, all of you must agree that the  
18 People of the Virgin Islands have overcome  
19 the defendant's presumption of innocence with  
20 evidence that proves each element of the  
21 charge beyond a reasonable doubt.

22           In order to find the defendant not  
23 guilty of an offense, all of you must agree  
24 that the People of the Virgin Islands have  
25 not overcome the defendant's presumption of

1 innocence with evidence that proves each  
2 element of the charge beyond a reasonable  
3 doubt.

4 The law does not permit jurors to be  
5 influenced by outside matters such as  
6 sympathy, bias, prejudice or any similar fact  
7 or factor for or against either side. During  
8 your deliberations, you must not be  
9 influenced in any way by any of these  
10 improper consideration or by what you think  
11 or understand public opinion or public policy  
12 to be even if these things were made known to  
13 you by anyone.

14 The punishment provided by law for  
15 the offense charged -- offenses charged is  
16 for the Court to decide if you determine the  
17 defendant is guilty or -- I'm sorry. Is  
18 guilty of any of the charges that have been  
19 brought against him. You may not consider  
20 punishment in deciding whether the People  
21 have proven their case against the defendant  
22 beyond a reasonable doubt.

23 You are the triers of fact. This is  
24 your function alone in this trial. You are  
25 not only the finders of the facts in this

1 case, you are the sole finders of the facts.  
2 You are expected to faithfully perform your  
3 duties as finders of the facts and to render  
4 your verdict without fear of or regard to the  
5 consequences.

6 If any reference by the Court or by  
7 counsel to matters of testimony or exhibits  
8 does not coincide with your recollection of  
9 that evidence, it is your recollection which  
10 should control during your deliberation, and  
11 not the statements of the Court or of  
12 counsel.

13 Also, remember that any notes which  
14 you have taken during the course of this  
15 trial are not evidence. Each of you should  
16 rely on your individual recollection of the  
17 evidence over your own notes or those of  
18 other jurors.

19 Should it become necessary during  
20 your deliberations to communicate with the  
21 Court, you may do so but only in writing.  
22 Under no circumstance should any of you  
23 attempt to communicate with the Court during  
24 the deliberations by any means other than in  
25 writing.

1           If any member of the Jury wishes to  
2 communicate with the Court for any reason,  
3 the foreperson should write the message, sign  
4 it, date it, place it in an envelop and send  
5 it out with the Marshal. I will respond  
6 either in writing to the message or by  
7 bringing you back into the courtroom and  
8 responding orally.

9           Now, please note that the Marshal  
10 and all other court personnel are strictly  
11 forbidden from communicating with any of you  
12 about any matter that concerns the merits of  
13 this case.

14           Bear in mind that you also are never  
15 to reveal to any person, not even the Court,  
16 how the Jury stand numerically or otherwise  
17 on the question of guilt or innocence of  
18 defendant until after you have reached a  
19 unanimous verdict and it has been announced  
20 in open court.

21           You will be given a form for all  
22 possible verdicts in this case. The  
23 foreperson and each member of the jury must  
24 sign the verdict upon which you agree.

25           So the foreperson signs to the very

1 top, the date, and all of the jurors will  
2 fill their names in down below. And it's a  
3 simple form. The verdict must represent the  
4 considered judgment of each juror.

5 In order to return a verdict, each  
6 person must agree. In other words, the  
7 verdict must be unanimous.

8 Counsel. Attorney Johnson, Attorney  
9 McRae, anything?

10 ATTORNEY JOHNSON: Yes, Your  
11 Honor. We have some objections on the  
12 closing. I can say those on the record once  
13 we excuse the Jury.

14 THE COURT: Okay.

15 ATTORNEY MCRAE: As far as the  
16 instructions, nothing, Your Honor.

17 THE COURT: Okay.

18 On the instructions, Attorney  
19 Johnson?

20 ATTORNEY JOHNSON: Your  
21 Honor --

22 THE COURT: Sidebar? Do you  
23 need a sidebar.

24 ATTORNEY JOHNSON: Possibly.

25 THE COURT: Okay.



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**(SIDEBAR CONFERENCE AS FOLLOWS)**

ATTORNEY JOHNSON: Yes, Your Honor. The only -- and it's partially my fault, Your Honor, but the element --

THE COURT: On what page number?

ATTORNEY JOHNSON: This is Page 19. It is partially my fault, but the element of domestic violence was not in that jury instruction. I believe it was in the other jury instructions. So they have to find beyond a reasonable doubt that --

THE COURT: Okay. I'm sorry. The element of domestic violence was not --

ATTORNEY JOHNSON: Every other count --

THE COURT -- isn't it at the beginning?

ATTORNEY JOHNSON: Is it in the beginning?

ATTORNEY RILEY: Yes.

THE COURT: Yes, it's at the beginning, and it's at the end of the same count.

ATTORNEY JOHNSON: Okay. All

1 right. So that's the only thing. My  
2 apologies.

3 THE COURT: Okay. All right.

4 ATTORNEY JOHNSON: I can do  
5 the objections to the closing when we excuse  
6 the Jury.

7 THE COURT: Yes, after that.  
8 Okay.

9 ATTORNEY JOHNSON: Yes, Your  
10 Honor.

11 **(END OF SIDEBAR CONFERENCE)**

12 THE COURT: Okay. So I'm  
13 going to relieve the two alternates at this  
14 time.

15 Alternate Number 1, Miss Comissiong,  
16 and Alternate Number 2, Mr. Cruz, thank you  
17 both for your time. Thank you for your  
18 service.

19 Leave your telephone numbers,  
20 please, just in the event we may need to call  
21 you.

22 So, we are going to move into the  
23 deliberation process at this point. So thank  
24 you, both.

25 THE MARSHAL: Everyone, please

1 rise.

2 (The Jurors were released to  
3 commence deliberation and the  
4 following was had out of  
5 their presence.)

6 THE COURT: All right.  
7 Attorney Johnson.

8 ATTORNEY JOHNSON: Yes, Your  
9 Honor. As to the objection at sidebar out of  
10 the presence of the Jury -- sorry, Your  
11 Honor.

12 THE COURT: No problem.

13 ATTORNEY JOHNSON: False  
14 imprisonment domestic violence, the statute  
15 is actually stated, and what I thought when I  
16 got in there was that the element wasn't  
17 actually listed in -- the element two,  
18 domestic violence wasn't actually --

19 THE COURT: I'm sorry, I'm not  
20 following you. Keep your voice up.

21 ATTORNEY JOHNSON: The element  
22 of domestic violence wasn't actually listed  
23 in the delineated elements, so in the other  
24 two counts they have to prove beyond a  
25 reasonable doubt that on or about

1 November 15th, St. Thomas, the defendant  
2 Devin Jaglal strangled Rocio Ramirez, and  
3 that they were involved in an intimate  
4 relationship. I don't believe that that  
5 element is anywhere in the jury instructions.

6 At the top, as Attorney Riley said,  
7 unless I'm just not seeing it, it just says  
8 false imprisonment based on the alleged  
9 violation of 14 VIC 1051 and 16 VIC  
10 91(b)(12), the relevant portion of which  
11 provides... and then it explains what false  
12 imprisonment is. I don't believe in this  
13 particular jury instruction it was mentioned.

14 THE COURT: But we just  
15 dismissed them, Attorney Johnson.

16 ATTORNEY JOHNSON: I  
17 understand.

18 THE COURT: That's why I asked  
19 before.

20 ATTORNEY JOHNSON: Yes, I  
21 understand. And when Attorney Riley said  
22 it's up on the top, I went, all right,  
23 whatever. Maybe I just missed it.

24 ATTORNEY RILEY: I didn't say  
25 it was up on the top.

1                   ATTORNEY JOHNSON: You didn't  
2 say it was up on the top? All right.

3                   Your Honor, for what it's worth,  
4 that was the objection I was getting at.

5                   THE COURT: Okay.

6                   ATTORNEY JOHNSON: As to the  
7 objections on closing arguments, I know there  
8 were two, but one second on the first one.

9                   Your Honor, the first objection --  
10 and forgive me if I'm misstating the evidence  
11 from Miss Ramirez, but in closing I believe  
12 the recap of the evidence was that Devindra  
13 Jaglal would kill her, according to her own  
14 testimony, if she left the condo.

15                   I don't believe that was in  
16 evidence, and I don't believe that's what she  
17 said. I could be wrong, but I don't believe  
18 that's what she said in evidence, so that  
19 would be improper evidence at closing.

20                   The second objection is to burden  
21 shifting. Two points on rebuttal.

22                   THE COURT: I'm sorry. Say  
23 that again? You said burden shifting?

24                   ATTORNEY JOHNSON: Yes.  
25 Burden shifting. On rebuttal, Attorney Riley

1 did say in order for you to find him not  
2 guilty you would have to disbelieve everyone  
3 of our witnesses, and then I believe she  
4 referenced Miranda.

5 The way she phrased that question  
6 improperly shifted the burden back to the  
7 defendant to disprove the prosecutions case.

8 THE COURT: Say that again.

9 ATTORNEY JOHNSON: Yes, Your  
10 Honor.

11 THE COURT: Okay. I'm sorry.  
12 Hold on.

13 All right. Begin again. So let's  
14 deal with your first one again.

15 ATTORNEY JOHNSON: Yes, Your  
16 Honor.

17 THE COURT: You were saying  
18 that in the closing on rebuttal that would be  
19 on rebuttal, the Government made reference to  
20 her saying that he would kill her if she  
21 left.

22 ATTORNEY JOHNSON: That was  
23 actually in closing, not the rebuttal, Your  
24 Honor. I wrote down in closing, Attorney  
25 McRae said --

1 THE COURT: So then it was  
2 Attorney McRae.

3 ATTORNEY JOHNSON: Yes.

4 THE COURT: No.

5 ATTORNEY MCRAE: I don't  
6 remember saying that.

7 THE COURT: No, he did not say  
8 that.

9 ATTORNEY JOHNSON: Oh, I'm  
10 sorry. It was Riley?

11 THE COURT: It was Attorney  
12 Riley on rebuttal.

13 ATTORNEY JOHNSON: Okay. I  
14 apologize, Your Honor.

15 THE COURT: That's what you're  
16 talking about. Yes.

17 ATTORNEY JOHNSON:  
18 Nonetheless, I wrote down *he would kill her*  
19 *if she left the condo*, according to what Miss  
20 Ramirez said. And then she referenced, to  
21 find the defendant not guilty you would have  
22 to disbelieve every one of the witnesses.

23 THE COURT: How is this  
24 shifting the burden?

25 ATTORNEY JOHNSON: In order to

1 find the defendant not guilty, you would have  
2 to do anything -- the way that question is  
3 phrased, plus the fact that she's saying you  
4 would have to disbelieve every single one of  
5 our witnesses to find him not guilty.

6 The phrasing and the structure and  
7 then, of course, the implication that if you  
8 don't think that all of our witnesses are  
9 lying, he's guilty. I would say that would  
10 be a burden shift.

11 THE COURT: No, it's not.

12 ATTORNEY JOHNSON: And, Your  
13 Honor, the only other objection was what I  
14 referenced, improper instruction evidence at  
15 closing. I will admit that I was not able to  
16 take perfect notes of Miss Ramirez, so if she  
17 said something very close to that, then I  
18 withdraw that objection.

19 THE COURT: Attorney McRae.

20 ATTORNEY RILEY: Can I respond  
21 to that, Your Honor, because I was the one  
22 who said it.

23 THE COURT: Okay. All right.

24 ATTORNEY RILEY: Through the  
25 testimony from Miss Ramirez, she said that



1 she did not feel that she could leave the  
2 room based on the fact of the threats and  
3 belief that the defendant would kill her.  
4 That's what my argument was based upon.

5 THE COURT: It's in -- I have  
6 the actual word *kill*, so she did say *kill* in  
7 her testimony.

8 ATTORNEY JOHNSON: Thank you,  
9 Your Honor.

10 THE COURT: It's actually  
11 there.

12 ATTORNEY JOHNSON: Just to be  
13 clear, and I don't want to cross this too  
14 much, but --

15 THE COURT: And if you want to  
16 go back -- if you want to go back to her  
17 testimony on the record, we can to see if she  
18 said the word or to confirm that she said the  
19 word. Defendant, he was going to kill her.

20 ATTORNEY JOHNSON: Your Honor,  
21 not that he was going to kill her. What  
22 Attorney Riley said is he would kill her if  
23 she left the condo. That was the  
24 implication.

25 THE COURT: What difference

1 does it make?

2 ATTORNEY JOHNSON: Well, first  
3 of all, that goes straight to false  
4 imprisonment.

5 THE COURT: False  
6 imprisonment?

7 ATTORNEY JOHNSON: Yes. And  
8 if that's not something she said or said in  
9 some kind of different phrase on the stand,  
10 that is introduction of evidence that was not  
11 in the record on closing. So the word *kill*,  
12 obviously she said, I thought it went to it.  
13 You wrote that down. What I don't remember  
14 her saying was, *he would kill me if I left*  
15 *the condo*, or some phrase where she would get  
16 that interpretation.

17 THE COURT: Okay. Government.

18 ATTORNEY RILEY: Your Honor,  
19 she did say the word *kill*, that she thought  
20 he was going to kill her. And then I  
21 specifically asked her did you ever feel like  
22 you could leave the condo? And she said no  
23 because of the threats he made to me and told  
24 me that someone on St. Thomas would have  
25 taken care of me. And we talked about what

1 take care of me means, which means kill her.

2 I can't quote it perfectly, Your  
3 Honor, but I don't think it was a stretch  
4 from what she testified to and to what I  
5 argued.

6 THE COURT: Okay.

7 ATTORNEY JOHNSON: A little  
8 bit of a stretch for sure.

9 THE COURT: I don't see it as  
10 a stretch either. I mean, whether he kills  
11 her -- I understand what you're getting at,  
12 but I don't see it as a stretch.

13 And remember, the closing arguments  
14 are not evidence. So whatever they  
15 recollect, whatever the Jury recollect in  
16 terms of the testimony that Miss Ramirez  
17 provided as it relates to being killed,  
18 it's -- that's what controls.

19 ATTORNEY JOHNSON: Yes, Your  
20 Honor.

21 THE COURT: All right.

22 ATTORNEY JOHNSON: Thank you.

23 THE COURT: I think it's like  
24 midday, like 12 o'clock now, so we'll wait.  
25 So leave your telephone numbers with Miss

1 Brin.

2 Don't travel too far, just in the  
3 event they have a question or they come back  
4 with a verdict. All right.

5 So we're excused at this point.  
6 Thank you all.

7 ATTORNEY JOHNSON: Thank you,  
8 Your Honor.

9 THE COURT: All right.

10 THE MARSHAL: Everyone, please  
11 rise.

12 *(Court stands in recess*  
13 *until a verdict is reached.)*

14 - - -

15 **JURY QUESTION NUMBER 1**

16 THE MARSHAL: Everyone, please  
17 rise.

18 *(Her Honor enters*  
19 *the courtroom.)*

20 THE COURT: All right.

21 Call the case, please.

22 THE CLERK: People of the  
23 Virgin Islands versus Devindra Jaglal.

24 ATTORNEY RILEY: Good  
25 afternoon, Your Honor. Quincy McRae for the

1 People. At counsel table with me is  
2 Assistant Attorney General Kimberly Riley.

3 THE COURT: Okay.

4 ATTORNEY JOHNSON: Good  
5 afternoon, Your Honor. Frederick Johnson,  
6 Thoron Corey Hodge, and Mr. Devindra Jaglal.

7 THE COURT: All right. Good  
8 afternoon.

9 So a request came in. I'm going to  
10 -- he's bringing the actual envelop for me  
11 now, the Marshal. They are asking to hear  
12 the second 911 tape.

13 ATTORNEY HODGE: The 911 tape?

14 THE COURT: The second 911  
15 tape.

16 ATTORNEY HODGE: Okay.

17 THE COURT: So, it has today's  
18 date on it, May 26, 2022. We are requesting  
19 to have the second 911 call played for the  
20 Jury's review. And it's signed by, I guess  
21 it's the foreperson. I can't pronounce his  
22 name right now.

23 [To the Marshal]: Pass this to each  
24 counsel, please.

25 Any comments from either Counsel?

1           ATTORNEY MCRAE: Your Honor, I  
2 have no problems with it. I left my  
3 equipment and I told the Marshal that if they  
4 needed it they can just unplug it, but I'll  
5 probably leave it connected the way it is and  
6 they can just move it over.

7           If they're asking for the second 911  
8 tape, that is included on the People's  
9 Exhibit Number 3. That includes 1 and 2, so  
10 they would have all the evidence that they  
11 need that was introduced in this court room.

12           THE COURT: All right.

13           ATTORNEY JOHNSON: The second  
14 911 call is also one of the clips that I have  
15 on my exhibit.

16           THE COURT: Defense Exhibit 1  
17 and Government Exhibit 3.

18           ATTORNEY JOHNSON: Yes. So  
19 the only question I had is, I kind of assumed  
20 that they would have some way to play those  
21 exhibits back there?

22           THE COURT: So what I thought  
23 of was getting your input, if no one had a  
24 problem, that we will excuse ourselves, the  
25 Marshals will bring them in, let them hear

1 the tapes, and then they will go back over to  
2 Courtroom 1 to deliberate.

3 ATTORNEY JOHNSON: So to that  
4 point, will they be allowed to play whatever  
5 they want, since they have access to the  
6 equipment, as far as the evidence goes?

7 THE COURT: Well, they are  
8 just looking for the second tape, so...

9 ATTORNEY JOHNSON: I don't  
10 have a problem with that. Instead of going  
11 back and forth, they can make this into a  
12 deliberation room?

13 THE COURT: No.

14 ATTORNEY JOHNSON: No.

15 THE COURT: No.

16 ATTORNEY JOHNSON: All right.

17 THE COURT: Is it separated on  
18 your video?

19 ATTORNEY MCRAE: Both CDs are  
20 combined, but it will be one and then two on  
21 there, so they can choose whichever.

22 THE COURT: So one is the --  
23 so I'm assuming that 1 is the 12 minutes and  
24 2 is the one for the six minutes?

25 ATTORNEY JOHNSON: Yes, Your

1 Honor. That's whenever Mr. Samples called  
2 back 911, that will be the second tape. And  
3 both are there.

4 THE COURT: Can you set it --  
5 let's set it up now, then.

6 ATTORNEY MCRAE: Okay.

7 THE COURT: So what I'm going  
8 to do is have IT right outside in case they  
9 do have a concern with the equipment itself,  
10 and a Marshal, and that's as far as it goes.

11 ATTORNEY MCRAE: Okay.

12 THE COURT: Any objections,  
13 Attorney Johnson?

14 ATTORNEY JOHNSON: No, Your  
15 Honor. Are we just going to leave, they play  
16 the one and then hightail?

17 THE COURT: Yes. They can  
18 play it for as long as they want. Well, I'm  
19 going to have IT here and -- go ahead.

20 ATTORNEY JOHNSON: For what  
21 it's worth, on my CDs those are the AVI files  
22 and they can only be played by a VLC player.  
23 But that should be on that computer right  
24 there. So if they need to play mine, they  
25 would have to play from the IT computer.



1 THE COURT: Okay.

2 ATTORNEY JOHNSON: If they  
3 need to play any other clips from any other  
4 piece of evidence, is all I'm saying, Your  
5 Honor.

6 THE COURT: Um-hum. Where is  
7 IT? Okay. The Marshal will relay that to  
8 IT, all right. So just in case they --

9 ATTORNEY JOHNSON: I'm going  
10 to be available to Randolph, Your Honor.

11 ATTORNEY RILEY: We're going  
12 to stay right here too, Your Honor.

13 THE COURT: But I don't want  
14 to keep coming back in every minute.

15 ATTORNEY JOHNSON: If  
16 Mr. Randolph needs me, I'll be right there in  
17 that room right there, the attorney room.

18 THE COURT: I see. Okay.

19 ATTORNEY MCRAE: And, Your  
20 Honor, if they need the equipment, we did  
21 provide CDs. So if they want to play that  
22 during their deliberation, that's what I'm  
23 saying, they can have the computer because we  
24 did admit that into evidence.

25 THE COURT: All right.

1           ATTORNEY MCRAE: So if they  
2 want to go to one or two or how many times  
3 they want to review the evidence, that is  
4 part of it. They just need a way to be able  
5 to play it and listen to it whenever they're  
6 considering.

7           So, if they want to go to one, I  
8 don't think we should have to be called back.  
9 We just should be giving them the computer  
10 and the equipment and say you all deliberate,  
11 if that's part of the concern. So that's all  
12 I'm saying.

13           ATTORNEY JOHNSON: I agree to  
14 that.

15           THE COURT: Yes, I understand.  
16 I agree. I agree.

17           ATTORNEY HODGE: I just want  
18 to say one thing. Is that Attorney Riley's  
19 laptop?

20           ATTORNEY MCRAE: It is.

21           ATTORNEY HODGE: Can you  
22 possibly set the screen saver so it doesn't  
23 go to sleep for at least an hour or two?

24           ATTORNEY RILEY: They have my  
25 password.

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ATTORNEY HODGE: Okay.

ATTORNEY RILEY: And I can't do that because the Word computer they automatically shut off. But they have my password.

THE COURT: All right.

ATTORNEY HODGE: I hope it doesn't say Justice or something.

THE COURT: Okay. So that's it, right? Everyone is fine with that?

ATTORNEY MCRAE: That's fine, Your Honor.

ATTORNEY JOHNSON: Yes, Your Honor.

THE COURT: Okay. So bring them in once we are excused.

THE MARSHAL: Yes.  
Will everyone please rise.

*(Court is in recess pending a verdict.)*

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**THE VERDICT**

THE COURT: All right.

THE MARSHAL: Everyone, please rise.

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*(The Jurors enter  
the courtroom.)*

THE CLERK: People of the  
Virgin Islands versus Devindra Jaglal.

ATTORNEY RILEY: Good  
afternoon, Your Honor, and everyone in the  
courtroom; Ladies and Gentlemen of the Jury.  
Kimberly Riley on behalf of the People of the  
Virgin Islands along with Attorney Quincy  
McRae and also Officer Tatum.

ATTORNEY MCRAE: Good  
afternoon.

THE JURORS: Good afternoon.

ATTORNEY JOHNSON: Good  
afternoon, Your Honor. Good afternoon  
everyone.

Good afternoon, Ladies and Gentlemen  
of the Jury. Frederick Johnson, Thoron Corey  
Hodge, and defendant Devindra Jaglal.

THE COURT: All right. Good  
afternoon.

Will the foreperson please stand.

*(The foreperson complies.)*

Good afternoon, sir. I understand  
that there's a verdict in this matter; is

1 that correct?

2 THE FOREPERSON: Correct.

3 THE COURT: Okay. Could you  
4 pass it up? Just pass up the forms, please.

5 THE FOREPERSON: Sure.

6 *(The Court reviews*  
7 *the verdict forms.)*

8 THE COURT: Would you like for  
9 the Court to read it, or would you like to  
10 read it out?

11 THE MARSHAL: Please stand.

12 THE FOREPERSON: The Court can  
13 read it.

14 THE COURT: All right. Very  
15 well. Thank you.

16 Mr. Jaglal, please stand.

17 THE CLERK: We the Jury  
18 impanelled and sworn to try the guilt or  
19 innocence of the defendant, Devindra Jaglal,  
20 find him not guilty of Count 1 of the  
21 Information, charging False Imprisonment,  
22 Domestic Violence, in violation of Virgin  
23 Islands Code Annotated Title 14 Section 1051,  
24 Virgin Islands Code Annotated Title 16  
25 Section 91(3)(12). Signed by the foreperson

1 and the 11 remaining Jurors.

2 We the Jury impanelled and sworn to  
3 try the guilt or innocence of the defendant  
4 Devindra Jaglal, find him guilty of Count 2  
5 of the Information, Second-Degree Assault,  
6 Domestic Violence, in violation of Virgin  
7 Islands Code Annotated Title 14  
8 Section 296(3), Virgin Islands Code Annotated  
9 Title 16 Section 91(b)(1)(2). Signed by the  
10 foreperson and the 11 remaining Jurors.

11 We the Jury impanelled and sworn to  
12 try the guilt or innocence of the defendant,  
13 Devindra Jaglal, find him guilty of Count 3  
14 of the Information, charging Simple Assault,  
15 Domestic Violence, in violation of Virgin  
16 Islands Code Annotated Title 14 Section 292,  
17 299(2), Virgin Islands Code annotated,  
18 Title 16 Section 91(b)(1)(2). Signed by the  
19 foreperson and the 11 remaining Jurors.

20 THE COURT: All right. Thank  
21 you.

22 Attorney Johnson, would you like the  
23 Jury to be polled?

24 ATTORNEY JOHNSON: Poll the  
25 Jury, is what you said?

1 THE COURT: Yes. Would you  
2 like that?  
3 ATTORNEY JOHNSON: Yes, Your  
4 Honor.  
5 THE COURT: All right.  
6 THE CLERK: Juror Number 1,  
7 please stand. Is this your true and  
8 independent verdict?  
9 JUROR NUMBER 1: Yes.  
10 THE CLERK: Thank you.  
11 Juror Number 2, please stand. Is  
12 this your true and independent verdict?  
13 JUROR NUMBER 2: Yes.  
14 THE CLERK: Thank you.  
15 Juror Number 3, please stand. Is  
16 this your true and independent verdict?  
17 JUROR NUMBER 3: Yes.  
18 THE CLERK: Thank you.  
19 Juror Number 4, please stand. Is  
20 this your true and independent verdict?  
21 JUROR NUMBER 4: Yes.  
22 THE CLERK: Thank you.  
23 Juror Number 5, please stand. Is  
24 this your true and independent verdict?  
25 JUROR NUMBER 5: Yes.

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THE CLERK: Thank You.

Juror Number 6, please stand. Is this your true and independent verdict?

JUROR NUMBER 6: Yes.

THE CLERK: Thank you.

Juror Number 7, please stand. Is this your true and independent verdict?

JUROR NUMBER 7: Yes.

THE CLERK: Thank you.

Juror Number 8, please stand. Is this your true and independent verdict?

JUROR NUMBER 8: Yes.

THE CLERK: Thank you.

Juror Number 9, please stand. Is this your true and independent verdict?

JUROR NUMBER 9: Yes.

THE CLERK: Thank you.

Juror Number 10, please stand. Is this your true and independent verdict?

JUROR NUMBER 10: Yes.

THE CLERK: Thank you.

Juror Number. 11, please stand. Is this your true and independent verdict?

JUROR NUMBER 11: Yes.

THE CLERK: Thank you.



1           And Juror Number 12, please stand.  
2           Is this your true and independent verdict?

3                       JUROR NUMBER 12: Yes.

4                       THE CLERK: Judge, this  
5           completes the poling of the Jury.

6                       THE COURT: Very well. Thank  
7           you.

8                       Ladies and gentlemen, thank you very  
9           much. Your service as it relates to this  
10          matter is now over.

11                      Again, report to the code-a-phone to  
12          determine your next reporting date. So once  
13          again in this matter, we thank you very much.  
14          You are discharged.

15                      THE MARSHAL: Will everyone,  
16          please rise.

17    *(Thereupon, all jurors*  
18    *were discharged.)*

19                      THE COURT: So, I would have  
20          to provide a sentencing date at this time.  
21          June 30th at 2:00 p.m.

22                      ATTORNEY RILEY: What was the  
23          date again, Your Honor? I apologize.

24                      THE COURT: All right.  
25          Thursday June 30th, 2:00 p.m.

1 ATTORNEY RILEY: Thank you,  
2 Your Honor.

3 THE COURT: I'll hear from the  
4 People.

5 ATTORNEY MCRAE: Yes, Your  
6 Honor. Since the defendant has been found  
7 guilty of second-degree assault, he's facing  
8 up to ten years in prison. He has no ties to  
9 the Virgin Islands, so I ask that his bail be  
10 revoked until he's sentenced by this Court.

11 THE COURT: I'm sorry. That  
12 the bail be revoked, and what?

13 ATTORNEY MCRAE: Until he's  
14 sentenced by this Court. Until sentencing.

15 THE COURT: All right.

16 ATTORNEY JOHNSON: \$15,000 cash  
17 bond, Your Honor, should keep him well in  
18 touch with this Court. So he's never not  
19 returned a call from my office, and he's been  
20 available to this Court at every turn.

21 He even returned to Court for the  
22 last pretrial conference without any  
23 instructions. There's no doubt that he  
24 should return for his sentence. I ask Your  
25 Honor, since ten years in prison is the max

1 and there is no minimum except for a possible  
2 minimum fine of a thousand dollars, I would  
3 ask the Court to maintain his bond at \$15,000  
4 cash and allow him to travel back to where he  
5 resides in Florida.

6 Baring that, if that step is too  
7 far, I would ask the Court to entertain  
8 allowing him to remain out on bond in the  
9 Virgin Islands. Thank you, Your Honor.

10 THE COURT: Okay.

11 ATTORNEY MCRAE: Your Honor,  
12 the 15,000 was pretrial. At this point the  
13 defendant has been faced -- he is facing  
14 sentence. It's a different stage of that,  
15 and the Jury has found him guilty.

16 As I stated, he has absolutely no  
17 ties to the Virgin Islands. I think during  
18 his testimony he stated that he may have come  
19 here maybe one time in the past and this is  
20 the second time.

21 Anybody facing \$15,000 -- prison  
22 time, I would consider a flight risk,  
23 especially after that individual has been  
24 convicted of the second-degree assault.

25 ATTORNEY JOHNSON: Your Honor

1 has routinely allowed people out on bond  
2 pending sentence, including Chesterfield who  
3 I believe was on a seven-year felony, knowing  
4 very well that he was coming back to an  
5 almost certain jail sentence.

6 Your Honor, I'd ask that \$15,000  
7 bond remain in place and he be allowed to  
8 reside and travel --

9 THE COURT: I am not going to  
10 allow him to travel. He's remanded to the  
11 BOC until sentencing.

12 ATTORNEY JOHNSON: Thank you,  
13 Your Honor.

14 THE COURT: All right.

15 On a slightly different note, I just  
16 signed off on a notice. I don't know if you  
17 have received it.

18 This is with respect to the  
19 potential juror, Miss Maria Rhymer Smith,  
20 Attorney McRae, from jury selection on  
21 Monday, so I'm referring her to the DOJ for  
22 an investigation into those inquiries that  
23 the Court thought were quite material, but  
24 given the appearance or the apparent -- well,  
25 the appearance of her not being truthful in

1 responding to those questions on the  
2 questionnaire, all right.

3 ATTORNEY MCRAE: Yes, Your  
4 Honor.

5 THE COURT: Maria Rhymer  
6 Smith. All right. Everyone is excused.

7 Oh, yes, yes. Attorney Johnson,  
8 your client has to refer to the Office of  
9 Probation for the preparation of the  
10 presentence report and in preparation for  
11 September -- for June 30th at 2 o'clock in  
12 the afternoon.

13 ATTORNEY JOHNSON: Yes, Your  
14 Honor. I understand that you ordered that he  
15 be remanded, but he does have his personal  
16 belongings at the hotel room and a rental  
17 car, of all things.

18 THE COURT: Okay.

19 ATTORNEY JOHNSON: Can he  
20 submit himself by 5 o'clock today, within the  
21 hour?

22 THE COURT: That's an hour?  
23 Okay.

24 ATTORNEY JOHNSON: Just so my  
25 office doesn't have to take the rental car

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back, Your Honor.

THE COURT: I'll give you two hours.

ATTORNEY JOHNSON: Thank you, Your Honor.

THE COURT: Okay. All right.

THE MARSHAL: Will everyone, please rise.

(THEREUPON, court adjourned for the evening.)

- - -

**CERTIFICATE OF REPORTER**

I, ARLENE STEPHENS DONOVAN, an Official Court Reporter of the Superior Court of the Virgin Islands, do hereby certify that I did report Stenographically, in my professional capacity, the hearing held in the matter of **People of the Virgin Islands versus Devindra Jaglal**, taken on May 26, 2022; that I was requested to and did reduce to transcript form, the following proceedings, and that the foregoing pages, 1 to 119, inclusive, comprise a full, true and accurate transcription of the testimony given, objections of counsel, rulings of the Court, and all matters to which same relate.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 14th day of November, 2022.

/S/ Arlene Donovan, RMR  
ARLENE STEPHENS DONOVAN, RMR  
OFFICIAL COURT REPORTER II





1                   **(The following proceedings**  
2                   **were held in open court)**

3                   THE CLERK: Number one on the  
4 calendar, Case No, ST-2020-CR-0026, People of  
5 the Virgin Islands versus Devindra Jaglal.

6                   ATTORNEY SCOTT: Good afternoon  
7 again, Anna Scott on behalf of the People.

8                   THE COURT: Good afternoon.

9                   ATTORNEY JOHNSON: Good  
10 afternoon, Your Honor. Frederick Johnson on  
11 behalf of Mr. Devindra Jaglal right here with  
12 me. Good afternoon.

13                  THE COURT: Good afternoon.

14                  ATTORNEY JOHNSON: Thank you  
15 for your indulgence, Your Honor. I appreciate  
16 it.

17                  THE COURT: You're welcome.  
18 All right. So, we're on for sentencing in this  
19 matter, also. Has everyone received a copy of  
20 the presentence report?

21                  ATTORNEY SCOTT: Yes, Your  
22 Honor.

23                  THE COURT: Are there any  
24 changes?

25                  ATTORNEY JOHNSON: Your Honor,

1 there is one minor change on page eight in home  
2 and neighborhood --

3 THE COURT: Okay, one minute.  
4 One minute. Okay, page 8?

5 ATTORNEY JOHNSON: Page 8 under  
6 the section Home and Neighborhood, it describes  
7 the defendant's home as an apartment. This is  
8 actually a house for what it's worth. He did  
9 not own an apartment. He owned a house and had  
10 to sell it as a result of his arrest. That's  
11 the only change that I'm aware of, Your Honor.

12 THE COURT: Okay, very well.  
13 Attorney Scott?

14 ATTORNEY SCOTT: Nothing from  
15 the People.

16 THE COURT: Have you received  
17 the 31 letters, the exhibits that were provided  
18 by the defendant?

19 ATTORNEY SCOTT: I did, Your  
20 Honor.

21 THE COURT: I'll hear from the  
22 People.

23 ATTORNEY SCOTT: Your Honor,  
24 the People don't have any witnesses or  
25 testimony to present, just argument.

1 THE COURT: So --

2 ATTORNEY SCOTT: Do you want to  
3 hear the defense witnesses or evidence first?

4 THE COURT: No, the Government.

5 ATTORNEY SCOTT: Your Honor,  
6 the People are asking for 10 years confinement  
7 of the defendant based on his conviction by a  
8 jury for beating and strangling his girlfriend  
9 while at Sapphire Beach on St. Thomas.

10 Ms. Rocio Ramirez flew back to the Virgin  
11 Islands and testified against the defendant  
12 which was not an easy thing for her to do.

13 It wasn't easy because she was  
14 scared of the defendant. It wasn't easy  
15 because his mother called her and asked her not  
16 to. It wasn't easy because she was subject to  
17 cross-examination and scrutiny by a jury of  
18 strangers, but she did it anyway.

19 That's something that the  
20 defendant didn't count on. He didn't count on  
21 it when he had her in that room alone at  
22 Sapphire Beach. He didn't count on it when she  
23 was screaming for help and begging him to stop.  
24 He didn't count on it when he came to Court all  
25 those months later.

1                   He didn't realize that she was  
2                   that strong. She isn't here today because she  
3                   already did her part. She shouldn't have to  
4                   have him interrupt her life again or ever again  
5                   for a moment longer. She isn't vindictive and  
6                   she doesn't expect a certain result, but the  
7                   People of the Virgin Islands deserve a result.

8                   This community is not a place  
9                   where a person can come and be a different  
10                  person than they are to their family and  
11                  friends. This is not a place you can come and  
12                  be a bad person, and this isn't a place where  
13                  you can come and act with violence towards a  
14                  woman with impunity, and that's exactly what  
15                  this defendant did.

16                  He came here and he thought he  
17                  could get away with being a different person, a  
18                  bad person, a person who puts his hands around  
19                  the neck of a woman and strangles her so that  
20                  she thinks she's going to die. A person whose  
21                  girlfriend is heard screaming by neighbors.

22                  And that there's one thing that  
23                  the volume and exclusiveness of these letters  
24                  tell us, all 30 of them, plus the one from his  
25                  employer is how skilled and dangerous this

1 defendant is at hiding who he really is from  
2 the people close to him. That darker side that  
3 he saved for Rocio Ramirez in St. Thomas. His  
4 cousin Michael Jaglal says in his letter, *his*  
5 *actions don't reflect who he is on a day to day*  
6 *basis.* And that may well be true, but they do  
7 reflect who he really is.

8 His actions do show us what he  
9 is capable of. These letters tell us that his  
10 family hadn't met the real Devindra Jaglal at  
11 all. The one who Rocio was trapped in a condo  
12 with, the one who put his hands around her neck  
13 and squeezed. The one who beat a woman loud so  
14 she cried out loud enough that the neighbors  
15 called the police.

16 But what do his family and  
17 friends actually know. No one was here for the  
18 trial. Nobody heard Ms. Ramirez testify to the  
19 facts of what happened that night. So, what  
20 they know is what he has told them and what  
21 he's allowed them to see.

22 So, let's look at how they  
23 talked about that night. His father said it's  
24 the defendant's life that's being destroyed  
25 by the situation. This isn't a situation that

1 the Defendant just stumbled into. This isn't a  
2 situation that he couldn't avoid. This isn't  
3 really a situation at all. This is a man  
4 showing his true character because he thought  
5 he could get away with it.

6 His cousin, Andrea Jaglal, and  
7 his sister's husband's mother, Deborah --

8 THE COURT: Hold on. Hold on.  
9 So, Exhibit No. 10.

10 ATTORNEY SCOTT: Yes.

11 THE COURT: The father is Dale  
12 Jaglal?

13 THE COURT: So exhibit number  
14 ten the father is Sookdeo Jaglal, am I correct?

15 ATTORNEY SCOTT: Yes.

16 THE COURT: Repeat that  
17 statement for me, please. I want to follow it  
18 from the statement itself.

19 ATTORNEY SCOTT: Sure. In the  
20 -- it's in the very last paragraph, Your Honor.

21 THE COURT: Yes.

22 ATTORNEY SCOTT: The second  
23 sentence, *it breaks my heart to know that all*  
24 *Devin has worked for his entire life is now*  
25 *being destroyed by this situation.*

1 THE COURT: The last paragraph  
2 is on the second page.

3 ATTORNEY SCOTT: It is, yes.  
4 It's the second sentence of that last --

5 THE COURT: I thought the  
6 third.

7 ATTORNEY SCOTT: The third  
8 sentence, I'm sorry.

9 THE COURT: All right. I see.  
10 Thank you.

11 ATTORNEY SCOTT: And his cousin  
12 Andrea Jaglal and his sister's cousin's mother  
13 Debra Yearwood-Joseph called what happened a  
14 mistake. Both of them in their letters called  
15 it a mistake, but this wasn't a mistake. The  
16 defendant did not put his hands on Rocio's  
17 throat by accident.

18 He did not apply pressure by  
19 bad luck. He hurt another human being very  
20 much on purpose. His aunt Farida Furlonge  
21 refers to this thing that has happened, what  
22 has happened, but she's wrong.

23 THE COURT: What exhibit is  
24 she?

25 ATTORNEY SCOTT: She is, Your

1 Honor, No. 12.

2 THE COURT: All right.

3 Continue.

4 ATTORNEY SCOTT: But she's  
5 wrong. This isn't just something that  
6 happened. We're talking about what a person  
7 did, what he chose to do and his sister Sabrina  
8 Jaglal called it an incident that occurred, but  
9 but this isn't something that just occurred  
10 either. It's something that the defendant did  
11 to someone else.

12 And so Fairuz Weekes called it  
13 a predicament. We are way beyond predicament  
14 here, Your Honor. All these people wrote  
15 letters on his behalf. Many of them are women  
16 he loved. Why didn't he think of them. His  
17 cousins, his mother, his aunts, his sister, his  
18 niece as he strangled Ms. Ramirez.

19 Why didn't they come to his  
20 mind? Why didn't the thought of them stay his  
21 hands? Why is it only after when he needs  
22 their help or support that his mind turns to  
23 them.

24 THE COURT: That his mind  
25 turned what?



1                   ATTORNEY SCOTT: To them.  
2           And why didn't even one of those letters  
3           written on behalf of him on his behalf mention  
4           what he did or who he did it to? Because to  
5           him, she's not a factor.

6                   She isn't part of the story  
7           that he tells his family when he talks about  
8           what happened. Her only role, and you heard  
9           this when he testified at trial is that she's  
10          the villain. She's the gas lighter. He blames  
11          her for everything that has happened because  
12          she's a part of the side of him that he doesn't  
13          tell them about, the side that he hides day to  
14          day.

15                   The People ask this court to  
16          consider not just the man these letters talk  
17          about, but also the man that thought he could  
18          come to St. Thomas and do what he wanted with  
19          impunity to a woman. The man so well hidden  
20          from his family and friends, and we also ask  
21          that you consider even though the defendant  
22          doesn't find her worth mentioning, Rocio  
23          Ramirez, who stood up to the defendant and his  
24          family with his army of supporters enablers and  
25          told you what he did to her, and we ask that

1 you sentence the defendant to 10 years.

2 THE COURT: All right. Thank  
3 you, Attorney Scott. Attorney Johnson?

4 ATTORNEY JOHNSON: Yes, Your  
5 Honor. Court's indulgence.

6 THE COURT: Sure.

7 ATTORNEY JOHNSON: Good  
8 afternoon, again.

9 THE COURT: Good afternoon.

10 ATTORNEY JOHNSON: I submitted  
11 31 exhibits. I have come to know by now that  
12 this court almost certainly read every word of  
13 every letter that I submitted.

14 THE COURT: Every word.

15 ATTORNEY JOHNSON: Yes, Your  
16 Honor. Ten years rolls off the tongue of the  
17 Assistant AG pretty easy. So much so when she  
18 said she was going to make that recommendation  
19 I didn't actually believe it. I thought she  
20 might actually change the recommendation in  
21 court today, but she's sticking with it.

22 She referred to Mr. Jaglal's  
23 family as an army of supporters and enablers.  
24 That they didn't know his darker side; that the  
25 letters were simply of a volume and

1 effusiveness, I'm assuming that the prosecution  
2 wants the Court to believe that the family is  
3 so completely in the dark about this case, that  
4 they flew down here as many as they could and  
5 the rest sent letters of support simply because  
6 they didn't know the charges.

7 Your Honor, Mr. Jaglal has  
8 never been convicted of a crime. You are well  
9 aware of the pre-sentence report. There's  
10 nothing in his history to indicate that this is  
11 a pattern person. There's nothing in his  
12 history to indicate that this is the person  
13 that he is. Everything --

14 THE COURT: He was arrested in  
15 2005 for domestic violence --

16 ATTORNEY JOHNSON: Yes, Your  
17 Honor.

18 THE COURT: -- assault and  
19 battery.

20 ATTORNEY JOHNSON: Yes, Your  
21 Honor. A charge that was dismissed 33 days  
22 after it was filed. A charge, that victim of  
23 whom did not press and whom he spent seven  
24 years of marriage with.

25 THE COURT: He's divorced now,

1 right?

2 ATTORNEY JOHNSON: Yes, Your  
3 Honor.

4 THE COURT: Okay.

5 ATTORNEY JOHNSON: A little  
6 about Mr. Jaglal. He was born in Trinidad,  
7 immigrated very young, naturalized citizen. He  
8 has excelled in his education. He was a  
9 professional or at least was, a certified  
10 public accountant licensed in 2014.

11 Exhibit 31, I submitted not  
12 necessarily to show that he was a good worker  
13 or a professional. I'm sure the Court admires  
14 that, but it's not why we're here. It goes to  
15 his character, Your Honor.

16 In that letter, his boss had  
17 just given him a promotion defense and said  
18 *Devin leads a top-notch Grow Accounting team*  
19 *that delivers excellence within our financial,*  
20 *budgetary, auditing and regulatory reporting*  
21 *sources.* A bunch of mumbo jumbo. It doesn't  
22 really mean much.

23 But what does mean something to  
24 me and I hope it means something to the Court  
25 is he is actively involved drugs, youth and

1 schools committee and has mentored and hired  
2 several USF college interns in the accounting  
3 department over the years.

4 When I talk with Mr. Jaglal  
5 about his religion and his church service, he  
6 actually -- I used a term that I absolutely did  
7 not know the meaning of tiding. I said did you  
8 actually tide to your church? He said no,  
9 tiding is when you give 10%. I made offerings.  
10 How much did you give? Roughly \$2,000. He  
11 donated the same \$2,000 in the 2021 and I  
12 believe in 2020.

13 Before then, before he was  
14 employed with -- before 2020 he was giving  
15 St. Jude less than \$2,000, but he had  
16 significantly given to St. Jude in 2015 up  
17 until his arrest. His mother wrote about him  
18 going to church with her and said that one of  
19 the joys of her life was to share her  
20 spirituality with her son.

21 To a letter. As far I can  
22 tell, people knew about this charge and they  
23 knew that this was not Mr. Jaglal. This was  
24 not Devindra. This was not Devin. And  
25 unfortunately, the system we are in today, the

1 reason we are here. The criminal justice  
2 system or I should say the criminal punishment  
3 system of America, you are punished unless you  
4 can prove your worth, unless you can prove a  
5 reason not to be punished.

6 Now, punishment comes in  
7 various forms. Mr. Jaglal has already lost his  
8 license. When he was arrested he loss his job.  
9 When he was arrested he had to give up his  
10 home. He had to sell his home because he could  
11 not afford it anymore.

12 None of that will change no  
13 matter how strict or lenient the sentence of  
14 the Court is, Mr. Jaglal's -- his life is  
15 irreparably changed.

16 THE COURT: Is that punishment?

17 ATTORNEY JOHNSON: Yes, Your  
18 Honor.

19 THE COURT: Or is that a  
20 byproduct or consequence of his actions?

21 ATTORNEY JOHNSON: Well, Your  
22 Honor, had these charges been dismissed, had  
23 the jury found him not guilty, had the  
24 prosecution dropped the charges, it's very  
25 likely none of that would actually changed. He

1 might have kept his license. So, in that  
2 respect maybe they're just byproducts, but I  
3 don't believe that. Your Honor, as a criminal  
4 defendant in the system today, when you are  
5 arrested your face is plastered on the local  
6 paper.

7 The Court if it were so  
8 inclined could toss the case expunge the record  
9 and his face would still be on the front page  
10 of Google when you Google Devindra Jaglal.

11 So, whether it's a consequence  
12 or whether it's a byproduct or whether it's the  
13 intended punishment that is inherent in a cruel  
14 system, it doesn't matter. The punishment that  
15 I am recommending to the Court and I kind of  
16 thought this up before I thought the  
17 prosecution was going to ask for 10 years, but  
18 so be it.

19 They've actually asked for a  
20 plea of five years. So, I guess they really  
21 didn't want to try this case. Mr. Jaglal,  
22 should be release on supervised probation at  
23 the earliest possible date. He should be put  
24 on five full years of probation. That is the  
25 max allowed by statute under the Virgin

1 Islands. This court should suspend all 10  
2 years upon completion of five years probation.  
3 Each one of those is punishment.

4 Each one of those is designed  
5 specifically with the goal of rehabilitation  
6 and punishment. 10 years over his head subject  
7 to five years on probation reporting every  
8 single month during which, as I said, if the  
9 Court were to grant my other request which I'm  
10 sure is going, you know -- I don't want to be  
11 mean, but I was going to ask the court to  
12 consider 3711(c) after five years of probation,  
13 after defendant has proved his merit and after  
14 he proves that he's a not a person that  
15 deserves punishment in the traditional sense  
16 that the prosecution is putting forward.

17 THE COURT: I'm not  
18 understanding your recommendation. You're  
19 saying 10 years incarceration, but suspend 5?

20 ATTORNEY SCOTT: No, Your  
21 Honor, suspend all 10.

22 THE COURT: Only put him on  
23 probation for 5?

24 ATTORNEY JOHNSON: Five years  
25 is the maximum under Virgin Islands law that



1 someone can be put on probation reporting to  
2 probation. So, supervised probation is capped  
3 at five years, Your Honor. I'm effectively  
4 asking for the maximum non-incarcerative  
5 punishment.

6 If this court is absolutely  
7 certain that Mr. Jaglal deserves and should  
8 spend time in prison, I would implore this  
9 court to give him six months in jail and the  
10 remainder of five years on probation.

11 Again, the statutory maximum  
12 for supervised post-release probation in the  
13 Virgin Islands. He would have to report and  
14 abide by this court's every order for five  
15 years. That would suffice or at least throw a  
16 little read meat to the dogs to my right when  
17 it comes to their pound of flesh.

18 I understand that I might be  
19 and I have argued for this court in cases much  
20 worse than this and defendants' cases much more  
21 deserving of very harsh punishment and some as  
22 the Court indicated recently probably should  
23 have been buried under the jail.

24 Mr. Jaglal is not one of them.  
25 He does not deserve 10 years. He does not

1       deserve 5 years in jail. He certainly doesn't  
2       deserve what I heard jokingly in the hall, they  
3       could have given him more time if the jury had  
4       just found him guilty of that 20 year charge.

5                     Your Honor, I don't know  
6       Mr. Jaglal as well as the family does. I was  
7       prepared to have two people read their letters  
8       to the Court if the Court would allow.  
9       Specifically, Mr. Sabrina Jaglal wanted to add  
10      something to her letter.

11                    She was going to describe when  
12      she lived with Mr. Jaglal. When she lived with  
13      Mr. Jaglal while he was dating a woman in a  
14      long-term relationship. I hope you haven't  
15      made up your mind, and I hope that you aren't  
16      listening to that side over there because that  
17      is the most based gut reaction for something  
18      like 10 years to slip off the tongue.

19                    THE COURT: But it is the  
20      statute. So, it's not like she's making it up.  
21      It's the maximum in the statute, and the first  
22      thing that the Government said was it wasn't  
23      easy for Ms. Ramirez to come back to the Virgin  
24      Islands.

25                    ATTORNEY JOHNSON: Yes, Your

1 Honor.

2 THE COURT: She made reference  
3 to Ms. -- where is it, I'm sorry.

4 **(Perusing documents)**

5 THE COURT: Yes, she said all  
6 along that he, which the Court agrees with,  
7 that he did not count on Ms. Ramirez showing  
8 up. He did not count on us getting thus far.  
9 The expectation was that Ms. Ramirez would  
10 maybe give in, and I don't know, maybe call  
11 them and send letters and beat down their doors  
12 whatever, with the expectation that ultimately  
13 they would dismiss the case or whatever.

14 But the point is that he did  
15 not count on her strength for showing up and  
16 testifying against him.

17 ATTORNEY JOHNSON: Your Honor,  
18 he also called himself a monster.

19 THE COURT: I'm sorry.

20 ATTORNEY JOHNSON: He also  
21 called himself a monster.

22 THE COURT: I remember.

23 ATTORNEY JOHNSON: A piece of  
24 evidence that I wanted strenuously to stay out  
25 of the jury, that I believe inflamed the jury

1 against my client was nothing less than an  
2 emotional confession. This is a woman he was  
3 having a relationship with. This is a woman he  
4 was going to share a child with.

5 Your Honor, I don't envy you on  
6 this one. I've got a nice place on the north  
7 side that I rent from a couple of friends of  
8 mine and I get to drive down the hill, and on  
9 a good day I can see St. Croix. On a bad day,  
10 I can see Puerto Rico.

11 Most days I enjoy coming to the  
12 office. I enjoy talking to clients, and I  
13 enjoy doing my job because it's a service and I  
14 use to think that I'm good at it. Lately the  
15 best part of my day is picking up someone that  
16 needs a ride because at least that's someone I  
17 helped. That is someone that had they not met  
18 me, their day would have been a little worse  
19 off.

20 You have no idea of how much I  
21 don't want to come into the office tomorrow  
22 after hearing that vitriol from across the  
23 room. Mr. Jaglal is not a repeat offender.  
24 His character is not a character flawed with  
25 violence and vitriol towards women. They can't

1 prove it. Your Honor, he's going to speak in a  
2 minute.

3 He's going to ask the Court for  
4 mercy. You're going to hear from Ms. Sabrina,  
5 and I sincerely hope you take my consideration  
6 to heart. He is being punished no matter what  
7 this court does. He is not deserving of  
8 incarceration. He is not deserving of the next  
9 10 years of his life, however time that might  
10 be being spent in a small cell. Thank you,  
11 Your Honor.

12 THE COURT: All right. I'll  
13 hear from Ms. Jaglal.

14 **(Ms. Sabrina Jaglal came**  
15 **forward to the well)**

16 MS. JAGLAL: Thank you, Your  
17 Honor for allowing us to speak today. My name  
18 is Sabrina Jaglal and I --

19 THE COURT: Take the mask off  
20 so we can hear you.

21 MS. JAGLAL: All right.

22 **(Complies)**

23 My name is Sabrina Jaglal and I'm  
24 Devindra's younger sister and his only sibling. My  
25 brother is someone who I always looked up to,

1 respected and admired for his diligence in life.

2 THE COURT: Okay, I cannot hear  
3 you.

4 MS. JAGLAL: Okay. He's  
5 someone who I've always looked up to, respected  
6 and admired for his diligence in life.  
7 Although we are five years apart, we've spent  
8 plenty of time together throughout the  
9 different parts of my life.

10 For instance, while I was  
11 attending the University of South Florida while  
12 I was obtaining my degree in biomedical  
13 sciences, I lived with my brother for about  
14 four years, for a total of four years.

15 During this time our bond grew  
16 stronger as we both navigated the challenges of  
17 being racial, ethnic, minority immigrants.

18 THE COURT: Okay, I've read  
19 your letter. Is there anything else you want  
20 to add to the letter?

21 THE WITNESS: Yes, I do want to  
22 add to my letter that while living with my  
23 brother for those four years, he was in a  
24 committed relationship, and while he was in  
25 that committed relationship, the girlfriend at

1 that time did live with us.

2 And it was a pretty small condo  
3 that we lived in, and throughout that time,  
4 I've never seen my brother get abusive or even  
5 loud with her. I never heard an argument from  
6 both of them.

7 THE COURT: So, what year was  
8 this? What time period?

9 MS. JAGLAL: I was in undergrad  
10 from 2006 to 2010.

11 THE COURT: So, is this before  
12 he got married?

13 MS. JAGLAL: No.

14 THE COURT: Oh, after.

15 MS. JAGLAL: After.

16 THE COURT: All right.

17 MS. JAGLAL: And so this was  
18 after. From the relationship as well, I never  
19 heard them argue. I've never seen him  
20 disrespect her. He was always very caring and  
21 attentive for her, always doing things for her  
22 even after their relationship had ended.

23 She thought that Devin was a  
24 better caretaker for -- a better caretaker in  
25 general, that they had a -- she had a dog and

1 she thought that Devin would be a better  
2 caretaker in general, that she had a dog that  
3 she thought that he would be better to take  
4 care of this dog because of his loving and  
5 nurturing relationship with him throughout the  
6 years.

7 Overall, I never witnessed my  
8 brother treating any woman with any disrespect  
9 throughout the relationships that he's even  
10 had, and that's really all I wanted to say that  
11 I wanted to add to my letter.

12 So, I do thank you for that,  
13 and thank you for taking the time out to listen  
14 to us and we do plead for your mercy here.

15 THE COURT: All right. Thank  
16 you.

17 ATTORNEY JOHNSON: Court's  
18 indulgence, Your Honor.

19 THE COURT: Sure.

20 ATTORNEY JOHNSON: Thank you,  
21 Your Honor. Mr. Jaglal was married to --

22 THE COURT: I'm sorry.

23 ATTORNEY JOHNSON: I'm sorry,  
24 Your Honor, I got her name written down. I'm  
25 probably going to butcher this name, but he was



1 married to Nicole Ranhji. He very well might  
2 have been married to her during his arrest.  
3 The arrest was dismissed about 33 days after it  
4 was filed. So, that would explain --

5 THE COURT: I understand.

6 ATTORNEY JOHNSON: But he does  
7 maintain that he was married to her for about  
8 seven years.

9 THE COURT: So, she was the  
10 victim in that arrest?

11 ATTORNEY JOHNSON: She was the  
12 alleged victim or the prosecutor almost  
13 certainly used that term victim. She was not  
14 the complainant. I was outside of the night  
15 club where someone saw, said they saw. He  
16 grabbed her and the case was dismissed very  
17 quickly.

18 THE COURT: I'm sorry. So, he  
19 was not married to the victim?

20 ATTORNEY JOHNSON: He was  
21 married to her, Your Honor. But the victim was  
22 not the complainant in the crime.

23 THE COURT: So, I see. But the  
24 matter was dismissed just a month later or 33  
25 days later.

1                   ATTORNEY JOHNSON: Yes, Your  
2 Honor. A little bit over a few days more than  
3 a month.

4                   THE COURT: So, that's  
5 consistent in what the Government was saying in  
6 terms of not counting on Ms. Ramirez to show  
7 up.

8                   ATTORNEY JOHNSON: She wasn't  
9 the complainant in that case, Your Honor.

10                  THE COURT: Does it make a  
11 difference?

12                  ATTORNEY JOHNSON: Yes, Your  
13 Honor because with or without -- I'm speaking  
14 from a point of ignorance because I don't know  
15 that case, but since the complainant was not  
16 his wife, they could have gone through with  
17 that prosecution, and they also had an officer  
18 who very quickly arrested him based on that  
19 complaint. That case was filed. That was done  
20 in 2005.

21                  THE COURT: We don't know all  
22 the facts and circumstances of that, but we  
23 know what we have here before us.

24                  ATTORNEY JOHNSON: Yes, Your  
25 Honor. The point is that if this army of

1 enablers behind us that can't see the darker  
2 side of Mr. Jaglal.

3 THE COURT: Let me say this,  
4 Attorney Johnson. So, when I read these  
5 letters, all of these exhibits, certain things  
6 came to mind, of course, and the word enable  
7 did come to mind. Coddle and enable. Proceed.

8 ATTORNEY JOHNSON: Yes, Your  
9 Honor. Your Honor, I made my recommendation.  
10 As an alternative recommendation, if this court  
11 is considering any kind of rehabilitation, any  
12 kind of non-incarcerative punishment, the Court  
13 should consider six months incarceration with  
14 the remaining four and a half years under  
15 supervised probation, and the sentence could be  
16 styled and should be styled as 10 years  
17 suspended upon five -- sorry, four and a half  
18 years supervised probation with six months to  
19 serve and credit for time served as per the  
20 statute. One second, Your Honor.

21 THE COURT: Sure.

22 ATTORNEY JOHNSON: Your Honor,  
23 the statute also mandates a minimum fine of not  
24 less than 1,000 and for Mr. Jaglal to  
25 successfully complete a certified batterers

1 intervention program.

2 THE COURT: Yes.

3 ATTORNEY JOHNSON: This court  
4 has in the past and I'm certain it will if the  
5 Court accepts any of my recommendations, will  
6 impose significant community service, probably  
7 anger management, possibly alcohol and drug  
8 rehabilitative services at least through the  
9 Department of Mental health, and that's all  
10 fine and good.

11 There is nothing -- I've seen  
12 nothing that indicates that this court should  
13 make an example out of Mr. Jaglal in this case  
14 for 10 years, the statutory maximum, and Your  
15 Honor, I just ask for mercy and Mr. Jaglal is  
16 going to speak very briefly on his own behalf  
17 and then we're going to rest.

18 THE COURT: Very well.

19 THE DEFENDANT: Hello, Your  
20 Honor.

21 THE COURT: Good afternoon.

22 THE DEFENDANT: I'm sorry. I'm  
23 sorry in 2020 when I came down here with my ex-  
24 girlfriend.

25 THE COURT: I'm sorry, speak

1 louder and slower so I can hear you.

2 THE DEFENDANT: Your Honor, I'm  
3 sorry. I was sorry in 2020. I apologize for  
4 any harm mentally, physically, emotionally that  
5 I caused my ex-girlfriend, Rocie. I'm sorry  
6 for coming down here to the Virgin Islands and  
7 taking up your time, the Court's time, the  
8 whole Virgin Islands time, Your Honor, and I  
9 just want to ask for mercy, Your Honor. Thank  
10 you.

11 THE COURT: So, you were sorry  
12 in 2020?

13 THE WITNESS: When it happened.  
14 When it happened. When this happened, I was  
15 sorry sitting in jail for three days, Your  
16 Honor.

17 THE COURT: Oh. Oh, I see.  
18 When you were reflecting?

19 THE DEFENDANT: Yes, when I was  
20 reflecting as described in the notes.

21 ATTORNEY JOHNSON: Your Honor,  
22 I remind the Court that he also -- one of the  
23 exhibits that was shared, the screen shot that  
24 the Court is aware of, he pretty much poured  
25 his heart out to her. So, he was sincerely

1       sorry in 2020. Your Honor, one other thing  
2       that Attorney Hodge just pointed out, the  
3       prosecution has called him an enabler and it  
4       sounds like the Court is taking that seriously.

5               THE COURT: No. No. No. The  
6       family has enabled him in this foolishness.  
7       That's the only thing that I see in this --  
8       well, that's not the only thing, but that's one  
9       of the factors that I see in these 31 letters.  
10      These 31 letters that you sent. I read  
11      everything in here by everyone and it's a  
12      common theme.

13             There's a common thread in  
14      here, and I'll tell you more in a minute. So,  
15      go ahead.

16             ATTORNEY JOHNSON: Well, the  
17      prosecution has called him an enabler. So, I'm  
18      addressing that. The family -- I'm not sure  
19      how the family was enabling him or be accused a  
20      of enabling him when there is no pattern of  
21      this kind of character flaw.

22             THE COURT: There's a pattern  
23      in here, Attorney Johnson, and the government  
24      alluded to it. There's a pattern in here.  
25      It's in here.

1                   ATTORNEY JOHNSON: The family  
2 is not enabling him. Thank you, Your Honor.

3                   THE COURT: So, the Court has  
4 heard the details, allocution by the People and  
5 their recommendation. The Court has heard the  
6 allocution by the People and their  
7 recommendation. The Court has heard the  
8 allocution by the defense and the  
9 recommendation by the defense counsel.

10                   The Court has heard the  
11 statement of Ms. Sabrina Jaglal, the sister of  
12 the defendant. The Court has also heard the  
13 statement that was given by the defendant,  
14 himself on his behalf, and the Court has  
15 reviewed the presentence report thoroughly.

16                   The Court has reviewed all 31  
17 exhibits thoroughly. So, it starts off as the  
18 defendant being the son of immigrants from the  
19 island nation of Trinidad and Tobago and they  
20 came to America when he was six and Ms. Sabrina  
21 Jaglal was one.

22                   And the purpose of being in  
23 America was for the purpose of giving a better  
24 life to their two children. Ms. Rocio Ramirez  
25 testified, but keep in mind like the government

1 said, none of his family members were here to  
2 hear her testimony or to hear her side as to  
3 what occurred to November 15, 2020. But part  
4 of her testimony was her family are immigrants  
5 from Cuba, and they came here to America eight  
6 years ago.

7 I have to presume that they  
8 came here for her to have a better life in  
9 America. It's the same thing. So, now  
10 Attorney Johnson. Attorney -- I'm sorry,  
11 Mr. Jaglal, he went to school. He got a degree  
12 in accounting. He got a masters. He got a CPA  
13 license in 2014.

14 He even got a real estate  
15 license in 2015. He's done well. He's done  
16 very well. He's a shining light for his  
17 family. His father in his letter spoke about  
18 this wall of honor in their house with all of  
19 his son's certificates and awards on the wall.

20 They are proud of him. I  
21 understand. I agree, but what's missing here  
22 is that nowhere in any of these exhibits, not  
23 one of his family members, not one made mention  
24 of the victim in this situation. Not one. Not  
25 one showed any empathy or any type of sympathy



1 for what this young lady endured on her 21st  
2 birthday.

3 Let's think about her for a  
4 moment. She came down here on a birthday with  
5 her boyfriend. She's expecting a good time.  
6 She's young. 20 years old. She made 21 on  
7 November 13th. They go out on a day sail and  
8 everything. They're having a good time. They  
9 come back. He's angry for whatever reason.

10 He's angry. He's upset, and  
11 what does he do, he abuses her, beats her,  
12 slaps her around. Physically abuses her. You  
13 saw the size of her how small she is and he has  
14 her in his hotel room, and I know you brought  
15 this up on the cross-examination.

16 He paid for everything. So,  
17 because he paid for everything, does that give  
18 him the right to abuse her? She came here the  
19 same way he did for a better life. She was  
20 unemployed, a student. I believe she was an  
21 online student, had no money, nothing. And he  
22 brought her here. They're out in Red Hook in  
23 Sapphire.

24 He's abusing her. She's trying  
25 to get away from him. She's screaming at the

1 top of her lungs for help. She's telling him  
2 to get off of her. She's telling him, you  
3 know, get off of me, and she's saying he's  
4 going to kill her. She testified to the fear  
5 that she felt, and not one family member,  
6 especially Mr. Jaglal's mother who gave birth  
7 to him I presume, not even a shred of sympathy  
8 for this young girl.

9 The same mother who she  
10 testified called her on the phone, was it the  
11 Sunday before the trial? Yes, the Sunday  
12 before the trial to get her to not move  
13 forward. Like Attorney Scott said. That's  
14 what he was banking on.

15 And then on top of all of this,  
16 she's screaming. She's trying to get help.  
17 She's crying, and then the guys next door who  
18 are here on vacation, the one gentleman  
19 testified that it was like a -- what is it, the  
20 chill went down the spine of his back.

21 It was so frightening for him.  
22 Mr. Sample was worried. He, Mr. Sample. He  
23 saved the day or the night rather. He saved  
24 the situation. Had it not been for his  
25 persistence when he called 911. Had it not

1       been for his persistence this would have been  
2       worse, and only because he stayed online and he  
3       tried to get the police to get there -- please,  
4       begging and pleading with them.

5                       We all heard the 911 tapes.  
6       Mr. Jaglal's family didn't hear anything, and  
7       this is what they send in that he's honest.  
8       He's respectful. He's kind. Every positive  
9       adjective in the dictionary they can find they  
10      put it in here and nothing that addresses his  
11      real character, nothing.

12                      At least show that your son --  
13      what are they trying to show that he's perfect?  
14      No one is perfect. But show some sympathy, and  
15      like the counsel said, the sister said she  
16      called this an incident. No, this was not an  
17      incident. This young lady was fearful for her  
18      life. Fearful for her life. This is not a  
19      mistake.

20                      It's not a mistake. He's  
21      arrogant. That's why we're here today. His  
22      arrogance. He figured he could have taken  
23      advantage of her, and what did he tell her, oh  
24      he's on an island and he can get things done on  
25      an island, everything in the book to intimidate

1 this young lady, everything knowing she had  
2 nowhere to turn. It's not as if she could have  
3 ran out and jump in a car and drive to  
4 somewhere. She's on an island.

5 She's never been here before.  
6 Knows no one, nothing. How isolated she felt  
7 and not one shred of feelings. You know why  
8 because she is not their child. So, they don't  
9 care. They don't care. They couldn't care  
10 less.

11 The mother said in her letter  
12 that she always felt that he would always  
13 protect his baby sister. Well, you know what,  
14 you have to protect all the women in your life.  
15 When is he going to learn that lesson.

16 Protect all the women in your  
17 life, but we saw the pictures, the bruises, the  
18 strangulation, the marks around her neck. We  
19 all saw it. And I don't believe that the  
20 family did not know the details or a lot of  
21 this stuff. They know. He didn't just paint  
22 the good side.

23 They can figure it out. They  
24 know. They just don't care. That's all it is.  
25 They couldn't care less. God forbid if they

1 know he actually met her makes it even worse.  
2 Am I right, Attorney Johnson? God forbid they  
3 know how he actually met her, it makes it even  
4 worse.

5 ATTORNEY JOHNSON: Your Honor,  
6 the family knows.

7 THE COURT: All the more. All  
8 the more reason. Right. So, they look down on  
9 her. She's nobody to them. That's what this  
10 says, but he is the shining star because he's a  
11 CPA. His brother-in-law said he put him  
12 through the test. So he said after a few  
13 questions and good conversations, he ensured  
14 that I only had pure intentions.

15 That's what the brother-in-law  
16 said. He ensured that Mr. Keiva Yearwood had  
17 pure intentions for his baby sister. He's  
18 looking out for his sister. Would he like for  
19 someone to physically abuse Ms. Sabrina Jaglal,  
20 the marks on her skin. She had to go to the  
21 hospital, the strangulation, strangling her on  
22 the bed, forcing her not to leave.

23 She's running in and out of the  
24 bathroom forcing her to take the pill. Would  
25 he like for someone to do that to his little

1 sister Sabrina Jaglal. If her husband did that  
2 to her, what would he do. Where's the feeling  
3 here. So, they are an army of enablers.  
4 That's exactly what they are.

5 No one is admonishing him. No  
6 one, and it can't be done privately. It should  
7 have been in here. He needs to be admonished.  
8 You know why? 12 jurors, 12 different people  
9 sat in that box and they listened carefully to  
10 all the testimony and they came back with the  
11 independent verdict of guilt on those two  
12 counts.

13 So, this is not something where  
14 it's questionable because 12 people found him  
15 guilty. It's done. It's a done deal. They  
16 listened carefully to him and they didn't  
17 believe his testimony. They believed her  
18 obviously.

19 So, this would have been the  
20 time or even here for anyone who flew in here  
21 today or who wrote a letter to at least let  
22 Mr. Jaglal know that what he did was wrong. We  
23 can't keep covering it up because he's the  
24 shining star of the family, at least the one  
25 that the sister and all the little cousins look

1 up to. We can't keep covering it up.

2 He's arrogant and it needs to  
3 stop. I can't forget Mr. Tatum, Officer Tatum.  
4 I can't forget it when he said to the jury that  
5 not only was she meek, but she looked like a  
6 beaten wet dog. I can't forget it. So, while  
7 in that text message. So, when he's talking  
8 about whether he's saying he's sorry or whether  
9 he's saying that he loved her and he didn't  
10 mean it. It's all lies. It's nothing but  
11 lies.

12 He did not care about her. If  
13 he had cared about her, he would not have  
14 abused her, period. Period. I remember  
15 Mr. Samples also testified he thought -- he had  
16 flashbacks. He had flashbacks and he thought  
17 that these were sex traffickers next door  
18 because it was so troubling to him. It was so  
19 concerning to him. Nothing, nothing in any of  
20 these letters show any type of even a fair  
21 amount of remorse per se for his actions.  
22 Nothing.

23 Everything is about how great  
24 Devindra is. How nice, how caring. What he  
25 did for the wedding, how he opened his doors

1 officiating the wedding, all of that. It means  
2 nothing. It means nothing to this court unless  
3 he can get to the point where he realizes that  
4 he's not above her.

5 He's not above anyone. He  
6 needs to get that point, and his family needs  
7 to recognize it, also. Mr. Jaglal please  
8 stand.

9 **(Defendant complies)**

10 So, I'm not going to sentence  
11 you to the ten years incarceration as requested  
12 by the People. But, I'm going to sentence you  
13 to a period of incarceration with respect to  
14 Count Two, Assault in the second degree, you're  
15 sentenced dollar to a period of seven years  
16 incarceration, a fine of \$5,000, and batterers  
17 intervention program.

18 With respect to Count Three the  
19 simple assault and battery you're sentenced to  
20 six months, a fine of \$250 and \$75 court costs.  
21 Counts Two and Three shall run concurrently.  
22 That's the sentence of the Court.

23 ATTORNEY JOHNSON: Thank you,  
24 Your Honor.

25 THE COURT: You're remanded.



1       You're welcome.

2                   (The proceedings  
3                   were concluded)

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CERTIFICATE OF REPORTER

I, DEREK A. PEETS, a Registered Professional Reporter, do hereby certify that the foregoing pages, 1 - 43 inclusive, comprise a full, true, and accurate transcription of the sentencing held in People of the Virgin Islands v. Devindra Jaglal, Case No. ST-2020-CR-00338 as taken from my machine shorthand notes on June 30, 2022.

IN WITNESS WHEREOF, I affix my signature this 26th day of September, 2022.

/s/ Derek A. Peets

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Derek A. Peets, RPR  
Official Court Reporter II