

1 SAN MIGUEL COUNTY DISTRICT COURT
2 STATE OF COLORADO
3 TELLURIDE, COLORADO

4 -----
5 PEOPLE OF THE STATE OF COLORADO,
6 PLAINTIFFS

7 Versus

8 ASHFORD ARCHER, ET AL,
9 DEFENDANTS

FOR COURT USE ONLY

Case No: 2017CR28 and 2017CR30
Division: 3

10 -----
11 TRANSCRIPT OF PRELIMINARY HEARING
12 DAY ONE
13 -----

14 This matter came on for preliminary hearing on November 21 and 22,
15 2017, before Honorable District Court Judge KERI YODER,
16 Telluride, Colorado.

17 A-P-P-E-A-R-A-N-C-E-S

18 DAN HOTSENPILLER, District Attorney
19 SETH RYAN, Deputy District Attorney
20 ROBERT WHITING, Deputy District Attorney
21 REPRESENTING THE STATE OF COLORADO

22 R. SCOTT REISCH, Attorney
23 MATTHEW A. SCHULTZ, Attorney
24 Denver, CO
25 REPRESENTING DEFENDANT Ashford Archer

BRENT A. MARTIN, Attorney
Montrose, Colorado
REPRESENTING DEFENDANT Ika Eden

REPORTED BY: DEBORAH A. HARRIS, RMR, CRR, CSR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TABLE OF CONTENTS

WITNESS	DIRECT	CROSS	REDIRECT
Dr. Michael Benziger-----	25-----	32,45-----	52-----
Daniel Covault-----	54-----	97, 122-----	146-----
People's Exhibits 2-28-----		Page 96-----	
William Masters-----	149-----	187, 218-----	227-----
People's Exhibits 1A-1J-----		Page 152-----	
CERTIFICATE OF COURT REPORTER-----			232-----

1 (COURT OPENED.)

2 THE COURT: We'll go on the record. San Miguel District
3 Court cases, 17CR28, People versus Ashton Archer, a/k/a Nathan
4 Yah, and 17CR30, People Versus Ika Eden.

5 Mr. Archer appears here this morning in custody with Mr.
6 Reisch -- and it's Mr. Schultz, correct?

7 DEFENSE ATTORNEY SCHULTZ: Yes.

8 THE COURT: And, Ms. Eden, I'll apologize for this, I'll
9 try to speak up over here. Ms. Eden appears this morning with
10 Mr. Martin.

11 Good morning.

12 DEFENSE ATTORNEY MARTIN: Good morning.

13 THE COURT: Mr. Ryan, Mr. Whiting, and Mr. Hotsenpiller
14 are here on behalf of the People.

15 We are set for preliminary hearing on both cases. I set
16 this originally for two days, and as you all know, three of the
17 cases were continued to January, at the request of Defense
18 counsel, and a finding of good cause for the reasons I previously
19 stated on the record. And I realize that you may not know this
20 necessarily right now, but is there still an anticipation that
21 we'll need two days for these hearings?

22 DEPUTY DISTRICT ATTORNEY RYAN: Yes, Your Honor.

23 THE COURT: Okay. We'll start at 9:00o'clock, we'll take
24 a break at about 10:30 and break for lunch from noon to 1:00
25 and try to wrap up by 5:00 o'clock each evening unless it looks

1 like we're close to finishing up a witness and we'll keep going
2 on the witness if that's the case.

3 I'll ask that cross examination be conducted on a rotating
4 basis. So, Mr. Reisch, we'll start with you, Mr. Martin, next
5 witness, Mr. Martin and Mr. Reisch, and we'll switch back and
6 forth like that through the course of the witnesses.

7 Any cross examining should be limited to probable cause
8 issues and not to credibility issues or any other legal issues
9 unrelated to a probable cause determination. And I will curtail
10 the Rules of Evidence for purposes of the hearing.

11 I'll ask you to speak one at a time and please try to speak
12 directly into the microphone. Luckily, we have Ms. Harris here
13 as our court reporter, so we'll have a good record, but I'll ask
14 everyone to speak one at a time for her. The FTR machine will
15 not pick up unless you speak directly into the microphone.

16 Any preliminary issues from the People?

17 DISTRICT ATTORNEY HOTSENPILLER: Your Honor, Counsel for
18 Mr. Archer/Mr. Yah, had issued a subpoena duces tecum to Emil
19 Sante, the return time for the subpoena was today at this hour.
20 Mr. Sante is here. We thought maybe we could deal with that
21 matter on the record very quickly.

22 THE COURT: Mr. Reisch?

23 DEFENSE ATTORNEY REISCH: He was asked to produce certain
24 notes and records. If he's done so, we ask that he be released
25 from his subpoena.

1 DISTRICT ATTORNEY HOTSENPILLER: And I'll indicate that he
2 has a disk with him. I have not viewed the disk. We briefly
3 discussed it last week, it's my understanding his notes are
4 there and any other documents that he has in his possession in
5 response to the subpoena. Some of them he didn't have in his
6 possession. So if we can give them the disk, they can look at
7 it during the proceedings over the next day, and if there's any
8 issues, they can bring them up.

9 DEFENSE ATTORNEY REISCH: That's fine. And if it needs to
10 be through normal discovery and then you produce it to us, I
11 think that's fine as well. If we could have access to look at,
12 that's fine.

13 DISTRICT ATTORNEY HOTSENPILLER: I haven't looked at it,
14 so that makes sense. My understanding is that they are his
15 notes.

16 MR. SANTE: These are the same copies you have as well.
17 They are not notes.

18 DISTRICT ATTORNEY HOTSENPILLER: Tell us what's on the
19 disk, if you would, sir.

20 THE COURT: And for the record this is Emil Sante,
21 E-m-i-l, S-a-n-t-e.

22 MR. SANTE: This is just a copy of the preliminary
23 autopsies, the final autopsies, both from Montrose Memorial,
24 the birth certificates, and DNA results.

25 DISTRICT ATTORNEY HOTSENPILLER: So all that stuff is in

1 discovery, I guess, so we'll hand over the disk.

2 DEFENSE ATTORNEY REISCH: Very well.

3 THE COURT: Any more record on the subpoena duces tecum to
4 Mr. Sante?

5 DEFENSE ATTORNEY REISCH: No. And I think it was a joint
6 subpoena duces tecum, but having conversation with Mr.
7 Hotsenpiller, we're releasing him. The People may still choose
8 to call him, but we release him from our subpoena, though.

9 THE COURT: Thank you. Any other preliminary matters?

10 DEPUTY DISTRICT ATTORNEY RYAN: I don't believe so.

11 DEFENSE ATTORNEY REISCH: Sequestration order, Your Honor?

12 THE COURT: I will enter a sequestration order. So anyone
13 in the courtroom who's not an advisory witness who will be
14 called for purposes of the preliminary hearing will need to
15 wait out in the hall or some other location.

16 Mr. Martin, anything from your perspective?

17 DEFENSE ATTORNEY MARTIN: Nothing from me. And this is
18 Dianna Matis, my investigator. I wanted to introduce her so
19 everyone in the courtroom knew who was with me.

20 THE COURT: Good morning. Do the People wish to give
21 opening statement or are you ready for your first witness?

22 DEPUTY DISTRICT ATTORNEY RYAN: We do want to do an
23 opening statement, Your Honor.

24 THE COURT: Okay. Go ahead.

25 DEPUTY DISTRICT ATTORNEY RYAN: Your Honor, this is a

1 fairly complicated case -- well, very complicated case that
2 occurred over several months involving five different people
3 with multiple different names. So we would like to basically
4 go over some preliminary things for the Court so that the Court
5 knows what to look out for.

6 We're here on preliminary hearings for Mr. Ashford/Nathaniel
7 Archer, and Ms. Ika Eden. They have both been charged with two
8 counts of child abuse resulting in death for the death of Makayla
9 Roberts and Hanna Marshall.

10 The elements are that they knowingly caused injury or
11 permitted a child to be unreasonably placed in a situation that
12 posed a threat of or injury to the life or health or engaged in
13 the continued pattern of conduct that resulted in malnourishment
14 that resulted in death.

15 We will be presenting evidence that during basically an
16 approximate two-week period everyone on the property ignored the
17 children who were in the car, everyone knew that the children
18 were in the car, they were not given food or water, and as a
19 result, they died in that car.

20 Mr. Archer has also been charged with accessory to a crime.
21 Basically he rendered assistance to Madani Ceus, or Nashika
22 Bramble, with intent to hinder, delay discovery, detection,
23 apprehension, prosecution, conviction, or punishment of Madani
24 Ceus or Nashika Bramble for commission of the crime.

25 This arose out of an event where Mr. Archer helped -- after

1 the girls were discovered deceased in the car, he helped close
2 that car up, seal it with tape and cover it with a tarp, which
3 basically resulted in those bodies being baked in the car for
4 approximately a month, and basically losing a significant amount
5 of evidence about the cause of death.

6 So the first person involved in this is Madani Ceus, or Amma
7 or Yahweh or Mother or Creator. The evidence will show that she
8 was the leader of this religious group, that the People in this
9 group considered her Yahweh, which is another name for God, the
10 Mother of All, the Creator of Everything.

11 The next person is Mr. Archer, Nathan Arthur, Nathania,
12 Nachetu, or Abba. He was the partner of Ms. Ceus, the father of
13 her children, and he was also in this religious group with the
14 other members.

15 We have Shemmyah Archer, Meyah, or Horus. She is the oldest
16 daughter of Nathan Archer and Madani Ceus. And she was one of
17 the children that was alive on the property when the police
18 arrived.

19 Yaira Metatron, or Nun, was the youngest of the children of
20 Madani Ceus and Mr. Archer. And she was also one of the children
21 found alive at the property.

22 Cory Sutherland, also known as Rah, was not charged in the
23 case at this time. He was a member of the group. He was
24 considered basically the Messiah or the reincarnation of the
25 Christ figure. That was the son of Madani Ceus and he was

1 instrumental in consulting with Madani Ceus about the direction
2 of the group while he was there.

3 Shortly after they arrived to the farm he asserted his power
4 or attempted to assert his power over Madani Ceus and he was
5 exiled from the group and left before both girls were exiled to
6 the car and before they died.

7 Frederick Blair, his friends call him Alec, by the group he
8 was known as Shava, Rah, Mobi, and Shift. He basically met this
9 group at a truck stop and invited them back to his property. He
10 became a member of the group, and after Cory Sutherland left,
11 Madani Ceus declared that he was actually the true messiah or the
12 Son of God, thereby the son of her, and he took that role in the
13 group, although he did not usurp the leadership role that Cory
14 Sutherland had, Madani Ceus had that role.

15 We have Ika Eden, also known as Carol Johnson, Carol
16 Sutherland, Lilian Brown, and Karah Sandalphon. She was also a
17 member of this group and the evidence will show that she was
18 basically a Girl Friday for everyone in the group. She did a lot
19 of the chores. She acted as nanny to the children, giving them
20 baths, washing them, making sure that they had food, making sure
21 that they were cared for.

22 We have Nashika Bramble, who was the mother of the two
23 deceased children, also part of the group. Her other names were
24 Burgundy and Surafel. She also was one of the worker bees of the
25 group, and like I said, the mother of the deceased children.

1 We have Makayla Roberts, LaToya, or Pink Number One. She
2 was the oldest of the girls. She was, according to Blair's
3 knowledge, one of the three kids on the property, even though
4 there were four kids on the property. She was exiled to the car.
5 And soon after that, Alec Blair discovered that there were
6 actually two girls in the car. She's the oldest of the deceased
7 girls.

8 And then Hanna Marshall, Pink Number Two. She also was
9 exiled to the car way before Hanna Marshall was exiled to the
10 car, and she was one of the deceased girls.

11 These events started to occur May 2017. Basically the week
12 of about the 24th through the 26th, or that couple of days.
13 Alec Blair and his friend, River Young, were going to a trip to
14 Denver. They stopped at the truck stop called the Eagle's Nest
15 and that's where they met this group, this spiritual group, at
16 the Eagle's Nest truck stop.

17 The group agreed to perform some spiritual healing on both
18 Mr. Blair and then Mr. Young, and then advised them the cosmos
19 told them that Blair, it was destined that they meet Blair and
20 that Blair would be a person that would help them out. Blair
21 said that if they were still at the truck stop when he returned
22 from Denver the next day, he would take them to his farm. And
23 that's what happened.

24 June 1st, Alec, Alec's friend, Mr. Trimpe, and his
25 girlfriend, Gasda, moved to a Telluride house that Alec Blair

1 helped them obtain. They were friends with Alex and I believe
2 they moved from the east coast.

3 Soon after they arrived Alec was very excited about them
4 meeting the family, so sometime in that week after they arrived,
5 Mr. Trimpe and Ms. Gasda visited the farm to meet with the
6 family. It was very similar to what Mr. Blair and Mr. River went
7 through -- or Mr. Young went through in that there was a
8 spiritual healing, a past life regression.

9 Ultimately, Mr. Trimpe and Ms. Gazda did not take to the
10 family like Alec did. They met the family one other time out at
11 the farm, but that was really their only contact with the farm.
12 They did note that Cory performed the spiritual healing while
13 Madani Ceus performed the past life regression on them, which is
14 the same thing that happened at the truck stop when Alec first
15 met them.

16 From 6/18 to 6/26, somewhere in there, Cory confronted
17 Madani saying that he was his own person and that he was a God in
18 and of himself, which ultimately resulted in his exile from the
19 farm, which, according to Alec Blair, was the beginning of the
20 end for the group.

21 The evidence shows that on 6/27, after he was exiled from
22 the farm and dropped off at a place near Durango, he was arrested
23 in Montezuma County, and then 6/29, he was released from
24 Montezuma County and arrested again. The police noted that he
25 had some sort of mental issue, some sort of mental condition and

1 he was sent to get help in Denver, I believe.

2 During this time that Cory was exiled, around 6/18 to 6/30,
3 Alec had a meeting, or he met with his friend Trimpe and he tells
4 Trimpe at that time that he thinks he's Yesuah, or Jesus, and
5 that's about the time that Madani basically said that Cory
6 actually was a decoy, and that Mr. Blair was the true Messiah or
7 the Son of God, which was her.

8 July 1st, Alex had been living at a house in Norwood with
9 his friend Mr. Young. Then he ran out of money because he was
10 buying food and groceries for the family, he was helping his
11 friends move out here. He ran out of money and he decided to
12 move onto the farm full-time.

13 Prior to this, Mr. Young was helping Alex with his farming
14 endeavors, and Mr. Young was becoming increasingly frustrated
15 with Alex and the family because they were not helping him with
16 the farm chores, so when Alex finally decided to move on to the
17 farm, he advised Young that they were going to part ways, and
18 actually told Young he would no longer need him on the farm. And
19 that was at the direction of Madani Ceus because she felt like
20 Mr. Young did not have a commitment to spirituality that she
21 thought he should have.

22 Approximately 7/20, or thereabouts, Madani Ceus exiles
23 Makayla to the car because she determines that she's unclean,
24 that she is impure, and she's an abomination, so she orders that
25 she stay in the car all the time. At this point, food is

1 delivered to her, water is delivered to her, she's allowed to
2 leave the car to go to the bathroom.

3 Around this time, Alex Blair does note that he sees
4 specifically Ms. Eden delivering water to the girls, filling up a
5 jug, leaving it on the top, and that he would see the jug gone
6 and the empty jug on top of the car and see Ms. Archer or Ms.
7 Eden fill it up again.

8 The next month is the critical month. August, 2017. Mr.
9 Blair did not know when specific dates were because he no longer
10 had a watch or a calendar or a cell phone. So basically he is
11 judging everything by the full moon and the eclipse that happened
12 that month.

13 So sometime in the first week before the full moon, Alex
14 learns that there are two girls exiled to the car. He notes
15 that -- the evidence will show that the family starts getting
16 more and more comfortable in front of him and starts talking
17 freely in front of him. They start talking about Pink Number One
18 and Pink Number Two. He was aware of a Pink Number One because
19 that's what they called Makayla. But he gets curious and he
20 asks: You keep mentioning these two Pinks, are there more than
21 two girls in the car?

22 At this point Madani Ceus and Archer step aside, they have a
23 conversation, and then they come back and they both go to the car
24 and show Alex that there are actually two girls exiled in the
25 car, which shocks Mr. Blair because prior to this, he had no

1 knowledge that there were actually four girls on the property
2 instead of three girls on the property.

3 And this is also confirmed by Mr. Young, who was on the
4 property an extensive amount of time with the family doing
5 farming work and stuff, and he said that there were only three
6 girls and he never saw a fourth girl.

7 At the same time, Madani, who uses a pendulum to consult
8 with the universe on important decisions, declares -- and she
9 does this with the pendulum. She declares that the Cosmos say
10 that Makayla and Hanna cannot be fed from the family's increase.

11 And what increase is, is as the family's -- the family would
12 travel, had been traveling around the United States for three
13 years. As they traveled around and needed supplies, Nashika
14 Bramble and Ika Eden would go to grocery stores, fill up their
15 grocery carts, ask people for money because they can't pay for
16 the groceries or ask people to buy the groceries for them. This
17 is determined to be a divine act by the group and Madani.

18 And basically at this point Madani states that the cosmos
19 say that they cannot be fed from the increase because they are
20 unclean, impure, and an abomination.

21 How this ties into the religious beliefs is that the group
22 was under the impression that the end of days was imminent, that
23 there would be a war with North Korea, that there would be
24 earthquakes and floods. And, in fact, that was what was going on
25 right now, and that they were going to be saved because through

1 dealing with their past lives; that through meditation, through
2 chanting, they were going to purify themselves and basically
3 obtain what they described as Light Bodies and go into another
4 dimension as higher spiritual beings.

5 So this is what they were really actively working on at
6 around this point. And because Makayla and Hanna were impure and
7 unclean, they were basically holding back everyone else's
8 spiritual enlightenment, so she determined that they could not be
9 fed from the increase.

10 Around this time, Alex asked Madani if the girls could be
11 fed from a food pantry. She agrees and Alex and Nashika go to
12 the Telluride food pantry to pick up food for the girls. They
13 arrive back at the property. Alex is unloading the food. He
14 comes back from a trip and Madani is over the food with the
15 pendulum and she declares that the food is unclean and impure and
16 an abomination because it comes from the Government and she
17 orders that it be thrown away. Alex asks her if he can give it
18 to the girls, and Madani agrees, and he gives it to Nashika to
19 give to the girls, but he doesn't know if it was actually given
20 to the girls because he's also dealing with his own issues with
21 Madani reprimanding him for something he did out on a trip.

22 So around this time, when they are out getting water, the
23 oldest daughter, Meyah, she's considered the seer of the group
24 and every time they come back she basically sees that they have
25 gray energy on them and they have to be cleaned and purified with

1 enchantments and smudge sticks, which concern the entire group.
2 So at this point, in order to preserve their salvation, Madani
3 orders that the family is on lockdown and cannot leave the
4 property at all.

5 Because of some of the visions of Meyah -- when the girls
6 get out of character, Meyah sees that the property starts getting
7 contaminated with gray energy and portals start opening up. At
8 that point, Madani orders that there's absolutely no contact with
9 the girls, or the car, and basically creates a perimeter around
10 the car saying no one can breach that perimeter.

11 And a couple of things happen before and during this time.
12 One of those things is before Cory left, he was in charge of
13 jumping the car that the girls were in so that the windows could
14 be rolled down, presumably air conditioning could be run. And
15 Mr. Blair saw this -- after Cory was exiled, Mr. Blair saw Mr.
16 Archer complete that task at least once, and then after the girls
17 were exiled permanently to the car he tries to siphon gas out at
18 one point and tells Madani about this. It's determined that he's
19 polluted with gray energy and she has to purify him.

20 So these events precipitate the idea that the car has a
21 boundary around it and no one is to go near that car or interact
22 with the girls.

23 At one point, he hears the girls cry out as -- I think for
24 Nashika, and Ika Eden and Nashika are reprimanded for responding
25 to the girls. The girls are reprimanded for calling out because

1 there had been ordered no contact with the girls. It's also
2 ordered that they can't even get out of the car.

3 So while in lockdown Madani Ceus orders that Blair's white
4 pickup truck and the SUV, two other vehicles on the property, be
5 moved to a cabin that was built after Cory left and that she
6 lives in, and for the family to stay together in that area
7 because she determines that she is going to be the first person
8 to achieve Light Body, they will follow after that, but they need
9 to stick together in order to achieve Light Body together.

10 The next event happens at the full moon. Their belief that
11 the coming of Light Body was imminent and that on the full moon
12 they are ordered to burn and bury all of their personal items.
13 This is necessary because their belief is that their personal
14 items have their essence on them and that when they achieve Light
15 Body if their personal items are left behind, other people can
16 obtain their personal belongings and do dark magic on them
17 because they have their essence. So there's a frantic effort to
18 burn all their personal belongings on the full moon.

19 And during this time Archer advises everyone that an Eclipse
20 is coming, Madani consults the Cosmos, and it's determined that
21 there's going to be darkness for three days and that this will
22 really be the culmination of them achieving Light Body. So
23 during that week, between the full moon and the eclipse, they are
24 basically all sequestered down by the cabin 24 hours a day
25 working on past lives, consulting as a group on dream

1 interpretation, doing chants at all hours of the day and night in
2 order to achieve Light Body.

3 At this point everyone is ordered to stay down there with
4 the two cars and the cabin. The only people allowed to leave are
5 Ika Eden and Nashika Bramble to go up to a kitchen area on the
6 property to get utensils. But other than that, the family is
7 sequestered down in that area 24 hours a day, meditating,
8 chanting, consulting, and completely ignoring the two girls in
9 the car.

10 According to Alex Blair, about two days before an officer
11 arrives to do a marijuana check, they discover that Makayla and
12 Hanna are dead in the car. We believe that Nashika is the first
13 person to see that the girls are dead. She goes down to Madani,
14 Madani consults her pendulum, and declares that yes, the girls
15 are dead. The whole family is around at this time because they
16 all are sequestered in that same area. So everyone is aware that
17 Makayla and Hanna are dead at that time.

18 Two days later, Deputy Covault goes to the farm for his
19 regular marijuana inspection, because Blair is a licensed
20 marijuana grower, and when he arrives, he does what he normally
21 does, he parks down by the gate, he walks down the property
22 looking for Blair and he notes that it's extremely quiet.

23 Now he says this is where there's a little bit of
24 discrepancy. He says that he walked by the car and observed that
25 it was tarped. Both Archer and Nashika Bramble say that the car

1 was tarped that morning before Deputy Covault got there because
2 Alec Blair had a dream that the police were coming. They talked
3 about it in council with the family and it was determined that
4 the car needed to be sealed up and tarped. It was also sealed up
5 and tarped because the smell coming from the car was extremely
6 powerful, and they were trying to reduce that as well.

7 So Deputy Covault comes on, observes the car, he believes he
8 saw it tarped. Alex comes out of the cabin and tells him he's no
9 longer growing marijuana and that the family is doing a religious
10 spiritual ritual and asks Covault to leave and never come back.
11 Which Covault does.

12 Now it's not on here, but Mr. Blair remembers that he tarped
13 the car on the eclipse, and he explains that he had a dream that
14 people were coming on the property and he says that was fulfilled
15 when his friends showed up sometime later to check on his
16 well-being and the dog, which I'll talk about here in just a
17 second.

18 In September, approximately 9/2, Madani Ceus declares that
19 Alec Blair's dog Lion is unclean, impure, an abomination. She
20 orders him to be banished into a kennel and given no food and
21 water, and Mr. Blair puts a tarp over the kennel similar to what
22 happened to the car.

23 On 9/4, River Young decides to visit the property. He meets
24 Alec Blair, who tells him to get off the property, that he's
25 unclean, impure, that he's contaminating the property. But

1 before that happens, Mr. Young sees Lion sequestered in his
2 kennel with the tarp over it, he looks under the tarp and he's
3 shocked to see Lion's condition; he looked dehydrated and
4 starved, his fur is matted with his own feces and urine. So
5 River goes back to his other friends and they all come back to
6 the property with food and water for Lion. They remove Lion out
7 of his kennel and take possession. They try to talk to Alex.
8 Alex tells them that they are impure, unclean, they need to get
9 off the property. They leave. They call the police, telling the
10 police about Lion's condition and asking Deputy Martinez to check
11 on Alex's condition, which she does.

12 When she arrives, the gate is closed. It's locked. It
13 says, No Trespass, so she gets -- she parks outside, she gets on
14 her intercom and calls out for Alex. She here's him say, Go
15 away, a few times. She continues calling out. He finally comes
16 to the gate and basically tells her that Lion is sick, that he's
17 attempting to help Lion into the after life, that he is leaving
18 the property soon, and that he is all right. At that point,
19 Deputy Martinez gets him to voluntarily relinquish control of the
20 dog and she leaves.

21 Blair's friends meanwhile call his parents because they are
22 extremely worried about him. And Blair's father, at that point,
23 decides to come out to check on him. But before that happens on
24 9/5, Madani declares that Nashika is unclean and impure and
25 basically exiles her to a white truck. She's there for a day.

1 Without any food or water. The truck is parked right next to the
2 cabin. At one point everyone else is in consultation and she
3 hears Madani basically say she doesn't want any more dead bodies
4 on the property and that -- and they are discussing whether or
5 not they should ask Nashika to leave. She hears that and she
6 decides to leave of her own accord that day. Or that night. She
7 arrives in Telluride. She leaves the farm on 9/6. She arrives
8 in Telluride on 9/7, and they agree to transport her to Grand
9 Junction.

10 Meanwhile, Fletcher, who is Blair's dad, and his -- Alex's
11 friend, Adam Horn, go to the farm to confront Alex. Alex, at
12 first, doesn't want to touch them because he doesn't want to be
13 contaminated. They convince him that he's not looking good, he
14 needs to leave the property.

15 He goes to consult Madani and comes back and tells them that
16 Madani gave him an ultimatum: He can be spiritually enlightened
17 or go and die with the rest of the world. They have a more, a
18 bigger conversation where he learns that the world is not ending,
19 and he starts to doubt what Madani is saying. He decides to
20 leave. He goes back to the cabin to tell her his decision. He
21 comes back and says that he's promised to get gas for them
22 because they're leaving. While they are having this discussion
23 Fletcher and Horn are asking him questions about what's going on
24 on the property? He's very evasive.

25 They ask him what's in the car?

1 He says: Two.

2 They say: Two what?

3 And he tells them that there are two dead bodies in the car.

4 That's when the police are called, and basically that's why we're
5 here today.

6 Basically for the purposes of this prelim those two weeks
7 between the full moon and the eclipse are crucial. Archer knew
8 that the girls were in there. He was one of the people to show
9 Blair that there were in fact two girls in there. After Cory
10 left, he jumped the car to help them so the windows could be
11 rolled down, doors could be opened, and what-not. And then there
12 was the incident where he siphoned gas from the car and was
13 reprimanded because he had obtained gray energy from contact,
14 being in contact with the car and the girls.

15 The evidence will show that Ika Eden was -- one of her roles
16 was the nanny for the group. She was in charge of bathing the
17 children, feeding the children, the children were all around her,
18 and that when Madani decreed that the girls were not to be given
19 any assistance whatsoever, and no contact, it's described that
20 she had the hardest time with that order and had to be
21 reprimanded to let go of the girls several times.

22 The bottom line is for two weeks they are down by the cabin
23 sequestered in two cars, praying, meditating, chanting all day
24 long knowing that no one is checking on the girls, and as a
25 matter of fact, ordered not to check on the girls.

1 So that basically, as the elements state, they placed those
2 children in a situation that posed a threat of injury to their
3 life and health, engaged in the continued pattern of conduct that
4 resulted in malnourishment, basically ignoring the girls for two
5 weeks while they meditated, prayed, and chanted, and it resulted
6 in the death of both children, Makayla Roberts and Hanna
7 Marshall.

8 Thank you.

9 THE COURT: Mr. Reisch, any opening remarks?

10 DEFENSE ATTORNEY REISCH: No opening, Your Honor.

11 THE COURT: Mr. Martin, any openings remarks?

12 DEFENSE ATTORNEY MARTIN: No, Your Honor.

13 DISTRICT ATTORNEY HOTSENPILLER: I would like to clarify
14 real quick the sequestration order. I know that Coroner Sante
15 stayed in the room. He won't be a witness in the proceeding,
16 but he might be a witness at trial. The other reason I bring
17 this up is because some of the deputies may in fact be
18 witnesses at trial, and the Telluride Marshal or the San Miguel
19 County Marshals -- excuse me -- Sheriff's Department obviously
20 is not 100 strong, so I just wanted clarification before we had
21 any problem what the scope of the request was, whether it's
22 this proceeding or whether it's the anticipated trials as well.

23 DEFENSE ATTORNEY REISCH: My position is the sequestration
24 order would cover this proceeding as well as others. If these
25 witnesses, or potential witnesses, are still in the courtroom

1 and they hear evidence, that they could potentially be excluded
2 from testifying at the later proceedings, so I would ask if
3 they are a witness here today or in future proceedings that
4 they be excluded from the courtroom.

5 DEFENSE ATTORNEY MARTIN: I would make the same request
6 on behalf of Defendant Eden.

7 THE COURT: I'll order anyone who's a witness in future
8 proceedings, as well as the preliminary hearing, be excluded
9 from the courtroom.

10 And just for the record, Mr. Sante was here, but he was here
11 during opening statement and that's not included in the
12 sequestration order.

13 Sergeant Westcott, you're leaving as well; is that correct?
14 Do you have enough people in here for security?

15 SERGEANT WESCOTT: I had a small amount in this case, but
16 I'm not sure if I would be called or not, so it would be safer
17 for me to leave.

18 DISTRICT ATTORNEY HOTSENPILLER: Thank you.

19 THE COURT: Thank you.

20 DISTRICT ATTORNEY HOTSENPILLER: And then Sheriff Masters
21 is our advisory for this proceeding.

22 DEFENSE ATTORNEY REISCH: That's fine.

23 DISTRICT ATTORNEY HOTSENPILLER: At this time, Your Honor,
24 I'll have to go get him. We'll call Dr. Michael Benziger.

25 * * *

1 DR. MICHAEL BENZIGER,
2 was called as a witness, and having been duly sworn,
3 was examined and testified as follows:

4 THE COURT: State your full name for the record.

5 THE WITNESS: Michael John Benziger.

6 DIRECT EXAMINATION

7 BY DISTRICT ATTORNEY HOTSENPILLER:

8 Q. Good morning.

9 A. Hi.

10 Q. You have an MD behind your name, do you not, sir?

11 A. Yes, I do.

12 Q. What does that stand for?

13 A. Medical doctor.

14 Q. And where are you currently practicing?

15 A. I practice at Montrose Memorial Hospital, also Gunnison
16 Valley Hospital and Delta County Memorial Hospital.

17 Q. In what capacity?

18 A. I'm a pathologist. I'm the medical director of all three
19 laboratories.

20 Q. You went to medical school a few decades ago; is that
21 correct, sir?

22 A. Yes.

23 Q. I believe that was at the University of New Mexico, is that
24 correct?

25 A. That's correct. I went to medical school, graduated from

1 UNM medical school in 1974, completed the residency in pathology in
2 1978. I'm currently board certified in anatomic, clinical, and
3 forensic pathology, and I've been practicing out of Montrose, Delta,
4 and Gunnison since 1978.

5 Q. And have you been qualified as an expert witness in
6 forensic pathology on numerous occasions in courts here in the
7 Seventh Judicial District around the state and in other states in
8 the United States of America?

9 A. Yes, I have.

10 DISTRICT ATTORNEY HOTSENPILLER: Your Honor, I ask that
11 Dr. Benziger be qualified as an expert in the area of forensic
12 pathology, and I will be providing both counsel his curriculum
13 vita during these proceedings, actually, because I can get to
14 it. I haven't done it yet, and I should have.

15 THE COURT: Any objection?

16 DEFENSE ATTORNEY REISCH: No voir dire or objection.

17 DEFENSE ATTORNEY MARTIN: No objection.

18 THE COURT: I will qualify him as an expert in forensic
19 pathology pursuant to Colorado Rules of Evidence 702.

20 BY DISTRICT ATTORNEY HOTSENPILLER:

21 Q. Thank you for being here this morning, Doctor. You are
22 aware of the case that brings us to court here today?

23 A. Yes.

24 Q. What has been your involvement in this matter?

25 A. At the request of the San Miguel County Coroner Sante, I was

1 asked to perform autopsies on two small female girls' bodies
2 identified near Norwood, Colorado.

3 Q. Okay. And do you recall the age of the two girls?

4 A. One was approximately 10 years old and one was approximately
5 eight years old.

6 Q. Were they readily identifiable by name or other -- some
7 other basis, or did there have to be a process to identify them?

8 A. Yeah, these bodies, based on historical facts, were
9 identified in a sealed car near Norwood. They had been dead for
10 quite a period of time. The condition of the bodies was very poor.
11 They were partially mummified, decomposed, partially skeletonized,
12 so they were not identifiable by observation.

13 During the course of my examination, the jaws were removed
14 and also a portion of each of their femurs was removed and
15 submitted to the Colorado Bureau of Investigation for DNA analysis
16 and positive physical identification.

17 Q. And did you obtain results of that analysis as part of your
18 work?

19 A. Yes, I did receive names and date of births on both of the
20 children.

21 Q. And was that based in part on the CBI analysis?

22 A. That was based totally on CBI analysis.

23 Q. And are those names reflected on your reports that were
24 authored on the 16th of this month, November 16th, 2017?

25 A. Yes. One was identified as Hanna Marshall. I messed up my

1 papers. So let's see. Hanna marshal and Makayla Robertson, I
2 believe, is the other child's name. Yes, Makayla Roberts.

3 Q. And for the record, you referred to your notes in
4 conjunction with those responses; correct?

5 A. That's correct.

6 Q. Now, if you could, please elaborate a little on the
7 condition of the two girls. First of all, were they in
8 substantially similar condition?

9 A. Yes, they were.

10 Q. Okay. And you talked about the word mummified. What does
11 that mean?

12 A. Basically these bodies had been dead a long period of time
13 prior to identification and my examination. Portions of the bodies
14 had been desiccated with loss of water, drying, and a process called
15 mummification. In addition, portions of the tissues had decomposed,
16 degenerated, liquefied. And with a loss of soft tissues, portions
17 of the bodies were skeletonized with only the bones exposed. There
18 was also evidence of insect activity, flies in the body bag, and
19 maggots, with basically insect eating of some of the flesh.

20 Q. Were you able to examine the inside of the bodies?

21 A. When I opened up the bodily cavities the internal organs
22 were basically no longer present. They had degenerated to the point
23 that they were not really examinable because it had decomposed and
24 degenerated to the point they weren't there.

25 Q. Okay. What was required for you to access the inside of

1 the bodies?

2 A. I had to make incisions through the mummified dried skin and
3 tissues to open up the internal cavities and remove the portions of
4 the chest plate. Although, I was able to -- the diaphragms were
5 also gone so the thoracic cavities could be entered from below.

6 Q. And can you please describe a little more what you saw,
7 what condition the internal organs were in. Were they -- what
8 condition were they in?

9 A. They basically weren't there. They had degenerated to the
10 point that they -- you couldn't identify heart, lungs, liver, any
11 internal organs. There were no -- there was no -- normally at the
12 time of autopsy we collect blood, urine, other bodily fluids. There
13 were no fluids to be collected.

14 Q. Did you undertake any effort to determine if there had been
15 physical trauma to the bodies?

16 A. As best as possible, with the extremely poor condition of
17 the bodies, they were examined for evidence of trauma and none was
18 found. We did take total body x rays and did not find any evidence
19 of old fractures or acute fractures that we were able to see.

20 Q. And is that response true with respect to both girls?

21 A. That's correct, both girls.

22 Q. Now, you earlier mentioned that the bodies appeared to have
23 been deceased for some period of time. Are you, at this point,
24 able to make any estimation regarding how long the children had
25 been deceased before you examined them?

1 A. That's a very dangerous arena to get into based on the
2 environment the bodies were in, based upon temperature, conditions,
3 whether the bodies were there through the whole time. I think it's
4 fair to say they had been dead for several weeks to months by the
5 time that I examined them, but in terms of trying to determine an
6 exact time frame that's not really possible.

7 Q. Is it part of your normal duties to attempt to determine
8 the cause of death?

9 A. As a forensic pathologist, when you're approached by a
10 coroner, who, in the state of Colorado, is -- his job is to
11 determine cause and manner of death, cause being the medical
12 condition which lent to someone's death, the manner -- basically
13 there are five areas that are utilized. There's natural causes,
14 accidental deaths, suicides where somebody takes their own life,
15 homicide, where the actions of somebody takes the life of another,
16 and then undetermined, where, after an investigation and autopsy
17 we're not sure exactly what happened, undetermined is the manner.
18 So at the request of the San Miguel County coroner, I attempted to
19 determine a cause or manner of death in this situation with these
20 two girls.

21 Q. Given what you know as of today have you been able to
22 determine a cause of death?

23 A. No. Basically the conditions of the bodies kind of
24 prohibits that determination. I think it should be noted that I
25 have generated two preliminary autopsy reports on the two girls

1 with -- in consultation with Emil, we have sent the bodies to the
2 Office of Medical Investigator in Albuquerque, New Mexico,
3 associated with the University of New Mexico Medical School for
4 further evaluation. They have an ongoing evaluation of the bodies
5 in an attempt to determine additional information, which may be
6 useful in this setting; however, I think it's going to be very
7 difficult to determine an exact cause of death in this situation.

8 I believe, based on the conditions of the bodies and the
9 historical information gathered and given to me for my part of the
10 autopsy, which is part of all autopsies, that these children died
11 of homicide.

12 Q. Okay. And you referenced an individual named Emil, are you
13 referring to Coroner Sante?

14 A. Yes, I am.

15 Q. Okay. You referenced in your last response that you do
16 obtain historical evidence, investigative evidence; is that
17 correct?

18 A. Yes, it is.

19 Q. And is that the basis for your determination of the manner
20 of death in this case?

21 A. In the performance of an autopsy, a critical component of
22 that is information and data gathered concerning the circumstances
23 and events around someone's death, and that's a standard part of
24 autopsy. And yes, I did receive abundant information about the
25 apparent circumstances where these children were in the property

1 near Norwood and also in the situation where they were found in the
2 Camry that was duct taped and covered with a tarp.

3 Q. And in your post-mortem examination of the bodies and your
4 other work, did you find anything that was inconsistent with them
5 dying in the manner that was related to you with the historical
6 information?

7 A. No. Basically, based -- as we already stated, the
8 conditions of the bodies are very poor, but based on the findings,
9 the limited findings that the bodies were able to give us, and based
10 on the historical component, it's quite likely that these children
11 died related to malnutrition, dehydration, hyperthermia. But in
12 terms of the exact mechanism, I don't -- even with the Office of
13 Medical Investigator in Albuquerque being involved, I'm not sure
14 we'll be able to come up with an exact cause of death.

15 Q. Great. And I want to be really accurate, you just used a
16 term, hyperthermia; correct?

17 A. Correct.

18 Q. Okay. We are -- common in this part of our world, it's
19 common to hear the term hypothermia, but you used hyper -- you're
20 using hyperthermia?

21 A. Correct. It's been a fair amount of press related --
22 recently related to animals and children left in cars in the summer
23 that are closed up, and we've had, unfortunately, several deaths in
24 Colorado related to children and dogs, cats, in this situation, and
25 they die from basically heat exhaustion and hyperthermia. Not

1 hypothermia.

2 DISTRICT ATTORNEY HOTSENPILLER: No more questions.

3 CROSS EXAMINATION

4 BY DEFENSE ATTORNEY REISCH:

5 Q. Sir, when you received the bodies for your initial
6 examination, were you given the historical information before you
7 began your examination?

8 A. Yes, I was.

9 Q. Okay. And was that significant to you to have that
10 information prior to your examination or would it have made any
11 difference?

12 A. It makes a huge difference.

13 Q. Okay. And why is that?

14 A. To try to examine bodies in a void without historical data
15 is extremely difficult and fraught with a lot of mistakes, so the
16 practice of forensic pathology and performing forensic autopsies,
17 the gathering of all the information you can prior to the
18 examination of the body and conduction of the medical autopsy is
19 critical.

20 Q. Okay. So hypothetically, for example, if a deceased came
21 to your office and presented with, say, what you believe to be a
22 gunshot wound to the chest that perforated the heart and exited,
23 would you need historical data on that, or is that something you
24 think you could determine without necessarily having that
25 historical data?

1 A. You can determine physical findings, but in terms of
2 basically doing a complete autopsy, you would have to know if that
3 was a self-inflicted contact wound or a distant gunshot wound, so
4 you would want to have information as to was a gun found at the
5 scene, was there a gun fight? So it's very important to have that
6 historical data.

7 Q. Okay. Would you necessarily need that before you started
8 your examination in the example that I gave you?

9 A. Ideally, you always want that information, and you want as
10 much information as possible. I can tell you that at times,
11 unfortunately, I'm doing far more autopsies than I care to anymore,
12 but I get bodies from all around the area and sometimes I have more
13 information than others, but I basically do not do an autopsy
14 without getting at least skeleton information as to what's going on,
15 and certainly additional information can come in after I've
16 performed the initial examination of the body that contributes to my
17 interpretation.

18 Q. Okay. And who provided you with this initial historical
19 information before you began your examination?

20 A. Emil Sante, the coroner of San Miguel County.

21 Q. Did you speak with any officers or anyone else involved at
22 that point?

23 A. I don't remember specifically.

24 Q. You take notes when you have conversations regarding an
25 autopsy that will be taking place?

1 A. Sometimes. Ideally, I dictate a report.

2 Q. But your notes, you don't keep those if you --

3 A. I utilize those going forward, but I don't remember, and as
4 I stated before, only a preliminary autopsy report has been
5 generated, the final report has not been created, and that's going
6 to be done in association with the Office of Medical Investigator in
7 Albuquerque.

8 Q. And you stated that the bodies were presented to you in a
9 mummified, decomposed, skeletonized --

10 A. State.

11 Q. -- state. Is that the correct word? State? And you were
12 asked several questions on direct examination as to whether you
13 could say when these children had in fact passed away. Do you
14 recall those questions?

15 A. Yes.

16 Q. And you said that's often a very difficult area to do given
17 many factors, the environment, temperature, things of that nature;
18 is that right?

19 A. Correct.

20 Q. And I think you said that it could -- these children could
21 have passed away anywhere from two weeks to possibly several
22 months. Is that accurate?

23 A. That's correct.

24 Q. Okay. Have you dealt with situations like this where you
25 had bodies presented to you in this state before?

1 A. Yes.

2 Q. Okay. And were you able to determine in those particular
3 cases the time of the passing?

4 A. Usually, in those -- these situations, the best estimate of
5 time of death is historical data. That is, people who have last
6 seen the bodies or seen the individuals alive. Often, that ends up
7 being more accurate than people attempting to look at life cycles of
8 flies and conditions of the body as they decompose. There's work
9 that's done trying to determine that, but part of the problem is you
10 don't know what the environment was, you don't know how hot it got.
11 There are a lot of variables involved in that. So in terms of
12 actually the best estimate of time of death probably relates to
13 historical data.

14 Q. Okay. And obviously you said there are people that do this
15 type of work, you can tell from, I think, the insects, the flies,
16 things of that nature. Did you consult any other experts other
17 than the people you've consulted with at the University of New
18 Mexico?

19 A. No, I did not.

20 Q. And you stated that you believe that the two bodies were of
21 substantially similar condition and, therefore, it's your opinion
22 that they passed away at or about the same time?

23 A. I think that's a reasonable conclusion. I'm not sure it's
24 completely defensible, but the conditions of the bodies were quite
25 similar.

1 Q. Okay. Why do you think it's a reasonable position and why
2 do you think it's --

3 A. Because they were found in a car, in the same environment,
4 and the conditions of both of them were very similar, so it seems
5 common sense-ical that most likely they died around the same time.

6 Q. Okay. And I think you said: And it may not be completely
7 defensible. Why is that?

8 A. Because the bodies were basically in such bad shape that
9 there comes a point where they don't degenerate as rapidly as they
10 do initially, so the farther away from the time of death the bodies
11 are found and examined, probably the less reliable time frames are.

12 Q. And other than historical data from conversations that
13 investigators have had with people, do you have any information or
14 can you determine if those two children passed away in the vehicle
15 or if they passed away somewhere else and were placed in the
16 vehicle?

17 A. I have no -- there's nothing from my examination that would
18 determine that.

19 Q. All right. Now, you stated that the organs were no longer
20 present and therefore nothing was examinable, and that would be
21 significant in trying to determine the cause of death. Would that
22 not be correct, sir?

23 A. It certainly limits your ability to -- the worse the
24 condition of the bodies, the more limited you are in utilizing the
25 physical evidence in terms of analyzing the case.

1 Q. Okay. Just can you tell us what you would have been able
2 to test or try to determine the cause of death if you were able to
3 examine fluids or organs?

4 A. You can do better toxicology, so one thing you would be able
5 to do is draw blood and urine and look for drugs of abuse. You can
6 do some -- certainly, if somebody dies in the emergency room and
7 you've drawn blood at the time of their dying, you can look at
8 electrolytes, you can look at biochemical issues, you can look at
9 the organs and see if someone has pneumonia or cirrhosis or has had
10 a heart attack. So the fact that the organs are no longer -- have
11 degenerated to the point they are not there and examinable, that
12 certainly limits your ability to do what you can do in a fresh
13 autopsy.

14 Q. It would also limit your ability to determine if someone
15 died of natural causes?

16 A. That's true, yes.

17 Q. If you had or were able to do further toxicology you could
18 determine if someone had been given, I don't know, say, for
19 example, some sort of poisonous substance that would be in their
20 body or their blood stream; is that correct?

21 A. An attempt was made to examine hair from the victims looking
22 for toxicologic substances, but that's very limited and also very
23 compromised by the state of the body. There were no drugs
24 identified or poisons.

25 Q. Okay. Given the state of the bodies, would you have been

1 able to tell if someone had been strangled or even possibly
2 suffocated?

3 A. That would be very difficult, especially with a child. With
4 an adult, often most adults don't allow them to be suffocated
5 without a fight so, often, there are defense wounds, evidence of
6 trauma. But with children, they can certainly be over-powered
7 easily, and there would be no findings whatsoever, and in this
8 situation, with the condition of the bodies, there was no evidence
9 of that --

10 Q. There was no evidence, but you couldn't --

11 A. -- of suffocation.

12 Q. But you couldn't rule it out --

13 A. You couldn't rule it out, that's true.

14 Q. Okay. You said that the organs were no longer present,
15 they were degenerated, I believe, was your term. How long does
16 that normally take for organs to degenerate?

17 A. As we talked about earlier, it depends on the circumstances.
18 If somebody is in a fire, it can be minutes. If somebody's in a
19 high mountain area, it could be years. So it's quite variable in
20 terms of the circumstances of the death and the environment in which
21 the bodies are.

22 Q. Okay. So it just depends, is what you're saying, based
23 upon the environmental circumstances?

24 A. That's correct.

25 Q. All right. Now, you said you also, I believe, took x-rays?

1 A. That's true.

2 Q. That was to determine if there was any trauma; is that
3 right?

4 A. Looking for -- once again, when you have a body that is not
5 decomposed, you can look for bruising, for lacerations, for gunshot
6 wounds, but in this circumstance the body, the condition of the body
7 was so poor that you're really not able to identify those kind of
8 changes, so we did total body x rays looking for evidence of
9 fractures, which are related to trauma, and we found no evidence of
10 that.

11 Q. Okay.

12 A. My understanding is that the CAT scans, University of New
13 Mexico has CAT scans at their forensic lab and there CAT scans are
14 performed, but I don't have any reports back on that at this point.

15 Q. Okay. As it relates to mummification, the amount of time
16 it takes to -- for the degeneration, you said it depends on the
17 environment, the temperature, conditions, and you said it could
18 take weeks or months to get to the condition that you examined
19 these bodies in; is that right?

20 A. Correct.

21 Q. Obviously, you have been a forensic pathologist for --

22 A. Forty years now.

23 Q. -- forty plus years now. The time frame that's been
24 outlined these children were deceased is roughly about two weeks.
25 Is that consistent with a reasonable doubt of scientific certainty?

1 A. That's not the information I received.

2 Q. Okay.

3 A. My understanding is that they could have been dead as early
4 as July.

5 Q. Okay. And that's based upon your conversations with the
6 investigators?

7 A. And also reports from statements made by the accused.

8 Q. Okay. And when you say July, do you have a time frame in
9 July that you think --

10 A. Not that I -- not specifically, no.

11 Q. Okay. Just based upon your experience, based upon seeing
12 someone in this -- these bodies in this state, based upon your
13 experience, what would you estimate?

14 A. Well, I think it's -- I think it's somewhat hard to know.
15 My understanding is that this car was under some trees and it was --
16 but it was in direct sunlight for large portions of the day, and I
17 really don't know what the weather conditions are, but certainly at
18 altitude in the summer in this part of the country cars can get
19 extremely hot and, in essence, these bodies were partially baked
20 from the heat of the car, and obviously that took a certain period
21 of time.

22 Q. Can you give me an estimate on that?

23 A. I have said weeks to months.

24 Q. Okay. Now, you were asked questions regarding the cause of
25 death and as of today's date and when you prepared a report as of

1 the 16th of November, the cause of death is undetermined?

2 A. Correct.

3 Q. Okay. All right. And then you were given the manner of
4 death and you said you declared this to be homicide based upon the
5 historical information that you received?

6 A. Correct.

7 Q. Okay. And obviously the manner of death can include
8 natural causes; correct?

9 A. Pardon?

10 Q. Natural causes?

11 A. Can you repeat the question.

12 Q. One of the categories of manner of death could be natural
13 causes?

14 A. Correct.

15 Q. Okay. And that could not necessarily be excluded based
16 upon the state of the bodies; is that correct?

17 A. That's correct.

18 Q. Okay. Accident is a manner of death?

19 A. Correct.

20 Q. Has that been excluded based upon the state of the bodies?

21 A. No, it has not.

22 Q. Suicide, could that be eliminated based upon the state of
23 the bodies?

24 A. No, but certainly an eight-year-old committing suicide would
25 be highly, highly unusual, but certainly it's still an outside

1 possibility, I suppose.

2 Q. Okay. And then obviously you determined it was homicide
3 and that's normally the death caused by another person; correct?

4 A. Correct.

5 Q. All right. And then you could still have another section,
6 or is there one more area?

7 A. Undetermined.

8 Q. Undetermined can still fall under the manner of death?

9 A. Correct.

10 Q. Okay. You stated that both bodies had been transferred to
11 New Mexico for further testing. Other than the CAT scan that they
12 were going to perform, or that you testified to, was there any
13 other testing that they have the capability of doing that you don't
14 in your facility?

15 A. They have access to entomologists so they may do some
16 analysis there. The bodies were being examined by a forensic
17 anthropologist who has special training in skeletons and bodies that
18 are compromised in a state such as this, or certainly more expertise
19 in that arena.

20 Q. Okay. And at least at this point your opinion is you may
21 never be able to fully determine the manner of death based upon the
22 information --

23 A. Based on where we're at at this point and what I know of the
24 conditions of the body, I think we will have a difficult time
25 pinning down, such as if someone dies of a gunshot wound to the

1 head, it's apparent, but in this situation there are a number of
2 factors that need to be considered and there are possibilities.

3 Q. You were able to conduct some hair analysis, were you not?

4 A. I removed hair from the bodies and submitted those to NMS
5 Laboratories in New Jersey for an attempt at toxicologic analysis.

6 Q. And can you tell the Court what those results determined or
7 what they mean?

8 A. Well, basically, they came back with some -- hair is
9 frequently used for heavy metal analysis. These came back with
10 pretty non-specific levels of barium, lead, no specific toxins or
11 lethal levels, or even levels of concern, for some of the metals.

12 Q. Okay.

13 A. But you need to know, it's very limited. Normally, what you
14 get from autopsy is blood and urine that you can run GC mass specs
15 on, and you can't do that with hair that's in poor condition.

16 Q. And, obviously, to do -- if you had the ability, given the
17 state of the bodies, if you could have tested blood and urine, you
18 could have tested a whole list of substances that would possibly be
19 in the blood or urine or anything like that?

20 A. That's correct.

21 Q. Whether natural, unnatural, controlled substances or
22 natural substances; right?

23 A. There are algorithms that people utilize for drugs of abuse,
24 therapeutic drugs, and so on, yes.

25 Q. Okay.

1 A. Those are normally tested.

2 Q. Okay. Is there anything from the -- you stated that the
3 cause of death was dehydration, malnourishment, hypothermia. Is
4 there anything other than historical data, anything from your
5 examination of the bodies themselves which you could say that this
6 person is deceased from dehydration or malnourishment?

7 A. At this point in time, no.

8 Q. What was that?

9 A. No. I said no. Yeah, at this point in time, no.

10 Q. Okay.

11 A. I'm sorry.

12 DEFENSE ATTORNEY REISCH: If I could have a moment, Your
13 Honor.

14 (Conferring off the record.)

15 DEFENSE ATTORNEY REISCH: Thank you for your time, Doctor.

16 THE COURT: Thank you.

17 Mr. Martin.

18 CROSS EXAMINATION

19 BY DEFENSE ATTORNEY MARTIN:

20 Q. Good morning, my name is Brent Martin and I represent Ika
21 Eden.

22 A. Who?

23 Q. I represent Ika Eden.

24 A. Okay.

25 Q. I have follow-up questions based upon the testimony you

1 provided during cross examination with Mr. Reisch.

2 Upon your review of each of the bodies, both Ms. Marshall
3 and Ms. Roberts, you indicated that you did not find any sign of
4 any fractures when you did the total body x rays and, thereby, did
5 not come to the conclusion that there was any trauma; is that
6 correct?

7 A. No, my conclusion was I did total body x rays and I didn't
8 find any evidence of fractures. That does not rule out trauma, but,
9 it rules out fractures.

10 Q. Did you find any evidence, either by your initial visual
11 inspection of the bodies or after the x rays, of evidence that
12 either one of the individuals may have been restrained in any
13 manner prior to their death?

14 A. No, I did not.

15 Q. Did you find any information that they may have been bound
16 hands been bound, or ankles bound with ropes or any other types of
17 materials?

18 A. No, I did not.

19 Q. Okay. And Mr. Reisch asked you some pretty detailed
20 questions concerning your estimation regarding the time of death,
21 and you focus a portion of your testimony on hyperthermia, meaning
22 that it could have accelerated the time of death, or shortened it,
23 based upon the two individuals being in the car and subjected to
24 extreme heat. Is that correct?

25 A. I'm saying that's certainly a possibility that that

1 contributed to the cause of death. It could have been actually the
2 complete cause of death if it got to 160 degrees in the car and it
3 was closed up.

4 Q. Are you aware that Mr. Blair provided a statement to law
5 enforcement over the course of the last week and a half regarding
6 his involvement in this matter?

7 A. No, I'm not.

8 Q. Okay. Are you aware that Mr. Blair confirmed being -- at
9 least his version of the events to Mr. Ryan, the prosecutor, and
10 Sheriff Masters, that the car door was actually ajar and open when
11 he approached the vehicle in order to place a tarp over it?

12 DISTRICT ATTORNEY HOTSENPILLER: Objection, Your Honor.
13 The doctor just testified he was not aware of the statements,
14 so he can't be aware of the statements that were made during
15 the statement by Mr. Blair in the last week and a half, so...

16 DEFENSE ATTORNEY MARTIN: I'll rephrase the question.

17 THE COURT: Sustained.

18 BY DEFENSE ATTORNEY MARTIN:

19 Q. If you were to become aware that one or more of the car
20 doors of the vehicle with the two young women were located in were
21 in fact open or ajar, would that change your opinion, meaning that
22 the cause of death could have been quite a bit longer prior to the
23 date that the bodies were discovered, and not weeks?

24 A. So you're talking about the time of death, not the cause of
25 death?

1 Q. Time of death, yes.

2 A. The time of death. Well, certainly, if the doors were open
3 it's not going to get as hot in there, which will -- in that
4 setting, you have to look at the difference between -- I'm not going
5 to use analogies, but 150 degrees to 120 degrees, there's obviously
6 a difference in terms of the effect of the heat. So if the doors
7 are open, the heat in the car is not going to be at the same level
8 as if it's completely sealed.

9 Q. Okay. And regarding the final autopsy report that you
10 provided, which is obviously marked preliminary for both Ms.
11 Marshall and Ms. Hanna, are there any other notes or documents that
12 you have that have not been disclosed to the District Attorney's
13 Office or law enforcement regarding your findings?

14 A. I have some dictation that I have not completed yet that --

15 Q. When was that dictation conducted?

16 A. Most of it was done at the time of my initial examination of
17 the bodies and going forward.

18 Q. Were those dictations conducted at Montrose Memorial
19 Hospital?

20 A. Yes.

21 Q. Are they there in their records or in a separate office
22 in --

23 A. I have an office in the laboratory of Montrose Memorial
24 Hospital, but these are not hospital records, these are my records
25 as a forensic pathologist, as I've contracted with coroners from the

1 region.

2 Q. Okay. And regarding the questions that were asked of you
3 by Mr. Reisch concerning historical information and the importance
4 of that information, have you included all of the historical
5 information that you obtained prior to, during, or after the
6 initial autopsies of both of these individuals in your report, in
7 this preliminary report?

8 A. No.

9 Q. Okay. And initially you indicated that you spoke with
10 Mr. Emil Sante, the coroner?

11 A. Correct.

12 Q. And then upon further questioning you indicated that the
13 historical information that you were relying on came from
14 statements of the accused?

15 A. I had both.

16 Q. Where did you receive documentation concerning statements
17 of the accused prior to conducting the autopsies?

18 A. I didn't have them prior to conduction of the autopsy.

19 Q. Could you repeat that.

20 A. I did not have them prior to conduction of the autopsy,
21 physical examination of the bodies.

22 Q. When did you receive that information?

23 A. I'm not sure.

24 Q. Which of the accused statements were you provided?

25 A. I had the information Mr. Blair provided initially, and I

1 believe -- right off the top of my head I can't remember the
2 exact -- Mr. Yah, I believe. I'm not sure.

3 Q. And were you provided that information in a digital format,
4 hard copy, or audio?

5 A. I believe -- well, it was either fax or email, and then put
6 down into paper, so...

7 Q. And do you recall who faxed or emailed you this
8 information?

9 A. No, I do not.

10 Q. Did you save copies of the documents that you received for
11 purposes of storing your historical information in order to arrive
12 at your initial conclusion regarding the cause of death?

13 A. I have copies of those, yes.

14 Q. Where are those copies maintained?

15 A. In my office.

16 Q. Okay. Do you have notes written on those?

17 A. No, I do not.

18 Q. Okay. Did you generate more notes in your file after
19 reviewing those statements?

20 DISTRICT ATTORNEY HOTSENPILLER: Objection, beyond the
21 scope of this hearing.

22 THE COURT: Sustained. Beyond the scope of probable cause
23 finding.

24 BY DEFENSE ATTORNEY MARTIN:

25 Q. You indicated that you spoke with members of law

1 enforcement after you spoke with Mr. Emil Sante. Do you recall the
2 names of law enforcement officers that you spoke to in order to
3 formulate your historical information during the autopsies?

4 A. No, I do not.

5 Q. Okay.

6 DEFENSE ATTORNEY MARTIN: One moment, please. I don't
7 want to ask duplicative questions, so if I could have a second
8 to go through my notes.

9 (DONE.)

10 BY DEFENSE ATTORNEY MARTIN:

11 Q. Just to clarify, you indicated that you came to the
12 conclusion that both individuals passed away at roughly the same
13 time; is that correct?

14 A. Yes, I said that's what I think, yes.

15 Q. But if the car doors were open, by way of example
16 hypothetically speaking, one could have passed away much sooner
17 than the other, and then left in a car that was then sealed up and
18 tarped and caused the same amount of degeneration of the tissue;
19 correct?

20 A. That's correct, yes.

21 Q. So it's quite possible that these individuals died on very
22 distinct different dates?

23 A. It's possible.

24 DEFENSE ATTORNEY MARTIN: I don't have any further
25 questions at this time.

1 THE COURT: Okay. Thank you.

2 One of the things I forgot to mention at the beginning, so
3 everybody knows, we will stop at redirect on each witness, so...
4 That's, just so you know.

5 DEFENSE ATTORNEY MARTIN: Okay.

6 THE COURT: All right. Redirect.

7 DISTRICT ATTORNEY HOTSENPILLER: I only have one question
8 of clarification.

9 REDIRECT EXAMINATION

10 BY DISTRICT ATTORNEY HOTSENPILLER:

11 Q. Near the end of your examination by Mr. Reisch he asked you
12 a question about manner of death and how uncertain that was. And
13 what I want to be clear on, you identified a manner of death based
14 on historical information; correct?

15 A. Basically, the information that I have and the bodies I
16 have, or received, would indicate that these two children had been
17 banished to a car, historically had been deprived of food, possibly
18 water, in an environment that could have gotten extremely hot, and
19 both children were then found dead, mummified, skeletonized, and
20 decomposed. So based on that situation, it certainly would appear
21 to be deprivation, and homicide would be the manner of death.

22 Q. All right. It's the cause of death that remains uncertain
23 at this time?

24 A. Right. The exact mechanism related to cause of death is not
25 known.

1 DISTRICT ATTORNEY HOTSENPILLER: No further questions.

2 THE COURT: All right. It's 10:30. Let's take about a
3 10-minute break, maybe a little bit longer, and we'll come back
4 with the next witness.

5 And you can be released.

6 I don't know if he's under anybody else's subpoena?

7 DEFENSE ATTORNEY MARTIN: No, Your Honor.

8 DEFENSE ATTORNEY REISCH: I had an STD, subpoena duces
9 tecum, for the doctor as well.

10 DISTRICT ATTORNEY HOTSENPILLER: We didn't get one.

11 DEFENSE ATTORNEY REISCH: We'll doublecheck that and
12 readdress it if necessary. Thank you.

13 THE COURT: Okay. We'll go off the record. It sounds
14 like you are --

15 DISTRICT ATTORNEY HOTSENPILLER: Released.

16 THE COURT: Okay. -- are released.

17 THE WITNESS: Okay. Thank you.

18 (SHORT BREAK TAKEN.)

19 THE COURT: We're going to go back on the record, San
20 Miguel District Court case, 17CR28 and 17CR30, next witness.

21 DEPUTY DISTRICT ATTORNEY WHITING: The People call Deputy
22 Covault of the San Miguel County Sheriff's Office.

23 * * *

24 DANIEL COVAULT,

25 was called as a witness, and having been duly sworn,

1 was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY DEPUTY DISTRICT ATTORNEY WHITING:

4 A. Daniel Vinton Covault.

5 Q. Good morning, Deputy Covault.

6 A. Good morning.

7 Q. Tell us what your position is and with what agency.

8 A. Deputy Sheriff with San Miguel County Sheriff's Office in
9 Telluride, Colorado.

10 Q. How long have you been with the sheriff's office?

11 A. A total of about 11 years. I have five years where I went
12 to another agency and I came back.

13 Q. And how recently did you come back?

14 A. I believe it was in January of 2011.

15 Q. Okay. And presently, what are your general duties with the
16 Sheriff's Office?

17 A. My primary duty is patrol officer, answering calls for
18 service, transfer, traffic detail, criminal investigation if the
19 case is assigned to me. And I'm also designated as the marijuana
20 enforcement officer for our agency.

21 Q. Does that mean interacting with marijuana cultivators --

22 A. Yes.

23 Q. -- throughout San Miguel County alone?

24 A. No. The sheriff will oftentimes farm me out to other
25 counties to assist in other cases.

1 Q. Okay. And were you employed with the sheriff's office on
2 September 8?

3 A. Yes, I was.

4 Q. Were you on duty that day?

5 A. Yes.

6 Q. And did you respond to Alexander Blair's property on that
7 day?

8 A. Yes, I did.

9 Q. Okay. Did you know Mr. Blair previously?

10 A. Yes, sir.

11 Q. How?

12 A. Mr. Blair has been a member of the marijuana industry for
13 several years and he and I have had a working relationship as
14 cultivator and enforcement officer assisting him in maintaining
15 compliance and things of that nature.

16 Q. Okay. So did you have relatively regular contact with him
17 for some time?

18 A. Yeah, I would say it was relatively regular. Not always in
19 the line of work, but even cordially and socially on the street in
20 Norwood.

21 Q. Okay. And so the property you responded to on September 8,
22 is that the property on which he cultivated marijuana?

23 A. The last property, he cultivated marijuana, yes.

24 Q. How many times have you been there before?

25 A. Six or seven.

1 Q. Okay. And did you have an open invitation to enter the
2 property?

3 A. I did.

4 Q. Where is the property located?

5 A. It's on the north end of Thunder Road, at the intersection
6 of Thunder Road and Y45.

7 Q. I'll direct your attention to the board behind you. I
8 direct the witness to the larger version of People's Exhibit Two.
9 Is that an accurate representation of the property?

10 A. It is. It does not show the whole property. There's a
11 section missing to the north.

12 Q. Okay. But is that the property you responded to on
13 September 8?

14 A. It is.

15 Q. Okay. And that's located in San Miguel County?

16 A. Yes, sir, it is.

17 Q. When was the last time you were at the property prior to
18 September 8?

19 A. August 19, 2017.

20 Q. August 19. Tell me about that visit.

21 A. I had stopped in at the property to do an annual compliance
22 check on Mr. Blair --

23 Q. Okay.

24 A. -- of his marijuana cultivation.

25 Q. Okay. And describe where you enter -- did you enter into

1 the property that day?

2 A. I did.

3 Q. Point, or at least indicate, on that picture where you
4 entered the property.

5 A. If we look at the legend it would be right at the lower left
6 corner of the legend.

7 Q. So that's where the road meets the entrance?

8 A. Yes.

9 Q. Okay. And your purpose there was compliance check?

10 A. Yes.

11 Q. So what happened that day? You entered into the property.
12 Where did you go?

13 A. When I entered the property, I went north on that road, and
14 then you'll see where you have a road that continues straight,
15 roughly straight north along the fence line and another one that
16 bends to the left. That's a new road since this past season so I
17 figured he put it there for convenience. I walked down that road
18 towards where you see the bulk of the numbers being an area I would
19 call the compound.

20 Q. Okay.

21 A. And I went that direction.

22 Q. And did you encounter Mr. Blair there?

23 A. No, I did not.

24 Q. Who did you encounter there?

25 A. Nobody in the compound area, what I call the compound, which

1 is that heavy conglomeration of numbers in the middle.

2 Q. Were you looking for Mr. Blair or for a cultivation
3 operation or both?

4 A. Both.

5 Q. Okay. So how did you proceed from there?

6 A. When Mr. Blair wasn't where I usually find him in the
7 compound area, I started to walk down, because where we see the road
8 that goes east and west at the top, at the north end of the trees,
9 that in the previous year was the main access and that's where he
10 would park vehicles typically in the previous grow seasons. So I
11 went almost due north to see if he was even on the property and
12 walked towards that road.

13 Q. Okay. What did you notice when you were on the property?
14 Were there vehicles you hadn't seen before? Anything of that
15 nature?

16 A. Yes, there was. Where the number four is on the photo there
17 was a vehicle there, and as I got closer to the road I could see two
18 more vehicles out in the field where we see the numbers two and
19 three. Vehicle number three was the vehicle I hadn't recognized,
20 but vehicle number two was Mr. Blair's truck, which I knew well.

21 Q. Okay. Is that where you proceeded to?

22 A. Yes, I did, because at the same time I saw the vehicles I
23 saw two children outside playing.

24 Q. Okay. Describe those children.

25 A. They were African-American. From where I was, I couldn't

1 tell if they were male or female, and they were wearing a robe type
2 garb.

3 Q. And did you approach them?

4 A. I walked towards them and then they abruptly saw me, didn't
5 look real certain of who I was or why I was there, and they ran
6 towards the shack that is right at the tree, which would be between
7 the tree and the two vehicles labeled two and three.

8 Q. Is that represented on Exhibit Two by the number one --

9 A. It is.

10 THE COURT: Just a second. Let's make sure we speak one
11 at a time.

12 THE WITNESS: I'm sorry.

13 THE COURT: That's okay. Go ahead.

14 BY THE WITNESS:

15 A. The shack is represented by the number one. However, the
16 one is in -- not the location of where the shack is. The one needs
17 to be on the other side of the tree, on to the right side of the
18 tree.

19 BY DEPUTY DISTRICT ATTORNEY RYAN:

20 Q. Okay.

21 DEPUTY DISTRICT ATTORNEY WHITING: Your Honor, may I
22 approach?

23 THE COURT: You may.

24 BY DEPUTY DISTRICT ATTORNEY WHITING:

25 Q. I'm providing the witness with People's 11. Is that the

1 shack you're talking about?

2 A. Yes, sir, it sure is.

3 Q. Okay.

4 THE COURT: Mr. Whiting, this is 13. Is that what you
5 meant to give me?

6 DEPUTY DISTRICT ATTORNEY WHITING: Yes, Your Honor.

7 DEPUTY DISTRICT ATTORNEY RYAN: You said 11.

8 THE COURT: That's fine. If that's what you meant to give
9 me, that's great. Number 13.

10 BY DEPUTY DISTRICT ATTORNEY WHITING:

11 Q. Did you see anybody else?

12 A. As I neared the shed I saw a gentleman that I later learned
13 to be Mr. Archer, sitting at the door of the shed, half in and half
14 out. He was peeking around the door looking up towards me, and the
15 children had run towards him.

16 Q. Okay. Is Mr. Archer in the courtroom today?

17 A. Yes.

18 Q. Can you point him out for me.

19 A. Mr. Archer is the gentleman sitting three from my left at
20 the Defendants' table wearing an orange and white jumpsuit.

21 DEPUTY DISTRICT ATTORNEY WHITING: Your Honor, for the
22 record, the witness has identified Mr. Archer.

23 THE COURT: The record will so reflect.

24 BY DEPUTY DISTRICT ATTORNEY WHITING:

25 Q. Did you try to interact with Mr. Archer on that day?

1 A. I did.

2 Q. What did you say?

3 A. I asked him if he had seen Alec around and he didn't respond
4 at first, he just kind of looked at me, and then he pointed into the
5 shed. He didn't actually say anything at that point.

6 Q. Okay. So did you take that -- what did you take that to
7 mean?

8 A. I took that to mean Alec was in the shed.

9 Q. Did you find Alec that day?

10 A. Alec stepped out about that point. When Mr. Archer
11 indicated that Alec was in the shed, Alec stepped out.

12 Q. All right. And what did you ask Alec?

13 A. I told him I was there to do a compliance check for the
14 year.

15 Q. And what did he indicate?

16 A. He told me that he had destroyed all his marijuana and that
17 he was no longer going to be cultivating marijuana and told me I was
18 interrupting a religious ceremony and that I needed to leave.

19 Q. Did you do so?

20 A. First I confirmed with him, I said: So there's no marijuana
21 anywhere on the property?

22 And he was like: No, I have nothing, I destroyed it all,
23 you don't need to ever come back, I'm done with marijuana, you can
24 go.

25 Q. Okay. Did he tell you anything else about what was going

1 on in the property?

2 A. No.

3 Q. Okay.

4 A. Just that I was interrupting a ceremony that they were
5 having.

6 Q. Did you ask him about his guests at all?

7 A. I did. I asked him if they spoke English and he said that
8 they did.

9 Q. Did you try to interact with any of them further?

10 A. I tried to speak to the children, just a cordial, Hi, how
11 are you? I guess the word that comes to mind is stranger danger
12 because they didn't want to interact with me. And Mr. Archer never
13 spoke to me.

14 Q. Did you see who you would later learn was Ms. Bramble on
15 that day?

16 A. Yeah.

17 Q. Where was she?

18 A. She was in the shack with two other women.

19 Q. Okay. Who were those?

20 A. They were later identified as Madani Ceus -- they were later
21 identified as Madani Ceus, Ika Eden, and Nashika Bramble.

22 Q. Do you see Ika Eden in the courtroom today?

23 A. I do.

24 Q. Point her out.

25 A. She's the female party sitting at the defendant table

1 wearing an orange and white jumpsuit.

2 DEPUTY DISTRICT ATTORNEY WHITING: Let the record reflect
3 that the witness has identified Ika Eden.

4 THE COURT: The record will reflect the identification.

5 BY DEPUTY DISTRICT ATTORNEY WHITING:

6 Q. Did you leave at that point or did you interact with any of
7 those folks at the shack?

8 A. I did not interact with any of the females.

9 Q. Did you leave at this point?

10 A. I did. I went to leave.

11 Q. Describe for me, just can you stand up and kind of walk us
12 through the route you took --

13 A. Yeah.

14 Q. -- when you left.

15 A. So when I left, I started to go back up this way and I
16 thought, That's kind of silly, I don't need to go through the trees.
17 So I got here and turned on this road and walked out this road.

18 THE COURT: That will not make a record.

19 BY THE WITNESS:

20 A. Okay. So I started to the south.

21 BY DEPUTY DISTRICT ATTORNEY WHITING:

22 Q. You moved south from number three?

23 A. Right. I crossed the north or -- excuse me-- the east-west
24 road to the north of the trees, got here, and then I decided I
25 didn't want to walk back up through the trees, so I turned to the

1 east, I followed the west-east road to the fence line and then took
2 the fence line south to the main entrance.

3 Q. Okay. So south number 3 to what's defined east-west road
4 and then on the south side of that road you walked east to the
5 straight road that's on the east side of the property and exited by
6 there?

7 A. Yes.

8 Q. Okay. Identify the number that represents the vehicle in
9 which the victims were later found.

10 A. That would be number four. It's marked on the photo for
11 ease of viewing as a little blue car, computer-generated blue car
12 just north of Alec's white truck.

13 Q. Okay. And Alec's white truck is no longer -- when you were
14 on the property, it's not where it was represented in that photo;
15 correct?

16 A. That's correct. That photo was taken before August 19.

17 Q. Okay.

18 DEPUTY DISTRICT ATTORNEY WHITING: May I approach, Your
19 Honor?

20 THE COURT: Yes.

21 (DONE.)

22 BY DEPUTY DISTRICT ATTORNEY WHITING:

23 Q. That's People's 14. Is that the car that the victims were
24 ultimately found in on September 8?

25 A. Yes, it is.

1 Q. How close to that car did you come at any point on
2 August 19?

3 A. When I entered the property and left the compound, I was
4 approximately 30 yards to the east of it.

5 Q. Okay. And was it covered to that extent, to the extent
6 seen in People's 14 on that date, or do you recall?

7 A. My recollection is it was covered more than this extent on
8 the 19th.

9 Q. Okay.

10 A. Here the tarp is pulled off to the side and my recollection
11 is it was completely over.

12 Q. Okay. And did you think to investigate it at all on that
13 date?

14 A. No. I had no reason to look at the car. I wasn't there for
15 that.

16 Q. Okay. Anything further from the August 19 visit?

17 A. Other than I had never seen these people on Alec's property
18 before, and Alec was acting out of character from what I knew of
19 him, so I decided to...

20 Q. Okay. So moving on to the September 8 visit, were you on
21 duty on September 8?

22 A. Yes, I was.

23 Q. Okay. What brought you out to Alec's property on that
24 date?

25 A. I received a call from -- actually, I got a transfer to call

1 from dispatch. Dispatch had received the call from Alec's father.

2 Q. Okay. And who was that?

3 A. Frederick Blair or -- excuse me-- Franklin --

4 Q. Fletcher sound familiar?

5 A. Franklin Fletcher. Thank you very much.

6 Q. Okay. Alliteration aside, what did Mr. Fletcher indicate?

7 A. He indicated that there were two dead bodies on the
8 property.

9 Q. Had you spoken to Mr. Fletcher previously?

10 A. Not personally, no.

11 Q. Okay. Were you -- where were you when you received this
12 call?

13 A. I was in Telluride at our Telluride office in the Ilium
14 Valley.

15 Q. Okay. And did you respond directly to Alec's property?

16 A. I did.

17 Q. Okay. What did you see when you got there?

18 A. I saw Sergeant Funk, Deputy Armstrong, Norwood Deputy
19 Marshal Trago Staats, Mr. Fletcher, his vehicle, and I did not see
20 Alec right away.

21 Q. And when you say his vehicle, you mean his white truck?

22 A. No, it was Mr. Fletcher's truck, not Alec's.

23 Q. Where did you encounter these people?

24 A. Out here on the main road to the lower left corner of the
25 legend.

1 Q. Okay. Let's identify -- I believe it's a pavement road?

2 A. Yes. And earlier I said Y45 and I meant Y43.

3 Q. When did you encounter Blair on that date?

4 A. I parked my vehicle, stepped out, I asked the sergeant, I
5 said: Where's Alec?

6 And he pointed, and Alec was over at the edge of the trees.

7 There's a gate that's visible in the photo if you know where it is.

8 He was on this side of the gate at the edge of the trees.

9 Q. Okay. When you say, This side, was he to the south --

10 A. South of the locked gate.

11 Q. Towards Y43?

12 A. Yes.

13 Q. What was he wearing on that date?

14 A. He was wearing a white robe and a white headdress.

15 Q. Okay. Is this different than what you had seen him wearing
16 on August 19?

17 A. Yes, it is.

18 Q. How?

19 A. On August 19 he was wearing black.

20 Q. Okay. Did you speak with Mr. Blair?

21 A. I did.

22 Q. What did he tell you?

23 A. I asked him what was going on and what was down in the
24 vehicle that his father had called about and he said: They're cold;
25 they're cold.

1 And I said: Alec, what do you mean they're cold?

2 He said: They're gone, they're dead, they're cold; this is
3 cold.

4 And I said: So there are bodies in the vehicle? Or
5 something to that effect.

6 And he affirmed that there was. He was not very
7 forthcoming with a lot of information at that point.

8 Q. Okay. Did you enter into the property at this point?

9 A. It was several more minutes. We waited for additional
10 officers and we donned what we thought was appropriate attire, our
11 tactical gear, we didn't know what we were encountering or what had
12 caused the deaths of these people, or even who they were, so we went
13 in more tactical to prepare for the worst scenario, so it took
14 several minutes before we entered.

15 Q. Okay. Did you approach the car in People's 14 on that day?

16 A. I did.

17 Q. All right. And what did you notice about it?

18 A. When I got about 3 feet from -- in the photograph it would
19 be the east or -- excuse me -- the west side of the vehicle, I could
20 smell a very strong odor of what I know to be death and decay, but I
21 had to get fairly close to the vehicle before I smelled it.

22 Q. Okay. Did you encounter the same people you had seen on
23 August 19 on the property?

24 A. All but one.

25 Q. Okay. Who was that?

1 A. Ms. Bramble, who we learned was Ms. Bramble later, was not
2 present.

3 Q. Okay. Were you told at any point where she had gone?

4 A. Yes. After the current defendants were taken into custody
5 we were told that she had left the property of her own volition a
6 couple of days prior.

7 Q. Did you encounter Ms. Sandalphon on that date?

8 A. I did.

9 Q. Where was she?

10 A. When we first came out of the trees and crossed that
11 east-west road on the north end of the trees they were all in the
12 shack, or around the shack.

13 Q. When you say the shack, you mean the shack represented by
14 number one?

15 A. Correct.

16 Q. Were the vehicles represented by numbers two and three
17 still in the same positions?

18 A. They were.

19 Q. Okay. Is that where Mr. Yah was as well, or Mr. Archer?

20 A. Archer, yes, it is.

21 Q. Okay. What did Mr. Blair tell you happened that led to the
22 deaths on that day? Did you speak with him?

23 A. Yes, I did.

24 Q. What did he indicate to you had happened?

25 A. That they had been placed in the car and been denied food

1 and water.

2 Q. When he said denied food and water, did he -- was he
3 speaking about the entire group? Did he identify anybody
4 specifically?

5 A. He specifically identified the victims in the vehicle as
6 having been placed there and then they were denied food and water.

7 Q. Was there a reason he identified for why they were placed
8 there?

9 A. Yes, he told me they had been placed there because their
10 spirits or their souls were unclean and unpure, and so they were
11 placed in the car to -- I don't remember his exact words, but the
12 essence of it was to atone, until they had made atonement.

13 Q. Did you speak with Mr. Yah that day?

14 A. I did.

15 Q. When?

16 A. After we had taken everyone into custody, it was a fairly
17 hot day, we moved them from the open field, where they were taken
18 into custody, into the trees. At the direction of Sergeant Funk I
19 was asked to Mirandize each one of the defendants and see if any of
20 them would be willing to speak with me. Mr. Archer was the first
21 one I spoke with and he and I stepped aside and had a conversation.

22 Q. What did you ask him?

23 A. I started with what was in the car. I just said: What is
24 in the car?

25 Q. What did he indicate?

1 A. At first he didn't answer. And then he said -- I asked him
2 a couple of times and finally he said: The girls.

3 Q. Did he elaborate on, The girls, at all?

4 A. I asked: What girls?

5 He said: The girls of the woman who left.

6 Q. Did he ever indicate her name, the woman who left?

7 A. I'm trying to remember. I don't recall if he called her by
8 name.

9 Q. Okay. Did he identify who the girls were outside of just
10 being her daughters?

11 A. No, he did not identify them by name at all.

12 Q. Okay. Did you ask him about the tarping of the car?

13 A. I did.

14 Q. What did he indicate on scene that day?

15 A. On scene that day I asked him when the vehicle was tarped
16 and he said: The morning of the day you came.

17 And I took that to mean the morning of the 19th of August
18 when I had come for the compliance check.

19 Q. So you hadn't seen any of these people or Mr. Blair between
20 the 19th and September 8?

21 A. No, I had not.

22 Q. Did he indicate whether he participated in tarping the car?

23 A. He did.

24 Q. What did he tell you?

25 A. I asked him: Who tarped the car?

1 He said he and Alec had tarped the car.

2 Q. And he indicated that occurred on the morning you visited?

3 A. Yes.

4 Q. All right. What time of day did you visit on August 19?

5 A. I believe it would have been about 4:30 or so in the
6 afternoon.

7 Q. Okay.

8 A. It was after lunch, but it wasn't dark yet and I was close
9 to the end of shift, so I assume it would be around 4:30,
10 5:00 o'clock.

11 Q. Did he tell you anything else?

12 A. He did. I asked him why the car was tarped, and he said
13 that Alec had come to them that morning, stated he had a dream that
14 law enforcement was coming and that they needed to cover up the car.

15 Q. On September 8 did the vehicle look different than what you
16 had seen from afar on August 19?

17 A. My remembrance, it was the same. It was unchanged.

18 Q. Okay. So still tarped?

19 A. Correct.

20 Q. Totally opaque, couldn't see into it at all?

21 A. Correct.

22 Q. How close did you get to it on September 8?

23 A. Within touching distance.

24 Q. Okay. And who ultimately confirmed that there were dead
25 bodies in that car on that date?

1 A. I was not there, but it was my understanding that it was
2 Emil Sante, Trago Staats, and Deputy Clay Armstrong.

3 Q. Okay. And it was confirmed that there were two different
4 dead bodies in the car on September 8?

5 A. Yes, it was.

6 Q. Okay. Were you among the officers who conducted the scene
7 investigation?

8 A. Yes, I was.

9 Q. Okay. Now, that occurred after September 8; is that
10 correct?

11 A. Correct.

12 Q. All right. On September 8, after you were on scene, how
13 did you proceed with your day? Where did you finish your day?

14 A. I was at the Norwood Sheriff's Office working on search
15 warrants for the property, the vehicle, pretty much anything that we
16 knew was involved at that point.

17 Q. What was the date when you processed the scene or conducted
18 the scene investigation?

19 A. The next day on September 9th.

20 Q. I'll draw your attention to Exhibit Two. Before we
21 proceed, I'll be asking you to walk us through photo exhibits of
22 the structures and vehicles you found on a September 9 as well as
23 some of the supplies.

24 A. Okay.

25 Q. For starters, I'll reference the legend in there.

1 A. Uh-huh.

2 Q. Have you reviewed that legend at all?

3 A. Yes.

4 Q. Okay. Does that accurately -- is that comprehensive
5 concerning the structures and vehicles that you found?

6 A. Again, with the exception that I -- the number one needs to
7 be on the east side of the tree, yes.

8 Q. Okay. Now, I'll direct you to number three which indicates
9 Bramble 4Runner, 9/8/17. Is that vehicle actually a 4Runner?

10 A. I believe it's a Ford Explorer.

11 Q. Okay. With that being said, how did you start the scene
12 investigation? Did you just do a sweep?

13 A. No. When we did the scene investigation we did a CBI -- we
14 called CBI in to assist us in this matter.

15 Q. Uh-huh.

16 A. And when we went in we went through the gate that's again
17 down here in the lower left corner of the legend, and we did a
18 complete walk-through so CBI could take an overview of the scene.
19 And we did a walk-through of this. They filmed, they photographed,
20 we covered the whole property, and then we exited the property, and
21 then had a game plan of how we were going to proceed to process what
22 we now knew to be the complete layout was formulated.

23 DEPUTY DISTRICT ATTORNEY WHITING: I'm approaching the
24 witness with People's Exhibits Three, Four, and Five, and I'll
25 do this piece-mill.

1 THE COURT: Okay.

2 BY DEPUTY DISTRICT ATTORNEY WHITING:

3 Q. I draw your attention to People's Three, at the top of the
4 stack I just gave you. Describe which structure on the legend that
5 photo represents.

6 A. That would be number 10.

7 Q. Number 10. So that's Blair's campsite?

8 A. Yes.

9 Q. And how did you identify it as Blair's campsite?

10 A. There were multiple things there that belonged to him,
11 prescription bottles with his name on them, items that I had seen in
12 his possession before. It was just apparent it was a single person
13 and that that was the person staying there.

14 Q. Okay. What about Exhibit Four, People's Four, the next
15 picture in the stack?

16 A. This is what we call the kitchen and what I call the
17 compound.

18 Q. What number does that correspond to on the legend?

19 A. Number seven.

20 Q. Number seven. All right. So point to the map, the Number
21 Seven is relatively close to number 10, just north of it; is that
22 correct?

23 A. Yes.

24 Q. Okay. Drawing your attention to People's Five I just
25 provided. Is that another picture of the kitchen?

1 A. It is.

2 Q. Okay. Is that the kitchen as you found it, as you
3 processed it, on the date at the scene?

4 A. Yes.

5 Q. So that corresponds with number seven for the legend on the
6 map?

7 A. Yes, sir, it does.

8 DEPUTY DISTRICT ATTORNEY WHITING: I'm approaching the
9 witness with photos marked People's Six, Seven, and Eight.

10 (DONE.)

11 BY DEPUTY DISTRICT ATTORNEY WHITING:

12 Q. All right. Start with what's marked as People's Six in
13 front of you.

14 A. Okay.

15 Q. It's a picture of what appears to be two different tents.
16 Do those have corresponding numbers on the legend?

17 A. Yes, eight and nine, which would be to the west side and
18 slightly south of the kitchen, number seven.

19 Q. Okay. And People's Number Seven, do you see that photo?

20 A. I do.

21 Q. Okay. What does that represent on the legend?

22 A. That, I'm not quite sure what it was supposed to be. It was
23 either an outhouse or a shower, but I'm not sure.

24 Q. Was there anything inside of that, that you know of, when
25 you saw it?

1 A. There was a black bucket.

2 Q. Okay.

3 A. But that was it.

4 Q. Nothing in the bucket?

5 A. No. It was upside down.

6 Q. So does that have a corresponding structure on the legend?

7 A. No, it does not.

8 Q. Okay. What about --

9 A. It is visible, though.

10 Q. Okay. And what about People's Nine? Describe that.

11 A. This is a photo I refer to as the 10X10.

12 Q. Does that involve the floor measurements?

13 A. Yes.

14 Q. Is that why you call it 10 by 10 foot?

15 A. Yes.

16 Q. Does that correspond with number five on the legend?

17 A. It does.

18 THE COURT: I think you meant People's Exhibit Eight.

19 DEPUTY DISTRICT ATTORNEY WHITING: Did I say Eight?

20 THE COURT: You said Nine.

21 DEPUTY DISTRICT ATTORNEY WHITING: I was just walking up
22 with Nine.

23 BY DEPUTY DISTRICT ATTORNEY WHITING:

24 Q. People's Eight corresponds with Number Five on the legend;
25 is that correct?

1 A. That's correct.

2 DEPUTY DISTRICT ATTORNEY WHITING: And I'm now handing
3 Deputy Covault what's marked People's Nine.

4 BY DEPUTY DISTRICT ATTORNEY WHITING:

5 Q. Is that the back of that same structure?

6 A. Correct. This is the east or back side of item number five
7 in the photo, or the 10X10.

8 DEPUTY DISTRICT ATTORNEY WHITING: I'm approaching with
9 People's 10.

10 (DONE.)

11 BY DEPUTY DISTRICT ATTORNEY WHITING:

12 Q. Describe what's in People's 10.

13 A. This was -- this year this had been used as a vegetable
14 garden. In previous years this had been used as marijuana
15 cultivation.

16 Q. Okay. So does that correspond with the number on the
17 legend?

18 A. Number six.

19 Q. Number six. So that's a picture of the covered vegetable
20 garden?

21 A. Yes.

22 Q. Were there any vegetables in there when you processed the
23 scene?

24 A. They were all dead.

25 Q. Okay. And how dead?

1 A. Beyond use.

2 Q. Okay. Did it appear they had been dead for quite some time
3 then?

4 A. Yes, I would say so.

5 Q. Okay.

6 DEPUTY DISTRICT ATTORNEY WHITING: And two more at this
7 stage. I'm approaching with People's 12 and 13 -- or 11 and
8 12. Sorry.

9 (DONE.)

10 BY DEPUTY DISTRICT ATTORNEY WHITING:

11 Q. What are we looking at in People's Number 11?

12 A. In number 11 you're looking north-northeast from -- may I
13 step up to the picture?

14 Q. Sure.

15 A. From about this location right here --

16 Q. When you say, This location, it appears there's an
17 intersection between the two dirt roads on the northwestern side of
18 the property below the numbers one, two, and three; is that
19 correct?

20 A. That's correct.

21 Q. So the picture is taken from there, roughly?

22 A. Judging by the bushes, these three bushes on the right-hand
23 side and the single bush I would say it was taken from about the tip
24 of my finger there.

25 Q. So the general area south of numbers one, two, and three

1 where the two dirt roads meet?

2 A. Yes.

3 Q. And points towards the numbers one, two, and three?

4 A. Yes.

5 Q. Does that represent a picture from afar of the 8X8 shack on
6 the legend represented as number one, Blair's truck, which was
7 white, represented as number two on the legend, and then Bramble's
8 4Runner, which appears to be an Explorer, according to you,
9 represented as number three on the legend?

10 A. That's correct.

11 Q. Okay. And the next exhibit, People's 12, what is that?

12 A. It's the same items from a different angle. Now I'm looking
13 at, like, west-southwest, and I'm very close to the 8X8 shack, full
14 side-view of Blair's pick up, three-quarter view of Bramble's
15 Explorer, the shed behind it with the door closed.

16 Q. Okay. I would like to stick with that exhibit for a
17 minute. When walking through the -- first off, the photos I've
18 showed you do those represent the structures and vehicles
19 comprehensively that you saw on the property when you investigated
20 it?

21 A. Yes, they do.

22 Q. Okay. What else were you looking for when you investigate
23 a scene like this? And I know that's a broad question.

24 A. A very broad question.

25 Q. I would like a concise answer. Are you looking for

1 evidence concerning what occurred?

2 A. Yes. Yes. We're looking for something to point us in the
3 direction of what took place. So at this point we know we have two
4 dead bodies, we have a search warrant, we're now searching to find
5 anything that might indicate what happened.

6 Q. Okay. What kind of supplies did you find? I mean evidence
7 of long-term inhabitation?

8 A. Food stores, dishware, cookware, sleeping type arrangements.
9 Is that --

10 Q. Yeah.

11 A. Okay.

12 Q. And I'm directing your attention specifically to People's
13 12, which is the picture that shows, I believe, the white truck,
14 the Explorer, and the 8X8 shack.

15 A. Correct.

16 Q. Okay. I see some buckets underneath the vehicles and some
17 bins. Did you investigate those items?

18 A. We did.

19 Q. What were in those things?

20 A. There was nothing in the buckets, but that bin that you see
21 that is under the front bumper of the Explorer, without the close-up
22 photo I don't recall if it was rice or beans, but it was a 50-pound
23 bag of food, of dry food.

24 Q. So you found supplies, and not just in the kitchen even,
25 but in the area represented by one, two, and three on the map?

1 A. Yes.

2 Q. Were there any supplies in the kitchen area --

3 A. Yes.

4 Q. -- when you processed the scene? I mean food supplies in
5 the area represented by main kitchen number seven.

6 A. Yes, there was.

7 Q. What was there?

8 A. They were in the 10X10.

9 Q. Okay.

10 A. And there was beans and there was rice, and there was a
11 substance that I recognized to be corn grits; there was various
12 different spices and amenities like that, condiments.

13 Q. Okay. So that wasn't actually in the structure marked as
14 seven, that was in the structure marked as five, the 10X10 shack?

15 A. Correct. Yes. That's all in the area of the kitchen area.
16 The kitchen proper, look at number seven directly, there was
17 nothing, but condiments and I think it's pronounced couscous. I
18 believe there was a small jar of couscous in that area.

19 DEPUTY DISTRICT ATTORNEY WHITING: I'm handing Deputy
20 Covault People's 15.

21 BY DEPUTY DISTRICT ATTORNEY WHITING:

22 Q. That looks to be three bags of Jasmine rice; is that
23 correct?

24 A. That's correct.

25 Q. Where was that found?

1 A. That was in the building marked number five that I refer to
2 as the 10X10.

3 Q. Okay. Is that representative of the rice you were finding?
4 Bags like that?

5 A. Yes.

6 Q. Did you find bags of rice anywhere else?

7 A. Yes.

8 Q. Where?

9 A. There was smaller bags of rice in the same building, there
10 was a plastic tub, and there was a small bag of rice in that tub,
11 and if I recall, there was also rice down at the 8X8 shack
12 represented by the number one in the photo.

13 Q. Okay. So just those two locations where you found the bulk
14 of the food that day?

15 A. My recollection that's where we found all the food.

16 Q. Okay.

17 DEPUTY DISTRICT ATTORNEY WHITING: One more. I'm
18 approaching with People's 16.

19 BY DEPUTY DISTRICT ATTORNEY WHITING:

20 Q. Do you recognize that photo?

21 A. I do.

22 Q. Where was that food found?

23 A. This bin -- I forgot about the oats. This bin was sitting
24 like this roughly next to these bags of rice, and it had a cover on
25 it, but I took the cover off to take the photo.

1 Q. Okay. Did you find cooking equipment at the 8X8 shack,
2 number one?

3 A. Yes.

4 Q. Did you find food that had been prepared already?

5 A. Yes.

6 Q. And in what form?

7 A. It was prepared beans, like pinto beans, and they were in
8 large bowls.

9 Q. How many bowls?

10 A. I believe there was four of them.

11 Q. Okay. So the last time they were eating, four people were
12 having food?

13 A. That would be safe to say, yes.

14 Q. Okay. In total, when you processed the scene, how many
15 pounds of food and edible supplies, did you find?

16 A. I understand there was about 160, 165 pounds.

17 Q. And this was on the property?

18 A. In those two locations.

19 Q. In those two locations?

20 A. Yes.

21 Q. Okay. Did you find much in the way of water?

22 A. No.

23 Q. Was it on that same day that you assisted in processing the
24 vehicle and the victims' remains?

25 A. I assisted in processing the victims' remains.

1 Q. Uh-huh.

2 A. But due to the confines and the limited amount of access,
3 CBI did most of the processing of the vehicle. So I assisted with
4 the extraction of the remains, the bagging of the remains, and the
5 sealing.

6 Q. Uh-huh.

7 A. But when it came to the processing of the vehicle, I was not
8 really hands on with that.

9 Q. You did observe the vehicle close-up on that day; isn't
10 that correct?

11 A. I did.

12 Q. Okay. So did you get to observe the manner in which it was
13 tarped?

14 A. I did.

15 Q. The manner in which the tarp had been secured to the
16 vehicle?

17 A. Yes.

18 Q. Did you assist in taking photos then?

19 A. Yes.

20 Q. Okay. One moment, please, Deputy Covault.

21 DEPUTY DISTRICT ATTORNEY WHITING: Your Honor, this is
22 People's 17 and 18.

23 BY DEPUTY DISTRICT ATTORNEY WHITING:

24 Q. I'm showing you two different pictures. Is that the car as
25 you found it that day or was the tarp on it more before you removed

1 it?

2 A. The tarp was more on it and secured. This photo was taken
3 after the tarp had been lifted to verify that there were truly
4 decedents in the vehicle.

5 Q. Okay. Do you recall how the tarp was secured?

6 A. With duct tape and ratchet straps.

7 Q. Ratchet straps?

8 A. Yes. Like a cargo strap.

9 Q. Okay. Was it pretty solid? Did you have to work to remove
10 the tarp?

11 A. The tape was pretty sticky, yeah. The ratchet straps came
12 off easy, but the tape was fairly sticky, yes.

13 Q. Okay.

14 DEPUTY DISTRICT ATTORNEY WHITING: Approaching with
15 People's 19 and 20.

16 BY DEPUTY DISTRICT ATTORNEY WHITING:

17 Q. Does that represent the duct tape you saw --

18 A. Yes.

19 Q. -- in 19?

20 A. I'm sorry, say that again.

21 Q. In People's 19 is --

22 A. Yes, in People's 19, yes.

23 Q. And I'll direct your attention to number 20 as well. That
24 appears -- what does that appear to be?

25 A. That is the passenger side rear door, or excuse me, driver's

1 side rear door of the vehicle.

2 Q. Okay.

3 A. And the tape used to seal the door seam.

4 Q. When you say used to seal the door seam, did you find the
5 tarp attached to the tape on it or was it only on the door seam?

6 A. Only on the door seam.

7 Q. The taping of the door seams did you find that anywhere
8 else?

9 A. On the opposite side well.

10 Q. Did it appear to serve the purpose of attaching the tarp to
11 the car?

12 A. No.

13 Q. What did it appear to do?

14 A. The appearance was it was to seal out or seal in odor.

15 Q. Okay. Did it work?

16 A. Fairly well. You had to be close to the vehicle to get an
17 odor out of it.

18 Q. So it wasn't securing anything to the car, it was simply
19 sealing seams on the car?

20 A. Correct.

21 Q. Okay. And 19, I see a number of what appears to be
22 insects; is that correct?

23 A. Yes.

24 Q. Okay. Did you see those on September 8 when you approached
25 the car?

1 A. Yes, I did.

2 Q. Okay. And did you manage to confirm what kind of insects
3 those are?

4 A. They are flies, but a species, I could not tell you.

5 Q. Flies, the general term is fine.

6 A. Yeah.

7 Q. Are all of them dead?

8 A. The vast majority of them. Some of the ones towards the top
9 of the picture, towards the top of the window, were still alive.

10 Q. Okay, but the pile at the bottom is that --

11 A. That's --

12 Q. -- all dead flies?

13 A. -- dead flies.

14 Q. Okay. What was the date you did the scene processing and
15 took the pictures of this car?

16 A. September 9.

17 Q. So again this was the day after?

18 A. Day after discovery, yes.

19 Q. I would like to walk through the pictures of remains that
20 you found that day. Did you enter the car and assist in removing
21 the remains and securing them?

22 A. Yes.

23 Q. Okay. I'll approach the witness with what's marked as
24 People's 22. What are you viewing? From what perspective are you
25 looking into the car?

1 A. I'm at the driver's side rear door looking into the back
2 seat.

3 Q. Are those the remains as you found them that day?

4 A. Yes.

5 Q. Is that the state you found them that day as well?

6 A. Yes, it is.

7 Q. Approaching with what's marked as People's Exhibits 23 and
8 24. Are those accurate representations of remains as you found
9 them on September 29th?

10 A. Yes.

11 Q. And People's Exhibit 23, where are we looking at that from?

12 A. The passenger's side rear door looking in.

13 Q. Okay. And in number 24?

14 A. That's back onto the driver's side rear door, just a closer
15 close-up photo of what was depicted in 22.

16 Q. Did you help remove the remains that day?

17 A. I did.

18 MR. WHITING: I'll approach again with People's 25 and 26,
19 Your Honor.

20 (DONE.)

21 BY DEPUTY DISTRICT ATTORNEY WHITING:

22 Q. These are People's 25 and 26. Is that one of the sets of
23 remains after you removed it from the car?

24 A. In 25?

25 Q. Yes.

1 A. Yes.

2 Q. Were you -- did you ever receive information about which
3 particular victim that was?

4 A. It was the younger of the two, Hanna Marshall.

5 Q. And based on positioning and that particular set of remains
6 that 25 and 26 represent, if we go back to, say, People's 22 -- so
7 looking into the rear driver's side door, People's 25 and 26
8 represents which of the remains found in that picture? The nearer
9 or the farther?

10 A. Twenty-six? The remains of 26 are the child closest to the
11 photographer, in this case, me, at the door.

12 Q. Okay.

13 A. People's 25. Sorry.

14 Q. People's 25, is that just a picture of that same set of
15 remains turned over?

16 A. Yes, it is.

17 Q. Okay.

18 DEPUTY DISTRICT ATTORNEY WHITING: Your Honor,
19 approaching with 27 and 28.

20 BY DEPUTY DISTRICT ATTORNEY WHITING:

21 Q. People's 27 and 28 also represent remains, the other set of
22 remains that you found that day?

23 A. Yes.

24 Q. And looking at People's 22 can you correspond that, those
25 pictures of remains to which bodies in the car that would be?

1 A. The farthest body that has the back arched over the seat and
2 onto the floor.

3 Q. Okay. What type of car was the car that the victims died
4 in? Do you recall?

5 A. It's in in my report.

6 Q. Was it a Toyota Camry?

7 A. Yes, it was. Thank you.

8 MR. WHITING: Approach with People's 21, Your Honor.

9 (DONE.)

10 BY DEPUTY DISTRICT ATTORNEY WHITING:

11 Q. Did you take that picture?

12 A. Yes, I did.

13 Q. Okay. Tell me what it represents.

14 A. It's the insurance card of or -- excuse me -- the
15 registration -- the insurance card for the vehicle registered to
16 Karah Sandalphon.

17 Q. And that's represented in that picture?

18 A. Yes.

19 Q. And you said you found food supplies at two different
20 locations on September 9. Did you find any food supplies in the
21 vehicle?

22 A. There were empty food cans --

23 Q. Okay.

24 A. -- in the vehicle. But no, nothing edible.

25 Q. Okay. And you encountered the car prior to the tarp being

1 removed; is that correct? I'm going back to People's 17 through
2 21. You said it was more comprehensively tarped before those
3 pictures were taken; correct?

4 A. Yes. Yes.

5 Q. Just to be clear, when it was fully tarped, was there any
6 way to have practically seen into the car from any angle?

7 A. No.

8 Q. Any observer? Or was it all -- were all the windows
9 totally covered?

10 A. Everything was totally covered.

11 Q. Have you continued to investigate this case since that
12 date?

13 A. Yes, this investigation is ongoing.

14 Q. Okay. And you've continued to participate; is that
15 correct?

16 A. Yes, I have.

17 Q. Okay. Do you recall having a conversation with people
18 named Greg and Peggy Murphy?

19 A. I do.

20 Q. And how did you find out about these people?

21 A. They had called our tip line.

22 Q. Okay. Why did they call the tip line? Did they indicate?

23 A. They had seen the Grand Junction news. They live in
24 Whitewater and they had seen the Grand Junction news and recognized
25 the defendants in this case as people they had helped.

1 Q. Okay. Do you recall the date you had a conversation with
2 them?

3 A. I believe it was in October.

4 Q. Do you not recall precisely?

5 A. I don't recall the exact date.

6 Q. Okay. What did they indicate about their meeting with the
7 group?

8 A. The gentleman, it was a phone interview so I talked to one
9 and then the other.

10 Q. So you spoke with?

11 A. I spoke to Greg first.

12 Q. Okay.

13 A. And he indicated that he had met these folks at a tire
14 repair shop in Grand Junction.

15 Q. Uh-huh.

16 A. And that they were needing some assistance and he offered to
17 take them home.

18 Q. Okay. And did he indicate when he had met them?

19 A. He believed it was in October or November of 2016.

20 Q. Okay. And so last year?

21 A. Yeah.

22 Q. And he said he met them at a tire company?

23 A. Like a Big O type tire place. I have in my report exactly
24 what place. Might have been Sears. I'm not sure. But yes, it was
25 a tire repair and service center.

1 Q. And how did they get to know the group? Did they talk to
2 them?

3 A. One of the parties was inside and the rest were outside and
4 he struck up a conversation, and they were saying that they needed
5 assistance. He went out and met with them and he invited them back
6 to his home to help them out with their vehicle problems, their
7 vehicle issues.

8 Q. Okay. And was that to give them tires?

9 A. Yes.

10 Q. Did he give them tires?

11 A. Yes, he did.

12 Q. Did he watch them put the tires on the car at all? Just
13 out of curiosity.

14 A. I don't recall.

15 Q. So they went back to his house?

16 A. They did.

17 Q. Does he recall meeting the entire group?

18 A. They believed they had met the entire group, yeah.

19 Q. Did they describe the makeup of the group?

20 A. Yes.

21 Q. What did they describe?

22 A. They described Mr. Archer as being the tall individual, the
23 tall male, and another slender male that was with them, and three
24 women, one of them being a heavy-set gal, who we know to be Ceus,
25 but they referred to her as Amma.

1 Q. Okay. And did they describe any of the group's activities
2 or the authority structure or anything of that nature?

3 A. She did. Or excuse me. Definitely they were describing
4 that the heavy-set gal, or Ceus, Ceus seemed to be the one in
5 charge; that people gravitated towards her. If there was a question
6 of, Would you like to come into the house, they wouldn't answer
7 until they spoke with her first.

8 Q. Okay. But it was Archer who was assisting him with the car
9 repairs; is that correct?

10 A. That's correct. And then Mr. Archer, other than the tires,
11 also did repairs to the door handles while they were there.

12 Q. How many children did they see?

13 A. Three.

14 Q. They saw three children?

15 A. Yes.

16 MR. WHITING: Nothing further, Your Honor.

17 DISTRICT ATTORNEY HOTSENPILLER: Excuse me.

18 DEPUTY DISTRICT ATTORNEY WHITING: One moment. Sorry.

19 (Conferring off the record.)

20 DEPUTY DISTRICT ATTORNEY WHITING: Two through 28, Your
21 Honor.

22 THE COURT: Are you moving to admit People's Exhibits Two
23 through 28?

24 DEPUTY DISTRICT ATTORNEY WHITING: I'm making sure for all
25 of them.

1 One moment, please.

2 People move to admit Exhibits Two through 28.

3 THE COURT: Any objection?

4 DEFENSE ATTORNEY MARTIN: No objection.

5 DEFENSE ATTORNEY SCHULTZ: No, Your Honor.

6 THE COURT: People's Exhibits 22 two through 28 will be
7 admitted.

8 (EXHIBITS ENTERED AS PEOPLE'S EXHIBITS TWO THROUGH 28.)

9 BY DEPUTY DISTRICT ATTORNEY WHITING:

10 Q. A couple more questions. On your processing of the scene
11 on September 29, did you find any personal items that had been
12 burned?

13 A. Yes.

14 Q. Where?

15 A. May I step to the photo?

16 Q. Yes. Please comprehensively describe where you were
17 finding these things.

18 A. Okay. So on the north end of the trees, before entering the
19 clearing, inside what would be this intersection of the west-east
20 road and this little pull-in for the parking that runs north-south.

21 Q. And so this is north of the cluster that you -- of numbers
22 you refer to as a compound and south of the east-west road that's
23 at the northern side of the property?

24 A. At the edge of the north tree line.

25 Q. Uh-huh.

1 A. Approximately right there. There was a barrel that had
2 numerous burned items in them. Some identifiable as what they used
3 to be and others not identifiable.

4 Q. Okay. And when you say some were identifiable what kind of
5 stuff did you find?

6 A. Lots of electronics, cell phones, what appeared to be ipads,
7 possibly a gaming console, or Nintendo type things. It was apparent
8 they were electronics, their general shape and appearance. And some
9 of the glass seemed to indicate that they were smart phones and
10 things of that nature.

11 Q. Okay. And this was in a barrel or in a pit?

12 A. In a barrel.

13 Q. Okay. Was it still warm at all?

14 A. No.

15 Q. Could you tell how recently the stuff had been burned?

16 A. No.

17 MR. WHITING: One moment, please, Your Honor.

18 (Conferring off the record.)

19 DEPUTY DISTRICT ATTORNEY WHITING: Nothing further at this
20 time, Your Honor. Thank you.

21 THE COURT: Okay. Mr. Martin.

22 CROSS EXAMINATION

23 BY DEFENSE ATTORNEY MARTIN:

24 Q. Good morning, Deputy Covault.

25 A. Good morning, Mr. Martin.

1 Q. Let me back pedal through some of the testimony that you
2 provided during your direct examination. So let's first start with
3 the personal property that you located during the scene
4 investigation on September 9th, 2014, in the barrel that you
5 identified being at the north edge of the wooded area in the
6 demonstrative exhibit that we've been provided. Could you point to
7 exactly where that barrel was located --

8 A. (Witness complying.)

9 Q. -- to the best of your ability.

10 A. Yes. (Witness complying.) What can't be seen in this photo,
11 this is actually a small clearing. These trees block it. And it
12 was right here at the edge of this small clearing in this area right
13 here.

14 THE COURT: So let's just, if we're going to talk about
15 that and refer to it, if Deputy Covault could make a mark and
16 put his initials.

17 THE WITNESS: I can. Do we have something better than
18 this that I can do that with?

19 DISTRICT ATTORNEY HOTSENPILLER: A suggestion also is I
20 think that's a paper exhibit.

21 THE COURT: Yes.

22 DISTRICT ATTORNEY HOTSENPILLER: Could we mark one of the
23 paper exhibits?

24 THE COURT: So if you could mark my copy here, Deputy
25 Covault.

1 DISTRICT ATTORNEY HOTSENPILLER: Mr. Covault.

2 THE COURT: Sorry. This is the one that will be uploaded.

3 So if you could mark mine where you're talking about.

4 THE WITNESS: Okay. And just with an X or --

5 THE COURT: Yes. And then just put your initials, please.

6 THE WITNESS: Okay (Witness complying.) Your copy is not
7 quite as large.

8 THE COURT: Yeah.

9 THE WITNESS: And do this one the same?

10 THE COURT: That's fine.

11 THE WITNESS: Okay.

12 BY DEFENSE ATTORNEY MARTIN:

13 Q. Thank you. And who was present with you when you located
14 the barrel with the items, with the electronic items in it?

15 A. When I first located it I was alone.

16 Q. Okay. And was that on September 9, 2014?

17 A. Yes, it was.

18 Q. Or 2017?

19 A. Yes.

20 Q. And how many cell phones were in it?

21 A. It's hard to say, sir. The electronics were destroyed to
22 the point that it was hard to tell where one stopped and another
23 began.

24 Q. Okay. Were you able to retrieve any identifying
25 information regarding what type of electronic equipment was in the

1 barrel?

2 A. No, sir.

3 Q. But you previously testified there were cell phones, ipads,
4 gaming equipment, and smart phones. So you did make a distinction
5 between some of the items that were in there, meaning that you
6 could tell that they were different?

7 A. Yes, you could tell different sizes and being consistent
8 with things of those nature, that I know.

9 Q. Were you able to identify the make and model of any
10 electronic equipment in the barrel?

11 A. Absolutely not.

12 Q. And did you photograph all of the individual pieces?

13 A. Again, that was not possible. We tried to remove them as
14 gently as we could to do separate photos and things and it just,
15 they basically became just a mess, and so we ended up with just an
16 overall photo of what we were able to extract from the barrel. Part
17 of the extraction process was hindered in that all the plastic had
18 melted and liquid settled towards the bottom, so there was a large,
19 melted, plastic thing that we couldn't even get out of the barrel.

20 Q. Okay. Was any attempt made to take that apart so you could
21 identify if there were any memory chips or hard drives or any other
22 identifying information in that pile of materials?

23 A. The material that was accessible we sifted through by hand
24 to see if there was anything that even might possibly be usable and
25 both my lay opinion and that of the CBI crime scene was there was

1 nothing usable there. There was nothing worth collecting other than
2 the photographs.

3 Q. Okay. I draw your attention to what's admitted as People's
4 Exhibit 21. I believe it's right before you. It's the Geico
5 registration.

6 A. Yes.

7 Q. Or the insurance card.

8 A. Uh-huh.

9 Q. Did you locate this inside the vehicle where the two
10 individuals were found?

11 A. I did not. The CBI crime scene processor did.

12 Q. Okay.

13 A. And then relinquished it to me.

14 Q. Was there any other identifying information located inside
15 the vehicle found by CBI or yourself that you directly connect to
16 Karah Sandalphon?

17 A. I don't believe it was inside the vehicle, but we found the
18 license plate for the vehicle. It was in a trash pile and that
19 license plate was registered to this vehicle.

20 Q. And who was the vehicle registered to?

21 A. Sir, without looking at my report, I can't recall, off the
22 top of my head.

23 Q. Okay. So you're not sure if it was registered to
24 Ms. Sandalphon? It could have been registered to another third
25 party?

1 A. That's possible.

2 Q. Was the car titled to Ms. Sandalphon?

3 A. I don't know if we had the title to the vehicle, sir.

4 Q. And to the best of your knowledge a request hasn't been
5 made for that documentation?

6 A. I believe that would be accurate.

7 Q. Okay. I draw your attention to People's Exhibit 21. It
8 identifies the effective date of 9/9/14, and are you aware as to
9 whether or not this insurance policy allegedly obtained by
10 Ms. Sandalphon was still active for this particular vehicle as of
11 September 9, 2017?

12 A. I believe it had expired.

13 Q. When did it expire?

14 A. I don't actually have a date for you. If I go off what it
15 says here, Not valid for more than one year after this date, so
16 let's say 9/9/15.

17 Q. Okay. Well, did you follow up having registration
18 information for this particular vehicle? Did you do a search to
19 find out who, if anyone, had taken out an insurance policy for this
20 particular vehicle after one year past the active date identified
21 in People's Exhibit 21?

22 A. I did not personally --

23 Q. Do -- I'm sorry. I didn't mean to interrupt you.

24 A. I personally did not.

25 Q. Do you know if anyone has?

1 A. No, sir, I do not.

2 Q. So you, just to clarify, cannot confirm that Ms. Sandolphin
3 or Ika Eden owns this car or if it's registered to her; correct?

4 A. Correct.

5 Q. You visited the property, August 19, 2017, and I'll have
6 you walk through it again because I was having trouble seeing. But
7 if you wouldn't mind approaching the exhibit, the demonstrative
8 People's Exhibit Two. When you entered the property, were you on
9 foot the entire time, leaving your patrol vehicle out on Y43, or
10 did you drive onto the property?

11 A. I parked my patrol vehicle right here.

12 Q. Okay.

13 A. And that would be south of the gate. The gate is visible in
14 this photo if you know what you're looking at. A gate here, no
15 fencing on either side.

16 DEFENSE ATTORNEY MARTIN: And let the record reflect that
17 he's pointing to the easterly dirt road on the property that
18 connects with County Road Y43.

19 BY DEFENSE ATTORNEY MARTIN:

20 Q. Is that accurate?

21 A. It would be a southerly dirt road connecting with the
22 easterly County Road Y43.

23 Q. Correct. Thank you. And once you entered that property on
24 foot, could you please point with the pen that you have the path
25 that you followed until you encountered individuals residing on the

1 property.

2 A. On the day that I arrived, I didn't know this road existed.
3 It hadn't been there on my previous visit, so I intended to walk
4 this way. I got here, I went, Hey, there's another road, so being
5 as he had another road, I turned and walked this road knowing where
6 this has been in previous years. When I got to here, I just walked
7 straight to it here.

8 Q. Okay. When you say, This, you circled an area that
9 basically includes what's been identified as number five, the 10X10
10 shack; number six, the covered vegetable garden; and seven, the
11 main kitchen, and apparently the dome tents as well. Is that
12 accurate?

13 A. Yes, it is.

14 Q. Okay. And so you walked up through this campground
15 basically after departing the road that heads in a northwesterly
16 fashion up through the property. Did you continue directly north
17 once you passed through the campsite up to the road that travels
18 from the east side of the property to the west, below what's been
19 identified as number one?

20 A. If I'm answering your question correctly, this is a footpath
21 right here. I traveled north this way to go see if Alec had parked
22 in here where he used to previously park. So I traveled generally
23 north to this location, which is the -- it's an open area north of
24 the compound, five, six, seven, eight, nine, and 10.

25 Q. Okay. And how close were you to the vehicle identified as

1 the victim vehicle, People's Exhibit Two, when you traveled in a
2 northerly manner through the campground searching for Mr. Blair?

3 A. About approximately 30 yards.

4 Q. Did you see the car?

5 A. I did.

6 Q. What did it look like?

7 A. It looked like a vehicle parked facing south. You could see
8 the front grille and it was in this little pocket of trees here.

9 Q. And at that time was it covered with tarps?

10 A. My recollection is that it was.

11 Q. What was the temperature that day approximately?

12 A. Sir, I have no idea.

13 Q. Hot? Cold? Rainy? Snowy? Sunny?

14 A. It was warm. I didn't have a jacket on.

15 THE COURT: So, Mr. Martin, we will be stopping in a
16 couple of minutes. If you have another question, go ahead.

17 DEFENSE ATTORNEY MARTIN: I can wrap up this area of
18 questioning.

19 BY DEFENSE ATTORNEY MARTIN:

20 Q. Did you smell anything unusual when you were in relative
21 close proximity to the victim vehicle identified as number four in
22 People's Exhibit Two?

23 A. No, sir, I did not.

24 Q. Do you recall what the weather had been like over the
25 course of, say, the week prior?

1 A. It was fairly warm this year. I don't recall if we had any
2 precipitation the week prior. But it was nice.

3 Q. Okay.

4 DEFENSE ATTORNEY MARTIN: Your Honor, it's best that I
5 stop my questioning at that point. If the Court agrees, we can
6 reconvene after lunch.

7 THE COURT: Yes. We will take our afternoon recess from
8 12:00 to 1:00.

9 THE WITNESS: Would you like me to leave these here?

10 DEPUTY DISTRICT ATTORNEY WHITING: Those are ours.

11 (LUNCH BREAK TAKEN.)

12 THE COURT: We'll go back on the record in case number
13 17CR28 and 17CR30. Deputy Covault was testifying and Mr.
14 Martin was conducting his cross examination.

15 Go ahead.

16 DEFENSE ATTORNEY MARTIN: Thank you, Judge.

17 CROSS EXAMINATION CONTINUING

18 BY DEFENSE ATTORNEY MARTIN:

19 Q. Good afternoon, Deputy Covault. I would like to draw your
20 attention back to the visit to the property on August 19, 2017.

21 And you indicated at that time that you saw a few individuals, two
22 children; is that correct?

23 A. That is correct.

24 Q. Okay. And then you also saw Mr. Blair?

25 A. Yes. I did see Mr. Blair that day.

1 Q. And you saw Mr. Yah as well?

2 A. I did.

3 Q. And when you approached the structure identified, and I
4 want to make sure we're talking about -- when you approached the
5 structure identified on People's Exhibit Number Two as number one,
6 did you at any point in time see Ms. Ika Eden?

7 A. I did not know who that was at the time. I saw three
8 females inside and she was one.

9 Q. Okay. So you did poke your head inside to see who was
10 there?

11 A. No, sir, I did not poke my head in. The door opens, as you
12 face it, from the right to the left.

13 Q. Okay.

14 A. And I had stepped around the edge there. Mr. Archer was
15 sitting -- can we refer back to an exhibit where I can explain this
16 better?

17 Q. I don't even think that's necessary as long as -- I just
18 want to confirm whether or not you saw Ms. Eden on the property
19 that day.

20 A. Yes, sir, I did.

21 Q. Okay. When you arrived at the property on September 8,
22 2017, where did you park your patrol vehicle? If you look at
23 Exhibit Two.

24 A. I don't know what the heck that was.

25 THE COURT: I don't either.

1 BY THE WITNESS:

2 A. All of the officers that entered the property parked out on
3 the road or just inside off of Y43 to the south end of the property,
4 and to the entrance gate that would to be the lower left of the
5 legend.

6 BY DEFENSE ATTORNEY MARTIN:

7 Q. Okay. And at that time you were in full uniform?

8 A. Yes, sir, I was.

9 Q. And did you have an audio recording device on your person
10 at that time?

11 A. Yes, I did.

12 Q. Okay. Was it activated?

13 A. It was not activated because it would not have worked at
14 those ranges.

15 Q. And so at any point in time on this particular parcel of
16 property, any possible location, your audio recording equipment
17 would not function?

18 A. It would have functioned right at the vehicle area or just
19 slightly away, yes.

20 Q. Okay. When you put -- I understand that you changed some
21 of your gear, and you testified that when you entered the property
22 at that point in time you approached it from tactical perspective
23 and not just a law enforcement perspective. Did you change out
24 your gear and remove the audio recording device or equipment?

25 A. Yes. It would have been -- it would have been on the belt

1 I'm currently wearing, and when I dropped this belt and went to my
2 other holster and took out my long gun, this would have been
3 remaining in the vehicle.

4 Q. And did you put on any type of electronic equipment that
5 would have visually recorded what you were doing with the other law
6 enforcement officers when you entered the property?

7 A. We don't possess that equipment, sir.

8 Q. Okay. Please describe where you entered the property and
9 who was with you.

10 A. May I step back up?

11 Q. Yes, sir, please.

12 (DONE.)

13 A. So officers made entry here. The officers that entered --
14 and we're talking about on the 8th when we made the arrests?

15 Q. That's correct.

16 A. Okay. There was myself, Sergeant Funk, Trago Staats from
17 the Norwood Marshal's Office, Mike Wilkerson, the Norwood Marshal,
18 Clay Armstrong, which is a deputy for us, and I believe that is all.

19 Q. Okay. Proceed.

20 A. Okay. So not knowing what was what, we came in here and we
21 lined out down this road and we spaced out. I don't recall what
22 order anybody was in, but I was the one farthest to the west.

23 Q. Okay.

24 A. And then trying to remain with a visual with each other and
25 still be able to see as much as we could, we started moving north in

1 a line through here.

2 Q. Who was the first individual that you encountered?

3 A. I don't believe there was a first. I think it was -- if I
4 remember correctly when I first heard other deputies calling out,
5 Don't move, let me see your hands, that stuff, I was still right in
6 this area, and they had made this distance just slightly ahead of
7 me. And when I came out here all parties were out in the visual.
8 When I first stepped into here, I could see everyone.

9 Q. To clarify for the record, based on your testimony, you
10 were roughly positioned in a northwesterly manner, from where four
11 is identified being the victim vehicle, when you first heard
12 deputies announcing for people to stop and hold their hands up; is
13 that correct?

14 A. If I am understanding the question correct, yes, I was
15 approximately right in this area right here.

16 Q. Okay. And did you walk right by the car as you headed
17 north?

18 A. I did intentionally.

19 Q. Okay. Why did you do that intentionally?

20 A. Because our report was there was two deceased people in this
21 car, and as I approached that vehicle, I wanted to see, was there
22 any signs of life? Was there any signs of death? What was it here?
23 What did we have? What -- why we were here, is that the vehicle?
24 So...

25 Q. And I understand that. When were you informed of the

1 specific type of vehicle, meaning make, model, and color, that the
2 alleged deceased bodies were in?

3 A. Franklin said they were in a car with a tarp on it.

4 Q. Did you see any other vehicles, as you proceeded north with
5 the other law enforcement officers, that had a tarp on it in any
6 manner?

7 A. No, sir.

8 Q. Okay. When you approached the vehicle the first time that
9 day, how close did you come to it?

10 A. Within touching distance.

11 Q. Okay. Before you proceeded in a northerly direction or
12 manner past the car, did you adjust the tarps or make any -- did
13 you touch the car or the tarps?

14 A. No, I did not. What I did is circle the vehicle in a
15 tactical manner. It was obvious it had been tarped and secured from
16 the outside, indicating I don't have a threat inside.

17 Q. Okay.

18 A. And so it was really quick to make sure that the car was
19 there. I could smell the odor and then I moved on.

20 Q. Okay. And how close were you to the vehicle when you began
21 to notice that there was an odor emanating from it?

22 A. I had to be right on top of it. I was in a couple of feet
23 before I could smell the odor coming off the vehicle.

24 Q. Okay. You can sit down, too, if you want to. That's fine.

25 A. Okay.

1 (DONE.)

2 BY DEFENSE ATTORNEY MARTIN:

3 Q. When did you first come into contact with Ika Eden that
4 day?

5 A. When we got out into the area, the officers that had made
6 tree break before I did had already ordered everybody onto the
7 ground and Ms. Eden was roughly where the bottom of the number three
8 is. She was on her knees with her hands up, and the two children
9 were kneeling with her, the two surviving children.

10 Q. Okay. And those would be Madani's children?

11 A. Yes.

12 Q. Did you speak with Ms. Eden?

13 A. I did.

14 Q. What did you ask her?

15 A. Well, when I first spoke to her I didn't ask anything. I
16 just told her to: Be calm, we'll get this worked out and figured
17 out; put your hands behind your back. And I stood over her. I
18 didn't cuff her. I was standing guard with the kids and her. And
19 then we moved her.

20 Q. Do you recall which officer placed her in custody?

21 A. Not 100 percent. I believe it was Marshal Wilkerson, but
22 I'm not 100 percent on that.

23 Q. Once all the individuals who were situated on the property,
24 aside from law enforcement personnel, were secured, what did you do
25 next?

1 A. At the direction of my sergeant I took them each -- they
2 held them in the positions they were cuffed in. I then went to each
3 individual and stood them up and then I walked them back to roughly
4 where we marked the X on the map, where the burn barrel was, I
5 walked them back there, sat each individual down and I Mirandized
6 them, and then I would go back and grab the next individual and then
7 bring them back to the same shaded area, Mirandizing them, and we
8 set them all there.

9 Q. Okay.

10 A. And we also moved the children there with them.

11 Q. Okay. At what time that day did you first uncover the tarp
12 or tarps from the vehicle?

13 A. I was not there when that happened, so I don't know. I was
14 at the Norwood SO working on warrants. I believe it was just before
15 dark, but I don't know what time that is.

16 Q. Then you did come back the next day for scene
17 investigation; correct?

18 A. Yes.

19 Q. And at that point in time had the tarps been removed from
20 the vehicle?

21 A. Folded back off of the driver's -- excuse me -- off of the
22 passenger side front door. The tarps had been folded at a 45-degree
23 back, if I remember correctly. The photos would refresh my memory
24 on that one.

25 Q. Okay.

1 A. But I believe it was the driver's side front door.

2 Q. Okay. And you testified earlier that you assisted in
3 removing the remains of the two individuals from that vehicle that
4 afternoon?

5 A. That morning.

6 Q. Okay.

7 A. That morning. On the morning of the 9th.

8 Q. And if you take a look at People's Exhibit 17 --

9 A. Coming to.

10 Q. -- and People's Exhibit 18.

11 A. Okay. I have them.

12 Q. Is that an accurate reflection of what the vehicle looked
13 like with the tarps when you arrived on the 9th?

14 A. Yes, it is.

15 Q. Okay. And to the best of your knowledge, who had entered
16 that vehicle prior to you arriving on the 9th in order to begin
17 your scene investigation?

18 A. My understanding is that the coroner, Emil Sante, is the
19 only one that actually entered the vehicle. But there were three
20 people present.

21 Q. And who were those people?

22 A. Trago Staats and Clay Armstrong.

23 Q. Okay. And were remains of the individuals moved in any
24 manner prior to you arriving on the 9th?

25 A. Not to my knowledge.

1 Q. Okay. And who assisted you in removing the remains from
2 the vehicle?

3 A. Emil Sante -- actually, I assisted Emil. Emil is the one
4 that was doing the direction on that. Emil Sante, Coroner Two --
5 not Coroner Two, Coroner Three. Another deputy coroner for San
6 Miguel County and the CBI investigators were present also.

7 Q. Throughout the course of your investigation have you been
8 made aware that Ms. Ika Eden has any legal relationship to either
9 of the decedents?

10 A. No, I have not.

11 Q. Have you been made aware that she has any biological
12 relationship with either of the decedents?

13 A. No, I have not.

14 Q. Have you been made aware that she had any type of
15 contractual agreement with Ms. Bramble to provide care for her?

16 A. Which as in a written contract?

17 Q. Correct.

18 A. No, I have not been made aware of that.

19 Q. Okay. When you witnessed the remains of the two
20 individuals in the rear seat of the car, did you see any indication
21 that they were bound?

22 A. No, I did not.

23 Q. Okay. Did you see any indication that any type of
24 materials were used to restrict their movement?

25 A. No.

1 Q. Was the car unlocked?

2 A. Yes.

3 Q. Okay. And you knew that from your first visit to the
4 site -- well, not the first visit to the site. Let's be clear.
5 You knew that on the 8th?

6 A. I knew that because I was not present, but I was told the
7 vehicle was unlocked when they gained entry to verify there were
8 decedents.

9 Q. Were the keys to the car found in the vehicle ultimately?

10 A. They were.

11 Q. Where were they situated in the car?

12 A. I believe they were in the ignition.

13 Q. Throughout the course of your investigation are you aware
14 of any information or evidence that would verify that Ms. Ika Eden
15 refused to let the children leave the car physically?

16 A. Can you clarify that question for me, sir.

17 Q. Are you aware as to whether or not Ms. Ika Eden ever
18 forcibly held the children in the vehicle and refused them to leave
19 at any point in time?

20 A. There are other defendants' statements that states she was
21 one of the adults that did not allow the children to leave. As far
22 as physically restraining them, I'm not aware of that being the
23 case.

24 Q. So it's your understanding based upon your investigation
25 that at some point in time Madani directed the other individuals on

1 the property to no longer provide food and water for the two
2 decedents?

3 A. That's my understanding, yes.

4 Q. Okay. Are you aware as to whether or not she physically
5 threatened anyone who attempted to provide them with food and
6 water?

7 A. Not personally, but I'm also not privy to all of the details
8 of every interview conducted.

9 Q. Was the rear door of the vehicle -- pardon me. I'll
10 withdraw that.

11 Are you aware that on several occasions Ms. Eden did
12 attempt to provide water to the two individuals while they were in
13 the car after Madani requested that that not be done?

14 A. I don't believe I am aware of that.

15 Q. You indicated that -- I want to make sure we have this
16 clear. You indicated that statements made by other individuals,
17 other codefendants, that Ika Eden instructed the children not to
18 leave the car. Is that your testimony?

19 A. No, I would like to rephrase. I don't know if she said to
20 them: You do not leave this car. I do not have that -- I don't
21 have that information.

22 Q. Okay. And so you don't have any information for purposes
23 of this proceeding that my client even directed the children to
24 remain in the car verbally; correct?

25 A. That would be correct.

1 Q. And there's no information that my -- pardon me -- that Ms.
2 Eden at any point in time, throughout the course of your
3 investigation, either bound the children or tied them up, thereby
4 precluding them from leaving that vehicle; correct?

5 A. That is correct.

6 Q. Are you aware as to what charges have been brought forth
7 against Ms. Eden in relation to this criminal investigation?

8 A. I am, but not verbatim, I don't believe. I don't --

9 Q. That's okay. Would you agree with me that Ms. Eden has
10 been charged with two counts, one for each decedent, of child abuse
11 pursuant to 18-6-401-1(a), subsection (7)(a)(I)?

12 A. I'll agree with you.

13 Q. Okay. So I have several questions for you. My client is
14 charged with child abuse resulting in death for both of these
15 children. Can you state on the record here today that my client
16 unreasonably placed in a situation that poses a threat of injury to
17 the child's life or health or engages in continued pattern of
18 conduct that resulted in malnourishment, lack of proper medical
19 care, cruel punishment, mistreatment, or injuries that ultimately
20 resulted in the death of one or more of these children?

21 MR. WHITING: The People object; calls for legal
22 conclusion.

23 THE COURT: Sustained.

24 BY DEFENSE ATTORNEY MARTIN:

25 Q. Do you have any evidence whatsoever that my client placed

1 the children, specifically Ms. Eden, in a situation that resulted
2 in their death?

3 A. I'm at a loss. I don't know how to answer that question.

4 Q. It's a pretty straightforward question, Deputy Covault.
5 I'm just asking you, do you have any evidence that my client, Ika
6 Eden, placed those children in that car and it resulted in their
7 death?

8 DEPUTY DISTRICT ATTORNEY WHITING: Your Honor, same
9 objection. I still feel this calls for a legal conclusion.

10 THE COURT: The question about she placed them in a
11 situation that resulted in their death, I'll sustain the
12 objection as to that question.

13 Overruled as to this last question which was whether or
14 not -- I think he's answered this, but whether Ms. Eden placed
15 the children in the car. He can answer that question.

16 BY THE WITNESS:

17 A. I do not know if Ms. Eden placed those children in the car.

18 Q. Okay. Do you know who did?

19 A. I do not.

20 DEFENSE ATTORNEY MARTIN: One moment, please.

21 (Conferring off the record.)

22 BY DEFENSE ATTORNEY MARTIN:

23 Q. Did you participate in the decision-making process in order
24 to determine what charges my client would be charged with in this
25 particular matter?

1 A. I was at that meeting, yes.

2 Q. Who else was there?

3 DEPUTY DISTRICT ATTORNEY WHITING: Objection; outside the
4 scope.

5 THE COURT: Sustained.

6 DEFENSE ATTORNEY MARTIN: I'm going to ask the question
7 because I don't believe it calls for a legal conclusion. My
8 client has been charged with child abuse resulting in death. I
9 asked Deputy Covault: Are you aware, do you have any evidence
10 that would assist you in arriving at the conclusion that my
11 client placed the children in a position that caused their
12 death, specifically, in this car, without food and water. I
13 don't believe that calls for a legal conclusion, it's just a
14 matter of fact. My client can't be charged with those offenses
15 if that didn't happen.

16 THE COURT: You've asked him questions about that in terms
17 of did Ms. Eden bind the children, did she put them in there,
18 did she tell them not to leave the car. Those are facts that
19 either support or don't support the charge in this case.

20 Asking Deputy Covault to talk about charging decisions or
21 whether or not or what information supports the charge is a legal
22 conclusion.

23 You can ask facts having to do with that, with the
24 conclusion, but not the legal conclusion itself.

25 BY DEFENSE ATTORNEY MARTIN:

1 Q. Do you know how the children died?

2 A. No, sir, we did not.

3 Q. What evidence do you have that my client was involved in
4 the death of the children?

5 A. The testimony of the codefendants stating that she was --
6 and not only the codefendants, but other uninvolved people off the
7 property who state that she was the primary caregiver for those
8 children.

9 Q. What other people?

10 A. There's been quite a few, and I would have to go through
11 everybody's reports, but folks they stayed with, the Phillips folks,
12 said that they gravitated towards her; the codefendants have said
13 that she was the one charged with the primary day-to-day care of
14 these children.

15 Q. Charged by whom?

16 A. Charged -- who instructed that?

17 Q. Who placed her in that position according to the evidence
18 that you received?

19 A. That I could not answer.

20 Q. And if someone were to be placed in the charge of caring
21 for two children, that obligation could end, could it not?

22 A. Yes, it could.

23 Q. And someone else on the property could be charged with
24 caring for the children and not Ms. Eden?

25 DEPUTY DISTRICT ATTORNEY WHITING: Objection, this line of

1 questioning is irrelevant.

2 DEFENSE ATTORNEY MARTIN: If the people are basing their
3 allegation that my client is guilty of two counts of child
4 abuse resulting in death because she was the caregiver for the
5 children then I think we should be allowed to explore in what
6 capacity do the People believe she was the caregiver, or law
7 enforcement, when the relationship started, when it ended. It
8 makes a big difference.

9 DEPUTY DISTRICT ATTORNEY WHITING: I don't believe in a
10 hearing of this nature that we should be allowed to explore
11 those potential issues. It's a screening device. It's outside
12 the scope of this hearing, and argumentative.

13 THE COURT: I'll sustain that. Asking if someone else on
14 the property can be charged for caring for the children and not
15 Ms. Eden, that's a legal conclusion. You can ask her what
16 you've already asked about what information he has that Ms.
17 Eden was charged with caring for the children. Those are fine
18 questions.

19 DEFENSE ATTORNEY MARTIN: I believe he's answered that
20 question, so I have no further questions for Deputy Covault.

21 THE COURT: All right. Thank you. Okay. Thank you. Mr.
22 Schultz.

23 CROSS EXAMINATION

24 BY DEFENSE ATTORNEY SCHULTZ:

25 Q. Good afternoon.

1 A. Good afternoon. How are you?

2 Q. I apologize, I'm going to end up jumping around a bit, so
3 if you need me to repeat something or clarify, let me know.

4 A. Okay.

5 Q. Because I might jump around between topics.

6 Let's start on your first visit to the property. That was
7 August 19; correct?

8 A. That's correct.

9 Q. Okay. And again, that was just for a check on Alec's
10 previously registered marijuana grow; correct?

11 A. Correct.

12 Q. Now, on that date you saw Mr. Yah/Mr. Archer; correct?

13 A. I did.

14 Q. For future reference, I will call him Mr. Archer.

15 A. Okay.

16 Q. But he didn't speak any words to you; correct?

17 A. That's correct.

18 Q. Okay. Of the people on the property who were not Alec
19 Blair, seemed like he was the first one that you really saw;
20 correct?

21 A. Alec?

22 Q. No, Mr. Archer?

23 A. No, I saw the children first.

24 Q. The children first? Okay. And they ran to Mr. Archer; is
25 that right?

1 A. Yes.

2 Q. And then when you approached Mr. Archer he was at the
3 entrance to that shack?

4 A. Yes.

5 Q. Okay. And when you asked him a question, again, he didn't
6 say any words in response?

7 A. Correct.

8 Q. And it was only when you asked where Alec was that he
9 pointed in the shed; correct?

10 A. Yes.

11 Q. And how long was that interaction?

12 A. Between me and Mr. Archer?

13 Q. Yes.

14 A. Five seconds?

15 Q. Okay.

16 A. I -- very brief.

17 Q. Okay. I didn't know if it was five, 30, if it dragged on a
18 little bit, so...

19 But did you announce yourself from a distance or did you
20 walk up and just introduce yourself?

21 A. I think when the children went to the shed I continued to
22 walk there until I was within speaking distance, without having to
23 shout.

24 Q. Okay. And how long were the children there before you
25 arrived, within speaking distance?

1 A. They were ahead of me because they had been playing in the
2 field, so when they saw me they ran back there. I would say 10, 15
3 seconds? I really don't recall. However long it took me to cover
4 that distance walking is how long they were back at the shack.

5 Q. Okay. And Alec didn't come out until you specifically
6 asked: Where's Alec?

7 A. That's correct.

8 Q. Okay. And you mentioned distances and so I want to talk
9 about distances, actually. And you can get up and refer to the
10 chart. I'll be referring to it as well.

11 A. Okay.

12 (DONE.)

13 BY DEFENSE ATTORNEY SCHULTZ:

14 Q. First, how big is this property?

15 A. It's just over 20 acres, if I remember correctly. Or just
16 at 20 acres.

17 Q. Okay. So how -- and I believe you can on this basically
18 see the borders; is that right? Of the property?

19 A. You can see the southern, the eastern -- or the western and
20 the eastern, but you cannot see the northern border.

21 Q. Okay. And the western and eastern borders, is the eastern
22 border, is it the road or is it further east?

23 A. I can't attest to the accuracy of these blue lines, but the
24 fenced area of this property is on -- the eastern side is this fence
25 here and on the western side is this fence right here. So as to the

1 accuracy of the fences or the lines of which is the true boundary, I
2 don't know.

3 Q. Okay. But just for the record you're referring to, first,
4 a fence that runs north-south along the eastern border of the
5 property along the road that runs north-south?

6 A. Yes, sir.

7 Q. And then there's a fence along the western side that you're
8 referring to as the approximate western boundary of the property?

9 A. Yes, it runs parallel to the eastern fence.

10 Q. Okay. How far across do you think the property is? In
11 whatever measurement would be easiest for you.

12 A. No idea.

13 Q. Do you know how long it takes to walk across the property
14 from east to west?

15 A. From here to here? A minute and a half, two minutes.

16 Q. Okay.

17 A. Maybe. That's a guess.

18 Q. That's fine. And so when -- obviously it depends on the
19 pace that you're walking, but on the day when you were going to do
20 the marijuana inspection, on that day, you walked along that
21 northwest road; correct? The new road?

22 A. When I left. This road here or --

23 Q. No, when you arrived at the property.

24 A. Yes, when I arrived I walked on that road.

25 Q. How long do you think it took to get from the entrance of

1 the property to where you, to that northern tree line where you saw
2 the children?

3 A. Sir, I have no idea.

4 Q. That's fine.

5 A. Probably a minute and a half, two minutes.

6 Q. Okay.

7 A. I really don't know.

8 Q. Okay. And a lot of the locations we've been talking about
9 on this property are clustered in would you call that the northwest
10 quadrant of the property beginning sort of in the middle?

11 A. You're asking if -- no, I would consider this the northwest
12 quadrant of the property.

13 Q. Does the property go up a considerable bit past what we
14 see?

15 A. Yes, across this ditch into another field and another
16 northern fence.

17 Q. But is this the northwest quadrant of the section of the
18 property that we're seeing?

19 A. Okay. Sure.

20 Q. Okay. And so number 10 on the legend is what's been
21 labeled the Blair campsite; correct?

22 A. Yes.

23 Q. That's where Alec Blair was residing primarily when he was
24 on the property?

25 A. That was our assumption from the things we found there.

1 Q. Because there were a number of his things found there?

2 A. Correct.

3 Q. And that's right next to the two dome tents; right?

4 A. Yes, southwest of two dome tents.

5 Q. Okay. And relatively close, I mean how far do you think it
6 was from the Blair campsite number 10 to eight and nine?

7 A. Oh, 15 feet? Twenty feet?

8 Q. Okay. And then from that area, how far was it to number
9 four, the Toyota Camry?

10 A. I would have to guess 90 yards from those tents.

11 Q. Okay.

12 A. And again, that's an educated guess off this photo.

13 Q. That's all I'm asking for. And about how long do you think
14 it took? As an educated guess, how long do you think it took to
15 walk from the area where Alec Blair's campsite was to the Toyota
16 Camry, number four?

17 A. I didn't go to the Camry. On which date are you referring
18 to?

19 Q. How long do you think it would take somebody to walk that
20 on any date?

21 A. Oh, if you were just striding over there, 30 seconds.

22 Q. Okay. And then there's a couple of things that weren't
23 really marked on the map but that were talked about. One of those
24 is that -- I believe we did mark it on the official exhibit, the
25 burn barrel.

1 A. Okay.

2 Q. Directly to the east of where you said the burn barrel was
3 is where that turn-in is; correct?

4 A. Correct.

5 Q. And that was a turn-in from where Mr. Blair had pretty much
6 been growing marijuana on the property?

7 A. Yes.

8 Q. And that turn-in sort of curves into a parking area
9 directly north of what's marked as five and six, the 10X10 shack
10 with the vegetable garden; correct?

11 A. Yes.

12 Q. Okay. And then how far north of that east-west road do you
13 think the 8X8 shack is?

14 A. So from this intersection? Or from here?

15 Q. The east-west road, the one that goes east-west across the
16 property.

17 A. So from here to here?

18 Q. Right.

19 A. Well, if I'm going to estimate this at about 90 yards, I
20 would say about 90 yards.

21 Q. Okay. And then there are two properties adjacent to Mr.
22 Blair's parcel property, correct? On the east and west sides?

23 A. Yes.

24 Q. And to the east it's primarily grazing land for cattle?

25 A. There's not a house directly visible on that property within

1 a few hundred yards; correct. To my knowledge, there is -- on this
2 particular fence parcel there's no house at all.

3 Q. Okay. And the nearest house is across that parcel by --
4 and I'm not sure of the road that goes into Norwood?

5 A. 42 ZS.

6 Q. And it's a house just off that road; correct?

7 A. Yes.

8 Q. Okay. But to the west there is a parcel of property that
9 has a residence on it; correct?

10 A. Yes, there is.

11 Q. And how far west of Mr. Blair's parcel do you think that
12 parcel is?

13 A. 150, 200 yards. It would be about right here.

14 Q. You're gesturing off the map?

15 A. Yes.

16 Q. And I'm done with distances for now, so you can sit back
17 down.

18 A. Okay.

19 (DONE.)

20 BY DEFENSE ATTORNEY SCHULTZ:

21 Q. And you talked about the different colored gowns that
22 everybody was wearing on the property, I believe, on the 19th and
23 the 8th. They were wearing different colors, correct?

24 A. On the 19th they were wearing different colors, on the
25 18th, yes, they were wearing different colors on both days, yes.

1 Q. And you said the 18th, you meant the 8th, September
2 the 8th?

3 A. Yes, the 8th. Excuses me.

4 Q. And on August 19, you said that Mr. Blair was wearing a
5 black robe; is that correct?

6 A. Yes.

7 Q. And then on the 8th he was wearing white robes?

8 A. Correct.

9 Q. Okay. And I believe in your report you mentioned you did
10 take some pictures of the property on the 19th with your cell
11 phone?

12 A. I took two photos of the children.

13 Q. Were any of those photos the photos introduced by the
14 district attorney?

15 A. I would have to assume they were. They went -- they were in
16 my disks.

17 Q. The children --Do you have copies of the exhibits up there?

18 A. I'm sorry?

19 Q. Do you have copies of the exhibits up there with you?

20 A. Of those children? No, I do not.

21 Q. There may have been some miscommunication. The pictures
22 you took on the 19th, are they amongst the pictures introduced by
23 the district attorney that you reviewed while on your direct
24 testimony?

25 A. No.

1 Q. Okay.

2 A. Okay.

3 Q. What were the pictures of? And I ask this because there's
4 a lot of pictures and discovery and they are not all clearly tied
5 to a specific officer.

6 DEPUTY DISTRICT ATTORNEY WHITING: The People object; the
7 reason provided for asking that question is irrelevant for the
8 purposes of today's hearing.

9 THE COURT: Mr. Schultz.

10 DEFENSE ATTORNEY SCHULTZ: I'm trying to --pictures that
11 were taken I would like to possibly introduce them, but I don't
12 know which ones I'm asking to introduce.

13 THE COURT: If you could be more direct about which
14 pictures you are introducing by approaching and looking at the
15 pictures. Otherwise --

16 DEFENSE ATTORNEY SCHULTZ: These pictures weren't
17 introduced by the district attorney, so I'm asking what the
18 pictures he took were.

19 THE COURT: Do you have photos you are attempting to
20 introduce?

21 DEFENSE ATTORNEY SCHULTZ: I don't know what photos I
22 would be introducing because they aren't clearly labeled in
23 discovery, so I'm asking what photos, what the photos he took
24 that day were.

25 THE COURT: Okay. If he knows, he can answer the

1 question.

2 BY DEFENSE ATTORNEY SCHULTZ:

3 Q. How many pictures did you take that day?

4 A. I believe I took two.

5 Q. What were they of?

6 A. They were intended to be of the children, but because I was
7 trying to do it covertly, they didn't come out great.

8 Q. Okay. So you didn't take any pictures of the covered car?

9 A. No.

10 DEFENSE ATTORNEY SCHULTZ: I'm sorry, I'm going through
11 my questions, and I believe Mr. Martin asked a good chunk of
12 them, so I won't ask them again.

13 BY DEFENSE ATTORNEY SCHULTZ:

14 Q. On the 8th, you spoke with Mr. Archer; correct?

15 A. Yes.

16 Q. And you did that after the rest of his codefendants had
17 been arrested at the shack, the 8X8 shack; is that right?

18 A. Yes.

19 Q. When you spoke with Mr. Archer, what did he tell you?

20 A. I asked him what was in the car and he did not answer. At
21 first, he kind of looked around. He was contemplating. He was
22 thinking. You could see this in his facial expression. And I asked
23 him again, and he said: The girls. Or: The children.

24 And I said: How many? Or something to that effect.

25 And he indicated two.

1 I asked whose these children were, and he said: The lady
2 that had left. The lady that left a couple of days prior.

3 I asked him who tarped the vehicle, and he stopped, and he
4 thought to himself.

5 And I said: You've already told me there's children in the
6 car, why can't you tell me who tarped it?

7 And he says: I have to think of my answers carefully so as
8 not to incriminate myself.

9 And I said: Well, I think we're kind of beyond that issue
10 right at the moment; I was just wanting to know who tarped the car.

11 And he said: Me and Alec, we tarped the car.

12 I asked: When was the car tarped?

13 And he says: On the morning that you came.

14 And I said: Why was the car tarped?

15 And he says: Alec had a dream and he came to us and said
16 that the law was coming or law enforcement was coming and we needed
17 to cover the car.

18 Q. I just wanted to ask a few clarifying questions. When he
19 said the lady that left, did he specifically identify somebody?

20 A. I don't think he referred to her by name, but he might have.
21 I would have to see my report.

22 Q. Okay. If that would help, you can refer to your report if
23 you have it.

24 A. I don't have my report up here, sir.

25 Q. We'll keep going. So you don't remember whether or not he

1 referred to a specific person?

2 A. No, he said that -- and it was -- they were the children of
3 the lady who left a couple of days prior.

4 Q. Let me rephrase. You don't remember whether he said a
5 specific name?

6 A. No, I do not recall a specific name.

7 Q. Okay. And you said that the tarping -- he said the tarping
8 occurred the morning of the day you came?

9 A. Yes.

10 Q. And by you, he was referring to you personally?

11 A. Me, personally.

12 Q. Okay.

13 A. And I clarified that with him, I said: When I came for the
14 marijuana?

15 Q. Okay.

16 A. And he says: Yes. Or: Yeah. Or: Yes, sir.

17 Q. Okay. And he said they had done that because Alec had a
18 dream and I believe you said: Law enforcement was coming. Is law
19 enforcement the word he used?

20 A. I think he said the law.

21 Q. The law. Okay.

22 A. The law was coming, yes.

23 Q. Now I want to refer to a couple of specific exhibits that
24 you probably have in front of you. Let me know if you don't.

25 A. Okay.

1 Q. People's 15.

2 A. Fifteen. Let me peruse. I have People's 15.

3 Q. These bags of rice, what building were they found in?

4 A. These were found in what I call the 10X10, and referred to
5 as number five on our aerial photo.

6 Q. So the wooden structure close to the Blair campsite?

7 A. Yes.

8 Q. And that bin of food on People's 16 was found in the same
9 structure?

10 A. Yes, sir, it was.

11 Q. And then on direct you referred to 165 pounds of food found
12 in two locations?

13 A. Correct.

14 Q. I presume that one of those locations was the 10X10?

15 A. Yes.

16 Q. And what was the other location?

17 A. The general area of the 8X8 or numbered as one, two, three.

18 Q. And by general area, what do you mean?

19 A. Some of it was under a car, some of it was in a wheelbarrow
20 next to a car, some of it was prepared in bowls on tables, some of
21 it was in a bucket around the other side of the shack. So it was
22 kind of just in that area.

23 Q. People's 19.

24 A. Nineteen. Just a moment. Okay. I have it.

25 Q. You said that some of the flies in this photo were alive

1 when the car was untarped; is that right?

2 A. Yes.

3 Q. Okay. Were you present when this photo was taken?

4 A. There were two of us taking photos side by side. This could
5 be my photo, but without seeing the disk it came off of, I can't
6 tell you if it's mine or CBI.

7 Q. But you were present when this photo was taken?

8 A. Yes.

9 Q. Whether or not it's yours?

10 A. Right.

11 Q. And these were taken when the bodies were removed?

12 A. Prior to the removal of the bodies.

13 Q. But during that same process?

14 A. Same time frame, yes.

15 Q. Okay. Did you collect any of the flies as evidence?

16 A. Personally, no. I'm not sure if CBI did or not.

17 Q. So you don't know if an analysis has been done about how
18 old the flies were and how old they were in the car?

19 A. I know there was discussion at the investigator meetings
20 that during the pathology and stuff that is one of the things to be
21 tested, so I have to assume there are samples.

22 Q. But you're not aware of any results?

23 A. No.

24 Q. Do you know about how many of the flies were alive? Was it
25 most?

1 A. No, absolutely not. It was definitely more dead flies than
2 live flies.

3 Q. Okay. And when the tarp was removed and the tape was
4 removed from the car do you know if Mr. Archer's fingerprints were
5 found on the car?

6 A. Those are still at CBI for analysis and we haven't received
7 the results yet.

8 Q. And the same for his DNA?

9 A. No, we have DNA results for Mr. Archer, we know what his DNA
10 profile is. We have not recovered DNA off of the items from the
11 vehicle yet. They were submitted to CBI four days ago.

12 Q. Okay. But you haven't received any results matching Mr.
13 Archer's DNA to any given --

14 A. Not at this point.

15 Q. Let me finish that. Any DNA collected from the car?

16 A. None that we know of at this point.

17 Q. Okay. People's 23.

18 A. Twenty-three... Okay. Got it.

19 Q. In the lower right portion of this photograph, is that a
20 water jug on the floor of the car?

21 A. It is an empty jug. What it contained, I could not say.

22 Q. Okay. It's an empty gallon jug?

23 A. Yes.

24 Q. And I believe you testified on direct, or maybe cross
25 examination, that there were empty cans of food found in the

1 vehicle; is that right?

2 A. Yes.

3 Q. But you don't have any concrete information about what food
4 was present in the vehicle at the time of death; is that right?

5 A. That's correct.

6 Q. And these cans of food that were empty appeared as if they
7 had been opened and consumed; is that right?

8 A. Yes, they did.

9 Q. Were there any other indicators that looked like people had
10 been living in the car?

11 A. One of the girls that was in the car, her journal was in
12 there and the writings in the journal appeared that she had been in
13 the car for a period of time.

14 Q. Okay. Were there blankets in the car?

15 A. There was a cloth item visible in 23. But other than the
16 clothing that they were wearing -- and if you will see -- in number
17 23 you will see a bundle of pink clothing next to Hanna, that's the
18 closest to the photographer, we're not sure if that was intended to
19 be blankets or if that was robing or what it was, but it was a large
20 pile of cloth could be used as blankets.

21 Q. And this is one of the places I'll skip around. You talked
22 on direct about your conversation with Greg and Peggy Murphy?

23 A. Yes.

24 Q. And that Greg Murphy said that there was a party inside the
25 tire store shop that he struck up a conversation with; right?

1 A. Correct.

2 Q. Did he say who was that?

3 A. It was a female. I don't recall, off the top of my head,
4 which one he claimed it was that he spoke with.

5 Q. Okay. And he referred to three women he saw at the tire
6 dealership; right?

7 A. Yes.

8 Q. One was heavy-set --

9 A. Yes.

10 Q. -- right. Did he identify any of the people that he saw or
11 did he just give descriptions?

12 A. Without seeing my narrative and hearing that audio, I would
13 be amiss in answering that 100 percent. I don't recall.

14 Q. Okay. Did you follow any identification procedure with him
15 regarding who he saw that day?

16 A. Clarify.

17 Q. Like show him a six pack or --

18 A. No, it was a phone interview with him only. And the
19 identification he gave over the phone he accurately described both
20 vehicles and all parties involved including one that at that time we
21 had only a name for because he had left the property, and that was
22 Cory Sutherland, so he accurately described three children and all
23 the adults and their vehicles. We were confident in his --

24 Q. I apologize. Continue.

25 A. That's okay.

1 Q. When he described the children how did he describe them?

2 A. That there were two young girls that would get out and play
3 in the driveway and that there was another younger child that
4 remained in a car seat and the car seat was on the floorboard of the
5 four-door sedan, i.e., the Toyota. And Ms. Phillips described the
6 same thing, the two younger girls would get out and play, and the
7 one at that time she considered her an infant, said she was a
8 year-and-a-half old, possibly, that was in the car seat, which is
9 the age consistent with the younger of the surviving girls.

10 Q. Metatron?

11 A. Yes. Thank you. Metatron. But I believe she goes by Nun,
12 n-u-n.

13 Q. Did the Murphys tell you how long they had interaction with
14 this group of people?

15 A. It was only one day. They came to the property, they did
16 the tires, they fixed the door handles, a meal was offered, and then
17 the group left.

18 Q. And in regards to the Toyota Camry, I'll ask a series of
19 questions similar to what Mr. Martin was asking you. Obviously
20 that registration card or that insurance card wasn't for Mr.
21 Archer; correct?

22 A. No, it was not.

23 Q. Okay. It wasn't for any of his other names that he's gone
24 by?

25 A. There's another picture that goes with this. His name is

1 handwritten on that, that's at the lower side, and it was our
2 opinion that he was trying to get on there as an insured driver.

3 Q. On an expired --

4 A. What's that?

5 Q. On the expired insurance card?

6 A. We don't know when it was written on there or what the
7 intent was, but that's what it appeared to be. And that's when we
8 first learned his name was Archer because it's written on there as
9 Archer, not the name he gave us when we originally contacted him.

10 Q. But you don't have any registration of that car with Mr.
11 Archer's name on it?

12 A. No, we do not.

13 Q. Officially on it?

14 A. No official document, no.

15 Q. Any official insurance policy showing that he was an
16 authorized driver of that car?

17 A. No, sir.

18 Q. Okay. And Mr. Martin was asking about the audio recording
19 device on your belt?

20 A. Yes.

21 Q. Did you have that device activated when you were talking to
22 Mr. Archer?

23 A. No, and even if I had had it, they wouldn't be able to work
24 at that distance. We were too far from the receiver in the patrol
25 car.

1 Q. Okay. But you did report an interview with Mr. Blair later
2 on that afternoon?

3 A. Yes.

4 Q. With that device?

5 A. No. I used a hand-held recorder, like an RCA recorder.

6 Q. Okay. Did you have that with you when you talked to Mr.
7 Archer?

8 A. No, I did not.

9 Q. Now, Alec Blair's biological father, Franklin Fletcher, is
10 the one on scene when you arrived; correct?

11 A. Yeah.

12 Q. He had contacted your office earlier that day to say he was
13 going out to the property?

14 A. Yes.

15 Q. That was about 9:00 a.m.?

16 A. That sounds about right.

17 Q. And I apologize, he said he arrived at about 9:00 a.m. at
18 the property; isn't that right?

19 A. He arrived at 9:00 a.m.? I don't know that for certain.

20 Q. Did he talk to your office earlier that day?

21 A. Sir, can you --

22 Q. Did he talk to the Telluride office earlier that day and
23 say he was going to the property?

24 A. Yes, he did, before he went to the property.

25 Q. And then he didn't contact your office or call in with this

1 report until about 11:30 in the morning; is that right?

2 A. That is my recollection, yeah.

3 Q. The two deceased children, you don't have any information
4 that those are the biological children of Mr. Archer; correct?

5 A. They have been excluded as his biological children.

6 Q. And you don't have any information that he had any sort of
7 legal guardianship over those children; is that right?

8 A. No, I do not.

9 Q. And similar to Ms. Eden, he had no contractual obligation
10 written out that he would look over those children; correct?

11 A. None that we're aware of.

12 Q. Okay. And nobody has placed Mr. Archer as any sort of
13 nanny figure to these children; is that right?

14 A. One of our interview witnesses, and again, this is from
15 another interviewer, I was not present, some folks that they stayed
16 with, stated that he was like a father figure to the children, they
17 would come to him at night and sit on his lap and he would do
18 fatherly things, telling stories and stuff like that, and so, yes,
19 he has been referred to as a father figure to the children.

20 Q. Okay. Do you remember what interview that was, who it was
21 with?

22 A. No, I don't.

23 Q. Do you remember when that account was from?

24 A. I believe this was one of the places they stayed at in Grand
25 Junction.

1 Q. Which would have been late 2016; correct?

2 A. Correct.

3 Q. And you state on previous cross examination that Ms. Eden
4 was labeled the primary caregiver of the children; right?

5 A. As we understand it, yes.

6 Q. Okay. And so Mr. Archer was not the primary caregiver of
7 these children?

8 A. As we understand it, yes.

9 DEFENSE ATTORNEY SCHULTZ: Just one moment, Your Honor.

10 (Conferring off the record.)

11 BY DEFENSE ATTORNEY SCHULTZ:

12 Q. On the 19th, when you initially went to the property, you
13 said that you took some pictures. What's the word you used to
14 describe how you took those pictures?

15 A. Covertly.

16 Q. Covertly. Why were you taking them covertly? Why not
17 overtly?

18 A. One, I did not want to offend the people, and two, I had a
19 gut feeling that something was off, that this was not Alec, this was
20 not how he normally acted. I had not seen these people before.
21 They weren't willing to speak with me. The children were afraid of
22 me for no apparent reason and the overall tone in the air was off.

23 Q. You said that they weren't willing to speak with you.
24 After interacting with Mr. Archer, where he pointed to Alec, did
25 you attempt to talk to any of them more -- further?

1 A. No, not in that aspect, but there was no volunteered
2 conversation or comment. They were all stone silent including the
3 children. It was just very odd. It was odd enough that later we
4 ended up making a report to Social Services about the children, the
5 living circumstances and what we observed on that day.

6 Q. And Mr. Blair, he's somebody you obviously had interaction
7 with before; correct?

8 A. Numerous, numerous times.

9 Q. Would you describe him as a local to this community?

10 A. He is a resident of Norwood and a fairly new resident. He
11 would be local in that he has established residency there, bought
12 property.

13 Q. Do you think he's a victim in all this?

14 A. I don't believe --

15 DEFENSE ATTORNEY SCHULTZ: Objection, Your Honor.

16 THE COURT: Sustained.

17 DEFENSE ATTORNEY SCHULTZ: Thank you.

18 THE COURT: Redirect?

19 MR. WHITING: Briefly, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. WHITING:

22 Q. I direct your attention to People's Two, the large poster.
23 You laid out a couple of features on the property that were -- that
24 are not captured on this photograph. Do you recall that? You said
25 this is a -- there's a ditch to the north?

1 A. Yes.

2 Q. Is that an irrigation ditch?

3 A. Yes, it is.

4 Q. Does that run from property to property?

5 A. Yes, it does.

6 Q. Okay.

7 DEPUTY DISTRICT ATTORNEY WHITING: Thank you. Nothing
8 further, Your Honor.

9 THE COURT: May Deputy Covault be released?

10 DEPUTY DISTRICT ATTORNEY WHITING: He may, Your Honor.

11 THE COURT: Give those to Mr. Whiting.

12 DEFENSE ATTORNEY MARTIN: Your Honor, my clients want a
13 bathroom break.

14 DISTRICT ATTORNEY HOTSENPILLER: And could we stay on the
15 record or come back early real quick. We have a brief matter
16 to put on the record.

17 THE COURT: Go ahead.

18 DISTRICT ATTORNEY HOTSENPILLER: Your Honor, it's come to
19 my attention that the charges regarding Ms. Sandalphon are
20 unclear because they do not appear to be the same in the
21 electronic record as they are in the complaint that I
22 personally filed on October 6th. The electronic record
23 reflects a third charge --

24 THE COURT: Okay. Let me take a look here.

25 DISTRICT ATTORNEY HOTSENPILLER: -- of accessory, and that

1 was never intended to be charged by the People. I don't think
2 Mr. Martin thought it was charged either, but I want to be
3 really clear that that was not intended to be charged.

4 DEFENSE ATTORNEY MARTIN: And the only two charges that
5 I'm aware of, because I didn't catch the discrepancy, are just
6 one count of child abuse resulting in death and another count
7 of child resulting in death.

8 DISTRICT ATTORNEY HOTSENPILLER: Mr. Martin is correct,
9 those are the only two charges that the People intended to
10 file. That's what's was filed on the joint complaint that we
11 filed October 6, but I did note that there's a discrepancy on
12 the electronic record and I just thought we should clarify that
13 and make darn sure we know what we're doing here.

14 THE COURT: My record shows the same, only two counts, one
15 and two, in 17CR30, and the complaint also so reflects. We'll
16 go off the record for 10 minutes.

17 (SHORT BREAK TAKEN.)

18 THE COURT: Back on the record. We're back on the record
19 in cases 17CR28 and 17CR30. Who's the People's next witness?

20 DEPUTY DISTRICT ATTORNEY RYAN: We call Sheriff Masters to
21 the stand.

22 THE COURT: Come on up.

23 * * *

24 SHERIFF WILLIAM S. MASTERS,
25 was called as a witness, and having been duly sworn,

1 was examined and testified as follows:

2 THE WITNESS: William S. Masters, Sheriff, San Miguel
3 County.

4 DIRECT EXAMINATION

5 BY DEPUTY DISTRICT ATTORNEY RYAN:

6 Q. Sheriff Masters, what's your current occupation?

7 A. Sheriff, San Miguel County.

8 Q. How long have you been doing that?

9 A. I've been sheriff since 1980. Prior to that I was
10 undersheriff of the county for a year, and prior to that, I was the
11 town marshal of the town of Telluride.

12 Do you want me to go over my law enforcement history?

13 Q. Please.

14 A. Before that, I attended college and obtained a criminal
15 justice degree, Bachelor of Science degree, from Arizona University.

16 Prior to that I was a port security man with the U.S. Coast
17 Guard and conducted law enforcement activities and drug
18 interdictions on the coast and interstate waterways and high seas.

19 And before that I worked with the Los Angeles police
20 department as a civilian analyst and worked on the President's
21 Commission on Crime in America. That was in 1970.

22 Q. As the sheriff for San Miguel County what are your duties?

23 A. I am responsible for managing the sheriff's office, the
24 jail, the criminal investigations that we have to conduct, wildfire
25 control, search and rescue, civil process, court security, and all

1 the other 168 items that were mentioned in the statutes saying,
2 Sheriff shall perform a certain function.

3 Q. So how are you connected with the case we're here for
4 today?

5 A. I was on on September 8 of this year, I was coming back from
6 Durango, and I have an app on my phone that alerts me to calls
7 coming in through the 911 system, and I saw that there was a
8 dispatch sent out saying that there was two dead bodies in Norwood,
9 and I was at the top of Lizard Head. I contacted dispatch right
10 away. I was in my personal vehicle, and I realized what was going
11 on. I was briefly told what was going on. I came back to
12 Telluride, got my county car and drove to the scene in Norwood.

13 Q. Okay. Did you interview anyone as part of this
14 investigation?

15 A. I did.

16 Q. Who did you interview?

17 A. I interviewed Frederick Alexander Blair, also known as Alec.

18 Q. And how many times did you interview him?

19 A. I interviewed him on September 8th, also on
20 November 9th, I believe, and November 14th.

21 Q. Okay. And as part of that November 14th interview, did
22 you show him anything?

23 A. Yes, I think it was the 14th? Or the 9th? I can't recall
24 now. I showed him a series of pictures.

25 DEPUTY DISTRICT ATTORNEY RYAN: May I approach the

1 witness?

2 THE COURT: Yes.

3 (DONE.)

4 BY DEPUTY DISTRICT ATTORNEY RYAN:

5 Q. I show you what's been marked as People's Exhibit 1A
6 through J. Take a look at those.

7 A. (Witness complying.)

8 Q. Tell me when you're done.

9 A. These are photographs --

10 Q. Hold on. Just tell me when you're done.

11 A. I'm done.

12 Q. What are they?

13 A. They are photographs of various people that were living on
14 the property, Mr. Blair's property, outside of Norwood this past
15 summer.

16 Q. Where did you get the pictures?

17 A. I got these from -- I think Dan Covault gave these to me.
18 They are part of the case file.

19 Q. Did you show those pictures to Alec Blair during that 11/9
20 interview?

21 A. Yes.

22 Q. And are those true and accurate depictions of the pictures
23 that you showed to him?

24 A. Yes, they are.

25 DEPUTY DISTRICT ATTORNEY RYAN: People move to admit

1 People's Exhibit 1A through J.

2 THE COURT: Any objection?

3 DEFENSE ATTORNEY REISCH: None for the limited purposes of
4 this hearing, Your Honor.

5 DEFENSE ATTORNEY MARTIN: None, Judge.

6 THE COURT: People's Exhibits 1A-1J will be admitted.

7 (PEOPLE'S EXHIBITS 1A-1J admitted into evidence.)

8 BY DEPUTY DISTRICT ATTORNEY RYAN:

9 Q. So referring to Exhibit 1A, what is that a picture of?

10 A. That's a picture of Madani Ceus, also known as Amma and
11 Amman and Abba, and also known as Creator.

12 Q. Okay. And did you discuss those names with --

13 A. Also known as Yahweh as one.

14 Q. Did you discuss those names with Alec Blair during that
15 interview?

16 A. Yes, I did.

17 Q. What did he say that Amma meant?

18 A. Amma meant mother.

19 Q. Okay. And what about Abba?

20 A. Abba meant father.

21 Q. Okay. And was there a discussion about who should be
22 called Abba according to Alec Blair?

23 A. Yes.

24 Q. Tell me about that discussion.

25 A. He stated that when he first -- the group first came to the

1 property in either early June, late May 2017, he met this group;
2 that Abba, meaning father, was a term used to identify Mr. Archer,
3 and that during the course of the summer, the Amma, or Madani,
4 changed that title for herself and stated that she -- that Mr.
5 Archer was no longer Abba and that no one should call him Abba, and
6 she would test the children to see if they would call him Abba. She
7 would ask them specifically: Who is that person? And if they
8 answered Abba, they were scolded. And she would say: No, I am
9 Abba; I am both Amma and Abba.

10 Q. Did Mr. Blair indicate why she was referred to as both Abba
11 and Amma?

12 A. Because she had had, in the matter of terms, incorporated
13 both the male and female side of the creator into herself and she no
14 longer had a husband, she no longer -- and the children no longer
15 had a father. She demoted Mr. Archer to a lower role as being a
16 general and a guard for her, but not a father or a husband.

17 Q. What -- according to Mr. Blair's interview, what was Madani
18 Ceus's role in this group of people?

19 A. She was once again both everybody's mother and father and
20 she was like a God, and she was addressed -- sometimes she addressed
21 herself and told other people to address her as Yahweh, which, as I
22 understand it, is a term from the first, the old testament for God.

23 Q. And according to Mr. Blair what was her status in the
24 family on a day-to-day level?

25 A. He said no decisions were made in the family without

1 consulting her and that she had total say in what was to be done and
2 who could do what, and she would direct people specifically to
3 perform acts and nothing could be done without her authority and
4 permission. He said that happened gradually over the course of the
5 summer. Didn't start that way. It started more of a trilogy
6 between her, Mr. Archer, and Cory Sutherland.

7 Q. Explain that to me.

8 A. It gradually changed over the course of a summer.
9 Originally, according to Mr. Blair, there was like a trilogy or a
10 trio of people that directed the group and each had their own
11 role. Madani was Amma, the mother and kind of the Creator. Mr.
12 Archer was the scholar, the person who had studied ancient
13 religions, and more modern day religions, too, I assume, and was
14 known as someone who was like a professor kind of person in his
15 knowledge. And then Mr. Sutherland was known as Rah, which,
16 according to Mr. Blair, was kind of the ancient title in Egyptian
17 times of a king and those three together would make the decisions
18 for the group.

19 Q. And you said that Madani got her power changed over the
20 course. When did that change?

21 A. That changed when Cory Sutherland was banished from the
22 group and left. Mr. Blair drove him to near Cortez and dropped him
23 off there, and he left the group not to return. At that time he
24 said that Madani Ceus stated to him, I got my balls back, and also I
25 got my feet back, meaning that she was now the -- she had taken over

1 Cory's role as well in the group and was now more powerful and was
2 going to be the ultimate ruler.

3 Q. Turning to the next page, 1B, did you show that picture to
4 Mr. Blair?

5 A. Yes, I did.

6 Q. And who did he identify that as?

7 A. He identified this person as Nachetu. I don't know if I'm
8 saying it correctly. It's a photograph of Mr. Archer.

9 Q. And is Mr. Archer in the courtroom today?

10 A. Yes, he is.

11 Q. Identify him by pointing at him and describing what --

12 A. He's the third person down at the defense table.

13 Q. Okay. And you already discussed his sort of role in the
14 group at this point; correct?

15 A. Yes.

16 Q. Turning to the next page, 1C, did you show that picture
17 to --

18 A. Yes, I did.

19 Q. Who did he identify that as?

20 A. He identified this person as Horus or Maya, Meyah, Mia, and
21 it's a picture of Shemmaya Archer, which is the daughter of Mr.
22 Archer and Ms. Ceus.

23 Q. Did you ask Mr. Archer his understanding of who the
24 children belonged to during the interview?

25 A. Yes.

1 Q. What did he say?

2 A. He believed this to be the child of Ms. Ceus and Mr. Archer.

3 Q. Okay. And what, if anything, did he say about her role in
4 the family?

5 A. The family took her to be of an interesting spiritual
6 person. I forget the exact term he used. But she was someone that
7 they had to listen -- they listened to her, consulted sometimes, and
8 finding portals and thinking of what the future might bring.

9 Q. Did she have any role with respect to energy fields?

10 A. She would often describe that there was gray matter, which
11 indicated a negative amount of energy coming from certain people.

12 Q. Okay. You said that part of her role was identifying
13 portals. Did Mr. Blair say what would happen if she identified a
14 portal on the property?

15 A. It appeared that there were -- like sometimes they were
16 waiting for portals to open up to travel through, and other times
17 the portals were seemingly dangerous and they had to place artifacts
18 near the portals to make sure that I guess they would close.

19 Q. What did Mr. Blair say about choosing those artifacts?

20 A. There was a variety of different artifacts that they chose,
21 whether it might be some stones, little special stones, rocks,
22 colored rocks, coins particularly copper coins were good at warding
23 off the negative energy.

24 Q. Who chose the particular artifacts to close a particular
25 portal?

1 A. I'm sorry, I don't recall who chose those.

2 Q. Okay. During the course of the stay here, if someone was
3 determined to have gray energy on them what would be done about
4 that? What did he say would be done about that?

5 A. I'm sorry, say that again. Who --

6 Q. Yeah. If it was determined that someone had gray energy on
7 them what did Mr. Blair say would be done about that gray energy?

8 A. Well, there's a lot of ways, I guess, to dispel the gray
9 energy. Sometimes it would take -- the person would just have to go
10 and meditate by themselves, other times there would have to be a
11 cleansing that would take place and they would take sage brush and
12 other things and brush the energy, the negative stuff off them.

13 Q. Who would complete that cleansing, according to Blair?

14 A. Madani Ceus would do that. Madani.

15 Q. Turning to the next page, 1D, did you show Mr. Blair that
16 picture?

17 A. Yes, I did. He identified this person as Yaira Metatron.
18 He did not say that, he said Nun or Metatron. And this is a picture
19 of the child of Ms. Ceus and Mr. Archer commonly known as Nun.

20 Q. Okay. Did he describe the child's relationship to Madani
21 Ceus and Mr. Archer?

22 A. Yes. He said this was their child and -- but still -- and
23 at times Mr. Archer would act very fatherly toward them, take them
24 for walks, take this -- take Nun and their other child for walks,
25 et cetera, but most of the time Ms. Eden took care of them.

1 Q. Okay. Turning to page 1E, did you show him that picture?

2 A. Yes.

3 Q. Who did he identify that as?

4 A. He identified these pictures as being those of Cory
5 Sutherland, the son of Ms. Eden. The pictures at the bottom of the
6 page more closely resemble the Cory Sutherland that he knew. He
7 also said this man went by the name of Rah.

8 Q. Okay. And you said that he advised you that he was the son
9 of who?

10 A. The son of Ms. Eden.

11 Q. Okay. How did he find out about that?

12 A. I don't recall.

13 Q. Okay. Turning to 1F, did you show that picture to him, to
14 Mr. Blair?

15 A. 1F is a picture of Mr. Blair.

16 Q. Did you show that to him during your interview?

17 A. I'm not sure I did.

18 Q. Okay.

19 A. Maybe I did.

20 Q. And how is Mr. Blair related to this group of people?

21 Generally speaking. I won't ask you the details yet.

22 A. Just generally speaking, his status in the group changed
23 quite a bit over a period of time. Initially they thought he was
24 St. Michael and then they would identify him as -- would identify,
25 after Cory left, as Rah, as another spiritual being; they identified

1 him as the son of God or the son of Madani Ceus. He had a lot of
2 different titles.

3 Q. How was he related to the property?

4 A. He owns that property there that they were all living on.

5 Q. Turn to 1G. Who is that?

6 A. This is Ms. Ika Eden, also known as Karah Sandalphon, Carol
7 Johnson, Carol Sutherland and also Lilian, according to Mr. Blair.

8 Q. Okay. So what did Mr. Blair call her while she was on the
9 property?

10 A. He said he primarily called her Lilian.

11 Q. Did she have a color name that she was referred to by the
12 group?

13 A. Yes, she was referred to as Brown.

14 Q. Did Mr. Blair explain how that worked?

15 A. There was a number of different color schemes that the group
16 wore and sometimes it depended on your position in the group.
17 Madani Ceus would often tell them what level you were at and what to
18 wear on that particular day, or if you were given a new title you
19 may have to change your clothing to match your rank, and so for a
20 long time Mr. Blair wore black, for instance, and then after a
21 certain point in time he graduated to wearing white.

22 Q. Okay. And what color did he say Ika Eden, or Lilian, wore?

23 A. Most of the time she wore a brownish color, but I think
24 there were other colors she had worn as well.

25 Q. Did he say whether Madani called her Brown?

1 A. I don't recall that.

2 Q. Did Mr. Blair explain why people had so many different
3 names?

4 A. He said it depended on where you were in Ms. Ceus's
5 hierarchy of people, and so you -- your name would be changed.
6 Sometimes you would get a spiritual name such as Rah, or some other
7 name, and then if you didn't live up to her expectations or were
8 critical in any way or didn't deal with daily council that they held
9 in a proper way, your name might be stripped from you, and she, in
10 anger, would call you by your actual given name. So it would
11 change, and so there's a -- people are known by a lot of different
12 names depending on whether they were increasing, I guess, in her
13 mind coming closer to what they referred to as the Light Body, which
14 was kind of a spiritual zone that they were all attempting to
15 attain.

16 Q. Okay. Turn to the next photo, 1H. Did you show that to
17 Mr. Blair?

18 A. Yes. And he identified this as Nashika Bramble. At times
19 she was called Burgundy, but he referred to her as Nashika.

20 Q. Did he refer to why she was referred to as burgundy?

21 A. Because she wore burgundy clothing.

22 Q. And according to your investigation the two deceased girls
23 in the car, who does their DNA match to?

24 A. They are both the daughters of Nashika Bramble.

25 Q. Turning to 1I, did you show him that picture?

1 A. I did.

2 Q. Who did he identify that as?

3 A. He identified this as a picture, the picture is of Makayla
4 Roberts. He identified this picture as being that of Pink One, or
5 of Latoya, and as Makayla. So most often he preferred to call her
6 Makayla, but once again, her name would change depending on
7 Ms. Ceus's thoughts about her at a particular time.

8 Q. What, if anything, did he say about why she was called Pink
9 One?

10 A. Because she was dressed in pink-colored clothing.

11 Q. Okay. 1J, did you show him that picture?

12 A. Yes, I showed him this picture, and he identified this
13 person only as knowing her as Pink Two.

14 Q. Did he say whether he recognized whether she looked the
15 same as when he saw her as in this picture?

16 A. No, he said that she looked different. He said this is a
17 younger picture, but he did identify it as being her.

18 Q. Okay. And did he say why she was called Pink Two?

19 A. He said he never was -- he was never introduced to her, and,
20 in fact, he went -- she lived on the property for two months with
21 him and he never saw her. She was confined to a motor vehicle
22 during that two months, and he was shocked when he was introduced to
23 her after being on the property for a couple of months, that there
24 was a child that had been sequestered in a car for that period of
25 time. Ever since he had met the group.

1 Q. So when the family first got on the property how many kids
2 did he think there were total in the group?

3 A. He only thought there were three children.

4 Q. And according to his interview who took care of those kids?

5 A. Mr. Blair said that Ms. Eden took care of the children. She
6 was like the nanny figure. She bathed them. She would feed them.
7 She would see that they were protected. Sometimes he said that Nun
8 would -- he was -- she was attached at the hip to Nun because she
9 was the youngest.

10 Q. Did he make any differentiation between how she cared for
11 Ceus and Archer's kids as opposed to Makayla?

12 A. Yes, he thought that she was more concerned for the
13 well-being of the Archer children than the --

14 Q. But as far as day-to-day activities did he say that she was
15 treated differently in the time that he knew her?

16 A. No.

17 Q. Okay. So according to Alex Blair when did he meet this
18 family?

19 A. He said he was -- in the latter part of May he and a fella'
20 by the name of River Young decided to travel to Denver and he was
21 going to take River to the airport in Denver because he wanted to
22 attend a concert in California and he wanted to fly out of Denver.
23 So he agreed to take Mr. Young, to drive him to Denver, and they
24 were driving on I-70 just east of Grand Junction and they were
25 hungry and they were going to go to an organic farm or something

1 that was just off I-70, but as they approached the exit there was a
2 sign up saying the farm was closed. So they went on to the next
3 exit and at that exit is the Eagle's Nest gas station or truck stop
4 east of Grand Junction on I-70. They stopped there and went into
5 the store to try to find something to eat. They are vegetarians and
6 all they could find was trail mix and they brought it out. River
7 was pumping gas and they noticed Cory Sutherland making some
8 gestures at them.

9 Q. I'll stop you there for a second and go backwards a little
10 bit. Was River Young interviewed in this case in this
11 investigation?

12 A. Yes, he was.

13 Q. Did he identify when he thought that they had gone to
14 Denver to drop him off at the airport?

15 A. I think he had an exact date, but I don't recall what that
16 is, but it was in late May.

17 Q. And so you said that they saw Cory Sutherland gesturing at
18 them. What did he say next?

19 A. He said that River Young had long dreadlocks like down to
20 his shoulder and that Alex, Mr. Blair, said that he was wearing a
21 type of turban and he said he wore this turban for a couple of years
22 and he thought that Cory, when he was coming over to them, Cory was
23 dressed in some kind of robes and he figured that he thought they
24 were kin folk, that they -- just because of the way that River had
25 his hair and the turban that Blair was wearing and the way that Cory

1 was dressed, he thought that Cory was attracted to them. And he
2 came over and said something like: You guys look like you are
3 somebody. And they struck up a conversation, and Cory wanted to
4 introduce them to the rest of his family that was staying there at
5 the truck stop. And --

6 Q. What was Mr. Blair's reaction to that?

7 A. I think Blair recently thought it was a lot, but he went
8 along with it. And he said: Sure, I'll meet the family.

9 Q. Describe where they went.

10 A. Yeah, I think it was behind the truck stop or to the side of
11 the truck stop some place. It was right there close. They were
12 staying in some cars there.

13 Q. What happened when he arrived to meet the family?

14 A. They introduced him to Ceus and Ceus was cooking a meal, and
15 as I recall, Cory said, I want to do like a spiritual cleansing on
16 you, some kind of I don't know what, a seance or something, and so
17 he agreed to it.

18 Q. And I'll stop you there for a second and go backwards. But
19 you said Madani Ceus was cooking meals. What did he say about her
20 role with cooking during the time that he was with this group of
21 people?

22 A. She always did the cooking.

23 Q. Did he say why?

24 A. He took it as a matter of control that she would tell them
25 exactly what to eat and how much to eat.

1 Q. What, if anything, did he say about her saying -- what did
2 he say that she said about her cooking?

3 DEFENSE ATTORNEY REISCH: Although this is a preliminary
4 hearing, the rules are relaxed, we are getting into multiple
5 layers of hearsay, but there's case law that says some is
6 allowed, but we can't go layers and layers deep, which is what
7 we're doing.

8 DEPUTY DISTRICT ATTORNEY RYAN: I think it's important
9 because food is a critical issue in this case, so basically
10 Madani's philosophy about the food is important.

11 THE COURT: I'll allow a little bit of leeway, but I think
12 it's -- we're getting outside the scope of the probable cause
13 determination.

14 BY DEPUTY DISTRICT ATTORNEY RYAN:

15 Q. So what did he say Madani said about her cooking?

16 A. I don't recall what Madani said about her cooking.

17 Q. Do you recall a conversation about why the two girls in the
18 car were not given food cooked by Madani?

19 A. Yes.

20 Q. What was that?

21 A. They were unfit to receive the food that was cooked by
22 Madani. They were unpure and that they were undeserving of her
23 food.

24 Q. And was there anything special about her food in giving it
25 to them that she was worried about?

1 A. It was high energy food. It would increase your
2 spirituality, I guess, and -- as opposed to low energy food. So she
3 would give -- she was concerned about the two deceased girls having
4 too much energy to spread their evilness and so she wanted to feed
5 them low quality food that she thought did not have the highest
6 spiritual energy that her food did.

7 Q. Okay. And did he give examples of what that was?

8 A. Well, the food that would be low spiritual energy would be
9 food that the government gave you, food that was like peanut butter
10 and bread as opposed to couscous and eggs that she would prepare.

11 Q. Okay. And so you said that on this night that he met them
12 she was cooking and Cory wanted to do a spiritual cleansing on
13 Blair and River. Tell me about that.

14 A. Well, he said Cory came up to them and started motioning
15 around his body like stabbing at the air and moving his hands around
16 his body both in front of him and behind him, and at some point in
17 time Mr. Sutherland pushes the air with his hands up against Mr.
18 Blair's chest to a point of about a foot away, and Mr. Blair says
19 he's almost knocked down by it, by this pushing motion, of the air
20 against his chest kind of motion, and it was very moving to Mr.
21 Blair and almost frightening. But at that particular moment the --
22 Cory, Mr. Sutherland, announces to Ms. Ceus that -- he shouts: This
23 is him; this is the one we've been waiting for.

24 Q. Did they explain what he meant to Mr. Blair about what that
25 meant?

1 A. Yes, they -- he explained to them that they had been -- they
2 had seen a vision that St. Michael was going to come and lead them
3 from this particular spot to their next adventure, or wherever they
4 were supposed to go next, and they identified Mr. Blair as being
5 St. Michael.

6 Q. What was his reaction to that?

7 DEFENSE ATTORNEY REISH: I object. I can't believe I'm
8 actually saying this, but I don't think this is relevant to a
9 preliminary hearing to establish probable cause and I'm not
10 sure what element this interaction goes to prove or disprove.

11 THE COURT: Sustained.

12 BY DEPUTY DISTRICT ATTORNEY RYAN:

13 Q. Did Mr. Blair agree to help this family?

14 A. Yes, he did.

15 Q. What was the plan?

16 A. He stated that he had to go to Denver to drop Mr. Young off
17 and so he said he would return in a day and a half, two days, and if
18 they are still there, he would take them to his farm and they could
19 stay there for a while.

20 Q. Did that happen?

21 A. Yes. He returned a day and a half, two days later, and they
22 were still there. He agreed at that time to have them follow him to
23 the farm in Norwood.

24 Q. When they got to the farm what was the living situation
25 there?

1 A. All the people, their cars, they drove the cars onto the
2 property, a black Ford Explorer, and a gray Toyota, and he told them
3 they could stay there. Mr. Blair was living in Norwood and he would
4 go and stay at his house in Norwood, and the group initially stayed
5 out on his farm. He said every day he would return to the farm and
6 do his chores. He was trying to grow both marijuana and food crops
7 on the property at that time.

8 Q. And did that situation continue where he stayed in Norwood
9 and visited the farm every day?

10 A. That stayed until July 1st, and he stated that he kept on
11 spending more and more time out on the farm and eventually he
12 decided to move out onto the farm at Ms. Ceus's insistence.

13 Q. When that happened, where did he say everyone was sleeping
14 at night?

15 A. At that time, as I understand it, Cory Sutherland, Nashika
16 Bramble, Ms. Eden, and at various times the three girls,
17 surprisingly all stayed in the car, stayed in the Toyota, lived in
18 the Toyota, slept there.

19 Q. Who did he say slept in the SUV?

20 A. Mr. Archer and Ms. Ceus stayed in the black Explorer.

21 Q. Where did he say he stayed?

22 A. He stayed initially in his white truck or a hammock and camp
23 that he set up on the property.

24 Q. Referring to Exhibit One up there, based on his description
25 where do you think the cars were parked and he was sleeping?

1 A. This photograph was taken on July 17th, and as I
2 understand it, that's approximately where the vehicles -- the
3 vehicles shown on there is where they were put initially, and so I
4 would -- I think those are the same locations as they were in --

5 Q. So let me ask you this: When he first moved onto the
6 property where was the Ford Explorer parked in relation to the
7 Toyota Camry?

8 A. It would be immediately to the east of where the Camry is
9 located and that's located on number four on that map, on the
10 picture.

11 Q. Okay. At some point did he describe a falling out between
12 Cory and Madani?

13 A. Yes, sir. There was a -- in June, Mr. Sutherland continued
14 to exercise his independence from the council, the trilogy, and at
15 times would declare himself to be the leader of the group.

16 Ms. Ceus didn't agree with that and during this time,
17 according to Mr. Blair, Mr. Sutherland was smoking an incredible
18 amount of marijuana, and Mr. Blair states that he's been around
19 marijuana most of his adult life and has seen a lot of heavy users
20 of marijuana, but Mr. Sutherland exceeded all of those other people
21 that he knew.

22 Q. What was the result of the confrontation between Madani and
23 Cory?

24 A. Mr. Blair states that Ceus orders him off the property and
25 that Mr. Sutherland becomes psychotic, and so Ceus orders Mr. Blair

1 to take Mr. Sutherland with him on a journey to Dove Creek to get
2 bulk supplies of beans and rice.

3 So he travels with Mr. Sutherland to Dove Creek, they stop
4 there, I believe this is June 27, and buy the bulk food, and then
5 drive on. And they get to the intersection of it's called the
6 Mancos turn off, which is just south of Deloris, Colorado, and
7 Mr. Sutherland gets out of the car there and starts walking down
8 the road toward Mancos and Mr. Blair returns to Norwood.

9 Q. Okay. So you described earlier that there was a change in
10 Madani's attitude about her power, according to Mr. Blair. How is
11 that related to Cory leaving the property?

12 A. Well, after Cory leaves, Madani Ceus takes control over the
13 group and demotes Mr. Archer from being called Abba to Nachetu and
14 demands that everybody follow her directives.

15 Q. Okay. So tell me, you mentioned a little bit about the
16 concept of Light Body. According to Mr. Blair, what's your
17 understanding of that?

18 DEFENSE ATTORNEY REISCH: Objection; relevance.

19 DEPUTY DISTRICT ATTORNEY RYAN: It's relevant because this
20 is part of the reason why the family was sequestered down in
21 the ultimate area and the girls were ignored.

22 THE COURT: Overruled.

23 BY DEPUTY DISTRICT ATTORNEY RYAN:

24 Q. Go ahead, please.

25 A. Ms. Ceus told them that they were going to the state of a

1 Light Body, the group was, sometime in August. The Light Body, as
2 Mr. Blair explained it, is a state of being where you leave behind
3 your mortal body and it would turn to ash basically and you would be
4 given access to the cosmos.

5 Q. And what did he -- did you ask him about the concept of
6 purity or cleanliness in relation to that Light Body?

7 A. It was really important to have -- be pure, and in order to
8 be pure you had to get rid of all the negative energy from your past
9 lives that took a lot of meditation and work. And at one point he
10 wasn't allowed to work at anything else. He was ordered to cut down
11 his marijuana and cut down the crops and not spend any time working
12 on any agricultural issues or anything around the farm, but working
13 on getting rid of his negative energy from his past lives.

14 Q. Did Mr. Blair talk about a concept called increase during
15 this interview?

16 A. Yes.

17 Q. What did he explain increase was?

18 DEFENSE ATTORNEY REISCH: Objection; relevance.

19 DEPUTY DISTRICT ATTORNEY RYAN: It's relevant because it
20 has to do with food and it's alleged that these girls were
21 deprived of food and water.

22 THE COURT: I'll allow it for that purpose. Go ahead.

23 BY THE WITNESS:

24 A. Increase was a method to obtain food that the group had.
25 Madani Ceus didn't like food that was -- that they obtained from the

1 food pantry or even the food that they received in bulk. They
2 wanted -- she wanted the food that was given to them by people in
3 the supermarket. So in order to get the increase, they would go to
4 supermarkets and fill up a basket full of items that they wanted,
5 and then they wouldn't have any money to pay for it so they --
6 whoever was told to get the increase would basically beg people to
7 pay for their groceries, and that method of getting food and the
8 food that was gathered that way had high spiritual energy.

9 Q. So was Mr. Blair leaving the farm in, say, July? Did he
10 discuss that?

11 A. Yes, I -- in July he was still allowed, with permission, to
12 leave the farm. He would go to get water, fill up his truck. He
13 had a tank that he would fill up with water and bring that back to
14 the farm. And at times he would be given permission to drive
15 Nashika to do an increase.

16 Q. Okay. And did that ability for him to go off the farm to
17 do that change?

18 A. Yes.

19 Q. Why did it change?

20 A. Right about the time of the full moon Mr. Blair doesn't have
21 a watch anymore, or a calendar, so he describes events by the moon
22 cycle during the time, the entire compound is put on lockdown. He
23 called it lockdown. No one was allowed to leave.

24 Q. And why was that?

25 A. Because the light -- this portal or coming time of going

1 into the Light Body was about to happen and they all had to
2 concentrate on being pure. If they went outside the compound, they
3 went outside of -- outside the property they would go and get
4 negative energy each and every time that they would leave, that
5 would then have to be expelled and if there was any negative energy
6 there, if anyone possessed any negative energy, the Light Body
7 wouldn't happen.

8 Q. So during this time right -- but right before they went on
9 lockdown, did Madani make a declaration as far as feeding the
10 girls?

11 A. Yes.

12 Q. What is that declaration?

13 A. Well, initially, she said that the girls had -- and I'm
14 talking about the two deceased girls.

15 Q. Yes.

16 A. That they had negative energy and that in their past lives
17 they were harlots and they weren't able to get rid of this negative
18 energy on their own so they had to be sequestered. At this time in
19 July Mr. Blair still thinks there's only one child of Nashika
20 Bramble. He still hasn't seen the second child, Hanna Marshall.
21 She's been sequestered in the Toyota during this entire time. He's
22 never met her or seen her.

23 Q. When does he discover that she's -- that there's a second
24 girl in the car?

25 A. It's right around the time of the full moon. Once again, he

1 bases things around the full moon. But he says at that time the --
2 he -- Makayla has been sent to the car, and that's around
3 July 20th, and sequestered in the car, and after that, in between
4 July 20th and the full moon, he overhears Mr. Archer and Ms. Ceus
5 discussing two pinks, two different pinks, Pink One and Pink Two,
6 and he asks them: Are there two pinks? Is there another pink?

7 And they go off by themselves for a while and then come
8 back and Mr. Archer takes him up to the car and opens the car door,
9 the Toyota, and shows him that there are two girls in the car. And
10 Mr. Blair is shocked to see that there are -- that all this time
11 there's been another girl on his property that he's never seen for
12 the past two months.

13 Q. So on that note how did he describe the sequestration of
14 the girls? Did the order to not feed them or give them water
15 happen all at once or how did that go down?

16 A. No, he said it was a slow progression and it started with
17 identifying Makayla as being evil. So the first step was she was
18 not allowed to play with the other children. She had to be
19 separated from Nun and Horus; that she wasn't allowed to be around
20 them because they would have negative energy, give the other girls
21 negative energy. And then it was determined that she had to stay in
22 the car and -- but they could still feed her the non-increase food
23 and still give her water, but she had to remain in the car. And --

24 Q. According to Mr. Blair, who was responsible for bringing
25 food and water to the car?

1 A. Ms. Eden.

2 Q. Okay. Did he -- tell me how he described the water
3 situation.

4 A. The water was placed in a jug on the roof and if they saw
5 the jug was empty, if Ms. Eden saw the jug was empty she would go
6 down and fill it and then return it, but -- so that -- and she would
7 leave it on the top of the car. But anyone who approached the car
8 or touched the car had to be cleansed from negative energy. And at
9 first you could go up and approach the car, but then as time went
10 on, Ms. Ceus had a line drawn around the car that no one was allowed
11 to go any closer to the car than this line that was like 20 feet
12 away from the car.

13 Q. Did Mr. Blair describe a situation of the girls calling out
14 to Nashika and Eden?

15 A. Yes. He said on two occasions he -- Ms. Eden and Ms.
16 Bramble, Nashika Bramble, were walking by the car and he could hear
17 the girls crying out for them. And Ms. Ceus ordered them not to
18 respond to their cries. And he could tell that Ms. Eden had a moral
19 dilemma, were his words, in that order. She didn't -- she was
20 struggling with not going over and helping the children.

21 Q. What did he say about the water and Ms. Eden providing them
22 water as this progressed?

23 A. Eventually they were told they couldn't -- they couldn't
24 provide them -- not only could they not provide them food, but they
25 could not provide them water.

1 Q. Going back to when it was decided that a lockdown would
2 occur -- well, let me go to the increase. What did Mr. Blair do
3 when Madani said that the girls couldn't be fed from the increase?

4 A. He asked if he could go to the food bank in Telluride and if
5 he could feed them, the children, or the child in the car that he
6 thought at that time, could be fed from the food -- from the food
7 bank in Telluride.

8 So on July 20th, once again, he said it was about
9 July 20th, turned out according to the records at the food bank
10 it was July 20th, they -- he and Nashika Bramble traveled to
11 Telluride and he went to the food bank and got several grocery bags
12 full of various food, mostly fruit. They had a lot of fruit
13 apparently at the food bank and they will give you as much as you
14 ask for. And so he gathered up this food that the food bank gave
15 to them. At the same time they went to Clark's Market here in
16 Telluride and the Village Market in Mountain Village and Nashika
17 went and did an increase at both of those markets, and brought home
18 some groceries to the group as well.

19 Q. So when they got there and started unloading the food what
20 did Madani do?

21 A. Madani did -- she had a -- she called it a pendulum which
22 was a weight tied to a piece of leather or string of some type and
23 she would get a lot of direction on what to do or if people were
24 good or bad or what decisions to make by using the pendulum. She
25 did the pendulum over the food and determined that the food that was

1 given to Blair at the food bank was evil and had evil spirits, and
2 -- but once again, Blair asked if he could feed it, give it to the
3 girl in the car, and she said yes. He did not -- he says, I never
4 knew if the food went there or not, but he goes, I figured that
5 Ms. Bramble or, more likely, Ms. Eden had taken the food over to the
6 girls.

7 Q. What, if anything, did Madani say at that time about future
8 trips to the food bank?

9 A. Shortly after that, they were put on lockdown and they
10 weren't allowed to leave the property again.

11 Q. So according to Mr. Blair, when was the last time those
12 girls were fed?

13 A. He believes it was July 20th.

14 Q. So they're on lockdown and he's referring to this, to the
15 full moon, did he say what happened on the full moon?

16 A. On the full moon they moved all the cars down to the cabin
17 area because --

18 Q. And referring to Exhibit One?

19 A. I am. Exhibit One, so it will be the -- on the south side
20 of the -- excuse me, the north side of the roadway that basically
21 bisects the property just north of the tree line, and in there,
22 there's label one, two, and three and in that area there was a small
23 cabin and it's about 10X10, just a square box made out of plywood
24 that was built there for Ms. Ceus to live in, and they moved all
25 the -- the two other vehicles, the Ford Explorer and Blair's truck

1 down to that location.

2 Q. Did he say why that happened?

3 A. Because it was important for them to be there together when
4 the Light Body was going to happen.

5 Q. Did they do anything else besides moving the cars down
6 there on the full moon with respect to their personal belongings?

7 A. Yeah, they also felt it was really important to get rid of
8 all their personal possessions and burn everything that they had
9 basically, burn and bury everything that they had touched or was
10 part of them, and because they felt that the girls in the car could
11 come out, with possibly Mr. Sutherland's assistance, because they
12 thought his spirit was going to come back to the property as well
13 and gather up the essence that's left on their belongings and making
14 it impossible for them to go to the Light Body.

15 Q. So during this time, what, if anything, did Mr. Archer tell
16 them with respect to the eclipse?

17 A. Mr. Archer announced to the group that the eclipse was
18 coming and that it was going to be three days of total darkness, and
19 Ms. Ceus said during that time the Light Body would occur.

20 Q. So what did they do in preparation for that?

21 A. Everyone had to be in council almost all day long and
22 council was like a meeting. Every morning each of them would
23 describe their dreams and then Ms. Ceus would analyze their dreams
24 and tell them what they had to do to rid themselves of these dreams
25 or thoughts or past lives in order to be part of Light Body.

1 Q. And what did that entail?

2 A. Most of the time it entailed sitting in a car chanting for
3 hours over and over again. And Mr. Blair made a comment to Ms. Ceus
4 that he was hungry, and she said -- and in council, and that he had
5 a dream about food, about the food he used to eat, and she ordered
6 him to go in the truck for hours and, you know, repeat to himself
7 that he didn't need --

8 Q. So how long did these counseling or meditation or chanting
9 sessions happen during this period?

10 A. He said almost all day long. And then often Mr. Archer
11 would wake them up and would sing to them in the middle of the night
12 and have them send for him in the middle of the night and have them
13 start council in the middle of the night.

14 Q. So during this time between the full moon and the
15 eclipse -- what was the date of the full moon, if you know?

16 A. August 7.

17 Q. What was the date of the eclipse?

18 A. August 21st.

19 Q. And so between this August 7 and 21st date was anyone
20 allowed to leave the area of the cabin on the north part of the
21 property?

22 A. Initially, Nashika Bramble and Ms. Eden were allowed to go
23 up to the -- up to the kitchen area, which I'm going to identify as
24 an area in this picture as being just southeast of Mr. Blair's white
25 pickup truck in that photograph, and get the utensils and the

1 cooking supplies and bring them back down to the basic compound
2 where the truck and cars and the plywood box was. Initially, they
3 were allowed to go up once a day and get the supplies or cooking
4 utensils. I guess it's some kind of burner, or something, and a
5 pot. And then eventually they were told to just bring it all down
6 in a wheel barrow and leave it down at the compound there, and no
7 one was allowed to leave that area.

8 Q. What about food? What did they do with food when they were
9 sequestered down there?

10 A. They could only eat the food that was left on the property,
11 and as I understand, that was some beans that -- bulk beans that
12 they had.

13 Q. Okay. So are you aware that during the search of the
14 property, food items were found underneath the Explorer and Mr.
15 Blair's white pickup truck?

16 A. I wasn't aware of that.

17 Q. Okay. What did Mr. Blair say about discovering the bodies
18 of the girls?

19 A. He said one day Ms. Eden and Ms. Bramble came down from
20 getting the supplies right about the time of the full moon and
21 Nashika Bramble came up to him very matter of factly, with no
22 emotion, and told him that the two pinks were dead.

23 Q. So let me back up. You are aware that Deputy Covault
24 visited the property on the 19th?

25 A. Yes.

1 Q. What did Mr. Blair say the timing of discovering the girls
2 were dead in relation to Covault's visit on the property was?

3 A. He said that he was shown the dead girls about two days
4 before the -- or he was told of the death of the two girls two days
5 before Deputy Covault's visit on the 19th.

6 Q. Okay.

7 A. Approximately two days.

8 Q. So I'll back up a little bit. When Cory was at the
9 property, did he have any duties with respect to the Toyota Camry?

10 A. Initially, according to Mr. Blair, he was a mechanic or
11 someone who would take care of the car, so he would jump it on
12 occasion; the battery would die and he would jump it and turn it on
13 for a few minutes.

14 Q. After he left who took over that duty?

15 A. Mr. Archer then took over that role.

16 Q. Do you remember Mr. Blair discussing an incident about
17 siphoning gas?

18 A. Yes. At one point in time he saw Mr. Archer siphoning gas
19 out of the Toyota.

20 Q. How did Medani react when he told her that he siphoned the
21 gas out of the car?

22 A. She was upset with him because he had gotten a lot of gray
23 negative energy on him by touching the car.

24 Q. Did you ask Mr. Blair about the concept of abomination?

25 A. I did.

1 Q. What was his explanation of that?

2 A. Abomination was Ms. Ceus's idea of getting rid of something
3 or someone who was -- had a lot of negative energy. They had to be
4 sent to abomination. And she claimed to the group that she had sent
5 Cory, Mr. Sutherland, to abomination, and that's why he had gone
6 psychotic, and she had ordered him off the property.

7 And abomination was really just either leaving the property
8 to the point where you're going to be just like everybody else,
9 you'll be destroyed by the coming end of the world.

10 And Mr. Blair said that she had convinced everyone that the
11 world was coming to an end, that there were terrible hurricanes
12 going on and that there was already a war involving; nuclear
13 weapons with North Korea and it was just a matter of time before
14 everybody was going to be destroyed, and if you didn't go into the
15 Light Body you were going to be an abomination anyway.

16 Q. Did she use that word with Makayla and Hanna?

17 A. Yes. She described that they were -- they had evil spirits,
18 that they had to be sent to abomination.

19 Q. So after he -- after they discovered -- well, Nashika tells
20 them about the 19th that the girls are dead in the car. What
21 happens as a result of that?

22 A. Blair goes by the car and sees that there's a foot -- he can
23 see from the distance there's a foot hanging outside the car, but he
24 can clearly tell that the -- the foot is attached to a deceased
25 person, it's a withering foot.

1 Q. What was Madani -- what did Madani do that night when it
2 was discovered the girls were dead in the car?

3 A. I don't recall.

4 Q. Did she perform some sort of ritual?

5 DEFENSE ATTORNEY REISCH: Objection; leading.

6 THE COURT: Sustained.

7 BY DEPUTY DISTRICT ATTORNEY RYAN:

8 Q. What, if any, rituals did she do that night?

9 A. I don't recall a ritual.

10 Q. Okay. According to Blair, what did they do with the car?

11 A. Blair recalls that they leave the car alone until after
12 Deputy Covault arrives on the property. And he describes that event
13 as they are in council, they are down at the -- this plywood box
14 where Ms. Ceus lives. Mr. Archer is at that time demoted to being
15 the general, or the guard, and he is looking up on the property and
16 as they are all in council, Mr. Archer suddenly just states:
17 There's a police officer walking toward us.

18 And the -- Mr. Blair looks at Ms. Ceus and she says: You
19 do whatever it takes, but get rid of him.

20 And so Mr. Blair walks up and greets Deputy Covault, tells
21 him -- and Deputy Covault says: I'm here to do the marijuana
22 inspection.

23 He says: I've torn down all my marijuana, I'm out of the
24 marijuana business. Which is true at that time, he had destroyed
25 his marijuana crop. And so you have no business to come here ever

1 again. And asks him to leave immediately.

2 Q. So according to Mr. Blair, was the car tarped on the day
3 that Deputy Covault was there?

4 A. Mr. Blair says it was not.

5 Q. When does he state that the car was tarped?

6 A. He says that after Covault leaves, Ms. Ceus says: We've got
7 to -- we need to conceal this car because it's going to be swallowed
8 up by the earth, by the Light Body, but in between now and then we
9 have to cover this up.

10 Q. And so based on that what did he do?

11 A. He said he and Mr. Archer go, and I can't remember which one
12 does it, use a shovel and puts the foot back in the car that's
13 hanging out, they close the door, seal the doors with tape and place
14 a cover over it.

15 Q. Did Mr. Blair ever say whether they could smell the bodies?

16 A. Yes. He said that the odor is overwhelming.

17 Q. When did he say that -- when they first noticed the odor?

18 A. He claims that by the time that Deputy Covault arrives, the
19 smell is overwhelming.

20 Q. So after the car is tarped by Blair and Archer, what
21 happens next?

22 A. Next comes the -- they continue in their councils getting
23 ready for the eclipse and when the Light Body is going to occur, and
24 the day of the eclipse arrives and nothing happens. It doesn't go
25 dark, nobody goes to the Light Body, and Ceus blames it on them

1 saying that: There's still too many evil spirits here and you
2 haven't done enough to get rid of your past life.

3 Q. Is anyone banished after the eclipse?

4 A. At that point Mr. Blair tells her of a dream he had about
5 his dog Lion. I'm sorry I may have that wrong. Maybe one of the
6 girls, someone has a dream about the dog Lion.

7 DEFENSE ATTORNEY REISCH: Objection as to relevance.

8 DEPUTY DISTRICT ATTORNEY RYAN: This dog was treated
9 almost the same exact way as the girls.

10 THE COURT: Overruled.

11 BY DEPUTY DISTRICT ATTORNEY RYAN:

12 A. Immediately Ms. Ceus declares Lion has to be sent to
13 abomination; that he's an evil spirit, and he's to be placed in a
14 cage and covered with a tarp and next to a hole that was dug earlier
15 attempting to make a well, and leave -- left next to a hole, which
16 would be his grave. Blair is forbidden to feed or give water to
17 Lion, and Ceus says something: Just like the girls. And so he
18 leaves his dog there and he's somewhat conflicted about it, but he
19 firmly believes that Lion is an evil spirit.

20 Q. What does he say when his friends -- what did he say about
21 his feeling when his friends picked up his dog?

22 A. Mr. Young and some other friends come checking on Blair and
23 see the condition of the dog and are upset and take the dog with
24 them, Lion, release him from the cage and take him with them. And
25 they describe him, he's covered with urine and feces and is just in

1 terrible condition and -- but Mr. Blair -- after they leave with the
2 dog, Mr. Blair goes to Ceus and says he's worried about his friends,
3 Mr. Young and his other friends are going to be -- are going to be
4 hurt by Lion's negative energy. She says: That's their fate; they
5 shouldn't have taken him.

6 Q. After Lion was banished, was anyone else banished?

7 A. Nashika Bramble. At one point, Ms. Ceus, during a council,
8 accuses Nashika about having terrible past lives that she hasn't
9 dealt with yet, and I can't remember the exact reason what was so
10 bad about this -- her past life, but -- and she says to Ceus: I
11 don't agree with that, I don't think my past life was that bad. And
12 from then on Ceus starts declaring her as being an evil person. I
13 don't know if she's ever formally banished, but according to Blair,
14 Nashika sees the writing on the wall, if you will, and believes that
15 she's going to be the next person sent to abomination and she leaves
16 the property.

17 Q. Did Blair indicate a conversation with the entire group,
18 Archer, Madani, Ms. Eden and Alex about Ms. Bramble's exile?

19 A. There was some discussion, but I don't recall exactly what
20 was said there.

21 Q. Okay. After Nashika leaves, how soon after does Franklin
22 Fletcher discover that there are two dead girls in the car?

23 A. I think it's a day later or a day and a half later that
24 Mr. Fletcher shows up.

25 DEPUTY DISTRICT ATTORNEY RYAN: Okay. One moment, Your

1 Honor.

2 (Conferring off the record.)

3 DEPUTY DISTRICT ATTORNEY RYAN: No further questions, Your

4 Honor.

5 THE COURT: Mr. Reisch, go ahead.

6 DEFENSE ATTORNEY REISCH: Thank you, Your Honor.

7 CROSS EXAMINATION

8 BY DEFENSE ATTORNEY REISCH:

9 Q. Good afternoon, Sheriff. How are you?

10 A. Very well, sir.

11 Q. Good. So just so we're kind of clear, a lot of testimony
12 that you detailed today of these time lines came not directly from
13 interviews with anyone charged in -- well, not anyone charged in
14 the case other than Mr. Blair. Would that be an accurate
15 statement?

16 A. The only person I interviewed was Mr. Blair.

17 Q. Okay. And you interviewed Mr. Blair when he was first
18 arrested back in September; right?

19 A. Yes.

20 Q. Okay. And he was brought to your office and it was
21 videotaped and things like that?

22 A. Correct.

23 Q. And he was sitting in his robe that he was wearing when he
24 was contacted and arrested?

25 A. Yes.

1 Q. Y'all gave him food, a peanut butter and jelly sandwich; is
2 that right?

3 A. That's right.

4 Q. And he told you in the first interview in September that he
5 was worried for his safety while he was on his property; is that
6 right?

7 A. That's correct.

8 Q. Okay. And during that interview you asked him how did the
9 children die and he refused to answer that question, didn't he,
10 sir?

11 A. That's correct.

12 Q. Okay. But he was answering other questions regarding his
13 quest to obtain a higher level of -- a higher level of
14 spirituality. Would that be accurate?

15 A. Say that again.

16 Q. During that interview back in September, he refused to
17 answer questions as to how the children passed away; correct?

18 A. I asked him: How do you think the children died? And he
19 wouldn't answer that.

20 Q. Okay. During the interview he provided information to you
21 about his quest or journey to a higher level of spirituality
22 through life; correct?

23 A. He talked about that there were -- yes, some kind of
24 spirituality.

25 Q. Okay. In that interview in September you obviously -- he

1 was in custody, was he not?

2 A. I wouldn't let him leave. If he said he was leaving, I
3 wouldn't have let him leave.

4 Q. So he was in custody; he wasn't free to leave, right?

5 A. Right.

6 Q. You Mirandized him when you interviewed him; correct?

7 A. That's correct.

8 Q. Okay. And you did that so that his statements could be
9 used against him; right?

10 A. Absolutely.

11 Q. And you know that as an experienced sheriff and police
12 officer that's important, and he was -- he answered most of your
13 questions that day except for his knowledge of how the children
14 passed away?

15 A. That's correct.

16 Q. Okay. And then is it my understanding that you had an
17 interview with Mr. Blair some time last week or the week before
18 last over the course of about two days totaling some eight to 10
19 hours of interviews; is that right?

20 A. Yes.

21 Q. And it's also my understanding, and correct me if I'm
22 wrong, that Mr. Blair was reaching out to law enforcement to speak
23 with them; is that right?

24 A. That's how I understand it, yeah.

25 Q. Obviously, Mr. Blair had an attorney and the interviews

1 that took place this past week that were videotaped, they were
2 subject to what they refer to as a proffer agreement; is that
3 right?

4 A. As I understand it, yes.

5 Q. Okay. I don't think one was actually ever shown on the
6 videotape or anyone went over something, but there's some sort of
7 informal agreement between Mr. Blair's counsel and the District
8 Attorney's Office that anything he said in that interview can't be
9 used directly against Mr. Blair; is that right?

10 A. That's correct.

11 Q. Okay. With the exception of maybe impeachment purposes if
12 he were to testify at trial inconsistently. Is that your
13 understanding?

14 A. That's my understanding.

15 Q. Okay. And in that interview, you also, at the beginning,
16 try to explain to Mr. Blair his Miranda rights again because it
17 almost sounds like you weren't aware of the proffer agreement; is
18 that right?

19 A. No, I was aware it wasn't supposed to be used against him,
20 but I just wanted to make sure. His attorney was there, and I
21 wanted to make sure that if she hadn't advised him again, you know,
22 that he understood he didn't have to do this.

23 Q. Okay.

24 A. I just wanted to make sure that, yeah, he knew that part. I
25 didn't do the full Miranda. If you watch the video, I did not do

1 the full Miranda.

2 Q. You stopped the full advisement because his attorney was
3 there and I think his attorney may have even said, It's not
4 necessary, or words to that effect?

5 A. That's correct.

6 Q. Okay. And for the first hour and 45 minutes, maybe two
7 hours, you and the district attorney that are sitting in the room
8 really don't say much, just Mr. Blair kind of gives you his life
9 story, doesn't he? Starts with his beginning from showing up in
10 Telluride?

11 A. I was told a long time ago if somebody's talking, just let
12 them talk.

13 Q. Let them talk?

14 A. That's what he wanted to do, so...

15 Q. And he had some notes that he was referring to in that
16 conversation as well?

17 A. That's correct.

18 Q. That he had apparently written down, and things of that
19 nature; is that right?

20 A. Bullet points he called it, yeah.

21 Q. Okay. And did you take a copy of his bullet points from
22 him or copy them, or those were just his reference points?

23 A. No. That's his.

24 Q. Okay. And obviously from the first interview on September,
25 8 to the second interview when he reaches out on November 9, was

1 the first interview, roughly two months had passed; is that right?

2 A. That's correct.

3 Q. And then the followup interview was done on November 14th
4 because y'all went late into the evening on November 9 until about
5 8:00 p.m.?

6 A. That's correct.

7 Q. Okay. Now Mr. Blair obviously was talking throughout this
8 interview and you were doing a lot of listening early on. Really,
9 you didn't ask a whole lot of questions until near the end of the
10 November 9 interview, near the end and, really, the November 14th
11 you kind of came in and asked some specific questions?

12 A. That's correct.

13 Q. Okay. And throughout this early interview process, Mr.
14 Blair talked about meeting these people later identified as the
15 codefendants that you went through, and in Government's Exhibit 1A
16 through 1J, at this truck stop; right?

17 A. Correct.

18 Q. And they had a conversation and basically thought if these
19 people were still there upon his return, it must somehow be destiny
20 or fate that he should probably try to help them?

21 A. (Witness gestures.)

22 Q. And I paraphrase, but correct me if I'm wrong.

23 A. I wouldn't know. You know, I think he -- I would guess he
24 was surprised to see them there and he wouldn't have been surprised
25 if they weren't there. He said he would show back up. Whether that

1 was province on his part or not, I don't know.

2 Q. And that was sometime in May?

3 A. Yeah.

4 Q. Then he invited them back to his property that we've been
5 talking about here, which is described as the exhibit on the board
6 there, correct?

7 A. That's right.

8 Q. Okay. And they were invited to stay, sounds like as long
9 as they desired?

10 A. At one point he says he didn't think they would stay very
11 long, just a few days, but...

12 Q. Okay. And after a period of time he gave up his own
13 residence and actually moved to that property to be closer to them
14 because he felt this spirituality with them; is that right?

15 A. Yes, I believe that's correct.

16 Q. Okay. And he never asked anybody to leave?

17 A. As far as I can tell, he never told me that he asked anybody
18 to leave.

19 Q. Okay. In fact, you asked him that on the November 14
20 interview, If you ever asked anybody to leave, and he said no, he
21 did not; correct?

22 A. I think that's correct, yeah, he didn't.

23 Q. Okay. And you made reference to this lockdown where people
24 couldn't leave the property, just beginning August time frame, is
25 that right?

1 A. It was around the full moon.

2 Q. Okay. But it was his property?

3 A. His property.

4 Q. Okay. He was coming and going, according to him, prior to
5 this lockdown order; is that right?

6 A. That's correct.

7 Q. And he had the truck; right?

8 A. He did have a -- the truck.

9 Q. He's the one that had the financial resources that when he
10 went to town to buy supplies to build something or to purchase food
11 he used his debit card and brought the food and supplies back?

12 A. Yes.

13 Q. Okay. And, in fact, Mr. Blair had a firearm on the
14 property. Maybe multiple firearms, didn't he?

15 DEPUTY DISTRICT ATTORNEY RYAN: Objection; relevance.

16 THE COURT: Overruled.

17 BY THE WITNESS:

18 A. He tells us that he has -- he buried a firearm on the
19 property.

20 BY DEFENSE ATTORNEY REISCH:

21 Q. In fact he told you that on the November 14th interview,
22 that he -- his pistol that he had, not the shotgun, but the pistol,
23 he actually buried it on the property near his tent or where his
24 hammock was; is that right?

25 A. Yes.

1 Q. And so did he expand upon why he wanted to bury the
2 firearm?

3 A. I thought it was part of the purging of the essence and
4 getting rid of your personal property again.

5 Q. Okay. And this purging -- okay, Mr. Blair's statement to
6 you in the -- not the first one, but the subsequent two interviews,
7 I guess he did say in the first one that he was in fear of his soul
8 being harvest; is that correct?

9 A. Harvest, yes.

10 Q. That if he didn't help these, people or comply with Madani
11 Ceus's orders or teachings, that he would be harvest?

12 A. That's correct.

13 Q. What did you determine or what did he tell you what he
14 thought harvesting was?

15 A. You know, I really didn't take it as a physical threat, but
16 a spiritual threat.

17 Q. Okay. Now, you interviewed Madani Ceus, did you not, sir?
18 Or one of your investigators did?

19 A. Yes, they interviewed her.

20 Q. Okay. Did she mention anything about harvesting Mr.
21 Blair's being or soul?

22 A. I didn't listen to that interview.

23 Q. Okay. You have spoken with the other officers who
24 conducted interviews, whether CBI or your own?

25 A. I've spoken with them, yes.

1 Q. Did she say that she denied all food to these children?

2 A. I don't believe so. I don't know. I have not listened to
3 that interview. I didn't go over the details of the report.

4 Q. All right. Your officers interviewed Mr. Arthur, Mr. Yah,
5 or Nachetu?

6 A. Yes.

7 Q. And he never said that these children were starved, did he,
8 sir?

9 A. I don't know that.

10 Q. The children of Ms. Ceus and Mr. Nachetu, identified in
11 Exhibits 1C and D, have you or any other officers interviewed them
12 as to what they saw or observed on the property?

13 A. Interviewed who, sir?

14 Q. The children identified in 1C and D, Mr. Nachetu's
15 children.

16 A. They have been interviewed.

17 Q. Okay. And did they say that they -- the other children
18 were denied food?

19 A. I don't know that.

20 Q. Okay. Cory Sutherland, officers involved in this
21 investigation ultimately interviewed him in Fort Collins at a
22 homeless shelter up there, didn't they, sir?

23 A. Yes.

24 Q. He wasn't aware of any knowledge of food being cut off, was
25 he?

1 A. No. He left the property before that happened.

2 Q. I understand. But up to his time there he wasn't aware of
3 food or orders of food being cut off; correct, sir?

4 A. I don't know that for certain, but I know he left before
5 the --

6 Q. Okay.

7 A. -- this happened.

8 Q. Okay. Ms. Bramble, she was interviewed, was she not?

9 A. Yes, I believe she was.

10 Q. She was interviewed by the Colorado Bureau of
11 Investigation; is that right?

12 A. I think one of their agents at least was attending that
13 interview.

14 Q. And so we're clear, Ms. Bramble is the biological mother of
15 the two deceased children which are the subject of the charges
16 here; correct, sir?

17 A. That's correct.

18 Q. Okay. And she somehow sees this information or this case
19 on the news media and comes back and turns herself in or something
20 to that effect; is that right?

21 A. That's correct.

22 Q. And she doesn't say, These are how my children died, does
23 she, sir?

24 A. I'm not certain on that.

25 Q. As stated before, the information that you testified to

1 here today comes primarily from Mr. Frederick Allen Blair, who
2 talked to you the first day, that wouldn't tell you how the
3 children passed away, but some two months later reaches out to you
4 and now somehow wants to just come clean; is that right?

5 A. It seemed like a believable statement.

6 Q. Okay. It was a believable statement because portals at the
7 end of the earth and light beings and light--?

8 A. Body.

9 Q. -- light -- Light Body. That's normal?

10 A. No, it's not normal at all. I'm saying from his -- he
11 seemed to be telling me what he thought was happening, what he
12 believed was happening.

13 Q. Okay.

14 A. And I think he was being truthful with me.

15 Q. Okay. Was he on drugs during this time period? Was he
16 using drugs?

17 A. He said he used marijuana -- excuse me, he used
18 hallucinogenic psilocybin mushrooms once during the summer.

19 Q. Okay. And was this something that he provided to himself
20 or was this something provided by other people residing on his
21 property?

22 A. He stated that he had some psilocybin mushrooms and he and
23 Madani took some of those and then Madani Ceus ordered him to go to
24 Telluride and buy more.

25 Q. Okay. And did he?

1 A. Yes.

2 Q. Okay. And so when he was having these dreams that you
3 reference throughout his statement to the police, for lack of a
4 better term was he tripping?

5 A. Not --

6 DEPUTY DISTRICT ATTORNEY RYAN: Objection; calls for
7 speculation.

8 THE COURT: Sustained.

9 BY DEFENSE ATTORNEY REISCH:

10 Q. Do you know if he was on drugs during the time period he
11 was having these dreams, if you know? Did he say?

12 A. The only -- he only said he used mushrooms once.

13 Q. Okay. Now, when did Mr. Blair state the last time that he
14 saw the person that you all were referring to as Pink One?

15 A. It was sometime around the full moon.

16 Q. Okay. And that would have been sometime in the August 7
17 time frame; is that correct?

18 A. That's correct.

19 Q. Okay. And that's when he says the last time he sees the
20 person he identifies as Pink One; right?

21 A. Right.

22 Q. But he had never seen the person that somehow later turns
23 out to be Pink Two?

24 A. Well just before then, before they went down, right around
25 the full moon, he is shown Pink Two.

1 Q. Okay.

2 A. So that's just before August 7. If I have the timeline
3 correct.

4 Q. Okay. And so when he sees this person identified as Pink
5 Two on or about August 7, did he describe the state this person
6 that he describes or identified as Pink Two, was she healthy? Was
7 she talkative?

8 A. There is no exchange, no talking back and forth. She looked
9 thin, but not unusual, he said, she was dressed in a robe and he
10 said: I just saw her for that time, that one time, just for a short
11 moment.

12 Q. All right. And Mr. Blair expressed to you that he thought
13 this was somewhat unusual that no one had informed him or he hadn't
14 seen this other child running around this property; is that right?

15 A. He stated he was shocked by it, yeah.

16 Q. Okay.

17 DEFENSE ATTORNEY REISCH: Permission to approach the
18 exhibit, please.

19 THE COURT: Go ahead.

20 DEFENSE ATTORNEY REISCH: Thank you.

21 (DONE.)

22 BY DEFENSE ATTORNEY REISCH:

23 Q. Sheriff, if we can just take a look here, obviously this
24 is -- this exhibit here, is this One?

25 A. Yes.

1 THE COURT: Exhibit Two.

2 BY DEFENSE ATTORNEY REISCH:

3 Q. Exhibit Two. So Exhibit Two, here's County Road 43, which
4 is the top --

5 A. Right.

6 Q. -- of the property where you enter right down here in the
7 corner?

8 A. South side.

9 Q. All right. This area here with the cluster of numbers they
10 refer to that as Blair campsite number 10, that was his structure,
11 his hammock, some outbuildings; correct?

12 A. Yes.

13 Q. Okay. And there was some tents, the dome tents eight and
14 nine, which is -- and then number seven was the main kitchen area
15 there; is that right?

16 A. Yeah. It's kind of a confusing map. If you call it a
17 kitchen, you know, I wouldn't eat there, but, you know, that may
18 be --

19 Q. Somewhere where food was prepared?

20 A. I couldn't tell that's what that was. But there's a lot of
21 junk around there.

22 Q. And so we're clear, the Camry where the deceased children
23 are found is right down here in the Camry; is that right?

24 A. Yes, the Camry sits here, and of course there's nothing
25 else. These two vehicles were found down to the north.

1 Q. And the vehicle down here is where Mr. Nachetu stayed;
2 correct? As far as your understanding?

3 A. As I understand it, he was in the black Ford Explorer, which
4 sits right here on this photograph on July 17, but it's found down
5 here on September 8.

6 THE COURT: Okay. Clarify that a little bit.

7 THE WITNESS: Yes, ma'am. Yes, Your Honor. We're
8 referring to the property north, just north of the road that
9 bisects the piece of property.

10 THE COURT: But you said the truck was -- and you said
11 here, can you just explain where here was.

12 BY THE WITNESS:

13 THE WITNESS: The white truck that is right here. This is
14 the one that Mr. Blair is using to go to town and haul water
15 and go to Telluride.

16 Three days after this is taken, the truck is found, on
17 September 8, north a couple of hundred yards and north of the
18 driveway that bisects the property. Together with that vehicle
19 at the same location is found a black Ford Explorer that is shown
20 in in photograph next to the white truck.

21 BY DEFENSE ATTORNEY REISCH:

22 Q. Okay. And is it fair to say that this item here, which
23 looks like rows of something growing, that's where the marijuana
24 operation was at some point?

25 A. As I understand it, Deputy Covault said in the past this has

1 been the marijuana grow area, so on July 17 the marijuana is still
2 visible and growing.

3 Q. Okay. Is your understanding that these meetings or
4 gatherings, was the food eaten up here? When I say up here, by
5 numbers 10, nine, eight, seven, five, and six. Or were they held
6 down here by one, two, or three?

7 A. After or around the full moon all the activity takes place
8 around here.

9 Q. Okay. So after --

10 A. According to Blair.

11 Q. -- August 7, or the eclipse, August 21st, meetings are
12 held down in the area identified as one, two, and three on the map?

13 A. August 7, as I understand it, that's when the meetings start
14 being held down here. Everybody is told to move down here.

15 Q. Okay. Thank you, sir. And just so we're clear, Mr.
16 Blair's property, he can move about it freely as he wants; correct?

17 A. Absolutely.

18 Q. And during the time from May, when these people arrive,
19 until later in September when ultimately -- or late August, I
20 guess, when he discovers there's a deceased child in that Camry, he
21 never happened to walk by or look into the Camry; is that right?

22 A. He says he doesn't except for that one time.

23 Q. And so when he's walking down to the other little campsite,
24 the one, two, three, back up to the top where he's living and
25 residing, he doesn't indicate to you he never just happened to

1 stroll by and take a look inside and see, you know, where these
2 children are sleeping, that he obviously noticed the car's been
3 jump-started several times by Cory; is that right?

4 A. That was back in June.

5 Q. Okay. Back in June.

6 A. And apparently a number of people in June are living in the
7 car.

8 Q. Okay. He never --

9 A. Adults too.

10 Q. He never swings by and says: Hey, dinner is ready?

11 A. I don't know if that happened before the sequester or not, I
12 don't know. He doesn't mention that.

13 Q. All right. And so the full moon is the last time he sees
14 Pink One alive, Pink Number Two. When he meets them, that's also
15 just prior to the full moon?

16 A. Right around the full moon.

17 Q. Okay. And according to him he never inquires: Hey, how
18 come I never see this person, Pink Two?

19 A. How come he's never --

20 Q. Inquires to Ms. Ceus or Mr. Nachetu or Ms. Eden: How come
21 I never see this other child?

22 A. How come he's never seen her before that time?

23 Q. Yes.

24 A. Yes. Doesn't appear to.

25 Q. And he didn't ask anybody?

1 A. (Shakes head from side to side.)

2 Q. Okay.

3 A. No.

4 Q. And at some point, Mr. Blair and Ms. Bramble were a couple?

5 A. That's correct.

6 Q. According to Mr. Blair; correct?

7 A. That's correct.

8 Q. And one of the reasons why Mr. Cory Sutherland left was
9 that there was some rivalry between Mr. Sutherland and Mr. Blair as
10 to the affection of Ms. Bramble; correct?

11 A. I don't think that's true.

12 Q. Okay.

13 A. I don't believe that -- I believe that Bramble and Mr. Blair
14 getting together sexually happened after Cory left.

15 Q. According to Mr. Blair?

16 A. Yes.

17 Q. Okay. But Ms. Bramble is pregnant by Mr. Sutherland, and
18 was back in June; correct?

19 A. I believe that's correct.

20 Q. Okay. When you all searched the property no other weapons
21 were found on the property, correct, sir?

22 A. I think a shotgun was found in some place like in a storage
23 locker or something off property.

24 Q. That was Mr. Blair's shotgun, though?

25 A. Yes.

1 Q. And I'm talking about when you searched the property, you
2 went through the structures, the vehicles, no other weapons were
3 found?

4 A. No.

5 Q. Have you returned to dig up the firearm that Mr. Blair
6 buried on the property?

7 A. Not yet.

8 Q. Okay. And when there was the Cory Sutherland/Madani Ceus
9 falling out, that's when Mr. Blair thought that he was somehow
10 elevated in status once Mr. Sutherland left; correct?

11 A. Yes.

12 Q. Okay. And Mr. Sutherland had the nickname of Rah at some
13 point; is that right?

14 A. That's correct.

15 Q. And Mr. Blair says at some point he took over that name; is
16 that right?

17 A. That's correct.

18 Q. And according to Mr. Blair, Rah somehow meant some sort of
19 evil, bad, perhaps even a devil kind of spirit; is that right?

20 A. I didn't take it that way. I didn't take it that way. I
21 thought it was the ancient Egyptian God or King or something.

22 Q. Not only did Mr. Blair somehow take on Rah, which may be an
23 Egyptian historical figure, or God-like figure, he also thought he
24 was the son of Ms. Ceus, who thought she was God, according to Mr.
25 Blair?

1 A. I'm not sure if he thought he was her son, but he was given
2 that title.

3 Q. He told people when they would come to the property that he
4 was Jesus, the Son of God?

5 A. I never heard that.

6 Q. He didn't tell you that in his second interview on, I
7 believe it's the 9th when y'all started? I understand it was a
8 lot.

9 A. If he did, I don't recall it.

10 Q. Okay.

11 A. And it wouldn't surprise me, I guess, but I don't recall
12 that.

13 Q. There was a lot of information to try and absorb those
14 interviews; correct? He just kept talking?

15 A. That's correct.

16 Q. It was almost like a therapy session for Mr. Blair, it
17 seemed like?

18 DEPUTY DISTRICT ATTORNEY RYAN: Objection; calls for
19 speculation.

20 THE COURT: Sustained.

21 BY DEFENSE ATTORNEY REISCH:

22 Q. Now, so you know Mr. Nachetu is charged with child abuse
23 resulting in death; correct?

24 A. That's correct.

25 Q. All right. And you're familiar with the elements of that

1 particular crime, are you not?

2 A. Generally, yeah.

3 Q. And obviously you have to show that it was Mr. Nchetu, it
4 was him, not someone who looked like him, not someone using his
5 identity, but it was him; correct? One of the things you have to
6 prove is identity, right?

7 A. I'm not showing or proving anything, I'm here testifying
8 about what I know.

9 Q. Okay. But you also have to, one of the elements the
10 Government has to show is knowingly, correct?

11 DEPUTY DISTRICT ATTORNEY RYAN: Objection, this is calling
12 for legal conclusion.

13 THE COURT: Sustained. Mr. Reisch, if you have some
14 questions that are more fact based, you can ask those.

15 DEFENSE ATTORNEY REISCH: Sure.

16 BY DEFENSE ATTORNEY REISCH:

17 Q. Sir, what evidence, other than Mr. Blair, the interview you
18 had with him, do you have Mr. Nchetu knowingly causing injury to
19 either of those children? What evidence do you have?

20 DEPUTY DISTRICT ATTORNEY RYAN: Objection; calls for legal
21 conclusion.

22 DEFENSE ATTORNEY REISCH: It does not.

23 DEPUTY DISTRICT ATTORNEY RYAN: It does, Your Honor.

24 We're getting into the analysis of the facts against the law,
25 we're getting into what would be more appropriate for closing

1 argument on the Prosecution side about what evidence we have
2 that shows the elements of the crime.

3 THE COURT: Mr. Reisch, you can ask a more general
4 question about what evidence there is.

5 I think that Mr. Reisch can ask a question about whether
6 there's evidence that Mr. Yah or Mr. Archer caused an injury. I
7 don't want Sheriff Masters to testify about whether he knowingly
8 did that. That's a legal conclusion.

9 You can ask, again, facts that might support a legal
10 conclusion, but you need to ask facts as opposed to reading from
11 a complaint, if that makes sense.

12 DEFENSE ATTORNEY REISCH: I understand, Your Honor, the
13 Court's ruling. Just for the record, I've done many
14 preliminary hearings and I simply asked: What evidence do you
15 have that my client has committed this particular crime?

16 And I've had some people say: I don't have any.

17 And so I think it's a fair question, and I think when we go
18 to the elements that they have to present, some evidence here, I
19 think it's a fair question to say: What evidence do you have
20 that Mr. Nchetu caused injury to the child? That's an element
21 they have to prove and present evidence to the Court.

22 THE COURT: You can ask the question: What evidence do
23 you have that Mr. Archer caused an injury to the children?

24 BY DEFENSE ATTORNEY REISCH:

25 Q. Sir, and we'll narrow this, other than what you say Mr.

1 Blair has interviewed with you, what evidence do you have that
2 Mr. Nachetu caused injury to either of these children that are
3 deceased?

4 A. I would suggest that you -- that -- I haven't reviewed
5 carefully the other interviews, but I think there's some evidence in
6 the interview of Mr. Archer himself and I think there's some
7 evidence in the interview of Nashika Bramble.

8 Once again, I haven't reviewed the tapes at length, but I
9 would believe there's probably some statements there that might
10 lead some credence to Mr. Blair's statement.

11 Q. Okay. And I understand, and I appreciate that, sir, but my
12 question is: What evidence can you testify here to today -- Other
13 than Mr. Blair's statements to you two months after he was arrested
14 and refused to answer a question relating to what happened to the
15 children's -- how they died, what evidence do you have other than
16 Mr. Blair's statements that Mr. Nachetu caused injury to either of
17 these children, that you can testify to?

18 A. I can testify -- in a preliminary hearing, I can testify
19 that the children are deceased, that -- that -- let's see. I'm
20 trying to categorize it and make sure I'm not going back on what Mr.
21 Blair said, but just what I know. I don't have any personal
22 evidence besides that.

23 Q. All right. And then it would be fair to say that you have
24 no other independent knowledge of any other evidence to suggest
25 that Mr. Nachetu did something that placed these children or put

1 them in the threat of injury that would affect their life, do you,
2 sir?

3 A. Oh, yeah, I think he put them in injury. Of course he did.

4 Q. Okay. What evidence do you have?

5 A. Well, I think he was jumping the car, he was -- he knew that
6 they were sequestered there, he's a man of free will, could have
7 helped them at any time, stopped it at any time, and he chose not
8 to.

9 Q. And so could Mr. Blair; correct?

10 A. Absolutely. Absolutely.

11 Q. And I'm not talking moral obligation, what legal obligation
12 does Mr. Nchetu or Mr. Blair have to these children, sir?

13 THE COURT: I'll stop you there because that's a legal
14 conclusion, and Sheriff Masters cannot testify about that.

15 BY DEFENSE ATTORNEY REISCH:

16 Q. You know that Mr. Nchetu was not the biological father to
17 the deceased children; correct?

18 A. That's correct.

19 Q. Okay. And you have no information or knowledge that he had
20 adopted these children; correct?

21 A. That's correct.

22 Q. You're not aware of any paperwork saying that he was a
23 guardian of these individuals, correct?

24 A. I don't see any of that.

25 Q. Okay. Now, when you -- when you interviewed Mr. Blair --

1 I'm about done here. When you interviewed him again on
2 November 14th, you spoke to him right off the bat regarding
3 Mr. Nachetu, did you not?

4 A. I don't recall at what point I spoke to him about him.

5 Q. And Mr. Blair stated that he was actually -- he put himself
6 number two in the hierarchy of this command that he described to
7 you. Number one being Ms. Ceus; correct?

8 A. I'm sorry, who are you referring to when you say he?

9 Q. Mr. Blair.

10 A. Okay. Mr. Blair. You'll have to say that again.

11 Q. Sure. When you spoke with Mr. Blair, he indicated to you
12 when he spoke to you on November 14 that at some point after
13 Mr. Sutherland left, that he was the number two person in charge
14 based upon his status or name or rank; is that correct?

15 A. I believe that is correct, yeah. That Blair thought he was
16 given a title of Rah, or something like that, to where he thought or
17 he was considered a person of the council.

18 Q. Okay. And that Mr. Nachetu had lost any status that he had
19 as some sort of in-charge position?

20 A. He described him as being a general and a guard.

21 Q. Okay. And he had lost his, for lack of a better term,
22 manliness because Ms. Ceus had taken that; is that right?

23 A. I would categorize it that way. That's the way Ceus saw it,
24 Ms. Ceus saw it.

25 Q. And when Ms. Bramble left, she heard something to the

1 effect that she thought possibly she was going to be banished at
2 some point, but she didn't allow Ms. Ceus to banish her; correct?

3 A. I don't think she was ordered off the property.

4 Q. In fact, she left?

5 A. That's right.

6 Q. Of her own free will?

7 A. I believe so.

8 Q. After her children were dead?

9 A. That's correct.

10 Q. Walked away from the property?

11 A. Yep. That's correct.

12 Q. Didn't walk to the authorities, actually walked out of
13 town, didn't she?

14 A. Hitchhiked, I believe.

15 Q. Hitchhiked out of town. Nobody came looking for her from
16 the property as far as you know; correct?

17 A. No.

18 Q. No one tried to stop her?

19 A. I don't believe anyone tried to stop her.

20 Q. Did she leave under the cover of darkness or did she just
21 walk out during the day?

22 A. I don't know that.

23 Q. When you spoke with Mr. Blair on the 14th, he indicated
24 to you that when he was informed that there was deceased children
25 in that Toyota, that he walked over there, and the door, a door, or

1 multiple doors were in fact open; correct, sir?

2 A. There was a door open.

3 Q. Okay. And Mr. Blair told you, when you spoke with him on
4 the 14th of this month, that he was the one that grabbed a shovel
5 or a tool of some type and actually pushed the foot or the leg or
6 the body into the vehicle so that the door could be closed;
7 correct?

8 A. One of them did it. I can't recall if Blair said he did it
9 or if Mr. Archer did it, but one of them takes a shovel and puts the
10 foot back in so the door can close.

11 Q. Okay. And I understand it was a long interview, a lot of
12 information, but you don't necessarily dispute -- you just can't
13 say for sure, but you can't dispute that Mr. Blair admitted he was
14 the one?

15 A. I can't recall exactly what he said there.

16 Q. And Mr. Blair is the one that said that he put a tarp on
17 the car; correct?

18 A. Mr. Archer.

19 Q. Okay. And that I'm assuming he's the one that went into
20 town and purchased -- either previously or some time around that
21 time he purchased tarps, numerous tarps for this property?

22 A. I think there were -- they didn't go -- I don't believe he
23 went into the -- left the property to get the tarps. I think he
24 used items that were on the property.

25 Q. Okay. But Mr. Blair was the one responsible for providing

1 supplies and providing these wood and tape and things like that for
2 the property?

3 A. Yeah, I'm sure they were his.

4 Q. When you were talking about the enhancement where the
5 people would go and stock up with a grocery cart full of food and
6 ask somebody else to buy it for them, that was considered the clean
7 food?

8 A. The increase was considered clean food, according to Mr.
9 Blair.

10 Q. All right. Increase. And it's your testimony that Ms.
11 Bramble at some point goes into town and does this increase?

12 A. Yes. They are both sent in to town, but, as I understand
13 it, Ms. Bramble was the one who did the increase.

14 Q. Since your interview with Mr. Blair, have you sent anyone
15 out to look for these portals that he had described that he thought
16 existed on the property?

17 A. I haven't found them yet, sir.

18 Q. Okay.

19 A. We would have to get a search warrant.

20 Q. Has Mr. Blair withdrawn any consent to go back on the
21 property?

22 A. I haven't asked him for that. I need to get with his
23 attorney and everything, but there is some stuff, we need to get a
24 search warrant or ask his permission.

25 Q. When you searched the property back in September when

1 people were arrested, Mr. Blair gave you permission to go onto the
2 property?

3 A. He did.

4 Q. Did you seek permission from any of the other residents on
5 the property to go onto the property?

6 A. You know, we decided to obtain search warrants after that.

7 Q. Okay. But you searched the property based upon Mr. Blair's
8 permission to go on the property, did you not?

9 A. No, we just went and identified that there were two bodies
10 in the car.

11 Q. Okay. In the first interview, you're in communication with
12 officers at the scene and you ask Mr. Blair if he is providing
13 permission to go on to the property, do you not?

14 A. I do, but we -- I qualify that to say that we're just there
15 to determine if there's two dead children in the car.

16 Q. Okay. And so your testimony is that no other searches were
17 conducted on -- of the property?

18 A. Other than clearing it, we didn't do a detailed search until
19 the next morning when we had a search warrant.

20 Q. Okay. And did you obtain a search warrant prior to
21 retrieving bodies --

22 DEPUTY DISTRICT ATTORNEY RYAN: Objection --

23 (Overlapping speakers. Record unattainable.)

24 THE COURT: And the objection is sustained. This is
25 beyond the scope of this hearing and is moving to suppression

1 issues.

2 COURT REPORTER: I'm sorry, what was your objection?

3 DEPUTY DISTRICT ATTORNEY RYAN: Objection; beyond the
4 scope.

5 BY DEFENSE ATTORNEY REISCH:

6 Q. You mentioned several friends of Mr. Blair that came to the
7 property on occasion while Mr. Blair was allowing the individuals
8 to reside on this property. Do you recall that testimony?

9 A. There are several friends that would come and go.

10 Q. Okay. And some went out to the property and went for a
11 reading or something to that effect; is that right?

12 A. That was when they were first there in June.

13 Q. Okay. And some of those individuals may have gone back,
14 but nobody, for lack of a better term, stuck around the way Mr.
15 Blair, did; is that right?

16 A. That's correct.

17 Q. Thank you, sir.

18 A. Thank you.

19 THE COURT: Mr. Martin.

20 DEFENSE ATTORNEY MARTIN: Thank you, Judge.

21 THE COURT: Let's take a 10-minute break. Let's talk
22 about the remainder of the evening. Do you think we can get
23 done with Sheriff Masters' testimony by 5:30ish? I don't want
24 to go beyond that.

25 DEFENSE ATTORNEY MARTIN: Not a problem.

1 THE COURT: Okay. Let's go off the record for 10 minutes.

2 DEFENSE ATTORNEY MARTIN: Okay.

3 (SHORT BREAK TAKEN.).

4 THE COURT: Back on the record in case 17CR28 and 17CR30.

5 Mr. Martin, cross examination.

6 DEFENSE ATTORNEY MARTIN: Thank you, Judge.

7 CROSS EXAMINATION

8 BY DEFENSE ATTORNEY MARTIN:

9 Q. For purposes of this portion of cross examination, Sheriff
10 Masters, I'll refer to Ika Eden, also as Lilian, due to the fact
11 that that is the primary name that Mr. Blair utilized during the
12 two recent interviews that you conducted. So I just wanted the
13 Court to understand, as well as the court reporter, that they are
14 interchangeable.

15 While speaking with Mr. Blair on the first interview,
16 Sheriff Masters, did Mr. Blair indicate to you that it was Ika's
17 responsibility to fill the water jug placed on to the vehicle that
18 the two decedents were situated in after they were refused food,
19 but water kept continuing to be provided?

20 A. I'm not sure it was her responsibility. It's something that
21 she did.

22 Q. Okay. And so you're unaware as to any obligation that Ms.
23 Eden had to either feed or provide water to either one of these two
24 young women; correct?

25 DEPUTY DISTRICT ATTORNEY RYAN: Objection; calls for legal

1 conclusion.

2 THE COURT: Sustained.

3 BY DEFENSE ATTORNEY MARTIN:

4 Q. Did Mr. Blair tell you that Ms. Eden was responsible for
5 getting them food and water and no one else could?

6 A. I don't recall that.

7 Q. And in fact, Ms. Bramble, according to the testimony or the
8 statements made by Mr. Blair during the interview that you
9 conducted, she also traveled to the vehicle on one or more
10 occasions as well; isn't that correct?

11 A. I believe so, yes.

12 Q. Okay. And so at a minimum, the girls' mother could have
13 provided them food and water, or at least water; correct?

14 A. Everybody there on the property had free will and could
15 probably have done it. Could have done it.

16 Q. Okay. And my client, to the best of your knowledge, never
17 adopted these two young women, did she? Legally?

18 A. Legal adoption, I have no knowledge of that.

19 Q. And you heard Mr. Ryan state earlier during the opening
20 statement that my client served in a nanny capacity or a worker bee
21 capacity for the group. Do you recall that?

22 A. I think that was her role, yeah. I can't remember if it was
23 worker bee he used, but it was a term similar to that.

24 Q. She had no legal guardianship of these two young women, did
25 she, to the best of your knowledge, pursuant to court order in the

1 state of Colorado or anywhere else?

2 A. No.

3 Q. And just to clarify, we've confirmed that neither of these
4 children were the biological daughters of Ms. Ika Eden; correct?

5 A. That's correct.

6 Q. Okay. During the course of two interviews did you ever ask
7 Mr. Blair if he harmed either Pink One or Pink Two?

8 A. I didn't ask him that specifically.

9 Q. Why not?

10 A. During one of the interviews I asked if he -- if he had seen
11 anyone harm the child, strike the children, et cetera.

12 Q. What did he say?

13 A. He said Ms. Ceus struck them with -- struck Makayla with a
14 stick.

15 Q. And that was due to the fact that Makayla had interaction
16 with Lion, Mr. Blair's dog?

17 A. I can't remember what it was, what the issue was.

18 Q. But it was after Madani had ordered or commanded that the
19 girls not be provided food or water, that she then physically
20 assaulted Makayla; isn't that correct?

21 A. I don't recall the timeline. It seems like it's right
22 around that time.

23 Q. When Mr. Blair described Lilian's relationship with Madani
24 Ceus, he described her as a servant to her. Do you recall that?

25 A. Something along those lines, yes.

1 Q. Okay. And, in fact, Mr. Blair even went so far as to
2 describe his relationship to Ms. Madani Ceus as a slave. Do you
3 recall that?

4 A. Yeah. It was definitely a subservient role.

5 Q. Subservient to the point where if Lilian did not comply
6 with the directions of Madani Ceus, she was reduced to having,
7 really, a mental break-down. Do you recall Mr. Blair describing
8 those types of break-downs where she would be on the floor crying?

9 A. No, I don't.

10 Q. Was Lilian, or Ika Eden, threatened with the purge by
11 Madani Ceus if she tried to help either Pink One or Pink Two
12 according to the statements provided to you during the interview of
13 Mr. Blair?

14 A. I don't know if she was specifically, but I think the whole
15 group was. Threatened by her.

16 Q. And it was Madani Ceus that created the perimeter around
17 the vehicle precluding individuals from approaching the car;
18 correct?

19 A. That's correct.

20 Q. And when I say the car, I mean the car where the two
21 decedents were ultimately located?

22 A. That's correct.

23 Q. I'll ask you a similar question for the question that Mr.
24 Reisch asked you regarding Mr. Archer, but more specific,
25 obviously, to Ms. Eden. What evidence do you have that Ika Eden

1 caused any injury to either of the decedents, Pink One or Pink Two?

2 A. I have -- I have Blair's statement that when the children
3 were crying out for help that she refused.

4 Q. Did she have an obligation to help them?

5 A. I --

6 DEPUTY DISTRICT ATTORNEY RYAN: Objection; calls for legal
7 conclusion.

8 THE COURT: Sustained.

9 BY DEFENSE ATTORNEY MARTIN:

10 Q. Is that the only evidence that you have that Ika Eden
11 caused harm to them; that she did not respond to their requests?

12 A. I think through the statements of Mr. Blair she went along
13 with their sequestering and their confinement and -- in a motor
14 vehicle without food and water in the dead of summer.

15 Q. But the car was, to the best of your knowledge, always
16 unlocked?

17 A. I think the car was always unlocked.

18 Q. And Mr. Blair testified to that. In fact, Mr. Blair
19 testified that initially when the car battery was still charged,
20 the two girls had the keys to the car and they could lower and
21 raise the windows; correct?

22 A. I don't know if they could. I don't know if they had
23 control over the car like that.

24 Q. They clearly had the ability to control the doors because
25 one was open after one of them was dead?

1 A. You're assuming that they opened one of the doors.

2 Q. Do you have any evidence that would show that they did not
3 have the ability to exit the vehicle?

4 A. No.

5 Q. When the car was inspected initially by law enforcement the
6 day -- once you had obtained the search warrant and the contents of
7 the vehicle were removed, did you, or did law enforcement obtain
8 traces of feces or urine in the car that could be attributed to
9 either of the decedents?

10 A. I don't believe so.

11 Q. Okay. Is it your belief that the girls were allowed to
12 leave the vehicle in order to go to the bathroom?

13 A. I just don't know. The car was such a mess. I'm not sure
14 that the lab could determine all that.

15 Q. But you don't have any evidence that would indicate that
16 they were precluded from leaving the car in order to use the
17 facilities; correct?

18 A. I don't know that.

19 Q. And you don't have evidence that they had to be escorted
20 when they left the car; correct?

21 A. No, they weren't escorted.

22 Q. And they were in this car for quite some time being fed and
23 provided water until Ms. Ceus cut it off, so they clearly would
24 have had to leave the car on multiple occasions, perhaps once a
25 day. Wouldn't that seem reasonable to you?

1 A. Until they were cut off from food and water, maybe.

2 Q. Why not after, for at least a short period of time?

3 A. Right.

4 Q. So you would agree with me that they would have had to
5 leave the car -- it's more likely than not that they would have had
6 to leave the car after they realized that there was no food and
7 water forthcoming?

8 DEPUTY DISTRICT ATTORNEY RYAN: Objection; compound
9 question.

10 THE COURT: If you understood the question, you can
11 answer, Sheriff Masters.

12 BY THE WITNESS:

13 A. Question is -- would you repeat it.

14 BY DEFENSE ATTORNEY MARTIN:

15 Q. Certainly. Would it not seem reasonable that one or both
16 of the girls realized at some point in time that no more food and
17 water was forthcoming?

18 DEPUTY DISTRICT ATTORNEY RYAN: Objection; calls for
19 speculation.

20 THE COURT: Sus- -- go ahead.

21 DEFENSE ATTORNEY MARTIN: They are yelling out for help
22 while their mother is walking by, so something obviously was
23 going wrong at that stage in the game. It seems like a
24 reasonable question to ask.

25 THE COURT: It calls for speculation. You can argue that.

1 Sustained.

2 BY DEFENSE ATTORNEY MARTIN:

3 Q. Do you think it would be reasonable that one or more, one
4 or both of the women would have had to leave the car after they
5 realized that they weren't going to be getting more food or water,
6 to use the facilities?

7 A. It would certainly seem that they would have to leave the
8 car to get water, to get food, to run away.

9 Q. And do you have any evidence that Ms. Eden precluded one or
10 both of the girls from leaving the car at any point in time to
11 obtain food, water, or to just simply leave?

12 A. No.

13 Q. Do you have any evidence that Ms. Eden ever used any
14 mechanical means to keep them in the car?

15 A. No.

16 Q. Do you have any evidence that Ms. Eden ever tied up the
17 girls or used any type of equipment to restrict their movement?

18 A. No.

19 Q. Mr. Blair indicated that his last trip to Telluride was to
20 obtain food from the food bank that was ultimately rejected by
21 Madoni Ceus for the group; is that correct?

22 A. The food bank food was rejected.

23 Q. Correct. And that was due to the fact that it was not an
24 increase, it was deemed government food, or unfit for the group?

25 A. According to the pendulum.

1 Q. Okay. Did Mr. Blair indicate that he took that food and
2 gave it to the girls that were sitting in the car?

3 A. No, he -- they separated out -- he thought it was going to
4 the girls through Ms. Eden and Ms. Bramble.

5 Q. But he didn't take any steps to insure that that took
6 place?

7 A. No.

8 Q. When Mr. Blair was placed in custody and his belongings
9 were placed in custody as well, did he have medication with him?

10 A. On his person when he was placed in custody, no.

11 Q. Where was the medication located?

12 A. I don't -- I'm not aware of any medication at all.

13 Q. Okay. What type of firearm is buried out on the property
14 based on the representation made by Mr. Blair?

15 A. I'm pretty sure it's a .45. I think it's a .45 aught, I'm
16 pretty sure.

17 Q. How about ammunition?

18 A. I can't recall why we know there's a firearm. I can't
19 recall why we know there's a firearm on the property. We can't find
20 it. It may have been ammo or somebody thought there was a holster
21 or something led us to believe that there was a firearm concealed on
22 the property somewhere.

23 Q. Are you aware as to whether or not Mr. Blair ever
24 administered any of his medications to the young girls while they
25 were situated in the vehicle before they passed away?

1 A. No.

2 DEFENSE ATTORNEY MARTIN: One second. I'm trying not to
3 be duplicative of the questions asked by Mr. Reisch.

4 BY DEFENSE ATTORNEY MARTIN:

5 Q. Do you recall during your interview with Mr. Blair -- it
6 would have been the second day of interviews, so I believe it was
7 the 14th, do you recall Mr. Blair describing Lilian, or Ika, as
8 everyone's servant and that she had compassion and love for
9 everyone on the property?

10 A. I don't recall that specifically, but there is something,
11 some discussion along those lines.

12 Q. And when Mr. Blair made that statement did he exclude the
13 two girls who passed away in the vehicle or was he referring to the
14 entire group?

15 A. I think he was referring to the entire group, including the
16 girls in the vehicle.

17 DEFENSE ATTORNEY MARTIN: I have no further questions.

18 THE COURT: Mr. Ryan?

19 REDIRECT EXAMINATION

20 BY DEPUTY DISTRICT ATTORNEY RYAN:

21 Q. So during your cross examination by Mr. Reisch, he
22 basically asked you the question whether you asked Mr. Blair how
23 the girls passed away and he said he refused to answer. Do you
24 remember that exchange?

25 A. Yes.

1 Q. And you said that that was correct?

2 A. Right. Yes, he refused to answer.

3 Q. Is that -- was that the full nature of the conversation
4 between you and Mr. Blair?

5 A. No.

6 Q. Okay. What was the actual nature of the conversation?

7 A. Mr. Blair wanted to tell me what was going on on the
8 property.

9 Q. And I'm talking about the first interview on 9/8.

10 A. Yes.

11 Q. Do you recall what the nature of that conversation was with
12 Mr. Blair saying he didn't want to talk to you about that?

13 A. Yes. I think he was afraid.

14 Q. I mean do you remember the exact nature of that
15 conversation? What was said between you two?

16 A. Yeah, to a degree. I'm not sure what you're getting at.

17 Q. What was your recollection of that conversation?

18 A. You mean that particular part of the conversation?

19 Q. Yes.

20 A. I was going over a series of questions. I can't recall all
21 of them, but it was --

22 DEPUTY DISTRICT ATTORNEY RYAN: Sorry, Your Honor. Hold
23 on one second.

24 BY DEPUTY DISTRICT ATTORNEY RYAN:

25 Q. Would it refresh your recollection to see that portion of

1 your report?

2 A. Yes. I'm sorry.

3 DEPUTY DISTRICT ATTORNEY RYAN: Permission to approach.

4 THE COURT: Yes.

5 (DONE.)

6 BY DEPUTY DISTRICT ATTORNEY RYAN:

7 Q. Showing you a portion of that report. Could you read those
8 underlined paragraphs, please, and let me know when you're done.

9 A. (Witness complying.)

10 Q. This is Sheriff Masters' report on his first interview with
11 Mr. Blair.

12 A. You're talking about the underlined part?

13 Q. Yes.

14 A. Yeah. Okay. Thank you.

15 Q. So was the conversation as simple as: How did the kids
16 die? I don't want to talk about it?

17 A. No, we went over when the children were cut off from food.

18 Q. So he did tell you about that?

19 A. Yes. And they were cut off from food and water and he said
20 they were at first, and then, no, they were cut off from food first
21 and then, later, water. And I was inquiring of him: Wouldn't that
22 lead to someone's death? And he refused to answer that particular
23 question.

24 Q. Okay. On cross examination you were questioned about the
25 relationship between Mr. Blair and Ms. Bramble. Do you remember

1 that?

2 A. Yes.

3 Q. According to Mr. Blair, what was the nature of that
4 romantic relationship?

5 A. He said that Ms. Ceus had a vision or something that says
6 that those two needed to be a couple and have sex. Mr. Blair said
7 he was coming out of a relationship and he didn't want to do that,
8 and he told Ms. Ceus that he didn't want to do it and she basically
9 told him: You have to. So he said he went ahead and did that, and
10 he talked to her a couple of times -- talked to Ms. Ceus a couple of
11 times stating he didn't want to have that relationship with Ms.
12 Bramble, and she insisted.

13 Q. And according to Mr. Blair, when did that occur?

14 A. I don't recall. Sometime in, must have been in July or
15 early August.

16 Q. Okay.

17 DEPUTY DISTRICT ATTORNEY RYAN: No further questions.

18 THE COURT: All right. Thank you. We will conclude for
19 the evening. I want to talk about tomorrow. How many
20 witnesses do the People have left?

21 DISTRICT ATTORNEY HOTSENPILLER: One, Your Honor.

22 THE COURT: Okay. And at this time does the Defense plan
23 to call any witnesses?

24 DEFENSE ATTORNEY REISCH: I don't anticipate anything,
25 Your Honor.

1 DEFENSE ATTORNEY MARTIN: I do not either, Your Honor.

2 THE COURT: Okay. Thank you. So it sounds like we'll be
3 done perhaps earlier than the end of the day. We'll get
4 started at 9:00 a.m. Anything else before we close for the
5 evening?

6 DISTRICT ATTORNEY HOTSENPILLER: 9:30 wouldn't work?

7 THE COURT: I'm sorry, let's start over here, Mr. Whiting.

8 DEPUTY DISTRICT ATTORNEY WHITING: For purposes of my
9 coverage will we continue in this courtroom and county court
10 docket will happen in the small courtroom?

11 DEFENSE ATTORNEY REISCH: Can I have permission to leave
12 my boxes here?

13 THE COURT: Yes, you can leave your stuff overnight.
14 Anybody object to starting at 9:30 since we just have the one
15 witness?

16 DEFENSE ATTORNEY MARTIN: No objection from me, Judge.

17 DEFENSE ATTORNEY REISCH: No, Your Honor.

18 THE COURT: Okay. We'll start at 9:30. Okay. We'll go
19 off the record.

20 (CONCLUDED FOR THE DAY.)

21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF COURT REPORTER

4:56:

I, DEBORAH HARRIS, RMR, CSR, CRR, Court Reporter for the 7th Judicial District, Gunnison County, Colorado, was present in court during the foregoing matter and reported said proceedings stenographically.

I further certify that thereafter, I, Deborah A. Harris, RMR, CRR, CSR, have caused said stenographic notes to be transcribed via computer, and that the foregoing pages are a true and accurate transcription to the best of my ability.

Dated this the 2nd day of January, 2018.

/s/ Deborah A. Harris, RMR CRR, CSR

DEBORAH A. HARRIS, CRR, CSR, RMR
Official Court Reporter

SAN MIGUEL COUNTY DISTRICT COURT
STATE OF COLORADO
TELLURIDE, COLORADO

PEOPLE OF THE STATE OF COLORADO,
PLAINTIFFS

Versus

ASHFORD ARCHER, ET AL,
DEFENDANTS

FOR COURT USE ONLY

Case No: 2017CR28 and 2017CR30
Division: 3

TRANSCRIPT OF PRELIMINARY HEARING
DAY TWO

This matter came on for preliminary hearing on November 21 and 22,
2017, before Honorable District Court Judge KERI YODER,
Telluride, Colorado.

A-P-P-E-A-R-A-N-C-E-S

DAN HOTSENPILLER, District Attorney
SETH RYAN, Deputy District Attorney
ROBERT WHITING, Deputy District Attorney
REPRESENTING THE STATE OF COLORADO

R. SCOTT REISCH, Attorney
MATTHEW A. SCHULTZ, Attorney
Denver, CO
REPRESENTING DEFENDANT Ashford Archer

BRENT A. MARTIN, Attorney
Montrose, Colorado
REPRESENTING DEFENDANT Ika Eden

REPORTED BY: DEBORAH A. HARRIS, RMR, CRR, CSR

TABLE OF CONTENTS

1				
2	WITNESS	DIRECT	CROSS	REDIRECT
3	John Zamora-----	235-----	277, 286-----	302
4	CERTIFICATE OF COURT REPORTER-----			360

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 (Today is November 21, 2017.)

2 THE COURT: Is everybody ready?

3 DEFENSE ATTORNEY MARTIN: Yes, Your Honor.

4 DEFENSE ATTORNEY REISCH: Yes, Your Honor.

5 THE COURT: We'll go back on the record, Tuesday,
6 November 21st, 2017.

7 We're on the record in case number 17CR28, People Versus
8 Ashford Archer, and 17CR30, People Versus Ika Eden. Mr. Archer
9 appears in custody this morning with Mr. Reisch and Mr. Schultz.
10 Ms. Eden appears in custody with Mr. Martin. Mr. Whiting, Mr.
11 Hotsenpiller, and Mr. Ryan are here on behalf of the People.
12 This is day two of the preliminary hearings in the case.

13 Mr. Whiting, next witness.

14 DEPUTY DISTRICT ATTORNEY WHITING: Thank you, Your
15 Honor. I call John Zamora, Colorado Bureau of Investigation.

16 THE COURT: Mr. Zamora please come up.

17 * * *

18 JOHN ZAMORA,

19 was called as a witness, and having been duly sworn,

20 was examined and testified as follows:

21 THE WITNESS: My name is agent John Zamora, z-a-m-o-r-a.

22 DIRECT EXAMINATION

23 BY DEPUTY DISTRICT ATTORNEY WHITING:

24 Q. Good morning, Agent?

25 A. Agent, yes.

1 Q. How would like to be referred to? What's your rank?

2 A. Agent.

3 Q. Good morning, Agent Zamora. Who are you an agent with?

4 A. Colorado Bureau of investigation.

5 Q. How long have you been with CBI?

6 A. Nine years, going on nine years.

7 Q. What are your general duties with CBI?

8 A. Pretty much major crime of anything from financial to a case
9 like this, homicide.

10 Q. How do you get involved in a case like this?

11 A. We are a request agency, so agencies will give us a call if
12 they need assistance, and we assist.

13 Q. Okay. When did you get the call to get involved in this
14 case involving Mr. Archer and Ms. Sandalphon?

15 A. I believe it was September 8 we received information that
16 there was potentially two deceased little girls on a property in
17 Norwood. We were asked to assist and we responded.

18 Q. Where were you at the time? In Grand Junction?

19 A. Yes, the office in Grand Junction, correct.

20 Q. How do you initiate your role in an investigation of this
21 nature?

22 A. What do you mean?

23 Q. So who do you contact first? What do you do first?

24 A. My supervisor gave me a call.

25 Q. Okay.

1 A. Agent-in-Charge Collin Reese says: Hey, we have this going
2 on; get in contact with San Miguel and assist as needed.

3 Q. So did you contact San Miguel Sheriff's Office?

4 A. I did.

5 Q. What was the first thing you did?

6 A. I responded up there. We received a little bit of
7 information, drove up there and started assisting.

8 Q. Can you tell me about the nature of assistance during this
9 investigation. What's the stuff you've done?

10 A. The main thing was interviewing.

11 Q. All right. And is that interviewing witnesses?

12 A. Yes. And potential suspects.

13 Q. Defendants, co-defendants, things of that nature?

14 A. Yes.

15 Q. In the course of that investigation have you had the
16 opportunity to interview Hanna Joy Sutherland?

17 A. Yes.

18 Q. Who is that in terms of this case?

19 A. Hanna Joy Sutherland would be Karah Sutherland, I think she
20 was identified as Ika Eden here, her daughter. There was also
21 another male on the property for a little while, Cory Sutherland.
22 That's his sister.

23 Q. Okay. And have you had a chance to interview Mr. Cory
24 Sutherland as well?

25 A. Yes.

1 Q. And did you interview Cassandra McCarroll?

2 A. Yes.

3 Q. Who was that?

4 A. That was Cory Sutherland's girlfriend of the time before
5 they went to North Carolina, so she was present at the apartment in
6 North Carolina with, I'll say at this point, the group.

7 Q. When you say the apartment, whose apartment was that?

8 A. It was listed under Ceus's name with Ashford Archer on the
9 lease as well.

10 Q. Have you also had the opportunity to interview Maria
11 Ramirez?

12 A. Yes.

13 Q. Who's that?

14 A. That's a friend of Cassandra McCarroll.

15 Q. And who is Sylvia Henry?

16 A. Sylvia Henry would be Ika Eden/Karah Sutherland's mother,
17 and grandma to Cory Sutherland and Hanna Joy Sutherland.

18 Q. It appears that you know Ms. Sandalphon generally as
19 Ms. Sutherland; is that correct?

20 A. I know her, Ika Eden as Karah Sandalphon --

21 Q. Okay. Just, I want to clarify that for the record --

22 THE COURT: Make sure we're speaking one at a time, so
23 after Mr. Whiting asks his question, then answer.

24 THE WITNESS: Okay. Thank you.

25 BY DEPUTY DISTRICT ATTORNEY WHITING:

1 Q. And you interviewed Ms. Henry?

2 A. Yes.

3 Q. Okay. Have you interviewed somebody named Dave Zimmerman?

4 A. Yes.

5 Q. Who is Mr. Zimmerman?

6 A. He worked on the property that Madoni Ceus and Ashford
7 Archer had in North Carolina.

8 Q. Okay. Was he a landlord or --

9 A. I think he was more like a property manager type. He, you
10 know, did evictions, stuff like that.

11 Q. And did you interview Ms. Ceus at any point?

12 A. Yes.

13 Q. What was the date of that interview?

14 A. I believe that would be the 8th, when we got the call.

15 Q. Okay.

16 A. September.

17 Q. And did you have -- you interviewed Nashika Bramble?

18 A. Yes.

19 Q. How many times have you interviewed Nashika Bramble?

20 A. I believe possibly three. I know in Grand Junction once and
21 I think twice in San Miguel County.

22 Q. Okay. And finally, did you interview Mr. Archer?

23 A. Yes.

24 Q. A/k/a Mr. Yah or Nchetu?

25 A. Yes.

1 Q. Do you recall the date of that interview?

2 A. I believe that was September 8th as well.

3 Q. And are you aware of any formal statement produced by
4 Ms. Sandalphon or Sutherland?

5 A. A formal statement meaning?

6 Q. An interview or anything of that nature?

7 A. By somebody else?

8 Q. By you or somebody else.

9 A. Okay. Well, I mean I did an interview with -- oh, okay.

10 I'm sorry.

11 Q. With Ms. Sandalphon?

12 A. No, no, I do not.

13 Q. Okay. Thank you. Through the course of these interviews
14 did you get to know the background of the group that was out at Mr.
15 Blair's farm on Y43 Road?

16 A. I would say a little, yes.

17 Q. And start at the beginning. How did Bramble become a part
18 of this group originally?

19 A. Bramble was working, I believe, at Univers without the e,
20 Insurance, she said, and I believe that that was in Florida.

21 Q. About what time was this?

22 A. Probably a couple of years back. I couldn't say for sure.

23 Q. Okay.

24 A. And she met Ika Eden. Ika Eden was working there as well.
25 Ika Eden would go around to the parties at the company and identify

1 certain people as: Okay, well, you're this type of spirit or this
2 type of God or this type of person, you need to contact Ashford
3 Archer and here's a card.

4 Q. This is according to Ms. Bramble herself?

5 A. Yes, according to Ms. Bramble.

6 Q. When did she make that statement? Do you remember that?

7 A. One of the interviews I did with her.

8 Q. Okay. Did Ms. Bramble receive one of these cards or
9 encouragement to contact Mr. Archer from Ms. Sandalphon?

10 A. Yes.

11 Q. Did she recall when was that precisely or approximately?

12 A. Again, probably a couple of years ago.

13 Q. And did she contact Mr. Archer?

14 A. Yes, she did.

15 Q. All right. And how did she do that?

16 A. I believe it was via telephone.

17 Q. And what was the nature of their conversations or --

18 A. It was more, it was kind of like spiritual, just talking
19 about, just spirituality.

20 Q. And how long did this go on for?

21 A. You know, seemed probably like for a few months and then she
22 said that Ashford Archer requested that she come to North Carolina,
23 along with a whole lot of other people, which would be pretty much
24 what Sandalphon said.

25 Q. So let's go through the people. Did ultimately Bramble and

1 her children move to North Carolina?

2 A. Yes, Bramble and her children did.

3 Q. And those two children would be the victims in the case?

4 A. Absolutely, yes.

5 Q. Okay. So did she recall when she moved up there?

6 A. I believe it was, the best that I can guess, March-ish of

7 2015.

8 Q. Okay.

9 A. She was up there for a few months. They did get evicted in
10 June.

11 Q. Okay.

12 A. 2015.

13 Q. Who provided you the information that they were evicted?

14 A. That would be -- I believe it was Bramble as well as Dave
15 Zimmerman.

16 Q. Okay. Dial it back a minute here. Were you aware of
17 anybody else, or did anybody else you spoke to indicate that they
18 had spoken on the phone with Mr. Archer about spirituality before
19 moving up there?

20 A. Yes. I had heard that Karah Sandalphon/Ika Eden, spoke with
21 Ashford Archer.

22 Q. Who did you hear that from?

23 A. And I believe that was from, could be Bramble.

24 Q. Okay.

25 A. Nashika Bramble.

1 Q. And Ms. McCarroll, did she speak on the phone with Mr.
2 Archer?

3 A. She spoke as well and she introduced Ramirez, Maria Ramirez,
4 to Ashford Archer as well, and she spoke, I believe, with him on the
5 phone as well.

6 Q. And did they make the decision to move up to North Carolina
7 as well?

8 A. Yes.

9 Q. So they confirmed this move with Bramble and her kids?

10 A. Yes.

11 Q. Okay. Did Ramirez participate in that move up?

12 A. Yes.

13 Q. Okay. Did McCarroll?

14 A. Yes.

15 Q. All right. And Bramble did as well?

16 A. Yes.

17 Q. Was Cory or Ms. Sandalphon or Hanna Joy Sutherland there?

18 A. Yes.

19 Q. All three?

20 A. Yes.

21 Q. Did they move from Florida as well?

22 A. Yes.

23 Q. Okay.

24 A. I think Nashika Bramble moved up from Georgia. Everyone
25 else I believe moved up from Florida. As well as Sylvia Henry,

1 being the grandma, she traveled up there as well.

2 Q. Okay. Was this all together?

3 A. I don't think so. Not all together. I believe Nashika
4 Bramble, her kids traveled up there, and then I'll say the
5 Sutherlands, that group, along with Ramirez and McCarroll drove up
6 there.

7 Q. And when they moved to North Carolina where did they live?

8 A. Boy, I think it's Brittany Woods Apartments. I don't recall
9 the exact address. On Chippendale Avenue or drive in North
10 Carolina, I believe it was Charlotte, North Carolina.

11 Q. Was that the apartment that Ceus and Archer were leaving?

12 A. Yes.

13 Q. By they, at this point, I mean the group we just mentioned:
14 Bramble, her daughters, the Sutherlands, McCarroll, and Ramirez
15 were all living in the apartment?

16 A. Yes, they all moved into the apartment, yes.

17 Q. What did they do when they arrived? Were there any
18 rituals?

19 A. Apparently they had to get cleansed. I believe prior to
20 that they had to eat almonds, coconut, dates, and water to cleanse.
21 When they got there, they continued eating that. They had to go
22 through, I believe, a cleansing process, take baths with some oils,
23 and had to shave from head to toe.

24 Q. Okay.

25 A. All hair had to be removed.

1 Q. Did Bramble tell you this?

2 A. Yes. Bramble mentioned that, as well as I believe Cassandra
3 McCarroll and Ramirez.

4 Q. Okay.

5 A. It could have been Hanna Joy as well. It was pretty
6 consistent that that's what happened when they got there.

7 Q. Did any of them indicate who directed the group to do this?

8 A. At that point in time it would be Ashford Archer. They knew
9 him as Nathania, was in charge of it all.

10 Q. Did you get a sense from any of these witnesses, and please
11 reference who told you, the day-to-day in this apartment? What
12 were daily activities while living in the apartment?

13 A. Per I believe it was Ramirez, Hanna Joy, and maybe even
14 McCarroll, it was pretty much you got up, you ate, you prayed, you
15 maybe sang, prayed some more, continued that through the day when
16 they had food. They eventually ran out of food.

17 Q. Okay. And how long did they go without food?

18 A. That varies per person, anywhere from 14 to 20 days.

19 Q. Okay. Were Bramble's children at the apartment at this
20 time as well?

21 A. Yes.

22 Q. And who was really leading this spiritual movement or group
23 on a day-to-day basis?

24 A. That would be Ashford Archer.

25 Q. And this is according to who?

1 A. The witnesses. That would be Cassandra McCarroll, Hanna
2 Joy, Bramble, and Ramirez. But they also said Madani would be, I
3 can't remember exactly which one, was like a close second.

4 Q. Like a majordomo or something like that?

5 A. Yes. And also in the apartment would be Ashford Archer and
6 Madani's two little girls, and one at that point was described at
7 that point as a baby, an infant.

8 Q. Okay. Did Bramble, McCarroll, Hanna Joy, or Ramirez give
9 you an idea of the extent of the control Mr. Archer was exercising
10 at this point?

11 DEFENSE ATTORNEY SCHULTZ: Objection; I believe that's
12 outside the scope of the hearing for this case.

13 THE COURT: I disagree. It's relevant to probable cause,
14 particularly as to the group dynamics here, it's relevant to
15 probable cause determination.

16 BY DEPUTY DISTRICT ATTORNEY WHITING:

17 Q. Did you receive any information from these witnesses about
18 the degree of control exercised by Mr. Archer over the group in the
19 beginning?

20 A. Yes. In general, they were told, You are here of your own
21 free will, if you don't want to take the bath and shave, you can
22 leave; however, if you do leave, the world will end and you're
23 pretty much going to meet the demons, and the purge is going to come
24 and you're not going to be protected by God and you will not go to
25 the other side.

1 Q. Did he exercise any control over their interpersonal
2 relationships in the group?

3 A. Yes. Cassandra and Cory Sutherland were boyfriend and
4 girlfriend, and it was deemed they were not soul mates, so they had
5 to break up.

6 It was also deemed that Ika Eden/Karah Sutherland and her
7 daughter were not really mother and daughter, so Ika Eden needed to
8 kind of pull away from her daughter, not take care of her so much.
9 Bramble said that they can't -- These aren't really your kids, you
10 have to pull away from them. And I believe it was Hanna Joy said
11 they were pretty much taught to become emotionless at that time and
12 not think about family and just whatever other people had in life,
13 you just disregard.

14 Q. I would like to go person by person for the time being.
15 How long was McCarroll with this group living in this apartment?

16 A. Probably a month before, yeah, she got pretty hungry and
17 really didn't -- she wanted out.

18 Q. Did she give you any information about how the different
19 food was dispersed or provided during this time when there was
20 food?

21 A. It was just almonds, dates, coconut, and water.

22 Q. And how was it provided to the group? Was it communal?
23 Was it: There's a pile over here? How did people --

24 A. I don't recall. I don't think she said exactly how. But I
25 think it was Hanna Joy and Cory were concerned for the little girls,

1 so they stopped eating sooner to try to make sure that the children
2 could have more food.

3 Q. Ramirez, how close was she with the group?

4 A. She was there at the same time as Cassandra McCarroll. They
5 left pretty much together.

6 Q. And when they left, was there a discussion about it or
7 anything like that, or did they just walk away?

8 A. They were concerned about telling Ashford Archer that they
9 wanted to leave. They did pull him aside, said that they wanted to
10 leave, and they said it became kind of a big deal.

11 Cassandra, I believe, left first. Ashford was pretty much
12 saying: That's a bad call, don't do that, now you will be in the
13 purge and you won't be in heaven or God. She came back up and got
14 Ramirez and then Maria Ramirez left.

15 Q. Okay. And what about Hanna Joy Sutherland? Did she
16 remain?

17 A. For a little while longer. What happened there, I believe
18 it was McCarroll called her brother Christopher Sutherland and said:
19 Hey, there's some stuff going on here, you might want to go see
20 what's happening; your little sis is her. So he drove to the
21 complex and took Hanna Joy. He tried to get Karah, his mom, Karah
22 Sutherland, and brother Cory, to leave, but they chose not to go.

23 Q. And you mentioned earlier that the group was ultimately
24 evicted from this apartment?

25 A. That's correct.

1 Q. And is that information you received from Mr. Zimmerman?

2 A. Yes.

3 Q. Thank you. Okay. Did anybody else leave the group prior
4 to that time, that you know of?

5 A. Not that I know of, no.

6 Q. About what time did the eviction occur?

7 A. The eviction, if I recall correctly, from Zimmerman, they
8 got the apartment June of 2014, either April -- maybe April, April,
9 June, 2014, May of 15 the eviction process started and he said they
10 left the 16th or 20th in June, 2015.

11 Q. Okay. So is that when they hit the road?

12 A. Yes. And I believe he also said a little while after that,
13 Madani came back to pick up the rest of her stuff and then that's
14 when, yeah, the group kind of, I guess, hit the road.

15 Q. Okay. Is this when they began what's been referred to
16 previously as a spiritual journey?

17 A. Sure.

18 Q. Did you learn about that from Ms. Bramble?

19 A. Yes.

20 Q. Did you learn about that from Cory Sutherland?

21 A. Yes.

22 Q. Did you learn about that from Madoni Ceus?

23 A. She may have referred to it. I don't recall what she said.

24 Q. Did you speak to anybody else about their time on the road?

25 A. Ashford Archer.

1 Q. Okay. So where did they go first?

2 A. It's hard to tell, Ashford was saying Washington state,
3 Oregon. Nashika Bramble says they hit 38 states. A lot of their
4 travels would center around Utah, Wyoming, and Colorado. Ashford
5 said he really liked Colorado. They ended up per a dream, and it's
6 hard to say who had it. Ashford said they had a dream, when the
7 question was, What was your dream, so he indicated it was his. But
8 then Madani said it was her dream that at Eagle's Nest in the three
9 days time some male is going to show up and they were supposed to
10 meet this person.

11 Q. Okay. So the information that you received is that the
12 group was essentially on the road for the last two years until
13 meeting Mr. Blair?

14 A. Yes. Yes.

15 Q. Okay. Through the course of your interviews, what did you
16 learn about Archer's role in this group?

17 A. He seemed to be the definite leader in North Carolina.

18 Q. In the beginning?

19 A. In the beginning. So in North Carolina. During the first
20 few months, I believe, on the trip, he was also kind of guiding and
21 dictating how things went, but then things changed because Madoni
22 Ceus had a dream that she became like Yahweh, or the Creator;
23 Ashford got run over, so he couldn't be the driver of the vehicle
24 anymore, or be in the front, and --

25 Q. When you say run over, do you mean passed over?

1 A. No, like apparently a dream that he got run over by a car or
2 run over by something.

3 Q. Who is telling you this information?

4 A. And that, I believe, would be Bramble.

5 Q. Okay. And did Cory tell you any information about this as
6 well?

7 A. He recalled, when I brought it up to him, that there was a
8 change because Madani had a dream that she became the leader. He
9 recalled that.

10 Q. Okay. Did he believe he had a leadership role as well, Mr.
11 Sutherland?

12 A. He was -- I guess in the group you have Sutherland, Cory
13 Sutherland would kind of be as he called it, activation. He would
14 do some shockers, some sort of thing to get people's inner spirit
15 going. That was his role in the group. Whereas Karah Sandalphon
16 a/k/a Ika Eden, and Bramble, they -- or Bramble said they were in
17 charge of the increase, which means trying to get money for the
18 group, gas for the group, and then those roles kind of just morphed
19 and changed as well.

20 Q. Okay. After Archer was passed over by Ms. Ceus, is this
21 according to her edict?

22 A. I'm sorry?

23 Q. Was this according to her edict or her pronouncement?

24 A. Yes. She pretty much said, I'm now Yahweh, so Ashford needs
25 to sit in the back of the car and I get to go in the front and I am

1 now in charge.

2 Q. And this occurred after the entire group had begun the road
3 trip?

4 A. Yes.

5 Q. And it sounds flippant, but that's how I will refer to it.

6 A. Okay.

7 Q. So until that time, according to Ms. Bramble, Ms.

8 McCarroll, Cory Sutherland and a few others, Mr. Archer had been
9 the leader of this group?

10 A. Yes.

11 Q. And Ms. Bramble and her children were a part of that group
12 when the road trip began?

13 A. Yes.

14 Q. So was -- according to the people you spoke to, was
15 Ms. Ceus in control of the group by the time they met Mr. Blair
16 earlier this year?

17 A. I would say yes.

18 Q. Okay.

19 A. That was the indication of that.

20 Q. That was according to Ms. Bramble?

21 A. Yes.

22 Q. Is that according to Cory Sutherland?

23 A. Cory more agreed with things. So he really didn't come up
24 and say it, but he agreed, yes, that was the case.

25 Q. Okay. Did any of the ones you spoke to indicate that he

1 had any caretaking duties with regards to the children?

2 A. That would be Bramble. When they got to the property, Karah
3 Sandalphon's role was caregiver given to her by Madani, that would
4 be, I guess, good for her, it's not the right word, but spirit, and
5 she took care of Madani's and Ashford Archer's children as well as
6 Bramble's.

7 Q. Uh-huh.

8 A. Shared by Bramble. She did that as well. They watched the
9 car when they were on the property. They were trying to keep the
10 girls hidden. And that would be Bramble's girls from outsiders, so
11 friends of Frederick Blair that would come on the property, however,
12 when they left, that would be Bramble and Sandalphon, Archer would
13 take over and he would be watching the girls and I guess the vehicle
14 and taking that.

15 Q. Okay and so this occurred -- Mr. Archer taking over that
16 responsibility would have occurred during what was referred to as
17 increase?

18 A. Yeah, during the increase, when they had to go out and get
19 money or food or whatever for the group.

20 Q. And when you spoke to Bramble, did she understand Archer to
21 be the father of Metatron and Shemmyah?

22 A. Yes.

23 Q. And when you spoke to McCarroll did she understand that as
24 well?

25 A. She believed that, yes.

1 Q. What about Ms. Ramirez, did you ask her about that?

2 A. I don't recall that, but I think everyone thought that
3 Bramble had the two little girls, Makayla and Hanna, and the other
4 little girls belonged to Madani and Ashford.

5 Q. Okay. I would like to elaborate more at this point on what
6 you learned about Ms. Sandalphon's role in the group. You
7 indicated that originally before Ms. Bramble and her daughters
8 moved to North Carolina that she had a recruitment role? Is that
9 the case or not?

10 A. I can't say that was a role. But I mean if I look at it,
11 she was around the business saying, Hey, you are this spirit, you
12 need to contact Nathania.

13 Q. Okay. So--

14 THE COURT: Wait a second. Make sure the agent is done
15 answering before you start talking.

16 DEPUTY DISTRICT ATTORNEY WHITING: Apologies.

17 BY DEPUTY DISTRICT ATTORNEY WHITING:

18 Q. I would like to flesh that out. Did Ms. Bramble see
19 Ms. Sandalphon doing that to others as well or did she just
20 experience it?

21 A. No, others as well.

22 Q. Okay. And did you receive information about what Ms.
23 Sandalphon's role was at the apartment in North Carolina?

24 A. No.

25 Q. Did you ever receive any information on how long she had

1 known Mr. Archer?

2 A. You know, I believe Ashford Archer said probably about 10
3 years, and they were buddies and she helped him with spirituality,
4 or they dealt with it together, or something.

5 Q. Okay. And once the group undertook the spiritual journey,
6 what did Ms. Bramble say Ms. Sandalphon's role was on the road?

7 A. She became a caregiver along with her -- she was also --

8 Q. This is -- I'm sorry. This is a caregiver for all the
9 children that were on the trip?

10 A. Yes.

11 Q. Okay.

12 A. Like with Bramble, and they were both in charge of the
13 increase as well, but apparently Karah Sandalphon was not doing that
14 good of a job, so it seems she was more of the caregiver while
15 Bramble went out and did the increase.

16 Q. Who was that according to?

17 A. That was Bramble.

18 Q. Did Cory Sutherland confirm the caretaker role?

19 A. You know, again, a little bit.

20 Q. Uh-huh. Did anyone else, that you're aware of, that you
21 spoke to?

22 A. I think it was mainly Nashika Bramble.

23 Q. What about driving arrangements on the road? Who drove Ms.
24 Sandalphon's car?

25 A. I believe that that was Karah Sandalphon, and I believe it

1 was Cory's vehicle, but if I recall correctly, she was listed on the
2 vehicle as well.

3 Q. Okay. And was this according to Cory?

4 A. I think it was according to records.

5 Q. Okay.

6 A. When we ran the plate.

7 Q. Did Cory indicate he traveled in the car with her?

8 A. Yes.

9 Q. And did Cory indicate that the victims traveled in that car
10 as well?

11 A. Yes.

12 Q. Did Ms. Bramble drive the car that was registered to her?

13 A. Yes.

14 Q. And who was in that car with her?

15 A. That would be Madoni Ceus, Ashford Archer, and their two
16 kids, and I believe also with Cory, for a while, at the beginning,
17 the grandma was with them.

18 Q. So she began the trip with them?

19 A. Yes.

20 Q. Was she a member of the group when they met Mr. Blair?

21 A. No.

22 Q. When did she part ways with the group?

23 A. You know, it's hard to tell. No one can give a date. But
24 apparently she was pretty concerned about what was going on. She
25 would ask Madani, Okay, hey, something about like the food, and if I

1 recall correctly something about either sweet fingers, because the
2 food was good, but she would also say, Okay, are you going to kill
3 me? Am I going to die?

4 She ended up getting out of the vehicle. This is per
5 Sylvia Henry. She was leaving. She said: I'm suddenly -- the
6 vehicle stopped, I wake up, I'm the only one in there, I'm leaving.

7 She felt she got hit in the back of the head. She turned
8 around; it was Ashford Archer hit her in the back of the head. She
9 said Ashford then hit her again. She fell. Karah Sutherland was
10 present watching; her daughter was watching. She was taken to a
11 hospital later and her family picked her up. As well as Bramble
12 said: It was a good fight. He said: Grandma actually put up a
13 good fight with Ashford Archer. And then they left Sylvia Henry in
14 Little Rock, Arkansas.

15 Q. That's the point she was no longer with the group?

16 A. That's what I was told, yes.

17 Q. And did you speak to Bramble about all the places they had
18 been in the last couple of years?

19 A. She had mentioned like 38 states just traveled around. And
20 again I believe it could have been either Ashford or Bramble saying
21 they kind of liked the Utah-Colorado-Wyoming circuit, I guess you
22 can call it, because it was a lot of good spirituality, and they
23 would meet people and approach.

24 Q. Was that the purpose of their journey?

25 A. Yes. It seemed at the beginning they were just expressing

1 what they believed, yes.

2 Q. Okay. And what did you learn about what they believed from
3 Ms. Bramble?

4 A. It really wasn't religion. People had some certain roles,
5 and I learned that from several of the people I talked with, and
6 they just pretty much talked about spirituality, so nothing really
7 to do with religion and just, this is just spiritual.

8 Q. And what was the group trying to achieve for themselves,
9 according to Bramble?

10 A. I guess just spreading their beliefs.

11 Q. Okay. Did that remain the indication when they went to Ms.
12 Bramble's property?

13 A. You know, It seemed like it kind of changed there because
14 apparently Frederick Blair would actually talk to some of his
15 friends or people he knew saying: Hey, we have Madani here, she's
16 very spiritual and she can get in touch with your past life. So
17 that was kind of happening. But it seemed like a lot of the people
18 said, Yeah, we don't, I guess, get into that. And then Madani was
19 it, the leader on that property.

20 Q. And while they were at the property did Ms. Bramble tell
21 you anything about their daily activities there?

22 A. I don't recall too much daily activities. They were pretty
23 much to stay on the property. If they left the property, which they
24 could go if they wanted to, so it was pretty much emphasized they
25 could leave, but --

1 Q. According to who?

2 A. That would be Bramble and that would also be McCarroll and
3 Hanna Joy.

4 Q. I meant the property --

5 A. The property. Yeah that was the property.

6 Q. Okay.

7 A. But if they did leave, they would meet -- they would not
8 have a place in heaven and the people here outside of the property
9 are in fact demons, and at night, you know, they are going to --
10 that's who you will meet. It's not -- the property is the safe
11 place and this is where I guess you're going to end up, what was it,
12 the Light Body, they would be traveling to heaven, the Light Body,
13 and traveling away.

14 Q. Okay. So Bramble indicated there was a period where they
15 were confined to the property?

16 A. I wouldn't say confined, no. Anybody could go if they
17 wanted to, but there was a consequence: You would not have a place
18 in, I guess you would call it heaven, and you were going to meet the
19 purge, and when the purge happens you're not safe. You're safe
20 here, you're not safe there, but if you want to take the chance, go
21 for it.

22 Q. Is that the Light Body you were talking about that they
23 were trying to go to?

24 A. The Light Body was mentioned. They were going to the other
25 side. It was safe on the property. Everything else you needed to

1 be careful about going there.

2 Q. And did Ms. Bramble indicate to you that she left?

3 A. Yes.

4 Q. Did she indicate when she left?

5 A. It would probably be a couple of days before September 8th.

6 She said, like her daughters, she was deemed to be, I believe,
7 defiled, unpure, as well as -- and the dog, Lion, he became unpure,
8 so he was left in a kennel to die.

9 She was told, Hey, you can pretty much die like your
10 daughters and Lion and get to that other side, I guess safely, or
11 you can go ahead and leave and deal with, yeah, everyone out there.
12 Which would be the demons.

13 Q. Okay. Who told her that?

14 A. That would be Madani.

15 Q. Did she leave after that?

16 A. Yes.

17 Q. Did she say she was scared?

18 A. Yes.

19 Q. What was she scared about?

20 A. When we first interviewed her at Grand Junction she was
21 still leery, like, Okay, am I going to start seeing these demons?
22 She was still believing what was told. She was just very confused
23 because she saw on the news that the parties in the group were in
24 jail. So she was confused, how was that possible when they were
25 supposed to be in the Light Body? And that's Yahweh, the Creator,

1 the Mother of All; that couldn't be possible that they're really in
2 jail. So that's when she turned herself in.

3 Q. Okay. And you mentioned earlier the end of the world was a
4 theme in North Carolina. Do you recall that?

5 A. Yes.

6 Q. Did that remain a theme while on Ms. Bramble's property?
7 Was anybody pronouncing that, according to Ms. Bramble?

8 A. You know, I believe, yes, it was: The end of the world is
9 coming at some point. And I believe it was either Hanna Joy or
10 Cassandra was saying once they got to the property going back to
11 North Carolina, they were supposed to be at the other realm within
12 10 days, and they got concerned, like, Okay, well, this isn't
13 happening and now we're starving. And they were concerned that
14 Ashford Archer was going to kill them to get to that other realm.

15 Q. Okay. Did Bramble express similar ideas about their time
16 with Ceus in charge on Mr. Blair's property?

17 A. Yeah, the world was going to end and this was a safe place
18 and this is where we are going to need to be to get to the other
19 side.

20 Q. Okay. Did you ask Ms. Ceus about any of this when you
21 interviewed her?

22 A. Yes.

23 Q. I would like to ask about that interview. Did you ask
24 Ms. Ceus about the group's background?

25 A. Well, initially, I just opened it with: Tell me what

1 happened from the start.

2 Q. Okay. And did she indicate that she knew Ms. Bramble or
3 her children?

4 A. Yeah, no. She said they were pretty much there on the
5 property when they arrived, and then Ashford Archer was a guy named
6 Nathaniel.

7 Q. So to be clear, because you said: Yeah, no.

8 A. Okay. I'm sorry.

9 Q. Was she indicating that she did not know Ms. Bramble or her
10 children prior to being on Ms. Bramble's property?

11 A. I would say yes; correct.

12 Q. Did she acknowledge any sort of leadership role in the
13 group while on the property?

14 A. No, she said everybody was pretty much equal.

15 Q. And did you confront her with any other information you had
16 about previously knowing Ms. Bramble?

17 A. Yeah. So probably 20 minutes in I kind of stopped and said,
18 Hey, we need to start, I guess, the truth. You guys were traveling
19 together.

20 Q. Uh-huh.

21 A. This is what Ashford Archer said. She said, Hey, I'm
22 scared; sorry, yeah. And, Yes, that is correct. And, Yes, we did
23 travel with Nashika Bramble. She did now know Ashford Archer and
24 pretty much the group.

25 Q. Okay. And after that, did you ask her more questions about

1 the time on the property?

2 A. Sure.

3 Q. What did she say about the food situation?

4 A. That's a very broad question.

5 Q. Did she indicate who was doing the cooking for the group?

6 A. She was.

7 Q. And when I say the group, did she indicate that she was
8 cooking for the group at first?

9 A. Yes.

10 Q. Okay. Did she indicate whether or not anybody else was
11 cooking at that time?

12 A. You know, I believe Bramble, it might have been Bramble
13 saying she might have assisted with some of the cooking, but for the
14 most part, Madani was in charge of the food, yes.

15 Q. And right now I'm asking about what Ms. Ceus said about
16 things.

17 A. Okay. She was the cook.

18 Q. Okay. And did she indicate that she cooked for Ms.
19 Bramble's children as well?

20 A. Yes.

21 Q. Did she indicate whether that stopped at any point?

22 A. Yes.

23 Q. Did she indicate?

24 A. Yes she said they were running out of food and she needed to
25 take care of her family, so she stopped cooking for Nashika

1 Bramble's family, girls.

2 Q. So she indicated that food was low?

3 A. Yes.

4 Q. Did she indicate whether Bramble asked her about this or
5 what Bramble did about it?

6 A. She said when she wasn't going to feed, let's say, Makayla
7 and Hanna anymore, Fred -- Frederick Blair, and Bramble went to the
8 pantry and picked up bags of food.

9 Q. Okay. Did she indicate-- so she indicated at some point
10 she only cooked for her family; is that correct?

11 A. Yes.

12 Q. Okay. Did you kind of flesh out who that included as far
13 as her family?

14 A. I can't say that I did. I just know it did not include
15 Nashika's two little girls.

16 Q. Okay. Did it include Shemmyah and Metatron?

17 A. That was her family.

18 Q. Ms. Ceus's girls?

19 A. Yeah. She would cook for them. So, yeah, I deemed that to
20 be her family. There was no indication she said I'm not cooking for
21 their -- Ashford and Madani's little girls.

22 Q. Okay. Did you ask her why Ms. Bramble's children were in
23 the car?

24 A. She said there was a separation. She talked about how --

25 Q. Did she indicate whether she played any role in that

1 separation?

2 A. Yes.

3 Q. What was her role?

4 A. Her role was, she said, You need to keep your kids away from
5 my kids. Talked about putting them in the car. She indicated that
6 Bramble had them in the car. But then everybody on the property
7 also mentioned: Hey, you girls need to stay in the car. Yeah, she
8 indicated that they were a bad influence on her two girls.

9 Q. Okay. Did you say that Ms. Ceus indicated that everybody
10 was having them stay in the car?

11 A. She said at one point everybody, for the most part, was
12 saying, Yeah, they need to stay in the car.

13 Q. Did she indicate whether she had ordained this separation
14 or ordered it or requested it?

15 A. Not per se, but she pretty much said: You need to keep them
16 separate from my kids. And they ended up in the car. And she said
17 eventually the kids started getting ill and they started staying in
18 the car permanently, and then I think as she put it, death happened.

19 Q. Okay. Did you ask her how they died?

20 A. Yes.

21 Q. Did she give you an answer?

22 A. Yes. She believed it was because they weren't eating or
23 drinking water.

24 Q. Okay. Did you ask her if she would try to do anything
25 about it?

1 A. Yes.

2 Q. What did she say?

3 A. And she basically said, Well, I knew that they had a big bag
4 of food, Bramble said that they had enough, I guess maybe for the
5 week, or something like that, and she didn't really bother with it
6 after that.

7 Q. Okay. Did she indicate she didn't want to deal with it?

8 A. Yes, just, that's kind of their deal, the kids were now
9 staying in the car more, and she was at a different side of the
10 property and really didn't pay attention to it.

11 Q. Did you ask Ms. Ceus about Mr. Archer's role at all in the
12 group?

13 A. I don't recall.

14 Q. Okay. Did you ask her about Ms. Sandalphon's role in the
15 group at all?

16 A. I don't recall that, either.

17 Q. Your interview with her, did it occur before your interview
18 with Ms. Bramble?

19 A. Yes.

20 Q. When did it occur in relation to your interview with Mr.
21 Archer?

22 A. Ashford Archer was first.

23 Q. Okay.

24 A. Madani was second.

25 Q. When did you interview Mr. Archer?

1 A. The 8th of September, I believe.

2 Q. Okay. So the night everything happened?

3 A. Yes.

4 Q. Or everything was discovered?

5 A. Yes.

6 Q. Let's talk about that interview. Did you ask him about his
7 background at all?

8 A. Sure.

9 Q. What did he tell you?

10 A. He was a very spiritual person, he considered the group the
11 family. I asked about his family and he said he does have family
12 here, I believe in the states, but they are kind of -- they don't
13 get along or they don't communicate. He's from Haiti. He was on a
14 spiritual journey. If anything, he was kind of told that he kind of
15 meddles too much and the spirit came to him and said: Hey, pretty
16 much mind your own business. And so he deemed himself as water;
17 say, if anything is going on, I'm water, I'm just going to flow
18 away, so I just flow away like water, and it's not my
19 responsibility, and I'm here for this spiritual journey. And this
20 was one of the best experiences that he had.

21 Q. Okay. And let's lock this down a bit. When he said, Here,
22 what was he talking about? Here on earth? Here at the farm?

23 A. Here at the farm, yes, the property.

24 Q. Okay. So he indicated he was there to mind his own
25 business when you were asking him about the farm?

1 A. Yes. He learned that his spirit, I believe, told him not to
2 meddle. When he meddled and he got involved, it created too much
3 problems for other people and other people's families, so he chose
4 that: I just have to mind my own business. And he thought this was
5 a really big test for him with what happened.

6 Q. Did you ask how he came to be on the farm?

7 A. Yes.

8 Q. What was his story?

9 A. They had a dream that they were going to meet a person, I
10 believe also in three days as that ended up, I believe he said
11 Eagle's Landing, which would be Eagle's Nest outside of Grand
12 Junction and I70 going towards Denver. And he said everything
13 happened in their dream to the T.

14 Q. Okay. And what happened? Does he recall meeting Mr.
15 Blair?

16 A. Yes. They met there and then they traveled up to Blair's
17 property.

18 Q. Okay. And does he recall how they were invited out there?
19 Did he play any role in that particular part of it?

20 A. Boy, I don't recall. No. I don't think so.

21 Q. Okay. Did you ask him about Ms. Bramble and her children?

22 A. We talked about whoever's present there, yes.

23 Q. Okay. Did he indicate how long he had known Ms. Bramble?

24 A. He said that they traveled kind of on and off, I believe,
25 prior to this journey.

1 Q. What did he mean on and off? Did you ask?

2 A. Not really. He said they just kind of knew each other and
3 they traveled together on and off.

4 Q. Okay. Did anybody else you spoke to indicate they traveled
5 on and off? Ms. Bramble? Mr. Sutherland? Anybody?

6 A. No.

7 Q. Okay. Did he give you an idea of how well he knows her?

8 A. Not really, no.

9 Q. Did he tell you how long they had been traveling together,
10 on or off or not?

11 A. No, not that I recall. But I mean all this is -- it's all
12 recorded, and that would be there, but I don't recall that at all.

13 Q. Okay.

14 A. A time frame.

15 Q. Did he tell you how well he knew Bramble's children, the
16 victims?

17 A. Not that I recall, no. He knew they were her kids.

18 Q. Did you ask him about Ms. Ceus's role in the group?

19 A. I don't think I asked, What is her role? I think we were
20 just talking just what happened. He was the first interview, and so
21 at that point it was just very -- it just started.

22 Q. Okay. Did he indicate she had any leadership role, or
23 himself?

24 A. He indicated, Hey, they are all there for their own
25 spiritual well-being, their spiritual journey, and that was pretty

1 much it. Everyone was there for their own spiritual journey.

2 Q. Okay. So did he ever say whether he was following
3 Ms. Ceus's directives?

4 A. No.

5 Q. Did he ever indicate whether or not Ms. Ceus was cooking
6 for the group?

7 A. I believe he may have said that she cooked, but again, I
8 can't recall for sure.

9 Q. Okay. Did he indicate what his responsibilities were at
10 all with regards to what he referred to as the family?

11 A. No. Again, he was water and he was on his own side of the
12 property and he minded his own business, and whatever happened, it's
13 not his responsibility, and he just, he had to learn to mind his own
14 business so thus the test that he was able to mind his own business
15 hearing what had happened.

16 Q. Okay. So he denied having any real responsibility in the
17 group?

18 A. I don't think so, that he said, no.

19 Q. And did he speak to you about Ms. Sandalphon and her role
20 in the group?

21 A. I believe he said he had known her for many years. She was
22 pretty much kind of like the walls of a house. Something to the
23 effect of, Yeah, be careful, don't, like, cross her, she's got
24 pretty much tunnel vision; she's like an arrow and just kind of...
25 and he wanted that type of, I guess, being similar to Karah

1 Sandalphon. But as far as a role, no, I don't think he mentioned
2 anything about any type of role that she had.

3 Q. Okay. Did he give you an idea whether or not he was closer
4 to her or Ms. Ceus than the rest of the group, or anything like
5 that?

6 A. Not necessarily, but I think he said that Karah Sandalphon
7 would be closer to him and Madani than Bramble, Nashika.

8 Q. Okay. Did you ask about the circumstance of the victims'
9 death?

10 A. Yes.

11 Q. Did he indicate why they were in the car?

12 A. I don't recall if he did. I don't think so. But he did
13 say -- he did say something to the effect that he knew there was a
14 problem with the girls and there was a sign that the big girls
15 needed to be either by the car or in the car.

16 Q. Okay.

17 A. Something to that effect. But again, he says he didn't
18 bother to really know why and he was backing away from it all.

19 Q. How many times did he reiterate this non-involvement?

20 A. It was a handful. A few.

21 Q. Okay. Repeatedly?

22 A. I wouldn't say repeatedly, but, yeah, he made it clear, Hey,
23 that's the guardian's responsibility, the mother's responsibility
24 for the kids; I'm out, I'm doing my own thing, I'm in my own part of
25 the area and...

1 Q. So did it become clear to you that he did not believe he
2 was involved?

3 A. Yes. Yeah. Well, he was indicating, Yes, this isn't my
4 deal; I did nothing.

5 Q. And did you ask him about whether or not his DNA would be
6 on the car that the victims died in?

7 A. We talked about, I had learned the car had been tarped, I
8 had learned in briefing that Frederick Blair and Ashford Archer had
9 tarped the car after the girls had been deceased.

10 Q. Uh-huh.

11 A. I asked him about that, and he said that Blair had a dream
12 that he needed to tarp the car. I believe Blair kind of -- he
13 recalled Blair getting all the product or items to cover the car
14 because he knew where they were on the property. He kind of was
15 around the area. He didn't have anything to do with tarping the
16 car.

17 I asked then about: Okay, is your DNA going to be on the
18 tarp?

19 And he says: Well, yeah, because I moved the tarp all
20 around the property.

21 And then he said that if he has, I believe he said hand
22 print on the car, that would be because he jump-started the car a
23 few times, or several times, and he changed the brakes on the car.

24 Q. So he had actually worked on this car?

25 A. That's what he said, yes.

1 Q. And this was the car that, according to Cory Sutherland,
2 that Mr. Sandalphon was driving throughout the road trip?

3 A. That the girls were in, yes.

4 Q. Did he indicate whether he knew they were being fed?

5 A. He said he believed they were being fed daily, but he
6 couldn't say because he was at a different part and he was dealing
7 with his own things and he did not really eat with the group.

8 Q. Did he express any level of concern about the girls?

9 A. He had mentioned that at one point he observed how they
10 walked and he thought they were kind of walking, I guess, odd or
11 funny, so he decided to give them some black molasses in hopes that
12 it would help.

13 Q. When did this occur?

14 A. I believe that was on the property.

15 Q. Okay.

16 A. So he gave them the black molasses to help them. When he
17 talked about the death of the girls, I believe he indicated that,
18 Hey, they pretty much starved to death and died in the car and just
19 lived there. He had mentioned that he believed the girls had sickle
20 cell. He said he didn't know that. And then possibly with him kind
21 of indicating with him giving the molasses or maybe something that
22 they ate could have assisted or contributed to their deaths.

23 Q. Uh-huh. Did he indicate whether or not he tried to do
24 anything besides the molasses to nourish them or help them?

25 A. No. When he did realize they were dead, he was like, Man,

1 that's you guys' deal; I'm pretty much going to go back and do my
2 thing.

3 Q. I would like to clarify that. So when you asked him about
4 when he realized they were dead, what was his statement?

5 A. At first, he said he never saw the girls in the vehicle, but
6 then he said after Bramble mentioned that her girls were dead or
7 that she thought the girls were dead, he wanted to know or see for
8 himself. He did stay a little bit at a distance. He did see the
9 leg of one of the girls out of the car. It looked black, like the
10 foot looked black. And he also referenced the molasses. He said it
11 looked lifeless and there was like no blood circulation going in
12 there. Also if I recall correctly, they did not want to get defiled
13 because you don't want to be close to the deceased. But then he
14 says: I'm defiled anyway.

15 Q. He said he was defiled anyway? What was he talking about?

16 A. I'm not sure.

17 Q. Okay.

18 A. Something to that effect. That would be on the recording.
19 I believe it was defiled.

20 Q. When you said previously you asked him about the tarping of
21 the car --

22 A. Yes.

23 Q. -- did he indicate whether he assisted with that?

24 A. He said that he did not.

25 Q. Okay.

1 A. I had received information that apparently he told someone
2 else that he did.

3 Q. Did you ask him about the day the law enforcement officer
4 visited the farm at all?

5 A. Yes.

6 Q. Did he recall that date?

7 A. Yes.

8 Q. Did he recall whether the girls were dead by that date?

9 A. I believe he said, yeah, the girls were dead by the date --
10 dead already. I believe it was mid August, August 19. I believe
11 that's when an officer went onto the scene. We would have to see
12 the report for sure. But he said the girls had been dead for a
13 little while before.

14 Q. And did he indicate whether or not the car was tarped on
15 that date?

16 A. I believe yes, it was.

17 Q. Okay. Did you ask him why he didn't tell the officer that
18 there were two dead girls in the car?

19 A. No, I did not.

20 Q. Okay. But he did remember a law enforcement officer coming
21 onto the property?

22 A. Yes.

23 Q. How long did this interview last?

24 A. Probably about an hour and 45 minutes, two hours.

25 Q. And you asked about his time on the farm?

1 A. Yes.

2 Q. Did you ask any other questions about the girls dying?

3 A. I think, you know, how we thought, you know, the girls died,
4 you know, I believe I brought up Agent Brooks Bennett with me in the
5 interview, so it could have been him as well, or we brought up:
6 This is what happened; this is what we believe how the girls died.

7 Q. Okay. Did he express how he felt about his time on the
8 farm?

9 A. Well, again, he was saying that he was there for his
10 spirituality, to get in touch with himself. He needed to learn to
11 mind his own business. This was a test. He felt --

12 Q. When he said test, what was he referring to?

13 A. I believe a test of minding his own business. That's what I
14 believe. He didn't say a test of that, but he said this was a test.

15 Q. And that was said in the context of asking about the
16 children? Or no?

17 A. Just what was going on with the whole situation on, let's
18 say, the farm.

19 Q. Okay.

20 A. And then he said that he had, I believe, grown more during
21 this time on the farm than 50 years of his life because, again, he
22 was like water and it's like, It's not my responsibility, it's the
23 guardian's, and it's the mom.

24 Q. You said grown more in --

25 A. Yeah, like more grown inner self or spirit-ese. He became

1 more spiritual or had one of the better experiences in all of his 50
2 years. I believe it was growing more. Again, we would have to
3 review the recording.

4 Q. So he described it positively?

5 A. Yes. He -- yeah, he did.

6 Q. Excuse me one moment.

7 A. Yes.

8 (Conferring off the record.)

9 BY DEPUTY DISTRICT ATTORNEY WHITING:

10 Q. Thank you for your time.

11 DEPUTY DISTRICT ATTORNEY WHITING: Nothing further, Your
12 Honor.

13 THE COURT: Mr. Martin.

14 DEFENSE ATTORNEY MARTIN: Your Honor, my client has asked
15 if we could use the restroom for a moment. If we could take a
16 10-minute break, that would be appreciated.

17 THE COURT: We'll go off the record for 10 minutes.

18 (SHORT BREAK TAKEN.)

19 THE COURT: Back on the record. This is 17CR28 and 30.
20 Mr. Martin, cross examination of Agent Zamora.

21 DEFENSE ATTORNEY MARTIN: Thank you.

22 CROSS EXAMINATION

23 BY DEFENSE ATTORNEY MARTIN:

24 Q. Good morning, my name is Brent Martin. I represent Ika
25 Eden.

1 A. Good morning.

2 Q. I would like to talk to you about the interview you
3 conducted of Madoni Ceus back on September 8, 2017. Do you have a
4 pretty clear recollection of that interview?

5 A. I would say hopefully.

6 Q. And did you take an opportunity to review the audio
7 recording or transcripts of it in preparation for this proceeding?

8 A. Mainly my report.

9 Q. Okay. And I have some questions concerning statements that
10 Ms. Ceus made to you regarding who indeed was responsible for
11 caring for the two children, the two decedents. Is it not correct
12 that Ms. Ceus referred to Ms. Bramble as Burgundy during that
13 particular interview?

14 A. Yes.

15 Q. And so when I reference Ms. Burgundy, I'm referencing Ms.
16 Bramble.

17 A. Okay.

18 Q. Is it not correct that Ms. Ceus informed you that
19 Ms. Burgundy was in charge of taking care of the girls, meaning her
20 children?

21 A. I may have mentioned, yes, she was responsible for her kids.

22 Q. Not Ms. Ceus's children, but Ms. Bramble was responsible
23 for her own children?

24 A. Yes.

25 Q. And she also indicated to you during that interview that

1 they had run out of food; correct?

2 A. She said either the rations were going low and possibly at
3 one point she may have said that they ran out, but they were running
4 low on food.

5 Q. And are you aware, pursuant to your investigatory work,
6 that approximately 160 to 160 pounds of oats and rice were located
7 on the property when law enforcement entered on September 9?

8 A. I guess if that's the weight, that's right. I know there
9 was food on the property. That's pretty much it.

10 Q. And it was your understanding that Ms. Ceus, based upon her
11 representations and your investigatory work in the case, was in
12 charge of preparing food and cooking for the group?

13 A. Yes, she did.

14 Q. Okay. And so her statement to you regarding the group
15 running out of food was simply false?

16 A. If we have food on the property and she says, yeah, she's
17 running low, I would agree. Sure.

18 Q. And she indicated to you that she was responsible for
19 feeding everyone, including the children; correct?

20 A. For a while, yeah.

21 Q. And then ultimately she indicated to you that she stopped
22 preparing food for the two girls that passed away?

23 A. Yes.

24 Q. Did she do that on her own accord?

25 A. I would say yes, based on her statement that they were

1 running low on food and she needed to take care of her own family.

2 Q. And you testified earlier that at that point in time on the
3 farm she was in charge, meaning that she was in control of the
4 group?

5 A. The people I talked with would say, Yes, Madani Ceus was the
6 leader on the farm.

7 Q. Is that the conclusion you reached after conducting all of
8 your interviews?

9 A. Like, my opinion?

10 Q. Yeah.

11 A. I guess there's potential for that. I mean, sure. I mean
12 I'm just reporting what the people were saying. But then that also
13 goes towards what happened at the very beginning in North Carolina,
14 and then we go into, Okay, was it started here and then transferred,
15 passed over? So there's a lot of dynamics. If you want, like, my
16 opinion, that could get long.

17 Q. And my question is more narrowly focused. I'm not delving
18 into what may or may not have happened in Florida, North Carolina,
19 or any other state aside from Colorado, and in Norwood, Colorado,
20 specifically.

21 So once the group was on the farm that was owned by Mr.
22 Blair, did you come to the conclusion, based upon information that
23 you had been provided and the evidence you reviewed, that Madani
24 Ceus was the leader of the group?

25 DEPUTY DISTRICT ATTORNEY WHITING: And, Your Honor, the

1 People object. That's outside the scope of this hearing, and
2 the agent's opinion regarding group dynamics is irrelevant.

3 THE COURT: Sustained.

4 BY DEFENSE ATTORNEY MARTIN:

5 Q. Did she tell you she was in charge?

6 A. No, she said she was not in charge.

7 Q. Did she say who was in charge?

8 A. No one. Everyone was there on their own accord and
9 everyone was just, they partook in all the dealings and everyone
10 participated equally.

11 Q. And did you find that her statements conflicted with the
12 other individuals you interviewed regarding who was in charge of
13 the group?

14 MR. WHITING: Objection; that's a question for the finder
15 of fact.

16 THE COURT: I'll allow some questions on that. Overruled.
17 Go ahead.

18 BY THE WITNESS:

19 A. One more time.

20 BY DEFENSE ATTORNEY MARTIN:

21 Q. Based upon the other interviews you conducted, did you find
22 that Ms. Ceus's statement that she wasn't in charge of the group
23 conflicted with the statements of the other individuals?

24 A. Yes. She said she wasn't and others said she was.

25 Q. Okay. Did anyone else say anyone else was in charge other

1 than Madani Ceis?

2 A. If we're sticking to the property?

3 Q. Yes.

4 A. I would say no.

5 Q. Now, concerning Nashika Bramble, you interviewed her on
6 September 9 and September 11, 2017. Do you recall those
7 interviews?

8 A. I do.

9 Q. Did Ms. Bramble ever indicate to you that Ika Eden
10 precluded her from caring for her children?

11 A. No, they -- no, Ika Eden/Karah Sandalphon was the caregiver,
12 is what she said. She didn't say she, yeah, I guess stopped anybody
13 for caring for the kids.

14 Q. Ms. Bramble informed you that she also cared for her
15 children while they were on the farm as well; correct?

16 A. That's correct.

17 Q. Okay. And just to be clear here, did Ms. Bramble ever
18 indicate to you that Ms. Ika Eden precluded her from caring for her
19 children?

20 A. No.

21 Q. Are you aware as to whether or not Ms. Ika Eden has any
22 type of legal relationship to the two decedents, meaning that she
23 was -- she adopted the children or she was a biological parent?

24 A. No.

25 Q. And, in fact, Ms. Bramble indicated to you during her

1 interview that she neglected her children?

2 A. I don't think she said neglected her children. In the
3 interview she was saying that everyone came to fully dislike her
4 children to the point that when the children were calling for her
5 and Karah Sandalphon/Ika Eden, they did not respond to the children.

6 Q. She informed you that Madani told her that her girls were
7 unclean?

8 A. Yes.

9 Q. Correct?

10 A. That's correct.

11 Q. And Madani told her that her children were destroying the
12 earth; correct?

13 A. If that's in there then I would say yes, something similar
14 to that, I believe, yes.

15 Q. Okay. Madani told Ms. Bramble that her children have come
16 to mess up the Yahweh's show?

17 A. Something to that effect, yes.

18 Q. You testified earlier that Ms. Bramble informed you that at
19 no point in time was anyone precluded from leaving the farm;
20 correct? Physically precluded from leaving? Regardless of what
21 spiritual consequences they may suffer?

22 A. Yes. Yeah. Yes, people -- she said when she wanted to
23 leave, she was saying, You can go, but there would be consequences.
24 But no one was physically stopped, detained on the farm.

25 Q. And once she was precluded from providing food for her

1 children and they died, and then she saw the treatment of Mr.
2 Blair's dog, Lion, she came to the conclusion, based upon
3 representations made by Madani Ceus, that she, too, was going to be
4 subjected to the same type of treatment; is that correct?

5 DEPUTY DISTRICT ATTORNEY WHITING: Compound question.
6 I'll object.

7 THE COURT: Overruled. If he can understand it, he can
8 answer. Otherwise, I'll ask you to rephrase.

9 BY DEFENSE ATTORNEY MARTIN:

10 Q. Okay. Go ahead.

11 A. At the beginning of the question you had said that she
12 stopped feeding. It was Karah and her that stopped feeding. Karah
13 Sandalphon had even asked Madani something to the effect one time
14 about maybe giving the kids water; Madani didn't ask. When the
15 girls were, I guess, calling out to both Bramble and Ika Eden/Karah
16 Sandalphon, they pretty much ignored them. And then Bramble said,
17 you know, Ika would be like, Hey, don't call me girls, or, Hey,
18 don't call me, girl. Because they were told by Madani: Hey,
19 emotions out; these -- you know, they're bad. And then so everybody
20 was kind of staying away from the girls.

21 Now, the girls died, and then the dog was put in a kennel
22 and left there to die, and yes, after that, she felt: I'm next.

23 Q. So Ms. Bramble saved her own skin; correct?

24 DEPUTY DISTRICT ATTORNEY WHITING: Objection, relevance.
25 Also asks for a legal conclusion. It's irrelevant and asks for

1 opinion.

2 THE COURT: The objection is sustained.

3 BY DEFENSE ATTORNEY MARTIN:

4 Q. Based upon representations made to you during the
5 interviews, was the vehicle ever locked while the girls were in it?

6 A. No.

7 Q. Were they free to leave to use the facilities, meaning to
8 use the restroom?

9 A. I was informed, I believed it was Ashford Archer, possibly
10 Madani, that -- maybe not Madani, that they did go outside to go to
11 the bathroom. Then it came to the point that the girls were getting
12 more ill and, if I recall correctly, it would be Bramble saying that
13 the lack of food and water was taking effect; they moved down and
14 they weren't worried anymore about anybody seeing the girls. So the
15 doors were, I guess, unlocked, if that's what you're saying.

16 Q. Were you aware that the girls had the keys to the car?

17 A. No.

18 Q. Were you aware that they were able to put the windows up
19 and down while they were staying in the car?

20 A. I don't know if they were able to or not, but the doors
21 apparently were opened, so they could open the doors.

22 Q. Are you -- Well, did Ika Eden, based upon information you
23 had, ever forcibly keep the girls in the car? Use physical force?

24 A. Physical... I mean mental, I would probably say, yes.

25 Physical --

1 Q. I'm not asking about mentally, Agent, I'm asking did Ika
2 Eden forcibly detain the girls in the car?

3 A. Nobody told me that, correct.

4 Q. And Ms. Bramble, indicating that everyone was free to
5 leave, indicated to you that she was free to take her daughters out
6 of the car and remove them from the property at any time before
7 they passed away; correct?

8 A. Sure.

9 Q. Because they were her children?

10 A. They were her children, yes.

11 DEFENSE ATTORNEY MARTIN: I don't have any further
12 questions. Thank you.

13 THE COURT: Thank you. Mr. Schultz.

14 DEFENSE ATTORNEY SCHULTZ: Thank you, Your Honor.

15 CROSS EXAMINATION

16 BY DEFENSE ATTORNEY SCHULTZ:

17 Q. Good morning, Agent.

18 A. Good morning.

19 Q. I'm probably going to end up jumping around quite a bit, so
20 I apologize for that. If you need me to repeat anything, let me
21 know.

22 A. I will. Thank you.

23 Q. Starting back at the property in North Carolina, the people
24 that you spoke to regarding what happened there, I think you said
25 they included Ms. Bramble, the -- Ika's mother?

1 A. Sylvia Henry.

2 Q. Sylvia Henry and Ms. Ramirez among others?

3 A. And, yeah, McCarroll. Hanna Joy.

4 Q. And who are they?

5 A. Okay. Hanna Joy is going to be Ika's daughter. Cory
6 Sutherland was there as well, and that would be the sister.

7 Cassandra McCarroll would be -- excuse me. Cassandra McCarroll
8 would be the now ex-girlfriend of Cory. Maria Ramirez would be the
9 friend of McCarroll.

10 Q. Okay. And all these people are people that went to that
11 property in North Carolina?

12 A. That's correct.

13 Q. For some sort of spiritual journey?

14 A. Into the world.

15 Q. Okay.

16 A. They needed to go there into the world and they needed to
17 destroy all their belongings, get rid of everything, including birth
18 certificates, identities, anything like that, and the end of the
19 world is going to happen; they need to go there. So that's why they
20 were going there.

21 Q. Is that a spiritual journey?

22 A. I couldn't tell you.

23 Q. Okay. They all agreed to go voluntarily; right?

24 A. Yes.

25 Q. And I mean, I think what you said is that they all said

1 that at that point Mr. Archer was in charge of the group; right?

2 A. Yes. Even on the phone he was the one doing the preaching,
3 and so when they got with him on the phone after Ika would give the
4 card out, he would be the one doing the preaching, just preaching
5 and talking to them.

6 Q. But they never said that he threatened them with physical
7 force to come on the property?

8 A. No.

9 Q. Did they ever see him in possession of a weapon that they
10 felt was threatening?

11 A. That was pretty much the only thing, was their robes and a
12 crib in the house. I think that was it.

13 Q. Okay. And this episode in North Carolina, that was back in
14 2015?

15 A. I believe that would be correct, yes. Early '15.

16 Q. Okay. You said at that point Mr. Archer was in charge of
17 the dispersal of food?

18 A. I don't think I said that. I know they just ate dates,
19 coconut, almonds, and water. I don't recall if he dispersed the
20 food. But that's what they were to eat prior, and then while they
21 were there.

22 Q. And as a cleanse before the end of the world?

23 A. As far as a cleansing process to get everything, I guess,
24 cleanse your body.

25 Q. Okay. How long did the whole episode in North Carolina

1 last? How long were they at the property?

2 A. We're going to have Cassandra McCarroll, Ramirez there about
3 a month, so they say, and then they ended up getting out. Again,
4 there was a little bit of fear with what was going on. They did --
5 one of them, I believe it was Cassandra, contacted Christopher
6 Sutherland to say: Hey, your mom, brother and sister are here, you
7 might want to go check on this that's going on here.

8 He went over there and he was able to get Hanna Joy
9 Sutherland out. Karah Sandalphon a/k/a Ika Eden remained and Cory
10 Sutherland remained. And then they got evicted, and I believe they
11 said they left in June. So June would be the time that they left
12 that apartment.

13 Q. And Ms. Bramble was present for this, the North Carolina
14 episode; correct?

15 A. Yes, she was.

16 Q. Okay. So she saw them evicted from that property?

17 A. Or she -- yeah.

18 Q. Okay.

19 A. Everyone there, yeah, the law enforcement came in and --

20 Q. When you say that Christopher Sutherland was able to get
21 out a couple of his relatives --

22 A. No. Hanna Joy only.

23 Q. He was able to convince her to leave?

24 A. Yes, I think he said: You're under age, I don't know what's
25 going on here, you need to come with me; I don't know what the heck

1 is going on here, you need to come with me.

2 Q. But Karah Sutherland and Cory Sutherland wanted to stay?

3 A. I was told Karah wanted to stay, she wasn't going to go.

4 She pretty much disowned Christopher after that. And Cory was

5 staying to try to protect his mom.

6 Q. And you also said that in that period of time they did what

7 they told you, that they did run out of food?

8 A. Yes.

9 Q. But up until they ran out of food, everybody was receiving
10 food?

11 A. I guess that would be true. I think Cory and Hanna Joy

12 stopped eating the food before it ran out because they were

13 concerned about the little girls.

14 Q. But everybody was given food, as far as you know?

15 A. As far as what I've been told, yes.

16 Q. Okay. And then Ms. Bramble told you about this leadership

17 change in the group from Mr. Archer to Ms. Ceus; correct?

18 A. Correct.

19 Q. And Mr. Sutherland, Cory Sutherland, corroborated that?

20 A. He recalled it.

21 Q. Okay. And you suggested -- you told him that somebody else

22 had told you that, and he said that sounded right?

23 A. Yes.

24 Q. Okay. And Ms. Bramble also told you that one of her roles

25 was, and I'm not sure she used this word, but was the increase?

1 A. Yes.

2 Q. Okay. Did she use that term, increase?

3 A. I believe she did use increase. And that's where they
4 pretty much went to the gas station, they explained to people, Hey,
5 you know, can we get some fuel, some gas; we're on a spiritual
6 journey, if you can help out that would be great.

7 She would be sent to Wal-Mart with like an index card
8 saying, We need this, this, and this, and she would go up to people
9 and say, Hey, we need these type of items; we're on a spiritual
10 journey. She said a lot of people were very generous. So that's
11 what she did, along with Karah Sandalphon.

12 Q. So it was the role of those two individuals within the
13 group to basically get the supplies?

14 A. To get the supplies. And then apparently Karah wasn't doing
15 too well, so it was mainly Bramble that took over that.

16 Q. And you said that -- was it Ms. Bramble who told you that
17 when she and Ms. Sandalphon left the property, that Mr. Archer
18 would take over caring for the children?

19 A. Yes. So they were supposed to, on the property, kind of
20 watch the car and make sure the girls weren't seen by anybody, keep
21 them in the car, make sure again no one saw, and that would be --
22 she even said shifts. Her and Karah Sandalphon/Ika Eden, were doing
23 that. But when they had to leave, I believe she said to go do the
24 increase, or whatever, they had to leave the property, Ashford
25 Archer would take over that spot.

1 Q. And it was Ms. Bramble who said that?

2 A. I believe that's correct, yes.

3 Q. Okay. Did she say how she knew that?

4 A. I think she just told me that. So she saw it and did it and
5 this is how it was. That's what she told me.

6 Q. Was it just what she perceived or were there discussions
7 about it? Because she had left the property; right?

8 A. No, I mean, so she's telling me: Okay, if we go, Ashford
9 Archer is taking over this spot. She didn't say: Okay, we left and
10 I think Ashford Archer did this. No. She said when they left to do
11 the increase, or do whatever, Ashford Archer took over that spot.

12 Q. That spot of just watching over the car?

13 A. The girls in the car, to make sure that no one saw the girls
14 in the car.

15 Q. And then you were talking about how the concern of people
16 on the property, especially Ms. Bramble, was that if she left, she
17 would have no place in heaven. Was heaven a term they used?

18 A. No. I think some people kind of defined it like heaven. It
19 was a different realm. People were saying like the Light Body.
20 They were supposed to go -- again, that's why Nashika Bramble ended
21 up turning herself in. She was like, How? They were already
22 supposed to be in the Light Body and gone. And how can Yahweh and
23 this group be in jail? In her mind that was impossible.

24 So if they did leave the property, both in North Carolina
25 and on the farm, I guess we'll call it, yeah, they don't have a

1 spot on the other side. And I believe some people did say heaven
2 or something similar to that.

3 Q. Okay. But so Ms. Bramble turned herself in because she
4 felt that this was impossible, them being arrested?

5 A. She was very surprised. She's like, Okay, this is Yahweh,
6 the Creator of All, God, so to speak, and the group, and they are
7 supposed to go to Light Body, and now they are in jail; she thought
8 that threw her totally off. She started questioning everything.
9 Because she was still fearful that she was out there, that everyone
10 she's meeting was in fact really, I guess, bad people, demons.

11 Q. Okay. But she had been through this before in North
12 Carolina; right?

13 A. Consequences would be, yes, the same.

14 Q. And she had seen that they were evicted from the property
15 in North Carolina and the end of the world did not arrive; right?

16 A. She didn't say the end of the -- it was McCarroll, I think
17 said 10 days, and that's why she was fearful they were going to get
18 killed. She said basically you have to believe and not question
19 Yahweh, so whatever happened, don't question it. It's supposed to
20 be this, but it's kind of not, don't question it.

21 Q. You testified on direct that at least some of those people
22 from that incident in North Carolina said that they were scared
23 that Archer was going to kill them in order to get there?

24 A. I believe it was one -- I believe that was Cassandra
25 McCarroll.

1 Q. Cassandra McCarroll, okay. But she never said that Mr.
2 Archer had physically threatened her in any way?

3 A. No, just when they left he was standing by the door pretty
4 much saying: Don't do it, you can't go. And he was telling that to
5 Ramirez: You can't go, you can't leave, this is wrong. But
6 McCarroll came up, got her friend, and they did leave.

7 Q. And Ms. Bramble had either seen or knew about this;
8 correct?

9 A. Sure.

10 Q. In your interview of Ms. Ceus, you talked on direct about
11 how she stated that she did want separation between her children
12 and the children of Nashika Bramble; correct?

13 A. Yes.

14 Q. That she felt they were a bad influence on her children?

15 A. Yes.

16 Q. Did she go into more detail about what the bad influence
17 was?

18 A. Sure.

19 Q. What did she say?

20 A. She was saying bad influence, they were in then -- Archer
21 may have also said it, playing mommy and daddy with his and Ceus's
22 two little girls. They knew too much. Ashford Archer said
23 something about, I believe, possibly saw pornography, and he felt it
24 was sad and he wanted to cry for them because they knew so much,
25 so -- and then he talked about different walks of life and this is

1 kind of like how they grew up, and Madani and he kept referring to
2 it as Madani's kids, not his. It was just like he was a guardian.

3 So Madani did try to do a good job of keeping their kids
4 pure, but obviously Nashika's were not pure. And she mentioned
5 apparently touching -- potentially touching private parts, so she
6 wanted that stopped.

7 Q. And Ms. Ceus, did she specifically use the term, playing
8 doctor?

9 A. I don't recall playing doctor at all. Again, if that's in a
10 recording or something, then she did, but I don't recall that right
11 now at all.

12 Q. But you recall, I think you said, playing mommy and daddy?

13 A. Yes.

14 Q. There was some sort --

15 A. I recall mommy and daddy. Again, the recording would be
16 very specific and I would know exactly what was said.

17 Q. Okay. I can't remember if Mr. Martin asked this, but Ms.
18 Bramble, when she was told that her children are to be separated
19 and eventually not fed, does anybody force her to stay on the
20 property physically?

21 A. I don't think anybody was forced to stay, let's say
22 physically forced to stay on the property.

23 Q. Okay. She was told these tales of her soul being exposed
24 to not -- or not being able to go to the Light Body. But aside
25 from that, there were no other threats?

1 A. I mean she was told what the consequences would be, but as
2 far as threats, weapons, I'm going to -- you know, physical harm,
3 no.

4 Q. And those consequences were spiritual consequences?

5 A. Or beliefs, sure.

6 Q. And I think you said that Ms. Ceus said that eventually the
7 kids got ill; is that right?

8 A. Yeah, I believe she said the kids -- I can't remember how it
9 was put, something to the effect of it escalated, the kids got ill,
10 they remained in the car permanently, and then came death. But I'm
11 probably recalling that quote maybe wrong, but it's in the -- it's
12 in the recording of what she said, but she did indicate after that,
13 then death came, something to that effect.

14 Q. And so when she said ill, did she say when they became ill
15 specifically?

16 A. No.

17 Q. Did she list specific symptoms or just --

18 A. No.

19 Q. Just a general, They became ill?

20 A. Yes. And, you know, Bramble was saying, hey, after all this
21 lack of food and water it was affecting them, so I couldn't say if
22 that's the same time frame or not on ill.

23 Q. Did Ms. Bramble ever mention anything about her children
24 becoming ill?

25 A. I don't recall that she did, no. They became pretty much

1 affected by the lack of food and water, and then that's when they
2 were all able to move down, and nobody needed to worry about them, I
3 guess, anymore in the car, or people, you know, them running out or
4 anything.

5 Q. And Ms. Ceus also told you that Ms. Bramble had informed
6 her that she had given enough food for the week to her children?

7 A. Something to that effect. She said they brought a big bag
8 of food, and I believe I asked Madani, well -- and I think
9 everybody -- was nobody concerned, these kids are in the car? No
10 food? And I think if I recall correctly, again, the recording will
11 be the exact statement, I believe it was, yeah, she's got enough
12 food for -- or they have enough food for the week.

13 Q. These statements that people made to you regarding the end
14 of the world coming and the Light Body on the property, were any of
15 these statements coming from Mr. Archer?

16 A. No, I don't believe so. Or I don't recall that any of those
17 came from Ashford Archer.

18 Q. Okay. He basically told you that he was a spiritual person
19 that didn't follow any religion; correct?

20 A. He was very spiritual, he was there for his own
21 spirituality, and this was not a religion.

22 Q. During your interview with Mr. Archer -- back up. He was
23 the first person you interviewed; correct?

24 A. Yes, that's correct.

25 Q. How was his perception of time during your interview?

1 A. I don't recall. There's nothing that seemed remarkable
2 about it where I was thinking: Wow, he's way off.

3 Q. Was he able to give you specific dates when things
4 happened?

5 A. I don't think specific dates.

6 Q. Okay.

7 A. Like maybe time frames. I mean they were just traveling,
8 living in the car, getting money, traveling, living in the car, and
9 they came across Frederick Blair.

10 Q. And because he was the first interview and at this point
11 you didn't have any information about the events in North Carolina;
12 correct?

13 A. That's correct.

14 Q. So you didn't go back to North Carolina and talk to him
15 about that?

16 A. No. And he never brought it up, either.

17 Q. Okay. He told you where they came from before they were in
18 Colorado?

19 A. Yeah, he mentioned, I believe it was Washington state,
20 Oregon area, and then he liked Colorado. He's been here a few
21 times. And I'm not sure if it was him or someone else who mentioned
22 the three states: Utah, Colorado, Wyoming.

23 Q. And you mentioned he stated he jump-started the car and
24 changed the brakes at some point?

25 A. At some point, yeah. That's why he would have -- he offered

1 he would have, I believe he said a hand print on the car because
2 that's what he did with the car.

3 Q. Did he say when he jump-started the car specifically?

4 A. No --

5 Q. Now --

6 A. --I --

7 THE COURT: One at a time.

8 BY DEFENSE ATTORNEY SCHULTZ:

9 Q. Did he give any time frame?

10 A. No.

11 Q. And he talked about giving the two children in the Camry
12 dark molasses. Did he say when was that?

13 A. I'm not sure it was a Camry. I guess if it was. So the two
14 little girls, and that would be Nashika's little girls, he didn't
15 give a specific time frame, but I believe that would have been on
16 the property when he saw how they were walking.

17 Q. Okay. And he also mentioned that they had sickle cell?

18 A. He believed that they may have had sickle cell.

19 I did talk with Nashika about that and she said that Hanna
20 had maybe a trait, but neither of them had sickle cell at all. He
21 brought up sickle cell.

22 Q. Okay. Was it clear whether he was told this or what he was
23 actually told?

24 A. No. He brought that up and -- I don't know.

25 Q. Okay. And to your knowledge, he's not a medical doctor;

1 right?

2 A. I don't know him to be, no.

3 Q. And he didn't claim to be?

4 A. No.

5 Q. Okay. Going back to your interview with Cory Sutherland.

6 Again, he corroborated this leadership change from Mr. Archer to

7 Ms. Ceus before they arrived at the property; correct?

8 A. Yes.

9 Q. And also corroborated or told you about his time being
10 kicked off the property or being asked to leave; right?

11 A. He just said he was -- had a change of clothes. He never
12 said he was kicked off or left. He thought it was a test and he was
13 supposed to find his way back. So he was taken by Frederick Blair
14 off the property, he wasn't sure where, I think he said something to
15 the effect of where Blair dropped him off and says: Okay, find your
16 way back. And he says obviously he went the wrong way.

17 Q. And this, when he left the property, happened after a claim
18 that he made that he was the creator of -- or something to that
19 effect; correct?

20 A. Yes. So there was some, I believe it was from Nashika, he
21 stated that he was the Creator, had a vision, Madani didn't like
22 that. And I believe Ashford Archer said something to the effect of
23 he wanted his own kingdom and he was going to go out and travel and
24 do things on his own and just have his own, I guess, group or
25 entity.

1 Q. When you say Ashford Archer said he was going to do that --

2 A. Okay, that would be Cory Sutherland.

3 Q. That Cory Sutherland said he was going to go off and have
4 his --

5 A. Yeah, that -- he said that Cory was going to go find his
6 own, I guess, group or following.

7 Cory said: I just got put in the truck with Frederick
8 Blair and I got dropped off.

9 So he says: I didn't know what was going on and I thought
10 this was a test that I needed to find my way back.

11 Q. So all the people that you talked to stated that Ms. Ceus
12 was in charge of the property in Norwood; correct?

13 A. No. No. We have to eliminate Hanna Joy, Cassandra --

14 Q. I'm talking about the property in Norwood.

15 A. The people I talked with, Ashford Archer didn't say that she
16 was in charge, either.

17 Q. He said that everybody was there of their own free accord;
18 right?

19 A. I don't even think he said that. I think he said everyone
20 was there just spiritual -- he was there for his own spiritual
21 journey. Madani did say she believed everyone was there on their
22 own.

23 Q. Did you ask him who was in charge?

24 A. I don't recall if I did. But if I did, he said that was
25 their group, it was just their group. He didn't indicate that there

1 was a leader, as best I can recall. Again, if it's on the recording
2 different, then I would have to review that.

3 Q. Okay. Did anybody else tell you that Mr. Archer was in
4 charge of cooking food?

5 A. No.

6 Q. Did anybody tell you that he was in charge of obtaining
7 food for the group?

8 A. I think, and I forget who informed me, maybe it was Cory,
9 that he kind of did the herbs on the farm, so he was dealing with
10 the herbs or something growing on the farm. But as far as cooking
11 the food, no.

12 Q. Did anybody tell you that the keys were taken from the
13 Toyota Camry at any point?

14 A. I don't remember discussing any keys of the car at all with
15 anybody.

16 Q. Okay.

17 DEFENSE ATTORNEY SCHULTZ: I have nothing further.

18 THE COURT: Redirect?

19 DEPUTY DISTRICT ATTORNEY WHITING: Brief, Your Honor.

20 REDIRECT EXAMINATION

21 BY DEPUTY DISTRICT ATTORNEY WHITING:

22 Q. Good morning Agent Zamora. Two points to clarify. On
23 cross examination you acknowledge that Bramble never indicated Ms.
24 Eden or Ms. Sandalphon had physically precluded her from caring for
25 her children; is that correct?

1 A. Yes.

2 Q. When you asked Ms. Bramble about the group following Ms.
3 Ceus's directive, did she indicate that everybody did so?

4 A. Yes. Okay, what directive?

5 Q. The directive that the children not be fed.

6 A. Yes.

7 Q. The directive that the children remain in the car?

8 A. Yes.

9 Q. And you acknowledged that, interviewing Bramble, she said
10 that Ms. Ceus told her that her girls were unclean. Is that the
11 case?

12 A. Unpure, unclean, they didn't fully embrace I guess a
13 spirituality. They were -- yeah, they were not good, basically.

14 Q. Okay. Do you recall whether or not Mr. Archer confirmed
15 Ms. Ceus's position on that, or Ms. Ceus saying that?

16 A. You know, I'm not sure. I'm going to say I believe he did.
17 But again, the recording would be exact and exactly what he said,
18 but there's a possibility to that, yeah, he was concerned, saying
19 they were not good with, he said, Ceus's kids.

20 Q. Okay.

21 DEPUTY DISTRICT ATTORNEY WHITING: Thank you, nothing
22 further.

23 THE COURT: Thank you. Agent Zamora, you can stand down.

24 (DONE.)

25 THE COURT: Okay. It's about 11:30. Do we want to take a

1 break until 1:00 o'clock and have closing remarks and then I'll
2 make my determination, or are we ready now?

3 DEPUTY DISTRICT ATTORNEY RYAN: We can go now and have a
4 later lunch.

5 THE COURT: You want to press ahead?

6 DEPUTY DISTRICT ATTORNEY RYAN: Before Mr. Whiting does
7 his closing I would like to quickly brief the Court on some
8 issues that have come up during a the trial, namely a duty
9 imposed by law on this.

10 THE COURT: Come up to the podium.

11 DEPUTY DISTRICT ATTORNEY RYAN: We're done with evidence,
12 Your Honor. We rest.

13 THE COURT: Sorry, I did not ask that. Do the People have
14 any further evidence?

15 DEPUTY DISTRICT ATTORNEY RYAN: No, Your Honor.

16 THE COURT: Just to check again, Mr. Reisch, do you have
17 any witnesses you would like to call?

18 DEPUTY DISTRICT ATTORNEY RYAN: No, Your Honor.

19 DEFENSE ATTORNEY MARTIN: No, Your Honor.

20 THE COURT: Thank you. We have concluded evidence on
21 these two preliminary hearings. Mr. Ryan, if you have some
22 information, go ahead to the podium.

23 DEPUTY DISTRICT ATTORNEY RYAN: Thank you, Your Honor.

24 First, Your Honor, I would like to refer the Court to
25 18-1-502, that's the criminal liability in general statute. And

1 let me know if you want to pull that up.

2 THE COURT: I got it.

3 DEPUTY DISTRICT ATTORNEY RYAN: Okay. So basically that
4 says the minimum requirement for criminal liability is:

5 *The performance by a person of*
6 *conduct which includes a voluntary act,*
7 *or the omission to perform an act,*
8 *which he is physically capable of*
9 *performing.*

10 Then if you go to 501, that has the definition of omission
11 under paragraph seven. Let me know when you get there.

12 THE COURT: Okay. Go ahead.

13 DEPUTY DISTRICT ATTORNEY RYAN: Basically omissions means:
14 The failure to perform an act as to which a duty of performance
15 is imposed by law.

16 So I think this is what we've been hearing over the last few
17 days from the Defense.

18 So I want to refer the Court next to the child abuse
19 statute, 18-6-401, which is what Ms. Eden and Mr. Archer are
20 charged under.

21 Under 18-6-401(1)(a), there's three ways that a person can
22 commit child abuse. First, a person causes an injury to a
23 child's life or health; two, permits a child to be unreasonably
24 placed in a situation that poses a threat of injury; or, three,
25 engages in the continued pattern of conduct that results in

1 malnourishment.

2 We're not here today on the first part of that, what we're
3 here for today is number two and three. So with respect to two,
4 a person permits a child to be unreasonably placed in a situation
5 that poses a threat of injury, that's the duty here under the
6 child abuse statute. We're talking about children here and the
7 duty is permitting a child to be unreasonably placed in the
8 situation that poses a threat of injury.

9 Moving on to the third way one can commit child abuse is to
10 engage in a continued pattern of conduct resulting in the
11 malnourishment that ultimately results in the death of a child.

12 I will refer the Court to paragraph 7-1 that talks about
13 sentence enhancers for M2 child abuse. Under 7E1, it turns a
14 class two misdemeanor into a class five misdemeanor when the
15 person has previous convictions, the person is in a position of
16 trust, and they participated in a continued pattern of conduct
17 that resulted in malnourishment. So under that third
18 malnourishment way to commit child abuse, the statute
19 specifically makes it a sentence enhancer when someone is in a
20 position of trust.

21 I would also point out that under 7C, a person who knowingly
22 causes the death of a child under 12 and is also in a position of
23 trust, the statute says that becomes first degree murder. Again,
24 the statute refers to position of trust as a duty in the child
25 abuse statute.

1 I want the Court to look at the definition of position of
2 trust. 18-3-401, paragraph 3.5, basically:

3 *One in a position of trust*
4 *includes, but is not limited to, any*
5 *person who is a parent or acting in the*
6 *place of a parent, and charged with any*
7 *of the parent's rights, duties, or*
8 *responsibilities concerning a child*
9 *including a guardian or someone*
10 *otherwise responsible for the general*
11 *supervision of a child's welfare or a*
12 *person who is charged with any duty or*
13 *responsibility for the health,*
14 *education, welfare, supervision of a*
15 *child including foster care, child*
16 *care, family care, institutional care,*
17 *either independently or through*
18 *another, no matter how brief, at the*
19 *time of the unlawful act.*

20 And it doesn't take much to become a person in a position of
21 trust. There's basically case law out there that says a person
22 can become a person in a position of trust when a friend was
23 doing house repairs without the parents present and decided to
24 take the children to the hardware store with him, and then
25 assaulted one of the children in the store.

1 Basically, it doesn't take a formal arrangement to establish
2 this duty. A person can take on a position of trust without
3 entering into a formal arrangement with a parent, the government,
4 or anyone else of his own accord.

5 THE COURT: Let me backtrack a little bit. You have not
6 charged either of these as a position of trust. So why--

7 DEPUTY DISTRICT ATTORNEY RYAN: Right, we have not. The
8 sentence enhancer turning it into a -- an M1 to an F5,
9 basically that deals with causing an injury to the child other
10 than a serious -- other than death -- no, other than serious
11 bodily injury. So basically although it's a sentence enhancer,
12 it doesn't apply to the felony that we've charged, but it does
13 establish a duty. It's hard to contemplate that a duty would
14 exist under an M1 when no death occurs, but then no such duty
15 in a felony where death occurs. I'm arguing generally that the
16 sex assault statute does create a duty when one is in a
17 position of trust and malnourishment is involved.

18 THE COURT: I'm sorry, I'm still confused. You haven't
19 charged position of trust, so I don't believe that's an element
20 that you need to meet. Having read the statute and some case
21 law that talks about it, and I can talk about that more later,
22 but were you arguing that I need to find that today?

23 DEPUTY DISTRICT ATTORNEY RYAN: No, I'm not arguing that
24 you need to find that -- what I'm arguing is that in this case
25 a duty did exist.

1 THE COURT: Okay. And --

2 DEPUTY DISTRICT ATTORNEY RYAN: And that duty was
3 two-fold; one, the duty was permitting the child to be
4 unreasonably placed in a situation that posed a threat to the
5 child, and then the duty was to engage in a continued pattern
6 of conduct that resulted in malnourishment.

7 And I'm -- you know, in Mr. Whiting's argument, I'll let him
8 argue the case, but basically this was a communal group that had
9 been traveling around the country for two years. They all had a
10 duty with these -- with respect to these two requirements.

11 THE COURT: Okay. Thank you.

12 DEPUTY DISTRICT ATTORNEY RYAN: Thanks.

13 THE COURT: Mr. Whiting, when you're ready.

14 DEPUTY DISTRICT ATTORNEY WHITING: Thank you, Your
15 Honor.

16 Good morning. Thank you.

17 To start I'm well aware that the Court is pretty versed in
18 the rules of a procedural preliminary hearing particularly with
19 regard to burdens and with regards to presumption, so I'll just
20 reiterate for the record that the light, the evidence at
21 preliminary hearing is viewed in the light most favorable to the
22 People and that presumption carries with regard to credibility of
23 witnesses, it carries with regard to favoring conflicting
24 testimony, and with regards to simply a review of the evidence,
25 even in terms of mens rea, and in terms of the credibility --

1 well, I already mentioned the credibility of witnesses. And for
2 certain things, that presumption very easily establishes certain
3 elements that the People have to demonstrate for today's
4 purposes, such as River Young's testimony that he believed the
5 meeting at Eagle's Nest occurred in May, specifically May 24, and
6 as charged by the People the period of this crime taking place by
7 Mr. Archer and Ms. Sandalphon is from May 24 to September 8.
8 Those are relevant dates.

9 The defendants were, for purposes of today's hearing and
10 yesterday's hearing, positively identified both by Sheriff
11 Masters as well as -- I can't remember the other witness. Sorry.
12 Mr. Zamora. -- as Ashford Archer a/k/a Nathaniel a/k/a Nathania
13 a/k/a Nichetu, and Karah Sandalphon a/k/a Ika Eden. The events
14 occurred in San Miguel, Colorado; the relevant charges are two
15 counts of child abuse causing death for each Defendant as well as
16 accessory to a crime by Mr. Archer; and that the site of events
17 took place at Y43 Road in Norwood, Colorado.

18 After hearing testimony here, the obvious legal theory that
19 emerges is that really it took a village to lead to the deaths of
20 these two children. That this was a group that had coalesced in
21 2014 or 15, had left North Carolina as a group on a spiritual
22 journey, that had met with Mr. Blair sometime earlier this year
23 and -- in May, late May, and had proceeded to his property as
24 some sort of encampment or spiritual retreat, and while at the
25 encampment there was a period of time wherein each individual in

1 that group, specifically the two defendants before the Court
2 today, permitted two children, Ms. Bramble's children, to die.

3 And for Mr. Archer, the theory is fairly obvious. Mr. Ryan
4 talked about three different ways that child abuse causing death
5 could be committed. We're not proceeding on a theory that this
6 resulted from injury. In the case of Mr. Archer, it's clear that
7 he permitted these children to be placed unreasonably in a
8 situation that ultimately led to their death, and that he did so
9 knowingly and recklessly.

10 For Ms. Sandalphon, given various testimony, it's either
11 that she permitted these children to be placed unreasonably in a
12 situation that ultimately led to their death or that she engaged
13 in a repeated pattern that led to malnourishment and ultimately
14 death. And that has to do with testimony that she was
15 responsible. This is from Cory as well as Ms. Bramble that she
16 was at least partially responsible for nourishing those children
17 with regards to water and with regards to the increase; right?
18 So providing food for the group. Food that ultimately was not
19 provided to those children.

20 Elements of child abuse causing death:

21 *That the Defendant, in the*
22 *state of Colorado, at or about the*
23 *dates and places charged, knowingly,*
24 *recklessly permitted a child to be*
25 *unreasonably placed in a situation that*

1 *posed a threat of injury to the child's*
2 *life or health or engaged in a*
3 *continued pattern of conduct that*
4 *resulted in malnourishment, lack of*
5 *proper medical care, cruel punishment,*
6 *mistreatment, or accumulation of*
7 *injuries and ultimately resulted in the*
8 *death of the child.*

9 Regarding the death of the children, the People would
10 reference People's Exhibits 22 through 28 as clearly evidencing
11 two dead bodies in a car, a silver Camry, at Y43 Road in Norwood,
12 Colorado. The death of those children and the biology of those
13 children was confirmed by Dr. Benziger yesterday, that those
14 victims are Hanna Marshall and Makayla Roberts, and confirmed by
15 Ms. Bramble and Mr. Blair and other witnesses on scene. The
16 probable cause of death being malnourishment and hyperthermia.
17 Death resulted from them being at that property in that car from
18 acts or omissions of acts on the parts of the group of people who
19 were out there, including Mr. Archer and Ms. Sandalphon.

20 So the question remains knowingly or recklessly, and that
21 fourth element, permission, or omission, or repeated pattern of
22 abuse. Did Mr. Archer act knowingly or recklessly in permitting
23 this situation? Mr. Archer clearly ignored these children unfed
24 in a car for a period of weeks, possibly months. At the very
25 least, from the full moon to the eclipse nothing was done with

1 regard to watering or feeding. He knew they were there. He had
2 known them since 2014. He had known them since Ms. Bramble
3 moved to his house with him and burned all of her belongings, at
4 his behest, when he had been speaking to her on the phone about
5 his spirituality, when they had been discussing her potential
6 move from Florida. She did so. She had moved there for the
7 purpose of engaging in a spiritual journey with the group that he
8 was, at that time, the leader of, or at least the spiritual
9 leader of. And this was according to Ms. McCarroll, Ms. Bramble,
10 Ms. Ramirez, Mr. Sutherland, and Mr. Archer himself, who said: I
11 had known them from speaking on the phone for a couple of years.
12 This is according to Agent Zamora. And he knew they weren't
13 being fed. It was clear to the group, according to Mr. Archer
14 himself, as well as Ms. Bramble, Mr. Blair, and Ms. Ceus.

15 Further, he had access to the vehicle in question. He
16 admitted when he jumped it several times that his DNA would be on
17 the car, that he had been there when the car was being tarped.
18 This was confirmed by Mr. Blair's information given to Sheriff
19 Masters, that he had siphoned gas and this upset Ceus.

20 We know that Madani Ceus had ordained that they not be
21 helped. Or at least the evidence shows that for purposes of this
22 hearing. And that this applied to everybody concerned. Mr.
23 Blair indicated that multiple times within interviews. Ms.
24 Bramble also indicated that. And this was an attempt or
25 furtherance of their ultimate journey to what was repeatedly

1 referred to as the Light Body.

2 And we have multiple points of information that Mr. Archer
3 was acting in concert with Ms. Ceus. One, that he conceded when
4 she decided that she, according to Ms. Bramble, had become the
5 leader. According to Mr. Blair, there's indication that Madani
6 Ceus had adopted both the male and female forms of leadership of
7 the group: Amma and Abba. And Mr. Archer acts multiple times in
8 a way that confirms this, in denying he's the biological father
9 of the children and that he's more of a guardian. But it's been
10 demonstrated that he is in fact the father of those children.
11 And according to Mr. Blair it appears to be that way. And
12 everyone in North Carolina understood that as well. So this
13 really acts to confirm that he was acting according to the
14 spirituality of both himself and Ms. Ceus.

15 He repeatedly indicated in his interview that he wanted to
16 mind his business, that this was a test. This specific situation
17 was a test -- well, the situation on the farm, specifically
18 including the two girls being in the car, which he noted were
19 walking funny and he acknowledged that he had tried to nourish
20 them at one point with molasses. So he knew that this was
21 occurring, and he considered it a test not to get involved with
22 it despite hearing that they were dying, despite hearing they
23 weren't doing well, despite noting that they weren't doing well.
24 Repeating throughout his interview that he was there to mind his
25 own business.

1 And, finally, we have the understanding of the potential
2 consequences of rendering that assistance. And this was
3 testified to by Mr. Blair and Ms. Bramble. Mr. Blair indicating
4 that to contradict Madani Ceus risked her wrath. And he actually
5 mentioned and specifically noted Mr. Archer when he said that,
6 and this had to do with siphoning of gas in the car, that she
7 became angry.

8 Ms. Bramble further noted this when talking about
9 abomination. The potential for abomination remaining with the
10 world as the rest of the group entered Light Body. So within the
11 context of the group's spirituality.

12 Okay. So the understanding was that to disobey these edicts
13 or to render assistance to these children risked consequences
14 that, at least according to Ms. Bramble, and the rest of the
15 group, from her understanding, as well as Mr. Blair, would be
16 very, very bad; would involve potentially not engaging in a
17 spiritual transference to a non-physical being; right?

18 Bramble indicated this when she talked about her
19 understanding of what was supposed to happen to her when she was
20 sent to abomination. That idea that she was supposed to either die
21 or leave. Like the dog, like the girls.

22 And the fact is this had already been demonstrated to the
23 group by Ms. Ceus when she had a falling-out with Cory. Multiple
24 witnesses telling multiple investigators there had been a falling
25 out when he asserted his own authority, or his own spiritual

1 authority, that she had ordained that he was to leave. Mr. Blair
2 confirmed that he actually gave him a ride off the property. This
3 was because of a falling-out that he was sent to abomination and
4 had to leave the group. So by the time those children were sent to
5 abomination by Ceus the potential consequences had been
6 demonstrated: You die or you leave.

7 And we're not talking about Cory or Ms. Bramble, both of
8 whom are fully functioning adults, and it was remarked on by both
9 defense counsel and investigators multiple times, had the capacity
10 for free will. This is a ten-year-old girl, a seven-year-old girl.
11 These are people who don't presumptively have the option to, of
12 their own free will, simply leave the care of a group that had been
13 considered their family, according to Mr. Archer, for the last two
14 or three years, who had been responsible for providing for them.

15 So, really, this -- they knowingly engaged in this behavior
16 and permitting this -- the children to be placed in a situation in
17 the car with the purpose of essentially meeting the requirements of
18 their spirituality. That's at least what has been told to
19 investigators multiple times by multiple witnesses in this case.

20 And that leads to the fourth element: Unreasonably
21 permitting a child to be placed in a situation that poses a threat
22 of injury to the child's life or health. This particular case
23 being placed in a car and not fed or provided with water for a long
24 period of time. Is that reasonable? Is it reasonable to permit
25 these children not to be fed or watered when you have demonstrated

1 the capacity to do so? Mr. Archer, when he acknowledged that he
2 had provided them molasses when they were unsteady; multiple
3 witnesses indicating that Ms. Sandalphon was a caregiver for the
4 children. Is it reasonable to withhold that for the purposes of
5 becoming a non-physical being and entering Light Body? That's
6 absolutely the question before the Court with regards to
7 reasonability. Does their understanding of their spirituality
8 permit them to allow two children to die? Is that a reasonable
9 belief system? For starters. And is that relationship reasonable?

10 And Mr. Ryan talked about a duty with regards to that and,
11 again, because these were children who had been incorporated into
12 this group since North Carolina, according to Ms. Bramble while
13 they traveled through 38 different states, who had been provided
14 for by both Ms. Bramble as well as Ms. Ceus, according to herself,
15 by cooking, as well as Ms. Sandalphon as caregiver and Mr. Archer
16 himself on at least one occasion, who had been with the children
17 within this group for multiple years.

18 The reasonability element matters in this crime because
19 it's probably reasonable that I don't sell my possessions and send
20 proceeds to the south Sudan to assist children who are probably
21 malnourished there. It pains me to say it, but that's a reasonable
22 permission on my part. In this particular case, what we're talking
23 about is two children who are incorporated into this group, who are
24 identified as having spiritual value in this group, whether or not
25 Ms. Ceus, according to multiple witnesses, thought it was positive

1 value or not. But their well-being was determined by decisions
2 that occurred within this group, specific instances; right?

3 On the part of Mr. Archer, he was the original leader of
4 this group, even knew Bramble and the kids since 2015. He traveled
5 with them, he had them burn their possessions when they arrived at
6 his house in North Carolina. Ms. Bramble confirmed this, Hanna Joy
7 confirmed this, Ms. Cassandra McCarroll confirmed this, Maria
8 Ramirez confirmed it. For Blair, this is part of the leadership
9 in the group up to the point that Sutherland was banished. At which
10 point the leadership structure of the group changed. Mr. Archer
11 had a say in the well-being of these children.

12 Also, I think it's very telling and concerning to review
13 the story of how Mr. Blair discovered the fourth child, Hanna.
14 Because his recollection of those events was that he overheard a
15 conversation not between Ms. Bramble and Ms. Sandalphon, but
16 between Mr. Archer and Ms. Ceus. That's very telling. Because
17 after he asked them if there was a fourth child, a second Pink,
18 again, the indication is that Mr. Archer had a private conversation
19 with Ms. Ceus before they determined whether or not to tell him
20 about the fourth kid.

21 This demonstrates a very clear, directed voice within the
22 group dynamics, a say in the well-being of those children, and
23 their relationship to the rest of the group despite repeatedly
24 telling investigators in his interview that he didn't want to get
25 involved, indicating that this was his greatest test not being

1 involved in this particular situation.

2 According to Blair, the last time the girls received food
3 was July 20th. Confirmed by Madani Ceus potentially that he had
4 visited a food bank, confirmed this was around the time that she
5 ordained that they were not to be fed or watered, confirmed by Ms.
6 Bramble that the entire group followed this edict, as well as Mr.
7 Blair, and confirmed that the girls remained in the car when the
8 group moved to the field. When they moved to People's One, the
9 areas marked with symbols one, two, and three, so the northern part
10 of the property, the prairie dog field, that the two girls remained
11 hundreds of yards away; that they didn't feed or water them,
12 despite the fact that they were returning to that area, the kitchen
13 area, number seven, to retrieve supplies, cooking utensils, and to
14 retrieve the amount of -- the number of pounds of food that they
15 had on that property found in two locations: In the area of the
16 kitchen, the 10X10 shack, number five, People's One, as well as in
17 the 8X8 shack, and under the vehicles that they were living in.
18 165 total pounds of food.

19 Mr. Reisch noted yesterday on cross examination that
20 Bramble left the property of her own free will. And Bill Masters
21 confirmed it. And it's been repeatedly confirmed by both defense
22 counsels, both defense counselors -- sorry -- that there were no
23 physical restraints placed on the parties there. So this evidences
24 the fact that they were capable -- as Bill Masters asserted, they
25 were all capable on that property of feeding those children.

1 Particularly once they were aware that there was a danger of death.
2 They were all capable of not permitting this to occur.

3 So, really, the conclusion is one of two things: One, that
4 Blair and Bramble and McCarroll and Ramirez and Sylvia Henry are
5 all to be believed; that this group believed both in the
6 spirituality and the leadership structure of the group; that
7 Bramble was in control. I'm sorry, that Ceus was in control. And
8 that the group was following her edicts when they didn't feed those
9 children, which they had done so previously. Confirmed by
10 independent witnesses like the Murphys, who said: When they came
11 on to our property and we were helping them with tires, everybody
12 followed what the big lady had to say and she was clearly in
13 charge. So that's one option.

14 That they did this, they permitted this to occur, and in
15 this particular case, in line of argument, Mr. Archer permitted
16 this to occur because he believed. He believed that his soul was
17 at risk, and he believed that it would be more at risk if he didn't
18 do what Ms. Ceus said. Or the other option, that they weren't true
19 believers, as Mr. Archer said; that there wasn't any specific edict
20 not to feed the children. In which case, the explanation is much
21 more simple. That this was a group of people who traveled together
22 for multiple years; that he had previously assisted with the car
23 that they were in; that he had previously nourished them and then
24 he stopped doing it. And not because he had been ordered to do so,
25 but because he didn't feel like it.

1 The same case for Ms. Sandalphon. She ignored the children
2 unfed in that car for a period of weeks or months. She had known
3 them since 2014 when she had arrived at the North Carolina house
4 after encouraging Ms. Bramble to get involved with this group. And
5 according to Mr. Archer and Ms. Bramble and Mr. Blair and Ms. Ceus,
6 she knew they weren't a being fed.

7 Ms. Ceus admitted that she had been cooking for them and
8 that she stopped, and that at meal times she was feeding Nathan and
9 her children, or Ashford and her children.

10 Ms. Sandalphon as well had access to the car. It was her
11 car. I'll reference People's 20, that she at one point bought
12 insurance for the car. And the testimony provided to Agent Zamora
13 by Cory Sutherland, who indicated it was her car as well as his.
14 She repeatedly brought water to the car, according to Mr. Blair,
15 and the keys were in the ignition. That goes for both Mr. Archer
16 and Ms. Sandalphon. The keys were in the car. It was not
17 difficult to get in. She had driven it across the country with the
18 two children in there with her, without their mother. And that
19 speaks again to the duty that Mr. Ryan spoke about. So with
20 regards to whether or not she was acting knowingly or recklessly,
21 she clearly understood what was occurring. And she clearly
22 understood the risks regarding that, because as Mr. Schultz pointed
23 out on cross examination, there had been a period where they had
24 been without food. People left the group because of it when they
25 were in North Carolina.

1 If Ms. Bramble is to be believed, she had the same
2 reasoning for no longer assisting with the care of these kids, that
3 she wanted to go into Light Body. So she had at least a motive,
4 reasonable or not. That she wanted to follow the edicts of Ms.
5 Ceus, Madani Ceus, who had thrown Cory out and demonstrated the
6 potential consequences of not following those directives. She had
7 participated in the increase for years and she would have very
8 presumably been aware that Ms. Ceus indicated that food gathered
9 from the increase and supplies gathered from the increase were no
10 longer to be provided to the kids. Ms. Bramble herself said that
11 that was described to the entire group and that the entire group
12 followed those orders. Mr. Blair reiterated that as well. Mr.
13 Blair also said she struggled with that because she had been a
14 caregiver, according to both him and Ms. Bramble and
15 Mr. Sutherland, and not just for Mr. Archer's children, but for Ms.
16 Bramble's children. Blair said to Sheriff Masters that she
17 struggled with this, particularly when the girls were calling her
18 name out in the car, and she continued not to provide them with
19 provisions or with water or food, that she permitted them to remain
20 in that car. It is not necessary to demonstrate that she
21 physically restrained the children in the car, particularly when
22 you're talking about children this young, who already had a history
23 of relying on her, of relying on the entire group. And it's not
24 necessary to demonstrate that the group was following Bramble's
25 lead in not providing them with food. Or Ceus's. That speaks to

1 her motive, her understanding of why she wasn't doing it, because
2 at the end she would become a non-physical being in a Light Body.

3 With regards to permitting this to occur, the same question
4 of reasonability comes with regards to Ms. Sandalphon. Before I
5 mention that, actually, on cross examination Dr. Benziger was asked
6 about natural causes. His assumed cause of death and probable
7 cause of death is malnourishment and hyperthermia. That speaks to
8 that element because that is knowingly or recklessly a natural
9 result of not feeding or providing water to somebody in a hot car
10 in the middle of the summer. That is natural causes that are
11 inflicted upon these victims. It is a natural result of not
12 providing them with those supplies that they would die. And that
13 speaks to that mental element.

14 With regards to affirmative evidence that Ms. Sandalphon
15 permitted the children to be unreasonably placed in a situation
16 that posed a threat of injury to the child's life or health and did
17 ultimately result in their death, again, Mr. Blair indicated the
18 last time the girls received food was July 20th, that she had
19 caregiving duties bathing them, feeding them, water provision,
20 according to Ms. Bramble and Mr. Blair, and she was at one point
21 responsible for bringing water to the car, and she struggled with
22 not doing that after she was told not to.

23 She was one of the two parties tasked with repeatedly
24 getting food from the hut, number seven, or the -- or, sorry,
25 number five, the 10X10 shack, wherein multiple pounds of rice,

1 oats, grains, and other food supplies were found during the period
2 of lockdown. During that time she was one of only two people,
3 according to Mr. Blair, and I believe Ms. Bramble, as well, who
4 were permitted to leave the area of one, two, and three on People's
5 One, and approach the area of the kitchen via the pathway and pass
6 by the car, see how the girls were doing, understand the condition
7 that they were in. Repeatedly, she was provided that opportunity
8 and continued not to do anything about it. She stopped providing
9 them with food from the increase, per Madani's orders. This would
10 have occurred the beginning of August, according to Mr. Blair.
11 This was one of her duties, according to both Blair and Bramble.
12 Continued to follow their orders when multiple witnesses indicated
13 that the girls started calling her name out, as well as Ms.
14 Bramble's. That's according to Ms. Bramble and also Mr. Blair.

15 The similar argument exists for Ms. Sandalphon, that
16 there's no reasonability to allow those girls to die as a natural
17 consequence of not feeding them or not providing them water and
18 telling them to remain in the car. That's not a reasonable
19 permission in the context of essentially an afterlife of some kind.
20 It isn't reasonable to trade the possibility of your soul
21 transferring into Light Body in exchange for the lives of two
22 children. I know that sounds emotional, but for purposes of the
23 elements today that is the presumption that exists on behalf of the
24 People.

25 As far as anything further, there's obviously the accessory

1 to crime, the charge against Mr. Archer in favor of conflicting
2 testimony, and there is Mr. Blair's testimony, as well as Ms.
3 Bramble's, that he had assisted in the tarping of the car and that,
4 according to Blair, had resulted from family council, the decision
5 to tarp the car.

6 And the tarping of the car was very clearly meant for a
7 couple of different reasons, to stop anybody, particularly law
8 enforcement, from discovering it. For one there's Exhibit 20. 21
9 is the policy. There's Exhibit 20, People's 20. The car was taped
10 at the seams, and as Deputy Covault noted, you couldn't smell the
11 decomposition until you got close to the car.

12 Now, that isn't the testimony of Mr. Blair when he started
13 talking about the smell of decomposition prior to tarping the car.
14 It wasn't meant to tape that tarp down. That tape was put there
15 for purposes of not only obscuring vision, but obscuring the smell
16 emanating from that car.

17 And ultimately, the strongest evidence of Mr. Archer's
18 participation in accessory to a crime, that he, with intent to
19 hinder, delay, or prevent the discovery of a crime, rendered
20 assistance to another person. It worked. Per Deputy Covault, per
21 Mr. Blair, and I believe per Mr. Archer, the car was tarped when
22 Deputy Covault went on scene to talk to everybody. He didn't smell
23 what was going on and he didn't see the two bodies in there, and by
24 his admission, he didn't come any closer to 20 to 30 yards to the
25 car, but he failed to detect that.

1 And Deputy Covault indicated that he encountered Mr. Archer
2 on that day. Mr. Archer had pointed towards the 8X8 hut, number
3 one, People's One, when he asked where Mr. Blair was. He didn't
4 mention that there were two dead children in the car. He didn't
5 say anything. The opportunity arose for law enforcement to
6 discover this crime, concealment of the death of two children, and
7 he didn't take them up on it. His culpability for accessory to
8 crime, his intent to cover up the deaths as evidenced by the fact
9 that Deputy Covault was on the property and he wasn't told about
10 the two dead children in the car and he didn't see or smell them,
11 despite Mr. Blair's testimony that it did smell strongly; and after
12 that, after it was tarped and the seams were taped that it didn't
13 smell very strongly.

14 I would like one moment, please.

15 (Conferring off the record.)

16 I'm reminded that Mr. Archer confirmed that the tarping of
17 the car was the result of a dream that he indicated that Mr. Blair
18 had that law enforcement would be visiting the property. And
19 that's the final bit of evidence I'll reference with regard to the
20 accessory to a crime charge.

21 Thank you.

22 THE COURT: Mr. Reisch, before you stand up, it's noon.
23 We have quite a few people here. I think we need to take a
24 break for lunch and we'll come back and do your closing remarks
25 and then I'll make my ruling. We'll go off the record, let's

1 do until 1:00 p.m.

2 DEFENSE ATTORNEY REISCH: Thank you.

3 (LUNCH BREAK TAKEN.)

4 THE COURT: Back on the record in case number 17CR28 and
5 17CR30.

6 Mr. Reisch, whenever you're ready, go ahead.

7 DEFENSE ATTORNEY REISCH: Thank you, Your Honor. And I'll
8 try to cut straight to the chase.

9 I'm familiar, as the Court is, I know, with the very low
10 legal standard that the People have to get by today. And I
11 understand that the Court needs to view the evidence in the light
12 most favorable to the Prosecution and drawing all inferences in
13 their favor, and the Court still can make legal determinations as
14 it relates to whether the evidence is sufficient for the legal
15 charging that's been brought forth here today.

16 In this particular case, Mr. Archer is charged with two
17 counts of child abuse resulting in death under the knowing and/or
18 reckless standard. One count for Ms. Hanna Marshall and another
19 for Makayla Roberts. And they have charged, they being the
20 Prosecution, has charged Mr. Archer as a principal, not as some
21 sort of complicitor or accessory, but as a principal. They have
22 to prove that the Defendant, not someone who looked like him or
23 using his identify, but him, in the state of Colorado, on or
24 about the date and place charged, knowingly, recklessly caused
25 injury to a child's life or health or permitted the child to be

1 unreasonably placed in a situation that posed a threat of injury
2 to the child's life or health, or engaged in a continued pattern
3 of conduct that resulted in malnourishment, lack of proper
4 medical care, cruel punishment, mistreatment, or accumulation of
5 injuries that ultimately resulted in the death of these two
6 children.

7 Your Honor, first of all, I think it's pretty straight
8 forward. Dr. Benziger cannot determine a cause of death. He
9 can't come up with something. He says: Well, we have some
10 testimony from Mr. Blair who says the children were not provided
11 food or water, but that's it. He cannot prove within a
12 reasonable degree of scientific certainty that's what took place.
13 It's not, Well, we talked to this guy who's a co-defendant that
14 could be trying to really cover for himself and give himself in a
15 better position, he needs scientific evidence. And they have to
16 prove that Mr. Archer did it, Your Honor, and they -- even with
17 the evidence that's presented here, they can't do that.

18 And let's get to the real issue, Your Honor. Duty. Now, I
19 understand that my position is the People have charged it as a
20 principal. They are saying that: You did something or you
21 failed to do something that you were supposed to do. The People
22 didn't charge under a position of trust. If they did, this would
23 be an F1, and it's a completely different ballgame relating to
24 various proof evident presumption great issues for bonds and
25 things of that nature. But they made a conscious decision not to

1 do that.

2 So then the issue becomes: What is the legal duty of
3 somebody who is around a child? And the evidence would suggest
4 that Mr. Archer was in basically his camp at the top of the
5 property, and farther down, in the central area, is where the
6 others primarily resided. And I know that the Court, from some
7 of the comments prior to the People's argument, didn't seem too
8 concerned about the duty, and I'm sure the Court is familiar with
9 the Pepnada (spelled phonetically) case, which is 40 P.3d, 60,
10 2001, Court of Appeals case, and in that particular case the
11 Defense challenged the constitutionality of it saying, You can't
12 impose a duty on everybody, because that would be overly broad,
13 and how would we know if you will be responsible for that?

14 And this case is clearly distinguishable from Pepnada
15 because in that case the mother was aware that the father was
16 literally beating the child, saw it take place. At one point
17 there were police saying they saw the mother watching as the
18 father chased the child down the street with a belt. So I think
19 it's completely distinguishable because they said it wasn't
20 constitutionally as applied in that particular situation, and
21 they basically chose not to discuss the greater issue of where
22 does the duty start and stop.

23 Our position is, Your Honor, if you want to impose -- or the
24 People want to impose a duty on Mr. Archer, who was not the
25 father of the children, was not a legal guardian of the children,

1 was not in some sort of contractual relationship to take care of
2 these children. The evidence is that these people traveled
3 together on a spiritual quest, whatever that may be. They
4 traveled the country.

5 I would ask the Court to take judicial notice of Mr.
6 Archer's criminal history from presentence investigation matters.
7 He has no criminal history. If the Court takes judicial notice
8 and look at the other individuals' criminal histories, none of
9 them have criminal histories. It's not like they are out running
10 some side hustle to get people to support them traveling. They
11 travel where they go. They move freely. They do what they do
12 for this spirituality. They are not harming anybody. They are
13 not asking anything of anybody. And that, in and of itself, as
14 the Court knows, a mere presence at the scene of a crime or a
15 crime has taken place does not, in and of itself, make it
16 criminal. You still have to know that something is going to take
17 place. And there's no evidence that Mr. Archer knew that
18 something was taking place or was going to take place or
19 participated in any way. His statement to the detectives early
20 on was: This not my children, okay?

21 There's talk that these children were, for lack of a better
22 term, trying to explore, play house, play doctor, whatever the
23 exact terminology was, and Madani Ceus said: You know what, I
24 think it would be better if my kids weren't around your kids.

25 What Ms. Bramble did, or chose to do, she's got problems.

1 Those are her children. She has real problems, Your Honor. But
2 Mr. Archer should not.

3 So is there a duty imposed? Our position is legally the
4 Court can find that there is not a legal duty of Mr. Archer based
5 upon the evidence presented.

6 I think the Penada case is distinguishable under the
7 circumstances because there, the person, the mother, had her
8 child -- it was her child, in this instance, but in this
9 particular case it is not.

10 Now, if the Court does think that there's some duty, perhaps
11 that of the -- what would a reasonable person do, then I think
12 the Court should reject binding over the two counts of child
13 abuse under knowingly and should only proceed on under a child
14 abuse criminally negligent because that would be that of a
15 reasonable person standard: What would a reasonable person have
16 done.

17 And the scary thing, and this is a slippery slope that
18 begins in this situation, is that if the Court says, You have a
19 duty to someone who's not your child to -- that you're not caring
20 for, that you don't have an obligation to do, you haven't
21 consented to do that, we have real problems.

22 And someone who has real problems under that example would
23 be Deputy Covault. He was up there taking covert pictures
24 because why? He thought in his gut that something wasn't right.
25 Well, he's an officer. Why didn't he further investigate? Why

1 didn't he call Social Services? Why didn't he do something?
2 Under what the People are asking, Your Honor, Deputy Covault had
3 just as great a duty as they're trying to impose on Mr. Archer.

4 So it's very problematic. And our position is that the
5 Court should not bind these over as to these particular counts
6 because there was no legal duty.

7 As it relates to accessory, there's nothing to indicate that
8 Mr. Archer did anything to say that it was his intent to cause a
9 delay, a hindrance, a destruction of evidence. If you want to
10 believe the testimony from Mr. Blair, he's the one that
11 supposedly had a dream or a vision that he thought the police
12 were coming, and that it was -- Mr. Blair's intent was to cover
13 that up. Mr. Archer, apparently from Mr. Blair, was the one who
14 asked him to hold the tarp, or something of that nature. At
15 best.

16 And so, Your Honor, I understand the very low legal standard
17 in this particular case, and I get that, but the Court can take
18 into consideration the quantity and quality of evidence.

19 And 98 percent of what was presented in this preliminary
20 hearing over the last day and a half is not going to be
21 permissible at trial. It's all hearsay. Multiple layers of
22 hearsay. And what one person is going to say that somebody else
23 told them, who they heard from somebody else, is simply not going
24 to be permissible at trial, and I think the Court can take that
25 into consideration while looking at the quality of the evidence

1 here.

2 So we're looking for the Court not to bind it over to Count
3 One and Two, but only to criminal negligence standard.

4 Thank you.

5 THE COURT: Thank you. Mr. Martin.

6 DEFENSE ATTORNEY MARTIN: Your Honor, regarding Count
7 One and Count Two, Ms. Eden is charged under C.R.S.
8 18-6-401-(1)(a) subsection (7)(a)(1), the allegations set forth
9 by the People indicating that -- or alleging that my client
10 placed Hanna Marshall and Makayla Roberts, unreasonably placed
11 them in a situation that posed a threat of injury to life or
12 health of a child, and that, second, that my client engaged in
13 a continued pattern of conduct that resulted in malnourishment,
14 lack of proper medical care, cruel punishment, mistreatment, or
15 injuries that resulted in their deaths.

16 The reality of the situation is that my client did not have
17 a duty to either one of these children. And Mr. Reisch is
18 absolutely correct.

19 And, frankly, throughout the course of this particular
20 proceeding when I was cross examining witnesses presented by the
21 People, I anticipated this argument from the People and I
22 inquired about an obligation or duty and I was precluded from
23 asking those questions. The People objected on multiple
24 occasions from allowing me to even explore that issue concerning
25 both children and my client's actions or inactions while at the

1 property in Norwood, Colorado.

2 The reality of the situation is that she did not have a duty
3 to either of these children. However immoral or offensive one
4 might find an individual's lack of attention to a child or
5 another human being who may need assistance or wants assistance,
6 there's no obligation to do it.

7 My client -- and there's been significant testimony, and Mr.
8 Reisch is also correct that there are multiple layers of hearsay,
9 but the reality of the situation is that for a period of time my
10 client provided assistance to these two children and the children
11 of Mr. Archer and Ms. Ceus. Well, she did. But she was not
12 contractually bound to do that. She's not a legal guardian of
13 any of the children, the two that are alive and the two that are
14 deceased. And furthermore, she's not the biological parent of
15 either of these children. And so the reality of the situation is
16 that if she elects to no longer provide care for one or two
17 children that are not her own, she has no obligation to do so,
18 she doesn't have to. And the person who should be, and who does,
19 is Ms. Bramble.

20 There is no testimony, hearsay or otherwise, that would
21 indicate that Ms. Bramble wasn't aware of her children's
22 situation throughout the entire course of events ultimately
23 resulting in their death. Ms. Bramble was present. There's been
24 testimony that she also assisted in providing food and water to
25 her children, and she had every ability to do so after Ms. Eden

1 allegedly stopped, because Ms. Eden didn't have to do it. And
2 she can't be held to that standard simply because at some point
3 in time she elected to provide care for one or more children. It
4 just, it's a threshold that is inappropriate to apply under these
5 circumstances. And Mr. Reisch is correct, and the case is dead
6 on. It's very distinguishable from this particular circumstance.

7 Obviously no one takes pleasure in two children passing away
8 allegedly due to dehydration and/or malnourishment, but the
9 simple fact is that Ms. Eden didn't cause it. And it wasn't her
10 duty to care for the children. And so under the circumstances,
11 these counts should not be bound over to the district court.

12 Mr. Reisch is also correct indicating that the
13 reasonableness standard should apply. And then you're looking at
14 a negligence issue which is different than what we're dealing
15 with in Count One and Count Two that have been alleged by the
16 People and brought forth for purposes of this particular
17 proceeding as well.

18 Additionally, Mr. Reisch also makes another good point, Dr.
19 Benziger, who, quite frankly, is a qualified forensic
20 pathologist. We have no known cause of death for either of these
21 children. We don't know when they died. There was testimony
22 from Dr. Benziger that it could have happened months prior, not
23 just weeks prior, to the children being located on the property
24 inside the vehicle.

25 Furthermore, my client had no involvement whatsoever in any

1 type of purported inappropriate or illegal activity to conceal
2 the whereabouts of these children or their bodies after they
3 passed away. All my client did, which has been testified to by
4 the witnesses, based upon statements by other individuals and
5 codefendants primarily, was that she was a servant to this group,
6 served primarily at the direction of Madani Ceus to care
7 primarily for her children, frankly, which I think is
8 well-established.

9 And in addition to that, there is no -- there's been
10 testimony that she was compassionate and did care about other
11 individuals in this group, but once again, a heightened level of
12 compassion for a group of individuals who are loosely knit
13 together, because obviously people were coming and going out of
14 this group for two, two-and-a-half, three years. That does not
15 create an obligation on the part of any of these members who does
16 not have a legal or biological relationship or contractual
17 relationship with another individual to care for the children in
18 the group. It just doesn't exist.

19 And I recognize that that sounds callous and that it may
20 offend people, but the simple fact is, the law doesn't require
21 it. So under the circumstances Count One and Count Two should be
22 dismissed.

23 And that is it.

24 THE COURT: Thank you.

25 All right. We're here under Colorado Rule of Criminal

1 Procedure (7)(a)(1). There's been an information filed directly
2 into the district court, and so that is the rule under which
3 we're proceeding with regard to the preliminary hearing. The
4 standard is the same under Rule 5, but the issue is whether or
5 not these matters should be set for an arraignment following
6 preliminary hearing and whether there is probable cause to
7 believe that the offense charged in the information has been
8 committed by the Defendant.

9 Both of these Defendants have been charged in the same
10 complaint and information, and as we've indicated before, Mr.
11 Archer has been charged with three counts, two counts of child
12 abuse resulting in death and one charge of accessory to a crime;
13 Ms. Eden, known as Ms. Sandalphon, has been charged with two
14 counts of child abuse resulting in death, each count naming a
15 different victim.

16 In determining whether evidence is sufficient to bind the
17 Defendant over for trial, the trial court must view the evidence
18 in the light most favorable to the Prosecution, and proof
19 necessary to support a conviction is not required. The sole
20 issue at a preliminary hearing is whether evidence has been
21 produced that establishes probable cause that the Defendant
22 committed the crime charged.

23 In making this determination a trial court is required to
24 view evidence in the light most favorable to the Prosecution,
25 which means that the trial court must draw all reasonable

1 inferences in favor of the Prosecution. If testimony is
2 conflicting, the Court must draw that inference again favorable
3 to the Prosecution. Hearsay evidence may form a substantial
4 portion of the evidence adduced by the Prosecution to show
5 probable cause and the trial court may not disregard the
6 testimony of a witness favorable to prosecution unless the
7 testimony is implausible or incredible as a matter of law.

8 Over the course of the last day and a half we heard evidence
9 from Dr. Benziger, a forensic pathologist, Deputy Covault from
10 the San Miguel Sheriff's Department, San Miguel Sheriff Bill
11 Masters, and Agent Zamora from the Colorado Bureau of
12 Investigations, People's Exhibits 1A-J and 2 through 28 were
13 admitted into evidence. I will direct the clerk to upload those
14 following these proceedings.

15 I am going to go through this and kind of talk about my
16 thought process a little bit more than I might on a normal
17 preliminary hearing due to the relative complexity of the
18 situation here and the various facts that are of import even to a
19 probable cause determination, because some of it may or may not
20 be readily evident, so I'll go through each element, and as I do
21 so, this is going to -- this is going to apply both to Mr. Archer
22 and to Ms. Eden because these are the same elements other than
23 the two children -- the two children's names, and I'll go through
24 that right now, and where they differ, where evidence differs, I
25 will attempt to point that out.

1 So the first element is that between and including May 24
2 and September 8, 2017, we had testimony that Madani Ceus, Mr.
3 Archer, Mr. Sutherland, Ms. Bramble, and Ms. Eden were on Mr.
4 Blair's property in San Miguel County, Colorado, starting the end
5 of May 2017.

6 Mr. Young indicated that when Mr. Blair met with the parties
7 at the Eagle's Nest in Mesa County, that that was on May 24, and
8 they headed straight to the property at that time.

9 The bodies were discovered on September 8, 2017, and the
10 bodies at that time had been deceased for some period of time.

11 So there has been evidence in the light most favorable to
12 the People establishing a time frame that the deaths occurred
13 between May 24th and September 8th.

14 There's no evidence that the children were deceased prior to
15 entering the Norwood property in San Miguel County, Colorado.

16 There was testimony that this occurred in Norwood, Colorado,
17 on a piece of property belonging to Mr. Alec Blair, which is
18 located in the west end of San Miguel County.

19 Next, the identification of Ashford Nathaniel Archer a/k/a
20 Nathania, and Ika Eden also known as Karah Sandalphon, I won't go
21 through all of those, but those were established throughout the
22 course of testimony.

23 Ms. Eden was identified by Deputy Covault as the woman he
24 saw on the property August 19, 2017, and again when he was on the
25 property on September 8, 2017, when the bodies of the two

1 deceased girls were discovered.

2 Mr. Archer was identified in court by Deputy Covault as
3 being the man that he saw on the Norwood, Colorado, property on
4 August 19, 2017, and again when he was there on September 8th,
5 2017, when the bodies of the two deceased girls were discovered.
6 In addition to that, Deputy Covault conducted an interview with
7 Mr. Archer.

8 Next: Unlawfully, feloniously, knowingly, or recklessly.
9 I'm going to talk about knowingly and recklessly now, and again
10 later, when we're talking about the next element.

11 Under 18-1-501, a person acts knowingly with respect to
12 conduct or to a circumstance described by a statute defining an
13 offense when he or she is aware that his or her conduct is of
14 such nature or that such circumstance exists; a person acts
15 knowingly with respect to a result of his or her conduct when he
16 or she is aware that his or her conduct is practically certain to
17 cause the result.

18 There was evidence presented in the light most favorable to
19 the People, including all inferences in their favor, that both
20 Mr. Archer and Ms. Eden were aware that the girls were not being
21 fed or given water for a lengthy period of time. There was also
22 evidence that they knew that the children were left in a hot car
23 and banished there for a lengthy period of time.

24 The girls were not bound or locked in the car, but there's
25 inference in the light most favorable to the People from the

1 evidence presented that the young girls did as they were told,
2 they did not leave the car for that reason. They were in a
3 middle of a large piece of property in a rural and unfamiliar
4 area of San Miguel County, Colorado. And again there is an
5 inference in the light most favorable to the People that they
6 could not leave.

7 There was evidence in the light most favorable to the People
8 that no one provided food or water to the girls after around mid
9 July 2017, and that not providing water or food to the girls was
10 practically certain to cause the result of death.

11 Mr. Archer and Ms. Eden were present when Madani Ceus gave
12 directions not to feed or water the children and knew where they
13 were. Mr. Archer was kind of like a general or a second in
14 command. Again, according to the testimony presented, he would
15 have been aware of the children's location, having jumped the
16 Camry previously.

17 Ms. Eden, there was evidence presented that she was the
18 girls' nanny or caregiver. This is a relatively small section of
19 Mr. Blair's property that we're talking about here and even
20 though things are located in different areas, the Camry would
21 have been relatively close to the campground, and as they were
22 commuting or walking back and forth over the piece of property up
23 to areas one, two, and three they almost necessarily would have
24 walked by the Camry and noticed the girls.

25 In addition, regarding knowledge related to Mr. Archer,

1 Deputy Covault offered direct testimony of Mr. Archer's
2 statements. I agree there was a lot of hearsay testimony here,
3 so I'm trying to parse out some of the direct evidence that was
4 presented.

5 Mr. Archer's statements are direct evidence against him.
6 Mr. Archer indicated to Deputy Covault that the girls were in the
7 car. When asked, What girls, he said, The girls of the woman who
8 left. He didn't identify the girls by name at all, but he did
9 say that there were two girls in the car.

10 He further made statements regarding the tarping of the
11 vehicle, this is according to Deputy Covault's testimony, and
12 said that: The vehicle was tarped on the morning of the day that
13 you came. Deputy Covault took that to mean the morning of
14 August 19. And he said that he and Alec had tarped the car.
15 Again, in the light most favorable to the People this evidence
16 shows Mr. Archer acted knowingly.

17 There was also testimony from -- regarding knowingly from
18 Agent Zamora that Mr. Archer essentially did nothing; that he
19 knew this was happening and did nothing. He tried to give the
20 girls some molasses and that's some evidence that he knew what
21 was going on, but that he wanted to mind his own business. A
22 person acts recklessly when he or she disregards a substantial
23 and unjustifiable risk that a result will occur or that a
24 circumstance exists. Again, the act of not providing the
25 children with food and water and leaving them in a hot car in the

1 middle of the summer, in the light most favorable to the People,
2 is reckless conduct or a conscious disregard of substantial and
3 unjustifiable risk of death.

4 So I find that in the light most favorable to the People
5 that the elements of knowingly or recklessly have been met on a
6 probable cause basis.

7 The last element, caused an injury to, or permitted to be
8 unreasonably placed in a situation that posed a threat of injury
9 to the life or health of a child, or engaged in a continued
10 pattern of conduct that resulted in malnourishment, lack of
11 proper care, proper medical care, cruel punishment, mistreatment,
12 or an accumulation of injuries that resulted in the death of in
13 one count, Makayla Roberts, that's Count One, and Hanna Marshall,
14 Count Two.

15 We received direct evidence through Dr. Benziger that he
16 examined two bodies in conjunction with this case. One body was
17 identified to be approximately eight years of age and the other
18 was identified to be approximately 10 years of age. The bodies
19 were not readily identifiable. They were partially mummified,
20 decomposed, partially skeletonized, not identifiable by
21 observation. Dr. Benziger received the names and dates of birth,
22 approximate dates of birth from the children based on a CBI
23 analysis, and they were identified positively as Hanna Marshall
24 and Makayla Roberts. Both victims are identified as being under
25 the age of 16, eight years of age and 10 years of age, which

1 makes them children under the Child Abuse Statute.

2 Dr. Benziger testified that both bodies were in
3 substantially similar condition when he examined them, that there
4 was evidence of insect activity with flies and maggots in the
5 body bag that had eaten through some of the flesh. He testified
6 that the girls were deceased for several weeks and perhaps even
7 up to months by the time he examined them. He testified that due
8 to the state of the bodies it was not possible to conclusively
9 determine cause of death, but ruled that the manner of death was
10 homicide. He also did testify that it was likely due to the
11 information that he received that they died due to malnutrition,
12 dehydration, and hyperthermia, or over-exposure to heat due to
13 having remained in a hot car for a long period of time. Again,
14 he did state that he cannot conclusively say what caused the
15 death, but that that was consistent with the evidence that he had
16 received.

17 Other evidence. There was hearsay evidence from Agent
18 Zamora regarding what Ms. Ceus said, that she had admitted that
19 she was not going to be feeding Makayla and Hanna anymore, and
20 that Mr. Blair and Ms. Bramble did go to the pantry and picked up
21 bags of food; that she, Ms. Ceus, continued to cook for the other
22 two little girls on the property. And this was a statement that
23 Ms. Ceus said, that she believed that the children died because
24 they weren't eating or drinking water.

25 Other evidence that I'm relying upon in making my

1 conclusions, again in the light most favorable to the People and
2 drawing all inferences in their favor, is as follows: All
3 codefendants were living together in a commune style living
4 arrangement, with Ms. Ceus in charge of the others, and maybe in
5 charge of the food; they were all reliant upon one another as a
6 family, some type of family or a group. Again, a commune style
7 living situation.

8 There was evidence that -- at least that some of the
9 individuals, Ms. Bramble, Ms. Eden, Mr. Archer, and Ms. Ceus, had
10 been living together at least since 2015 to 2016 in North
11 Carolina, and that, with the exception of Ms. Bramble, had been
12 living together prior to that in Florida.

13 There was information given that they were living together
14 as a family during this period of time, and there was evidence
15 that when Ms. Bramble went to live with the group, that she went
16 through a cleansing process, had to be shaved from head to toe,
17 and to eat certain foods. The reason that this is relevant is
18 that, again, in the light most favorable to the People, it can
19 be considered to be consistent with what happened later in
20 Norwood in terms of the control of food for the entire group.

21 The group then went on a long, cross-country trip together
22 essentially living as homeless individuals until they met Mr.
23 Blair in May 2017 in Mesa County, and moved to his property in
24 San Miguel County.

25 During the road trip, just to back up, the group would have

1 been riding together in Ms. Eden's and her son, Mr. Sutherland's,
2 vehicle, and that is the Camry where the deceased children were
3 later found. And they were also riding together in Ms. Bramble's
4 vehicle. There's an inference here that Mr. Archer and Ms. Eden
5 would have been aware of the two children, Pink One and Pink Two,
6 of their existence.

7 Going back to the food situation, there was evidence
8 presented that all members of the family or commune eat together
9 including when they arrived at the Norwood property. There was a
10 large amount of food found on the Norwood property, about 160 to
11 165 pounds of food, showing both that they were there for a long
12 period of time, or planning to be, and also that they --
13 consistent with the testimony or information, that there was
14 control over food. They were reliant on one another, isolated
15 themselves from the outside world, as seen by the fact that they
16 burned all their electronics and, again, had a lack of connection
17 with the outside world.

18 Going back a little bit, there were four children residing
19 on the compound in Norwood, Horus and Nun Ceus, who are Ms. Ceus
20 and Mr. Archer's biological children, and they were permitted --
21 again, there was evidence presented that they were permitted to
22 be with the group and looked at as pure. The other two children,
23 the biological children of Nashika, the deceased 10-year-old
24 Makayla Roberts, Pink One, and eight-year-old Hanna Marshall,
25 Pink Two. There was evidence presented that in June 2017, Cory

1 Sutherland, Ms. Eden's son who had been there originally, left
2 the property, and that after his departure there were times when
3 Mr. Archer would jump the Camry to presumably allow the girls to
4 roll down the windows, et cetera. And again, the inference here
5 is that he was aware that the two girls were banned, alone, in
6 the Camry.

7 There was evidence presented that Ms. Ceus banished both Ms.
8 Bramble's children to the car because they were unpure and that
9 there was evidence presented that Hanna was banished to the car
10 for a long period of time, perhaps the entire time the group was
11 on the property. And as I previously stated, there was evidence
12 that both Mr. Archer and Ms. Eden had been with the group for a
13 long period of time, so the inference here is that they would
14 have been aware of not only the existence of Ms. Bramble's
15 children, but also the practice of banning into vehicles as
16 punishment.

17 There was evidence presented by Sheriff Masters that Mr.
18 Blair stated in July of 2017, Makayla, or Pink One, was then
19 banned to the car, to the Camry. He talked a little bit about
20 this, about the location of the deceased bodies in the Camry,
21 which were badly decomposed as of their discovery on September 8,
22 2017.

23 Talking again about the property, or the size of the
24 property and the location of the bodies, there was evidence
25 presented that when the individuals were moving around the

1 property they would have or could have seen the girls in the car.
2 There was also evidence that they had been living there for a
3 long period of time including evidence of a journal that was kept
4 there.

5 Evidence was presented that there was limited food and water
6 provided to the girls after they were banished to the car. At
7 first, a limited amount of food and water were provided.

8 On July 20th, 2017, there was evidence presented that Mr.
9 Blair and Ms. Bramble traveled to Telluride to get several
10 grocery bags of fruit because Ms. Ceus had indicated that Makayla
11 and Hanna could not be fed from the increase or the food that the
12 others were eating from because they viewed them as impure.

13 Ms. Ceus determined that the food bank food was impure and
14 forbade them to use it, and there was evidence presented that
15 neither girl was provided food or water at all after July 20,
16 2017.

17 The failure of all codefendants, including Mr. Archer and
18 Ms. Eden, to provide food after that time creates an inference
19 that they permitted both Hanna and Makayla to be unreasonably
20 placed in a situation whereby posing a threat of injury to their
21 life or health and that they also engaged in a continued pattern
22 of conduct that resulted in malnourishment, lack of proper
23 medical care, cruel punishment or mistreatment, i.e., that the
24 girls were banned to a car for long periods of time in the heat
25 of summer without food or water, which was taken away

1 incrementally until none at all was provided.

2 Evidence was presented at the end of July 2017, around the
3 time that Makayla Roberts was banished to the car, Mr. Archer
4 announced to the group that the eclipse was coming and that it
5 was going to be three days of total darkness and during that time
6 the Light Body would occur. The inference here is that he was
7 integral in what the group did next, which ultimately resulted in
8 their not providing proper care to the victims.

9 There was evidence presented that during the beginning of
10 August of 2017 that the group thought the end of days was
11 imminent and that because they were unclean, they were holding
12 back everyone else's -- I'm sorry -- that because the children
13 were unclean they were holding back everyone else's
14 enlightenment.

15 At that point the group was on lockdown and sequestered in
16 the northwest part of the property depicted in People's Exhibit
17 Two and at that time no one could breach the perimeter of the
18 Camry or could go to the car and help.

19 In mid August, Mr. Blair went to the car, the Camry, and saw
20 a foot dangling, a foot was dangling from the car, and he tarped
21 the bodies at that time, and equated to Sheriff Masters that the
22 smell was overwhelming. And this is -- the inference here is
23 just that the bodies were deceased for some period of time and
24 that that there was a long period of time that they were not
25 provided food or water.

1 On August 19, 2017, there was direct evidence presented from
2 Deputy Covault that he went to the Norwood property and saw both
3 Ms. Eden and Mr. Archer there at that time along with Mr. Blair
4 and Ms. Bramble. As I already indicated, he identified both Mr.
5 Archer and Ms. Eden on the record.

6 Deputy Covault testified that he saw the Camry and that it
7 was tarped at that time and that he could not see into the car at
8 all. He saw Nun and Horus Ceus, Mr. Archer's children, and he
9 indicated that they did not interact with him very much at that
10 time.

11 Deputy Covault testified that Mr. Archer later told him that
12 the Toyota Camry was tarped by both himself and Mr. Blair on that
13 morning, and that Mr. Archer had said something slightly
14 different to Agent Zamora and said he didn't have anything to do
15 with the tarping of the car, but that his DNA would be on the
16 tarp and his handprint on the car because he jump-started the car
17 several times and changed the brakes on the car.

18 One of the inferences here is that on August 19, 2017, no
19 one -- that the girls would have been deceased at that time.
20 Based on the testimony presented and in the light most favorable
21 to the People, no one there tells law enforcement about the
22 girls, and the inference is that they would have known that the
23 girls -- that the deaths were not from natural causes. In other
24 words, that it was due to the lack of food and water.

25 On September 4, 2017, there was evidence pled that River

1 Young met with Alec Blair, who told him to get off of the
2 property. Mr. Young requested that Deputy Martinez check on
3 Alec's condition. Deputy Martinez parked outside, got on her
4 intercom, called out for Alec and heard him say, Go away, a few
5 times. Again, mentioning this only because there's an inference
6 here that, once again, law enforcement is present and no one
7 tells them about the girls, and there's an inference that the
8 individuals, including Mr. Archer and Ms. Eden, would have known
9 that the death was not from natural causes.

10 On September 8, 2017, Mr. Blair's father called law
11 enforcement and indicated that there were two dead bodies on the
12 property, based on his conversations with Mr. Blair.

13 When Deputy Covault entered the property and was within
14 three feet of the car there was a very strong smell of odor of
15 decay, like deceased bodies. There were empty food and water
16 containers inside the car where the deceased bodies were located,
17 but all of the containers were empty, giving rise to the
18 inference that there was no food or water, as stated by both Mr.
19 Blair, and also as Dr. Benziger had inferred.

20 There was evidence that Mr. Archer performed a father
21 role, at least at various points, to all of the girls, and
22 evidence presented that Ms. Eden was the nanny-like figure
23 feeding the children, including Pink One and Two. She was found
24 with Horus and Nun at the time of the arrest September 8, 2017.
25 There was evidence that both of them had access to the Camry

1 which was registered to Ms. Eden.

2 I want to note, getting back to the duty argument that's
3 been made here by both sides, that as to Mr. Archer and Ms. Eden
4 they were not charged as a position of trust -- under the
5 position of trust subsection in the child abuse statute. And
6 there's no element under the -- under 18-6-401(1)(a) that a
7 person has to be a parent or legal guardian like some of the
8 other child abuse subsections, and, in fact, the child abuse
9 statute does not depend on an external source of legal duty.

10 I'm reading from People V Arvalo, 725 P.2d 41, Colorado
11 Court of Appeals 1986: Every person has a duty to refrain from
12 any action which causes a child to be placed in a situation which
13 endangers the child's life and health.

14 The statute refers to no external source of duty. And this
15 is reading right from the case:

16 *And we do not believe the*
17 *general assembly intended that a duty*
18 *between an adult and a child*
19 *necessarily be established before a*
20 *person may be charged with child abuse.*
21 *The law is intended to prevent child*
22 *abuse and it applies to any person.*

23 The same language was then cited and upheld in People V.
24 Penada, 40 P.3rd, 60, Colorado Court of Appeals 2001 in which a
25 stepmother viewed repeated child abuse and did nothing, and she

1 was in fact charged as a principal. The statute has the elements
2 that we've been talking about, but again it does not provide an
3 independent source of duty. It simply states under 18-6-401, as
4 counsel have already indicated, that:

5 *A person commits child abuse if*
6 *such person causes an injury to a*
7 *child's life or health or permits a*
8 *child to be unreasonably placed in a*
9 *situation that poses a threat of injury*
10 *to the child's life or health, or*
11 *engages in a continued pattern of*
12 *conduct that results in malnourishment,*
13 *lack of proper medical care, cruel*
14 *punishment, mistreatment, or an*
15 *accumulation of injuries that*
16 *ultimately results in the death of a*
17 *child or series bodily injury to a*
18 *child, and where death or injury*
19 *results when a person acts either*
20 *knowingly or recklessly, and results in*
21 *the class two felonies that were*
22 *charged here.*

23 Going back to September 8, 2017, Deputy Covault testified
24 that he asked Mr. Archer, and I may have already mentioned this,
25 Who was in the car? We have direct statements from Mr. Archer

1 indicating that he knew that the girls were in there. And that
2 he did indicate that he had tarped the car and secured it with
3 both duct tape and ratchet straps. Deputy Covault testified that
4 he saw both duct tape and ratchet straps.

5 Based on the evidence presented in the light most favorable
6 to the People, I find that there's been probable cause
7 established to show the final element, which is as I had just
8 read a moment ago, that both Mr. Archer and Ms. Eden permitted to
9 be unreasonably placed in a situation that posed a threat of
10 injury to the life or health of a child or engaged in a continued
11 pattern of conduct that resulted in malnourishment, lack of
12 proper medical care, cruel punishment, mistreatment, or
13 accumulation of injuries.

14 I find that those have been shown by-- that there's been
15 probable cause to show that element, and I will bind both Counts
16 One and Two over for both -- I'm sorry -- set for arraignment
17 both Counts One and Two for Mr. Archer and Ms. Eden.

18 Going to Count Three, accessory to crime, and this is for
19 Mr. Archer only, on or about August 19, 2017, Ashford Nathaniel
20 Archer, and this was during Deputy Covault's visit to the
21 property, we had testimony that Deputy Covault was there on
22 August 19, 2017, that he saw Mr. Archer, that Mr. Archer, second
23 element, unlawfully, feloniously rendered assistance to a Madoni
24 Ceus or Nashika Bramble. There was evidence presented again in
25 the light most favorable to the People, there was some

1 conflicting information, but taking that in the light most
2 favorable to the People that the tarping on the vehicle was seen
3 by Deputy Covault and that Mr. Archer had admitted to doing that,
4 or at least had admitted to helping Mr. Blair tarp that vehicle,
5 and Mr. Archer's own statement is direct evidence here, with
6 intent to hinder, delay, or prevent discovery, detection,
7 apprehension, prosecution, conviction, or punishment of Madoni
8 Ceus or Nashika Bramble for the commission of a crime knowing
9 that person committed the crime of child abuse resulting in
10 death. Again, there's inference here that tarping would have
11 been done in an effort that the bodies not be discovered.

12 I already talked about the evidence presented in the light
13 most favorable to the People that there was knowledge here on Mr.
14 Archer's part on what had occurred, and Deputy Covault testified
15 that when the car was fully tarped he couldn't see anything
16 inside as an observer and he couldn't smell anything. So that
17 gives rise to the inference in the light most favorable to the
18 People, and for those reasons I will find that probable cause is
19 established on all elements in Count Three for Mr. Archer and set
20 that for arraignment as well.

21 I have the following dates available for arraignment. I
22 don't have a regular docket here until the end of January. I
23 could have an arraignment on December 21st at 1:00 p.m.
24 Otherwise, we will be looking at January 25th at 2:00 p.m.

25 DEFENSE ATTORNEY MARTIN: Judge, if I may, I will not be

1 available on the December date. I would prefer the January
2 date. And, frankly, I think we discussed this informally with
3 Prosecution and we would like to set the arraignments after the
4 setting for the preliminary hearings for the remaining
5 codefendants.

6 THE COURT: After they are done?

7 DEFENSE ATTORNEY MARTIN: After the preliminary hearings
8 are completed.

9 DEFENSE ATTORNEY REISCH: I'm available -- I'm not
10 available on the December date. On the 25th, I'm in a
11 homicide trial in Denver that week.

12 THE COURT: Okay. So I hate to push it out to February.
13 The other preliminary hearings are the 17th and the 18th.
14 And I'm sorry, Mr. Reisch, how long are you out commission?

15 DEFENSE ATTORNEY REISCH: Two weeks.

16 THE COURT: Through February 1st?

17 DEFENSE ATTORNEY REISCH: Yes. We should be done by the
18 1st. The week of the 5th is really bad, too.

19 THE COURT: Okay. My next Telluride docket date is not
20 until February 22nd. Or I could hold it off docket. I'll be
21 here on February 13th, 2:00 p.m.

22 DEFENSE ATTORNEY MARTIN: Your Honor, I'm in Denver for a
23 CLE training the week of the 12th through the 16th. I'm set
24 for a civil trial February 20th through the 23rd in Delta
25 District Court, but it does not appear that's going because we

1 have two criminal matters that are set before us, so I assume
2 that we'll get bumped into the fall. So I can set it on
3 February 22nd, and if I become aware that will go to trial
4 I'll notify the Court.

5 THE COURT: Okay. Mr. Reisch, February 22nd?

6 DEFENSE ATTORNEY REISCH: We'll take it, Your Honor.

7 THE COURT: 2:00 p.m. I'm assuming that's okay for the
8 People. It's our regular docket day.

9 DEPUTY DISTRICT ATTORNEY WHITING: (Nods head up and
10 down.)

11 THE COURT: I'll set these for arraignment on
12 February 22nd, 2018.

13 DISTRICT ATTORNEY HOTSENPILLER: Your Honor, one
14 technical matter. There happens to be two Exhibit Twos, one
15 being the demonstrative, one being the one in paper form. Is
16 it okay if we just withdraw the demonstrative and we will keep
17 it in our possession, but assume that the paper form of
18 Exhibit 2 is the one that goes into the record.

19 THE COURT: Yes. That would be preferable.

20 DISTRICT ATTORNEY HOTSENPILLER: Okay.

21 DEFENSE ATTORNEY MARTIN: There's one other issue I would
22 like to address on the record.

23 THE COURT: Okay. If you are going to do that would you
24 mind coming to the podium, please.

25 DEFENSE ATTORNEY MARTIN: Certainly.

1 I don't know if this presents a problem in the future or
2 not, but the request for sequestration of witnesses was made by
3 Mr. Reisch and myself at the beginning of this particular
4 proceeding, and that sequestration order was also requested to
5 continue on for any future proceedings involving witnesses to
6 this particular -- or in this particular criminal matter, and the
7 only person that I've noticed here is the investigator for the
8 Seventh Judicial District, and so I just want to be clear here
9 that he should be precluded from testifying at any future
10 proceedings. I don't know if the people intended to have him
11 testify in future proceedings, but the reality is that Sheriff
12 Masters is the advisory witness, not the investigator, for the
13 Seventh Judicial District District Attorney's Office and so we
14 are requesting on behalf of Ms. Eden, and I assume Mr. Reisch
15 would make the same request, that Sheriff Masters not be
16 permitted to testify at any future proceedings in this matter.

17 THE COURT: Any response?

18 DISTRICT ATTORNEY HOTSENPILLER: I think it's premature
19 for that kind of ruling. I mean he can note the presence, but
20 right now, it's not an issue.

21 DEFENSE ATTORNEY MARTIN: I don't know if it will become
22 an issue in the future or not, but we have an ongoing
23 sequestration order and so I wanted to bring it up.

24 DISTRICT ATTORNEY HOTSENPILLER: I appreciate that.

25 THE COURT: It will be noted that the DA's investigator

1 has been here throughout the course of the proceedings. If
2 that becomes an issue later we'll take it up at that time.

3 DEFENSE ATTORNEY REISCH: And for the record I would join
4 Mr. Martin's statements, adopt those instead of repeating
5 everything.

6 THE COURT: Okay. Thank you. Anything else before we go
7 off the record?

8 DISTRICT ATTORNEY HOTSENPILLER: Not from the People.

9 DEFENSE ATTORNEY MARTIN: Nothing, Your Honor.

10 DEFENSE ATTORNEY REISCH: Nothing, Your Honor.

11 DEFENSE ATTORNEY MARTIN: Thank you, Your Honor.

12 THE COURT: Thank you.

13 (CONCLUDED.)

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF COURT REPORTER

1:51:

I, DEBORAH HARRIS, RMR, CSR, CRR, Court Reporter for the 7th Judicial District, Gunnison County, Colorado, was present in court during the foregoing matter and reported said proceedings stenographically.

I further certify that thereafter, I, Deborah A. Harris, RMR, CRR, CSR, have caused said stenographic notes to be transcribed via computer, and that the foregoing pages are a true and accurate transcription to the best of my ability.

Dated this the 2nd day of January, 2018.

/s/ Deborah A. Harris, RMR CRR, CSR

DEBORAH A. HARRIS, CRR, CSR, RMR
Official Court Reporter