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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA * CRIMINAL NO. H-12-503
*
VERSUS * Houston, Texas
* July 19, 2018
JASON DANIEL GANDY * 9:00 a.m.

JURY TRIAL
BEFORE THE HONORABLE LEE H. ROSENTHAL
CHIEF UNITED STATES DISTRICT JUDGE
(Day 2)

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1 THE COURT: Good morning. All the jurors are now
2 here all. They just all arrived.

3 I understand you want to formally admit the
4 documents that are unobjected to. All of the ones that are
5 on the exhibit list marked as unobjected to are admitted.

6 MR. BUCKLEY: Yes, Your Honor.

7 THE COURT: What else do we need to deal with?

8 MR. BUCKLEY: There is one other matter, Your Honor;
9 and rather than be popping up during the testimony repeatedly
10 I thought that perhaps the Court would give us a global
11 ruling on this matter.

12 I suspect that some of the complainants, known
13 as minor victims, or at least one of them may be providing
14 testimony that at some point he observed Mr. Gandy looking at
15 pictures on the computer or watching pornographic videos on
16 the computer and that that testimony would be accompanied by
17 some type of description of what they saw Mr. Gandy looking
18 at; and so my objection to that particular detail of
19 testimony would be under Rule 1002, the best evidence rule I
20 would not object to, I would not object to --

21 THE COURT: Okay. Go ahead. You would not object
22 to what? I'm sorry.

23 MR. BUCKLEY: I would not object to a more general
24 description that I saw him up watching something I though was
25 pornography, but I would object to some description of

1 exactly what they saw depicted in the media.

2 MS. ZACK: Your Honor, it doesn't -- the best
3 evidence rule doesn't apply to this type of evidence. We are
4 not offering this description to prove up that what they saw
5 was in fact child pornography. It was to show intent on the
6 part of the defendant, meaning he had it, he was showing it
7 to these children.

8 THE COURT: But it's not probative intent unless
9 it's child pornography.

10 MS. ZACK: No, no, no. Meaning that we have
11 different child pornography that we are offering into
12 evidence. This has to go more towards the grooming for the
13 sex trafficking and his intent in producing child pornography
14 of Minor Victim 1.

15 THE COURT: So you are not producing the pornography
16 itself?

17 MS. ZACK: No, we are not. They are just going to
18 describe what they saw. And, in fact, one of them doesn't --
19 when we asked him to describe it, he did not know the term
20 "child pornography."

21 THE COURT: So you are not offering a copy, for
22 example, and saying that even though there is other best
23 evidence or --

24 MS. ZACK: Correct.

25 THE COURT: -- a verbatim reading of the contents of

1 the document?

2 MS. ZACK: Right.

3 THE COURT: I am going to allow the description --

4 MR. BUCKLEY: Understood, Your Honor.

5 THE COURT: -- as part of the record.

6 MR. BUCKLEY: Thank you for the ruling.

7 MS. ZACK: And so we have an agreement as to almost
8 every exhibit. There are some exhibits --

9 THE COURT: Just tell me the ones that you don't
10 have an agreement to, and go ahead and line up the jury,
11 Lisa. Thank you.

12 MS. ZACK: We do not currently have -- well, as to
13 authenticity, I think we agreed on everything.

14 THE COURT: All right.

15 MS. ZACK: There are just some where --

16 THE COURT: That's fine. Tell me which ones are not
17 otherwise agreed to.

18 MS. ZACK: 2C, 2D, 20, 21, 22 and 23, and then 26
19 and 27.

20 MR. BUCKLEY: And specifically, Your Honor, I won't
21 have an objection to these exhibits as long as they are
22 accompanied by a witness so that I can address context.

23 THE COURT: So you will be introducing them through
24 a witness?

25 MS. ZACK: Right, right.

1 THE COURT: That's fine. So offer them through
2 evidence, whatever the witness is going to be the sponsor;
3 and if we can we'll deal with the objection before the
4 witness testifies.

5 MS. ZACK: Well, then can we deal with one of them
6 right now, because it's the first witness?

7 THE COURT: If we can do it before the jury comes
8 in, yes.

9 MS. ZACK: Yes.

10 So there is an image of Minor Victim No. 1. It
11 is our belief that that is out of --

12 THE COURT: This is Exhibit 1?

13 MS. ZACK: No. It's Exhibit No. 20.

14 THE COURT: 20 what?

15 MS. ZACK: Just 20.

16 THE COURT: All right.

17 MS. ZACK: Okay. That is a picture of Minor Victim
18 1 that was taken.

19 THE COURT: At the time?

20 MS. ZACK: On or about when he traveled to London.

21 THE COURT: Okay.

22 MS. ZACK: I intend to elicit from the person that
23 stopped them at the border that that is what the victim
24 looked like to him at the time.

25 MR. BUCKLEY: And that's acceptable to me, Your

1 Honor.

2 THE COURT: All right. It will be admitted with
3 that predicate.

4 MS. ZACK: Thank you, Your Honor.

5 THE COURT: I think we are ready for the jury. Is
6 your witness here?

7 MS. ZACK: Yes, Your Honor.

8 THE COURT: Have the witness come in and just stand
9 in front of the swinging door ready to be sworn when the jury
10 arrives.

11 (Jury enters courtroom)

12 THE COURT: Good morning, ladies and gentlemen.
13 Please be seated. I hope you had a pleasant evening and an
14 easy commute back and that you found breakfast as promised.

15 JURORS: Thank you.

16 THE COURT: You're more than welcome. Trust me, I
17 didn't make it.

18 I think we are now ready with our -- something
19 is wrong with mic number 1, sorry.

20 I think we are now ready with our first
21 witness. Who is your first witness, Ms. Zack?

22 MS. ZACK: Your Honor, at this time the United
23 States would call Steven Reeves.

24 THE COURT: All right. Steven Reeves, please come
25 forward to be sworn. Will you please pause and raise your

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1 right hand, sir.

2 Do you solemnly swear that the testimony you
3 will give in the case now before this Court will be the
4 truth, the whole truth and nothing but the truth so help you
5 God, or you may affirm?

6 THE WITNESS: I do.

7 THE COURT: Please take the witness stand. And you
8 need to lean forward as you testify, pull the mic towards
9 you, make sure it's on, and speak clearly into it so everyone
10 can hear you, sir.

11 THE WITNESS: Thank you.

12 THE COURT: I understand you traveled quite a
13 distance to be here. We appreciate it.

14 Go ahead.

15 STEVEN J. REEVES

16 was called as a witness by the government and,
17 having been first duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. ZACK:

20 Q Could you please state your name.

21 A Steven John Reeves.

22 Q And can you spell your last name for the court reporter.

23 A R-e-e-v-e-s.

24 THE COURT: Mr. Reeves, in part because you are
25 somewhat soft spoken and in part because you have a wonderful

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1 accent that to those of us in Texas is different, could you
2 speak a little more slowly and a little more closely into the
3 microphone.

4 THE WITNESS: Of course.

5 THE COURT: Thank you.

6 BY MS. ZACK:

7 Q How are you are employed?

8 A I am a border agent with the United Kingdom Border Force.

9 THE COURT: Slowly.

10 BY MS. ZACK:

11 Q And how long have you been so employed?

12 A Since January of 2012 -- correction. 2007. Sorry.

13 Q That's okay.

14 And prior to that what type of work did you do?

15 A I worked for Delta Air Lines.

16 Q Now, in order to become part of the United Kingdom Border
17 Force, what type of training did you have back in '07?

18 A Back in January of 2007 I went six weeks to a classroom
19 training, then I spent four weeks being mentored and coached
20 on the primary arrivals control and then I had another
21 six-month probationary period.

22 Q And your title is what now?

23 A Border Force Officer.

24 Q Border Force Officer.

25 And what are your duties as a Border Force

REEVES-DIRECT

1 Officer?

2 A So I work on the primary arrivals control, and I am
3 responsible for checking all arriving passengers who come to
4 the UK to make sure they qualify for entry.

5 Q So are you sort of the first person that passengers
6 seeking entrance into the UK would come in contact with?

7 A I could be, yes.

8 Q Okay.

9 Is it broken down depending -- how do they sort
10 or herd the people? How are you broken apart?

11 A So you arrive on a plane internationally, and a tunnel
12 for the arrivals control is split into the EEA and Swiss
13 nationals, so there are 28 states of the EU plus the other
14 area and then there is the rest of the world.

15 Q Okay.

16 A So if you hold an EEA or Swiss passport, you will go to
17 one side of the control and be seen by an officer there, and
18 everybody from the rest of the world goes to the other side
19 and is seen by officers there.

20 Q So U.S. citizens fall into the rest of the world?

21 A U.S., Russia and Canadian, Jamaican.

22 Q And that's where you wait in line, correct?

23 A Yes.

24 Q With your passports?

25 A And the direction card completed, yes.

REEVES-DIRECT

1 Q I want to draw your attention back to specifically to
2 approximately July 19th of 2012. Do you remember that day?

3 A I do.

4 Q And were you working?

5 A I was.

6 Q And where were you working?

7 A I was working on the office control terminal for
8 Heathrow.

9 Q Did you have occasion to come into contact with two
10 individuals who ultimately became known to you as Jason Gandy
11 and Kevin Vasquez?

12 A I did.

13 Q Can you explain to the members of the jury how you came
14 into exact with them, what happened?

15 A So, I was -- it was in the morning, I was on the early
16 shift, and I was on the borders control, and the two
17 gentleman approached my desk and they were next in line so
18 they would have been directed to me by our presenting staff
19 and they would have come up to the desk and handed me their
20 documents.

21 Q And what do you do when someone hands you their
22 documents? What process do you go through?

23 A So the first thing I do normally if it's more than one
24 person -- if it's just one person I ask if you will be
25 traveling today, are you traveling alone?

REEVES-DIRECT

1 So if it's two people, I will say, is it just
2 the two of you traveling? And I normally ask how do you know
3 each other.

4 Q Before we get to that part, I want to show you what's
5 been admitted as Government's Exhibit 20. Do you recognize
6 that individual?

7 A Yes.

8 Q Is that one of the individuals that approached you that
9 day?

10 A It is, yes.

11 Q And I am going to physically show you what's been marked
12 and admitted as Government's Exhibit 7. Do you recognize
13 that item?

14 A Yeah. There is Mr. Gandy's passport.

15 Q And is there a picture of him in it?

16 A There is.

17 Q And do you see him here in court today?

18 A Yes.

19 Q And can you identify him by an article of clothing or a
20 location to distinguish him from other people?

21 A He is the third gentleman in the row there with the blue
22 stripped shirt on.

23 MS. ZACK: Your Honor, may the record reflect an
24 in-court identification of the defendant?

25 THE COURT: The record will so reflect. Thank you.

REEVES-DIRECT

1 BY MS. ZACK:

2 Q And you come in contact with Mr. Gandy and Mr. Vasquez,
3 correct?

4 A Yes.

5 Q You take their documents. And what happens next?

6 A So I asked, "how do you know each other?" And once again
7 he said that they were friends.

8 And I asked "why have you come to the UK, and
9 how long do you intend to stay for?"

10 And they said they were on holiday and they
11 were staying for around 34 days, 35 days, something like
12 that.

13 Q Now, just to give this context, was anything specific
14 going on in London in the summer of 2012?

15 A Yeah, the Olympic games. So they mention that they were
16 going to go to the Olympic games, but they didn't have any
17 tickets.

18 Q When you evaluate people for entry, what sort of criteria
19 are you looking for to determine if they should be entered
20 into the UK?

21 A Okay. So I have to know why they're there, how long are
22 they going to stay, and what they intend to do when they're
23 there. And I am required to do that under the 1971
24 Immigration Act.

25 And I also have a duty or a care of

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1 safeguarding under the 2009 Border, Citizenship and
2 Immigration Act where I'm responsible to make sure that
3 children or adults are adequately cared for while they are in
4 the UK.

5 Q And what constitutes adequate care? What type of
6 questions would you ask in order to determine that?

7 A I would want to know how they know the person they're
8 traveling with, whether the person they're with has parental
9 responsibility for them, how they're going to be
10 accommodated, that kind of scenario.

11 Q Were you given any information about accommodations?

12 A There was no accommodation booked, i remember that. And
13 I believe there was something said about they hadn't booked
14 accommodations because there were scams going on around the
15 UK with people renting apartments that weren't there to rent.
16 And that was true at the time, and so accommodation was going
17 to be arranged later.

18 Q So you reviewed their documents, and what happens next?
19 What do you do?

20 A So, I remember that Mr. Gandy said he was Mr. Vasquez'
21 friend.

22 I asked: "Okay, what exactly do you have in
23 common with this young man because you're in your 30s and
24 he's 15?"

25 And he said they shared music and things like

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1 that.

2 MR. BUCKLEY: Excuse me, Your Honor. The objection
3 is to hearsay and as to "they." If there could be
4 specificity as to who's saying what.

5 THE COURT: I will agree. I sustain that. Please
6 rephrase it.

7 BY MS. ZACK:

8 Q Specifically can you tell me what Mr. Gandy said?

9 A Yes. I am sorry. I'm speaking to Mr. Gandy.

10 Q Okay.

11 A I asked what he had in common with a 15-year-old, how
12 exactly they're friends, how they met.

13 And Mr. Gandy said they met through a friend,
14 who was Aaron. There was some talk of a concert they'd
15 attended.

16 And again, so we ask, what you would have in
17 common with a 15-year-old?

18 And so Mr. Gandy said, actually, I'm a friend
19 of the family. I know the family.

20 Q Okay.

21 And what do you do with that information?

22 A So I was given an affidavit.

23 Q Let me show you what's been admitted as Government's
24 Exhibit 11. Is that the affidavit you were referring to?

25 A Yes.

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1 Q And what is that affidavit?

2 A So, it's not unusual for somebody to present me with a
3 document from a minor's parents to say they are authorized to
4 travel with the minor even though they're not related. So
5 this is telling me that Mr. Vasquez' mother has authorized
6 him to travel to the UK with Mr. Gandy.

7 Q So you had that document?

8 A I did.

9 Q And you're questioning Mr. Gandy about this relationship?

10 A Uh-huh.

11 Q With Mr. Vasquez' family. And what happened?

12 A So, I am wondering to myself why we changed from being
13 Mr. Vasquez' friend to being Mr. Vasquez' family's friend.

14 So, as Mr. Gandy now said he's a family friend,
15 I want to know what he knows about Mr. Vasquez' family. So
16 my first question would be, as I have this document in my
17 hand, what is Mr. Vasquez' mother's name?

18 Q Was Mr. Gandy able to provide you with that information?

19 A Not correctly, no, ma'am.

20 Q Now, what other things are you looking at and doing while
21 this is happening?

22 A So, as immigration officers we have a habit of looking at
23 passports as I'm talking, so I probably did that as well. As
24 I have the passport in my hand, I am looking through it. I
25 am looking through it and I am thinking, okay, so I have got

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1 Mr. Gandy, I have got Mr. Vasquez, I've got his affidavit. I
2 am not entirely sure of Mr. Vasquez' mother's name. I am
3 looking through the passport and I am looking for where Mr.
4 Gandy's traveled. I need to see where he has been in the
5 past, where the passport was issued. I am doing the same
6 with Kevin's, Mr. Vasquez' passport.

7 Q And what did you see in either passport that further
8 concerned you, if anything?

9 A In Mr. Gandy's passport, the majority of his travel was
10 Indonesia, Cambodia and Thailand.

11 Q Why did that concern you?

12 A Well, I'm not saying that everybody that goes to those
13 countries has ill intent. A lot of people I come into
14 contact with have visited those countries. But I am
15 standing, I am talking to a gentleman who has come from the
16 U.S. with a minor he's not related to, and he changed how he
17 knows the minor and he is not sure about the name.

18 And I am looking at travel patterns, and those
19 caught caused me concern, so all that together.

20 Q Okay. And so based on what you said before about the
21 child welfare and making sure the child is going to be taken
22 care of, at this point do you have concerns about this?

23 A Absolutely.

24 Q So what is the next step that you take?

25 A So, I will say to Mr. Vasquez: You don't need to be

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1 alarmed. I just need to ask more questions because I need to
2 make sure why you came here and that someone is going to
3 account for you. So I immediately asked Mr. Vasquez to take
4 a step back, and I asked Mr. Gandy to come closer to the
5 counter so I could talk to him.

6 Q And then what do you do?

7 A So I asked Mr. Gandy some more questions about what he
8 intended to do in the United Kingdom, how exactly he met Mr.
9 Vasquez or Mr. Vasquez' family and what he knew about Mr.
10 Vasquez' family.

11 Q Were you satisfied with the answers you were given?

12 A No, absolutely not.

13 Q Okay.

14 So what do you do then?

15 A So I then ask Mr. Gandy to step back and asked Mr.
16 Vasquez to come forward.

17 Q And do you question him about similar things?

18 A Yes, because I am looking to see if there are any
19 discrepancies between their accounts.

20 Q And were there?

21 A Yes.

22 Q And at this point are you still concerned?

23 A Yes.

24 Q So what do you do?

25 A So, for example, I'd asked Mr. Gandy if Mr. Vasquez had

REEVES-DIRECT

1 siblings. I asked if he had siblings, what are the siblings'
2 names. I asked what Mr. Vasquez' father or step-father's
3 name is. And Mr. Vasquez doesn't know -- I am sorry -- Mr.
4 Gandy doesn't know the answers to those questions.

5 I asked what they actually do when they spend
6 time together. I asked who they hang out with, and I got
7 answers back.

8 And I asked the same questions, similar
9 questions to Mr. Vasquez.

10 Q So now are you ready to admit them into the UK?

11 A No, I am not.

12 Q Okay.

13 So as a Border Force Officer what is the next
14 step? What do you do?

15 A So, again, under the Immigration Act, I require the need
16 to submit to some further examination, which means that would
17 be taken away from the primary control and we deal with them
18 in an office away from the general public. And we're so
19 authorized to detain somebody pending the completion of the
20 other set of requirements. So I fill out a form, it's called
21 an I-81, and I give a form to each Mr. Gandy and one to Mr.
22 Vasquez.

23 Q Okay.

24 I am going to show you what's been admitted as
25 a government exhibit, and specifically if you can tell me

REEVES-DIRECT

1 which forms you presented to them?

2 A At that time it was none of these forms.

3 Q Not this folder, okay.

4 Was it these forms, or not yet?

5 A No.

6 Q We are not here yet?

7 A No, not yet.

8 Q Okay. So you present them with forms, and are we still
9 standing in the --

10 A Still at the counter.

11 Q So does there come a point where you take them away from
12 the counter?

13 A Yes. I explained to them I needed to do some more
14 inquiries. I was focusing on Kevin's welfare. I am not
15 saying anybody is doing anything bad, but I just need to be
16 sure that Mr. Vasquez is going to be okay.

17 And I take him to what we call our Control
18 Greeting Area, which is monitored, and I sit them down so
19 that they can see each other because I don't want Mr. Vasquez
20 to be alarmed and feel isolated. They're not close enough to
21 be chatting to one another.

22 Q And so what do you do while they're now sitting
23 separated? When you say you did what you need to do, what is
24 that?

25 A So the first thing I do is forward it to the Chief

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1 Immigration Officers, explain to the higher officer exactly
2 what happened so far and who I have detained.

3 Q And the next step after you speak with the higher officer
4 is what?

5 A The higher officer asked me what my concerns are. I
6 explained what my concerns are concerning Mr. Vasquez'
7 welfare, and the higher officer agrees with me and authorizes
8 me to proceed with the next step, so what we would call
9 running a case.

10 Q Okay. So now tell me how does that happen? How do you
11 proceed?

12 A So the first thing we do is we have to search through his
13 luggage. So the first thing we do is speak to the assistant
14 officer who will go downstairs with each of the individuals
15 and look in their bags to see what they have brought with
16 them to the UK. And specifically we are looking for
17 documents or anything that might give us a clue to how
18 they're going to spend their time here.

19 Q Did anything that was found alarm you or inform your
20 decision in any way or your next steps?

21 A I wasn't advised of anything, no.

22 Q So what do you do next?

23 A So the next thing is I created a file for them and I
24 generated some paperwork. One of them is called a IS 91-R
25 and is an IS-86.

REEVES-DIRECT

1 Q Okay.

2 A And the IS 91-R says, I am unable to make a decision on
3 whether to grant you admission or temporary release to the
4 United Kingdom because you have failed to provide
5 satisfactory answers to an immigration officer's inquiries.

6 Q Okay. Let me show you what's been marked as -- we will
7 go in order -- IS 91-R, looking at the government exhibit
8 that's been admitted, 16A, page 3. Can you tell me what that
9 document is? I believe it will show up on your screen?

10 A So this is the form which explains reason for detention,
11 and that's my signature down there.

12 Q And this was presented to -- does it say which
13 individual?

14 A They got one each. It's on the top there.

15 Q So on 16A, page 3 that was as to Mr. Gandy?

16 A That's correct, yes.

17 Q And was one generated as well for Mr. Vasquez?

18 A Yes.

19 Q And would that be page 2 of Government's Exhibit 16B?

20 A Yes, this one, (indicating).

21 Q And so their name is right below Notice of Detaining,
22 Reasons for Detention?

23 A Exactly.

24 Q And your name appears?

25 A On the bottom right there, my signature.

REEVES-DIRECT

1 Q Okay.

2 So you give them this; is that correct?

3 A That's right. An IS-86, which is our notification we
4 were taking them from their parents because they are being
5 detained.

6 Q And so, for Mr. Vasquez that would be Government's
7 Exhibit 16B, page 3; is that correct?

8 A Yes.

9 Q And for Mr. Gandy that would be Government's Exhibit
10 16A, page 2?

11 A That's correct.

12 Q And you signed these as well?

13 A That's right.

14 Q Now, I want specifically to draw your attention to the
15 back of Government Exhibit 16A, page 2. There's a signature
16 there. Is that your signature?

17 A That's me, yes.

18 Q In the black thing next to the date July 19, 2012?

19 A Exactly.

20 Q The blue writing, did you write that?

21 A That's not my writing.

22 Q In whose possession was this form in at that time?

23 A Mr. Gandy's form. Mr. Gandy would have had it.

24 Q And when would he have had the opportunity to write on
25 that?

REEVES-DIRECT

1 A So, he would have been given the form before the
2 fingerprinting was taken because we notify him he has to
3 provide his fingerprint. And from that time it's in his
4 possession.

5 Q Okay.

6 And is this when the individuals are in your
7 contained waiting area?

8 A So the fingerprint is taken in one room, and then they're
9 escorted immediately into the detention rooms, yes.

10 Q Now, as far as the forms that you sign, is that the
11 extent of the forms that you signed in relation to the two
12 individuals?

13 A Yes.

14 Q So what happened now? You have done the forms, they're
15 fingerprinted; is that correct?

16 A That's correct.

17 Q And what happens next?

18 A So, while that's going on, I have started to make some
19 telephone calls and make some inquiries regarding what they
20 have told me so far.

21 And so, my concern was for Mr. Vasquez'
22 welfare. So I contacted our Specialty Child Protection Team
23 and I told them what had been said, what discrepancies there
24 were between the accounts, the produced travel, and I wasn't
25 satisfied that Mr. Gandy did genuinely know Mr. Vasquez'

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1 family as he claimed, and I am concerned to why he would have
2 said he did if he didn't and why he had changed from being
3 Mr. Vasquez' friend to being a family friend, because one of
4 the things that came out when I spoke to Mr. Vasquez --

5 MR. BUCKLEY: Excuse me. Objection to hearsay, Your
6 Honor.

7 THE COURT: Rephrase it so as not to elicit hearsay.
8 BY MS. ZACK:

9 Q Without saying exactly what Mr. Vasquez told you, were
10 you provided with information that caused you concern?

11 A Yes.

12 Q With that information, did you provide that to the child
13 specialist?

14 A Yes.

15 Q Okay.

16 And who else did you contact?

17 A I contacted the IAP Homeland Security officers.

18 Q Okay. That the United States Homeland Security, correct?

19 A Yes.

20 Q So now fingerprints have been done, they're in the, I
21 guess, secondary area. What is the next step?

22 A So I also arranged for a call to be made to Mr. Vasquez'
23 mother to ask her what she thought of this.

24 Q Did you speak with his mother?

25 A I couldn't speak to her directly because she spoke

REEVES-DIRECT

1 Spanish, but my colleague spoke to her on my behalf.

2 Q Okay.

3 A He's a Spanish speaker.

4 Q And at that point were you satisfied that this was all
5 good and you were going to let them into the UK?

6 A No.

7 Q Okay.

8 So what happened?

9 A So I contacted my higher-ups, and I told them I had
10 spoken to Mr. Vasquez' mother. I spoke to a Child Protection
11 Specialist and spoke to IAP and Homeland Security. Homeland
12 security had come to Terminal 4 to talk to me. They listened
13 to what I had discovered so far. They listened to why I am
14 not satisfied that the relationship was okay for me to be
15 granting them entry. On that basis I'm leaving the end of my
16 shift by that time.

17 Q Now, let me ask you a question. It doesn't relate just
18 to Mr. Gandy and Mr. Vasquez. But what happens if somebody
19 is denied entry into the UK? What happens to them? I mean,
20 you're telling them, okay, okay, you can't come in, so where
21 do they go?

22 A If there was a flight available immediately, we would
23 remove them on the next available flight to America.

24 Q And whose financial responsibility is that?

25 A The carrier who brings the passengers into the country is

REEVES-DIRECT

1 responsible for removing them to their country of origin.

2 Q So now you're ending your shift?

3 A Yeah.

4 Q And so what do you have to do?

5 A So another officer is selected to take over from me. So
6 I brief the next officer who's coming in on what's happened
7 so far, what's been said, what my concerns are, and I
8 verbally hand it over to her and then I write my minutes for
9 the file.

10 Q Okay. And do you recall who that officer was that you
11 handed this off to?

12 A Yes. It was Officer O'Donovan.

13 Q And let me ask you a few more questions.

14 During the time that you're interacting with
15 Mr. Gandy, does he ever question you about what is going to
16 happen if they're not allowed entry?

17 A No.

18 Q Does he ever show any concern for whether or not Mr.
19 Vasquez is going to be upset, separated from him, what's
20 going to happen to Mr. Vasquez? Does he question you at all
21 about that?

22 A Not that I recall, no.

23 MS. ZACK: A moment, Your Honor.

24 THE COURT: Yes.

25 MS. ZACK: Thank you. I pass the witness.

1 MR. BUCKLEY: Nothing from us, Your Honor.

2 THE COURT: No questions?

3 MR. BUCKLEY: No questions from us, Your Honor.

4 THE COURT: May this witness be excused?

5 MS. ZACK: Yes, Your Honor.

6 THE COURT: No objection?

7 MR. BUCKLEY: Pardon me, Your Honor. No objection.

8 Thank you.

9 THE COURT: Sir, you are free to leave. Thank you.

10 And safe travels home.

11 THE WITNESS: Thank you.

12 THE COURT: The next witness, please.

13 MS. LEO: Your Honor, at this time the government
14 would call Joan O'Donovan to the stand.

15 THE COURT: Please come forward. Raise your right
16 hand.

17 Do you solemnly swear that the testimony you
18 will give in the case now before this Court will be the
19 truth, the whole truth and nothing but the truth so help you
20 God, or you may affirm?

21 THE WITNESS: I do.

22 THE COURT: Please take the witness stand. And if
23 you would please speak slowly and clearly into the
24 microphone; and you have to pull the mic toward you and lean
25 forward to speak into it as you testify. Please be seated.

O'DONOVAN-DIRECT

1 THE WITNESS: Thank you.

2 THE COURT: Go ahead, please.

3 MS. LEO: Thank you, Your Honor.

4 JOAN O'DONOVAN

5 was called as a witness by the government and,
6 having been first duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. LEO:

9 Q Please state your name for the record.

10 A Joan O'Donovan.

11 Q And, Ms. O'Donovan, how are you currently employed?

12 A I'm a United Kingdom Border Force Officer.

13 Q And how long have you been employed as a Border Force
14 Officer?

15 A Since 2001.

16 Q And can you explain a little bit your duties of a border
17 officer?

18 A I work at Heathrow Terminal 4, and I examine arriving
19 passengers to determine if they're qualified to enter the
20 United Kingdom.

21 Q Can you explain to the jury a little bit about your
22 training that you went through to become a Border Force
23 Officer?

24 A Well, the initial training period was six weeks followed
25 by an interim duty period of four weeks and the ongoing

O'DONOVAN-DIRECT

1 training when things change and updates followed by a
2 probation usually of six months.

3 Q And are your duties the same now as they were back in
4 2012?

5 A Yeah, more or less, yeah.

6 Q And were you working on or about July the 19th or the
7 20th of 2012?

8 A Yes.

9 Q What were your duties on that particular date?

10 A I was on the late shift, and I came into work and I was
11 handed a case from area colleague, Mr. Reeves, for further
12 examination.

13 Q When you were handed the case, what were you told about
14 the case?

15 A I was told two U.S.A. nationals, a 30-something-year-old
16 male was traveling with a 15-year-old boy. And they were
17 concerned at how they knew each other, what they were going
18 to do here, they had no accommodation booked and that the
19 older male had, when asked initially how he knew who he was
20 traveling with said that he was a family friend, and he even
21 couldn't say the boy's mother's name and eventually wasn't
22 able to.

23 Q That he wasn't what?

24 A A family friend; that he didn't know the boy's mother as
25 he had mentioned the previous day.

O'DONOVAN-DIRECT

1 Q And so, Officer O'Donovan, after being briefed by Officer
2 Reeves about this case, what did you do?

3 A I spoke to both of them. I interviewed the boy and then
4 I interviewed the adult.

5 Q And what happened when you interviewed -- the boy you are
6 referring to, would that be Kevin Vasquez?

7 A Yes, I believe so, yes.

8 Q And when you interviewed Mr. Vasquez, what did you find
9 out?

10 MR. BUCKLEY: Excuse me, Your Honor. That calls for
11 hearsay as asked.

12 THE COURT: Rephrase it.

13 MS. LEO: Yes, Your Honor.

14 BY MS. LEO:

15 Q Who did you speak to first? Was it Mr. Vasquez or was it
16 the older passenger?

17 A As far as I can remember, I spoke to Mr. Vasquez first.

18 Q And how long did you speak to Mr. Vasquez?

19 A About half an hour. I'm sorry. It was a long time ago.

20 Q Sure. This is six years ago; is that correct?

21 A Yes.

22 Q So after you spoke with Mr. Vasquez, did you get certain
23 information from Mr. Vasquez?

24 A Yes, I did.

25 Q And without telling us what he told you, what types of

O'DONOVAN-DIRECT

1 information did you try to gather from him?

2 A Well, trying to establish what their relationship was,
3 how they know each other and things they did together and
4 were they friends before they took this trip.

5 Q And, Officer O'Donovan, after you spoke with Mr. Vasquez,
6 did you speak to the other individual?

7 A Yes, I did.

8 Q And is that Mr. Jason Gandy?

9 A Yes.

10 Q And how long would you say that you spoke with Mr. Gandy?

11 A I think it was almost one hour.

12 Q And when you spoke with Mr. Gandy, what types of
13 questions were you asking him?

14 A I was asking him maybe the same questions on what had
15 happened, who you are? And I asked him the question, how do
16 you Mr. Vasquez? When did you meet him? How long have you
17 known each other, those kind of questions.

18 Q And what did Mr. Gandy tell you when you asked him those
19 questions?

20 A He told me different information than Mr. Vasquez had
21 told me.

22 Q And after you spoke with both Mr. Gandy and Mr. Vasquez,
23 what did you do next?

24 A After I spoke with them, I went and referred all the
25 information back to my higher officer, and we discussed it

O'DONOVAN-DIRECT

1 and we decided to refuse them to enter.

2 Q And why were you refusing to allow them entry?

3 A I wasn't happy, and I was not satisfied they were genuine
4 visitors, and I wasn't approving what they were going to do
5 here. I was concerned as to the welfare of Mr. Vasquez. He
6 was 14, 15 at the time, and I just was not happy with what
7 they were coming here to do.

8 Q After you and your supervisor determined that you were
9 not going to allow them entry into the UK, what did you do?

10 A We set in motion directions for them to go back to the
11 U.S.A., and I made arrangements for them to travel on
12 separate flights.

13 Q And why did you make arrangements for them to travel on
14 separate flights?

15 A Because as I wasn't happy and I was concerned for the
16 child, I didn't think they should be together as he was an
17 adult and shouldn't be in charge of him or to be with him.

18 Q And how did you make that determination?

19 A Because of all of the discrepancies in the information
20 they had both given me and their relationship. I wasn't
21 satisfied with the age difference, what they had in common,
22 why they had come in or what they were doing here, and I
23 didn't want him to have any more influence since he was in
24 the position to do that. So we told the American authorities
25 so that they could meet with both of them on the return

O'DONOVAN-DIRECT

1 flight and contact the parent.

2 Q Okay.

3 And, Officer O'Donovan, did you serve Mr. Gandy
4 or Mr. Vasquez with any sort of paperwork?

5 A Yes.

6 MS. LEO: Your Honor, may I approach?

7 THE COURT: You do not need to ask permission to
8 approach the witness.

9 MS. LEO: I apologize, Your Honor.

10 BY MS. LEO:

11 Q Let me show you what's been marked and admitted already
12 as Government Exhibit 16A. Do you recognize this form?

13 A Yes.

14 Q And what form is this?

15 A This is the IS 82A. It's a notice of refusal to enter.

16 Q This is Government's 16A, the document at page 1. Who
17 was this served on?

18 A This was served on Mr. Gandy.

19 Q And what is this form? What is this document telling Mr.
20 Gandy?

21 A It's telling him that he is refused to enter. It gives
22 the reasons here, and then it tells him the return flight to
23 the USA and that he doesn't have anybody with him.

24 Q And can you go over what the explanations were that are
25 on this form?

O'DONOVAN-DIRECT

1 A Yes. This first paragraph is the briefing. It's
2 paragraph 43, refusal to enter.

3 And the second one is because of fact that he
4 brought in a young person, and I wasn't able to establish
5 their relationship or the extent of their relationship to a
6 satisfactory degree.

7 And the other was I wasn't satisfied and there
8 were discrepancies between both of them in how they had met,
9 where they met, who came to whose house; and he had practiced
10 deception on arrival in that he tried to portray himself as a
11 close family, a friend of his mother that he had known, and
12 he didn't know her at all.

13 Q After that explanation, what is the checkmark down on the
14 bottom portion of the form?

15 A This is telling him he doesn't have a right to appeal
16 because he doesn't have an entrance form. If somebody has
17 a visa, then they would have a right to appeal, but he
18 didn't.

19 Q And you stated that this form also tells him about his
20 flight back to the United States?

21 A Uh-huh, yes.

22 Q When was he traveling back to the United States?

23 A It was 9:30 on the 20th of July, 2012 on UA 35.

24 Q And on the back side of this document there is a
25 signature. I know it's not coming up on the overhead, but on

O'DONOVAN-DIRECT

1 the document here, the exhibit, whose signature is on this?

2 A It's mine.

3 Q And actually it's now pulling up on the screen. That's
4 your signature?

5 A Yes.

6 Q And when did you serve this on Mr. Gandy?

7 A I gave it to him after I had talked to the chief
8 immigration officer, and at some point I think he got it.

9 Q Now, let me show you Government's Exhibit 16B, page 1.
10 What is this document?

11 A This is also an IS 82A, a refusal to enter.

12 Q And who did you give this document to?

13 A Mr. Vasquez.

14 Q And what does this document state?

15 A It tells him he is being refused to enter at that time,
16 again because of the discrepancies in what he said and what
17 Mr. Gandy had said. And I wasn't able to establish a
18 satisfactory nature of their relationship and that Mr. Gandy
19 had not made adequate arrangements for his care.

20 Q And with regards to the flight arrangements for Mr.
21 Vasquez, when was he supposed to fly back to the United
22 States?

23 A He flew on the UA 5 at 11:40 on the 20th of the July.

24 Q And there's a signature at the bottom of this document.
25 Is that your signature?

O'DONOVAN-DIRECT

1 A Yes.

2 Q Let me show you. Were there other documents that were
3 provided to Mr. Vasquez because he was in fact a minor?

4 A By me?

5 Q By anyone in your agency?

6 A Mr. Vasquez was granted temporary admission to the UK, so
7 he was given an IF 96, self check-in, which would allow him
8 to check in for his flight when he returned the following
9 day.

10 Q And that you stated was an IF 96?

11 A For check-in.

12 Q Let me go ahead and have you take a look at Government's
13 Exhibit No. 16B, page 6. Is that the document that you are
14 referring to?

15 A Yes.

16 Q And that was so he could come back into the airport for
17 his flight the following day?

18 A Yes, because didn't have his passport, so he needed that
19 form to check in.

20 Q Okay.

21 And where was Mr. Vasquez taken after you all
22 had determined that he was not going to be allowed entry into
23 the UK?

24 A He was taken to detention.

25 Q And was he served with a form, an IF 83?

O'DONOVAN-DIRECT

1 A No. He was served an IF 83 before he came on the
2 airline.

3 Q Let me show you Government Exhibit 16B, No. 4?

4 A Uh-huh.

5 Q Is that the IF 83?

6 A Yes.

7 Q Why is that served on the airline?

8 A That is served on the airline so you notify them at that
9 time the passenger is inadmissible, and it directs them to
10 remove them back to wherever they have come from.

11 Q At some point would he have been served with an IF 96?

12 A Mr. Gandy?

13 Q Mr. Vasquez.

14 A Yes.

15 Q Let me show you Government's Exhibit 16B, No. 7. Is that
16 the document that you are referring to?

17 A Yes.

18 Q What is that document?

19 A It's granting temporary admission into the United Kingdom
20 on the date of his flight.

21 Q And so after you finished speaking with Mr. Vasquez and
22 serving with the various forms, where was he taken to?

23 A He was taken to detention.

24 Q And how long was he there for?

25 A I believe it was overnight.

O'DONOVAN-DIRECT

1 Q And when you say "detention," would do you mean?

2 A I mean an Immigration Removal Center detention.

3 Q Okay.

4 And then he was able to temporarily leave based
5 on those forms and come back to the airport also based on
6 those forms?

7 A I'm sorry. I didn't understand. Did you ask me about
8 Mr. Vasquez?

9 Q Yes.

10 A Oh, no. He left straight away. We made arrangements for
11 social services to pick him up. He left at 8:12 that
12 evening, and he was taken to an overnight foster parent and
13 to await for his flight, yes.

14 Q So those documents were given to him so he could leave
15 the airport temporarily and enter the United Kingdom for the
16 purposes of staying overnight at a foster home so then he
17 come back to fly out the next day?

18 A Yes. That's right.

19 Q And what happened with Mr. Gandy?

20 A Mr. Gandy was taken to detention.

21 Q And is that because he was not allowed admission into the
22 United Kingdom?

23 MR. BUCKLEY: Objection -- I would withdraw it.

24 THE COURT: All right. Thank you.

25 A Yes. And also because we weren't satisfied that he might

O'DONOVAN-DIRECT

1 return for his flight or that he was suitable for admission.
2 We don't always detain people. Sometimes we grant them
3 admission for a return flight anyway, but we weren't to allow
4 him in.

5 Q Was that based on some of the discrepancies that he had?

6 A Yes, yes.

7 Q And after -- let me show you Government's Exhibit No.
8 16C. Do you recognize this document?

9 A I have seen it before. It's a leaflet concerning -- to
10 give to passengers if they want to make a complaint.

11 Q Do you know if Mr. Gandy had received this?

12 A No.

13 Q Officer O'Donovan, after you had made the arrangements
14 for Mr. Gandy to be sent to detention and his flight, his
15 itinerary for his flight was made and after Mr. Vasquez was
16 sent to foster care for the night and his flight arrangements
17 were made, did you do anything else in regard to this
18 particular case?

19 A I notified Homeland Security of the return flight
20 details.

21 Q And anything after that?

22 A I can't remember. I'm sorry.

23 MS. LEO: Your Honor, may I have a moment?

24 THE COURT: You may.

25

O'DONOVAN-CROSS

1 BY MS. LEO:

2 Q Officer O'Donovan, during the time that you were speaking
3 with Mr. Gandy, at any point did he show any concern for Mr.
4 Vasquez?

5 A No.

6 MR. BUCKLEY: Objection, calls for speculation.

7 THE COURT: Rephrase it.

8 MS. LEO: I will rephrase it.

9 BY MS. LEO:

10 Q Did he ask you any questions about Mr. Vasquez or Mr.
11 Vasquez' well being?

12 A No.

13 MS. LEO: Your Honor, I will pass the witness.

14 THE COURT: Thank you.

15 Cross.

16 MR. BUCKLEY: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. BUCKLEY:

19 Q Good morning, Officer Donovan.

20 A Morning.

21 Q O'Donovan. I apologize.

22 Welcome to Houston.

23 A Thank you.

24 Q Regarding the last question that you received from the
25 prosecution, did you ever give Mr. Gandy any reason to

O'DONOVAN-CROSS

1 believe that Mr. Vasquez was in any danger?

2 A No, I don't think so.

3 Q So to the contrary is you believed that you would have
4 been projecting the impression to Mr. Gandy that you and your
5 agency were safeguarding Mr. Vasquez in some way, right?

6 A I suppose so, yes.

7 Q So it would not surprise you then that Mr. Gandy would
8 not express concern about Mr. Vasquez' well being?

9 A Well, it did surprise me a little bit because he had been
10 there quite a long time, and I thought most people will say
11 to you, well, where is he or what have you done with him or
12 is he okay even.

13 Q Well, you didn't give him any reason to think that he
14 wasn't okay, correct?

15 A No.

16 Q And just to clarify, you had testified about the age
17 difference that you observed between Mr. Vasquez and Mr.
18 Gandy?

19 A Uh-huh.

20 Q And Mr. Vasquez' age at that time was 15, correct?

21 A Yes.

22 Q And I believe you testified or you mentioned that Mr.
23 Gandy was 40. I don't know if I heard you correctly, but in
24 fact he was 35 at that time, right?

25 A I am not sure. I don't remember his exact age. I

O'DONOVAN-CROSS

1 remember him being 40, but I may be wrong.

2 Q So if he was, if he was actually in his mid 30s, you just
3 don't recall, right?

4 A It would be what, sir?

5 Q You just don't recall at this time how old?

6 A I knew he was -- yes, I knew he was -- there was a
7 significant age difference.

8 Q During the time, and as you mentioned, during the time
9 that you were having discussions with each, Mr. Gandy and Mr.
10 Vasquez, they were, of course, separated for a long period of
11 time, right?

12 A Yes.

13 Q And how long do you think they were separated, if you
14 know?

15 A I believe they arrived at about 10:00 o'clock in the
16 morning, and I work on the late shift. I can't remember
17 exactly what time, which was about 2:00, and I finished about
18 7:00. So between 10:00 and 8:00 o'clock, or they were
19 separated until they returned.

20 Q So in the course of your contact with Mr. Vasquez and
21 based on the information that you received from your
22 predecessor --

23 A Uh-huh.

24 Q -- you don't have any reason to believe that Mr. Vasquez
25 was asking to be rescued from Mr. Gandy, right?

O'DONOVAN-CROSS

1 A No. He seemed quite calm.

2 Q And, in fact, it was your observation that he appeared
3 motivated to be granted access into the UK, right?

4 A Yes, yes.

5 Q He wasn't asking please send me back?

6 A No. He didn't ask to send me back.

7 Q And he didn't ask or request any protection from Mr.
8 Gandy, did he?

9 A No.

10 MR. BUCKLEY: Thank you, Officer O'Donovan. I pass
11 the witness.

12 MS. LEO: I have no further questions, Your Honor.

13 THE COURT: May this witness be excused?

14 MR. BUCKLEY: Yes, Your Honor.

15 THE COURT: You are free to leave. Thank you for
16 coming, and have a safe trip home.

17 Your next witness, please.

18 MS. ZACK: Your Honor, at this time the United
19 States would call Kevin Vasquez.

20 THE COURT: Very good. Thank you.

21 Please come forward, sir.

22 MS. ZACK: Step over there.

23 THE COURT: And if you will pause there. Raise your
24 right hand to be sworn.

25 Do you solemnly swear that the testimony you

VASQUEZ-DIRECT

1 will give in this case will be the truth, the whole truth and
2 nothing but the truth so help you God, or you may affirm?

3 THE WITNESS: I do.

4 THE COURT: Please take the witness stand, sir.
5 That means have a seat in that chair.

6 As you testify, please lean forward and speak,
7 pull the mic down towards you, speak slowly and clearly
8 directly into that mic and everyone will be able to hear you.

9 Thank you. Go ahead, please.

10 MS. ZACK: Thank you, Your Honor.

11 KEVIN VASQUEZ

12 was called as a witness by the government and,
13 having been first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. ZACK:

16 Q Can you please state your name and spell your last name.

17 A Kevin Vasquez, V-a-s-q-u-e-z.

18 Q And, Mr. Vasquez, how old are you?

19 A I'm 21.

20 Q And what's your date of birth?

21 A April the 5th, 1997.

22 Q I am going to show you, but I will ask it not be put on
23 the large screen, what's been admitted as Government Exhibit
24 17A, and I want you to look at that.

25 MS. ZACK: It will come up in. Just give it a

VASQUEZ-DIRECT

1 minute.

2 BY MS. ZACK:

3 Q While we are waiting for that, where were you born?

4 A Los Angeles, California.

5 Q And did I ask you your date of birth?

6 A Yes.

7 Q Okay. And you said it was?

8 A April 5th, 1997.

9 Q Okay.

10 How old were you when you moved from L.A.?

11 A One, one.

12 Q At the time you moved from L.A., how many brothers and
13 sisters did you have?

14 A Just one.

15 Q Older or younger?

16 A Older.

17 Q Okay.

18 So you moved with who to Houston?

19 A It was me, my sister and my mom.

20 Q And you settled in Houston, correct?

21 A Yes.

22 Q At some point did your mom get married?

23 A Yes, she did.

24 Q Okay.

25 And after she married your stepfather, do you

VASQUEZ-DIRECT

1 have other brother and sisters?

2 A Yes, I do.

3 Q Okay. How many?

4 A My mom and my dad had four more, so it was a total of
5 six.

6 Q Okay. There's six of you. And I am guessing from what
7 you said you're the second oldest?

8 A Yes, ma'am.

9 Q So did you do all your schooling in Houston?

10 A Yes, ma'am.

11 Q And where did you go to high school?

12 A Northshore High School.

13 Q And did you graduate?

14 A Yes, ma'am.

15 Q What year did you graduate?

16 A 2015.

17 Q And after graduation what did you do?

18 A I joined the Army.

19 Q And are you currently in the Army?

20 A Yes, ma'am.

21 Q What is your rank?

22 A I'm a Specialist.

23 Q And what do you do? What is your job or duty?

24 A Warehouse manager in -- I manage warehouses or I'm a
25 clerk at the same time.

VASQUEZ-DIRECT

1 Q And during your time, how long have you been in the Army?

2 A Three years.

3 Q And have you ever deployed overseas?

4 A Yes, ma'am. I was in Germany for two years.

5 Q And then you returned back to the U.S.?

6 A Yes, ma'am.

7 Q Okay.

8 And you are currently stationed outside the
9 State of Texas; is that correct?

10 A Yes, ma'am.

11 Q Now, I want to draw your attention back to 2012, okay,
12 specifically the spring of 2012. Before April 5th of 2012,
13 how old were you?

14 A I was 14.

15 Q And in what grade were you?

16 A I was in the ninth grade.

17 Q And this is at Northshore?

18 A Northshore, whenever I attended.

19 Q Okay.

20 And without telling me the address, where was
21 your family living?

22 A We were living in Houston, Texas; Pasadena, Texas, right
23 by Pasadena.

24 Q In what kind of home?

25 A It was an apartment complex.

VASQUEZ-DIRECT

1 Q And all eight of you in one apartment?

2 A Yes, ma'am.

3 Q And did your mom work at that time?

4 A My mom was not working.

5 Q And did your step dad work?

6 A Yes, he did.

7 Q Okay.

8 And as far as extra money, was there any extra
9 money in your family to go around at that time?

10 A None, ma'am.

11 Q Okay.

12 As a 14-year-old boy at that time what were you
13 into?

14 A I was into skateboarding. I liked to go to concerts.

15 Q And did you have money to do these things?

16 A No, ma'am. I didn't.

17 Q Did that bother you?

18 A It did.

19 Q So I want to talk about at that time when you were in the
20 spring of 2012, did you have a girlfriend?

21 A Yes, ma'am.

22 Q And how did you know her?

23 A I met her at school.

24 Q Okay.

25 Were you online?

VASQUEZ-DIRECT

1 A Yes, ma'am.

2 Q What kind of things did you do online?

3 A I liked Facebook.

4 Q And did you communicate with people on Facebook?

5 A Yes, ma'am.

6 Q Was everyone that you communicated with on Facebook
7 someone you knew in person?

8 A No, ma'am.

9 Q Did there come a point in time where you met someone
10 online that became known to you as Jason Gandy?

11 A Yes, ma'am.

12 Q And approximately when was that?

13 A When did I meet him?

14 Q Online.

15 A I met him probably like a couple weeks before my birthday
16 I first met him.

17 Q So March of 2012?

18 A Yes.

19 Q Approximately?

20 A Yes, ma'am.

21 Q And at that point when he messaged you, when someone
22 messages, what does Facebook tell you about that person?

23 A They just tell you where they live, where they're from,
24 what friends you have in common.

25 Q And before we get to whenever you got all that

VASQUEZ-DIRECT

1 information, do you see the person here today --

2 A Yes, ma'am.

3 Q Let me finish the question.

4 A All right.

5 Q -- that you know as Jason Gandy?

6 A Yes, ma'am.

7 Q Could you describe him by an article of clothing or where
8 he is sitting so that we can distinguish him from other
9 people.

10 A Yes, ma'am. He's wearing a blue suit with like this
11 light blue shirt underneath.

12 MS. ZACK: Your Honor, may the record reflect the
13 in-court identification of the defendant?

14 THE COURT: The record will so reflected. Thank
15 you.

16 BY MS. ZACK:

17 Q Now, you indicated that when you met him online that
18 Facebook told you some things about this person. And one of
19 those things you said was mutual friends; is that correct?

20 A Yes.

21 Q And do you recall whether you had mutual friends in
22 common?

23 A Yes, ma'am.

24 Q And approximately how many mutual friends did you have in
25 common?

VASQUEZ-DIRECT

1 A One or two.

2 Q Do you recall the names of any of those friends?

3 A Yes, ma'am.

4 Q Who is that?

5 A Jamie Vam.

6 Q And were you friends with him online as well?

7 A Yes, ma'am.

8 Q Did there ever come a point in time where you met the
9 person that identified themselves on Facebook as Jamie Vam?

10 A Yes, ma'am.

11 Q Approximately when did you meet them?

12 A When did I meet Jamie Vam?

13 Q Yeah, in person.

14 A A week or two before my birthday.

15 Q So March also?

16 A Yes, ma'am. Around March.

17 Q 2012?

18 A Yes, ma'am.

19 Q And where did you meet Jamie Vam in person?

20 A He picked me up from school.

21 Q At the high school?

22 A Yes, ma'am.

23 Q Okay.

24 And where did you go to?

25 A We went to the mall.

VASQUEZ-DIRECT

1 Q And what happened at the mall?

2 A He bought me shoes.

3 Q Do you recall what kind of shoes?

4 A Yes, ma'am.

5 Q What kind of?

6 A Tongs.

7 Q And were those shoes that you would have been able to
8 buy?

9 A Not at the time.

10 Q So after he bought you shoes, where did you go?

11 A We went to his house.

12 Q And at his house were you offered any food or drink?

13 A Yes, ma'am.

14 Q What?

15 A It was a mixed drink.

16 Q And by that do you mean an alcoholic beverage?

17 A Yes, ma'am.

18 Q And at this point you're how old?

19 A 14.

20 Q And what happened at his house?

21 A We hung out.

22 Q And what do you mean by "hung out"?

23 A He told me to take my clothes off, and then he took his
24 clothes off.

25 Q And was there any sex acts performed at his house?

VASQUEZ-DIRECT

1 A Yes, ma'am.

2 Q By whom?

3 MR. BUCKLEY: Excuse me, Your Honor, as to the "his"
4 pronoun. Specify the person.

5 THE COURT: Please do so.

6 A Jamie Vam.

7 BY MS. ZACK:

8 Q And what did Jamie Vam do?

9 A He performed a hand job on me and then a blow job.

10 Q Okay.

11 While those may be common terms that people
12 use, I need you to be more specific about what body part of
13 his touched what body part of yours. When you say "hand
14 job," what do you mean?

15 A He grabbed my penis.

16 Q With what part of his body?

17 A His hand.

18 Q And you indicated also that there was a blow job. Who
19 did what to who?

20 A Jamie Vam gave me a blow job.

21 Q Meaning he put what part of his body on what part of your
22 body?

23 A He put his mouth on my penis.

24 Q And after that, where did you go, what did you do?

25 A After that he took me back home.

VASQUEZ-DIRECT

1 Q And did you keep the shoes?

2 A Yes, ma'am.

3 Q And did he give you any money?

4 A No, ma'am.

5 Q Did you ever see that person again?

6 A No, ma'am.

7 Q So that is, like you said, about two weeks before your
8 birthday?

9 A Yes, ma'am, about two or three.

10 Q Two or three weeks. That was early March sometime?

11 A Yes, ma'am.

12 Q At the same time, though, a mutual friend that you and
13 Jamie Vam have, the defendant, is messaging you?

14 A Yes, ma'am.

15 Q And what kind of stuff is he saying?

16 A Jason Gandy?

17 Q Yes.

18 A He messaged me, and he started saying how he had a
19 business and how he has money and he travels to Indonesia,
20 Bali.

21 Q And let me back up. Just one more question about Jamie
22 Vam. After that, or prior to that, before you met with Jamie
23 Vam, had you ever had an encounter like that with anyone
24 before?

25 A No, ma'am.

VASQUEZ-DIRECT

1 Q So now you're talking to the defendant, and he is telling
2 you the things you just described, correct?

3 A Yes, ma'am.

4 Q And does he ask to meet you?

5 A Yes, ma'am.

6 Q And what are you thinking?

7 A At first I was hesitant. I said no. He kept messaging
8 me. So I finally give him a chance and hung out with him.

9 Q And in relation to your birthday, which was the 5th of
10 April, do you recall when you first hung out with the
11 defendant?

12 A Yes, ma'am.

13 Q When was that?

14 A April 5th -- I mean, April 8th, 2012.

15 Q And how is it that you met up with the defendant?

16 A He picked me up from an elementary school next to my
17 house.

18 Q Why an elementary school next to your house?

19 A I didn't want my mom to see him.

20 Q What did you tell your mom you were doing?

21 A Going to my friend's house.

22 Q Did your mom question where you got the shoes from Jamie
23 Vam?

24 A No, ma'am. She didn't know.

25 Q So you don't want her to know that you're going with Mr.

VASQUEZ-DIRECT

1 Gandy, correct?

2 A Yes, ma'am.

3 Q At that time did you know how old the defendant was?

4 A No, ma'am.

5 Q At that time did he know old you were?

6 A Yes, ma'am.

7 Q How do you know that?

8 A Because I told him that my birthday had just passed on
9 April 5th, and then he said he wanted to take me out; and
10 that's when I agreed to hang out with him on April 8th.

11 Q And what birthday was that? What had you just turned?

12 A I had just turned 15.

13 Q So he meets you at the elementary school, correct?

14 A Yes, ma'am.

15 Q And when you say he met you there, was he driving? Did
16 he come by bus? How did that happen?

17 A He picked me up in his car.

18 Q Do you recall what kind of car it was?

19 A Yes, ma'am.

20 Q What kind of car was it?

21 A He had a Smart car, the two-door small cars.

22 Q And just him in the car?

23 A Yes, ma'am.

24 Q And where do y'all go?

25 A He took me to the Galleria.

VASQUEZ-DIRECT

1 Q And when you get to the Galleria, what happens?

2 A We get to the Galleria and give me 500, \$600 to spend.

3 Q And at that point what are you thinking?

4 A I think I'll spend this money.

5 Q And were you excited about having five or six hundred
6 dollars to spend?

7 A Yes, ma'am.

8 Q So where did you go? What did you do?

9 A I bought a custom skateboard. It cost about \$200. And I
10 used the rest to buy clothes and shoes.

11 Q So about how long do you think all that shopping took?

12 A About two hours.

13 Q And do you recall whether or not this was a weekday or a
14 weekend?

15 A Weekend.

16 Q Okay. Why do you know it was a weekend?

17 A Because I wasn't having to go to school that day.

18 Q And were you regularly attending school?

19 A Yes, ma'am.

20 Q So shopping's done. Where do you go? What happens?

21 A So we're done shopping. We go back into his car and we
22 start driving.

23 Q And where do you think you're going?

24 A I thought I was going home.

25 Q And what happened?

VASQUEZ-DIRECT

1 A He started driving to his house.

2 Q And what are you thinking?

3 A I was freaking out at first because I thought I was going
4 home; and he didn't say he was going to his house, driving to
5 his house.

6 Q And so what do you do?

7 A I just went with it. I just didn't say anything. But I
8 was freaking out.

9 Q So do you get to his house?

10 A Yes, ma'am.

11 Q And what happens when you get there?

12 A He gets to his house. He shows me his room, like his
13 whole house, his roommates, the fish he had in the ponds, his
14 RV. Like he's just showing me around the whole house,
15 cameras.

16 Q Okay. Before we get to that, how would you describe
17 this? Was this a big piece of property? Is it a single
18 home? What does it look like?

19 A It was pretty big. It was a decent-size house. He had
20 like three or four bedrooms, like two restrooms. He had
21 another home outside, like a little smaller one. So it was
22 pretty decent.

23 Q I am going to show you Government's Exhibit 26 and I am
24 going to ask you -- don't put it up. I am going to ask you
25 if you recognize this. Do you recognize that?

VASQUEZ-DIRECT

1 A Yes, ma'am.

2 Q Okay. And what is this?

3 A This is his house.

4 Q Okay.

5 And do you recognize the layout of the house?

6 A Yes, ma'am.

7 Q And what else do you recognize in this picture?

8 A His RV, his massage room.

9 Q Okay.

10 And is this how it appeared when you saw it
11 back in 2012?

12 A Yes, ma'am.

13 MS. ZACK: Your Honor, at this time the United
14 States would move to admit Government's Exhibit 26.

15 MR. BUCKLEY: No objection.

16 THE COURT: It's admitted. Thank you.

17 MS. ZACK: May we publish, Your Honor?

18 THE COURT: You may.

19 MS. ZACK: Thank you.

20 THE COURT: "Publish" just means you guys get to see
21 it.

22 MS. ZACK: Thank you, Your Honor.

23 BY MS. ZACK:

24 Q So, can you explain to us how this looked, where you went
25 in, what you saw?

VASQUEZ-DIRECT

1 A So where the kitchen is at, we would go through that
2 hall; and when you go through the hallway you would turn to
3 your right. There's a door, you go into the kitchen, and
4 then you keep walking in the hallway all the way to the end,
5 and that's where he had his cameras in his living room.

6 Q What do you mean there were cameras in the living room?

7 A He had like a little locked cabinet. It was gated and it
8 had like his camera system for the whole house. There was
9 another room.

10 Q And when you say "cameras," are you talking like security
11 cameras?

12 A Yes, ma'am.

13 Q Were these interior cameras or were they on the outside
14 of the house or both?

15 A Both.

16 Q And where could they be viewed from? What was going on
17 on the cameras?

18 A They were viewed from the living room because they had
19 screens showing.

20 Q Okay.

21 And from what you could tell, what did the
22 defendant tell you about which one of these, if any, was his
23 room?

24 A His room was the massage room.

25 Q Which is where?

VASQUEZ-DIRECT

1 A It's outside the house.

2 Q Okay.

3 And is that what is over to the left where it
4 says RV and car and massage room?

5 A Yes, ma'am.

6 Q Was there a bathroom out there as well?

7 A Yes, ma'am.

8 Q Okay.

9 Can you describe the RV to us?

10 A When you first walk into the RV, on your right you would
11 see his beds, and on the left you would see his massage, his
12 massage room, his extra massage room.

13 Q And was the RV -- when you say "massage room" here, is
14 that, where it says "massage room," was that a permanent
15 structure?

16 A Yes, ma'am.

17 Q Okay.

18 And the RV looks like it's parked under
19 something; is that correct?

20 A Yes, ma'am.

21 Q Okay.

22 So is it like a port-a-cochere or like a open
23 garage?

24 A Like a open garage.

25 Q And it says the car is there. Is the car inside the RV

VASQUEZ-DIRECT

1 or is it behind the RV?

2 A He would park it inside the RV.

3 Q So the RV opened up?

4 A Yes, ma'am.

5 Q Okay.

6 And the car could fit in there?

7 A Yes, ma'am.

8 Q Okay.

9 So, I am going to show you what's been marked
10 as Government Exhibit 27, and I am going to ask you if you
11 recognize this item?

12 A Yes, ma'am.

13 Q And what is that?

14 A That's his massage room.

15 Q Okay.

16 And do you recognize the things in this room?

17 A Yes, ma'am.

18 Q And is this how this room appeared when you saw it? Was
19 there anything different?

20 A The only difference is the massage, the massage table was
21 in the middle.

22 Q And other than that, are the items that are in the room
23 the same as what was there when you saw it?

24 A Yes, ma'am.

25 MS. ZACK: Your Honor, at this time the United

VASQUEZ-DIRECT

1 States would move to admit Government's Exhibit 27.

2 MR. BUCKLEY: No objection.

3 THE COURT: Admitted. Thank you.

4 MS. ZACK: Permission to publish?

5 THE COURT: Yes.

6 BY MS. ZACK:

7 Q So, in looking at this you indicated that the massage
8 table was more in the middle?

9 A Yes, ma'am.

10 Q There's a refrigerator?

11 A Yes, ma'am.

12 Q And it looks like some type of -- what is the black thing
13 in the bottom right-hand corner?

14 A It's an extra bed.

15 Q And what was attached to this room that you can't see in
16 this picture?

17 A He had a restroom.

18 Q On that first day there after you saw the main house --
19 well, let me ask you this. This main house that you
20 described, who lived in the main house?

21 A He had roommates that he rented out the house to.

22 Q And so that's these bedrooms?

23 A Yes, ma'am.

24 Q And they're somewhat broken up, divided in certain
25 places, correct?

VASQUEZ-DIRECT

1 A Yes, ma'am.

2 Q And people paid him to live there?

3 A Yes, ma'am.

4 Q Did you ever see or meet those people?

5 A Yes, ma'am.

6 Q Okay.

7 Did Mr. Gandy, based on your knowledge, use any
8 of the rooms in what we'll call the main house?

9 A No, ma'am.

10 Q Okay.

11 Did he prepare any meals there or anything like
12 that?

13 A Yes, ma'am.

14 Q So he didn't sleep there, but he used the kitchen?

15 A Yes, ma'am.

16 Q What about, do you know about the living room or any of
17 that?

18 A No.

19 Q No, you don't know, or no, he didn't use it, to the best
20 of your knowledge?

21 A To the best of my knowledge he didn't use it.

22 Q So on this day you're shown the main area, correct, the
23 main house and then that massage room?

24 A Yes, ma'am.

25 Q Okay.

VASQUEZ-DIRECT

1 And where -- or you go into this massage room.

2 Is that the last area he showed you?

3 A Yes, ma'am.

4 Q And what happens when you get into the massage room?

5 A When we first walked into the massage room, he asked if
6 he could give me a massage.

7 Q And what are you thinking?

8 A I told him yes.

9 Q And what happens?

10 A I laid down on the massage. I take off my shirt only and
11 I laid down on the massage table.

12 Q When you say you lay down, are you face down or face up?

13 A My stomach is face down.

14 Q And what happens?

15 A He starts giving me a massage, and later he starts taking
16 my clothes off.

17 Q Do you remember what you were wearing?

18 A Like my outfit?

19 Q Not necessarily. Were you wearing pants, shorts, that
20 part?

21 A Yeah. I was wearing pants, short-sleeve shirt and shoes.

22 Q Okay.

23 Underwear?

24 A Yes, ma'am.

25 Q And when you say he starts taking your clothes off, what

VASQUEZ-DIRECT

1 did he remove?

2 A He removed my pants and my boxers.

3 Q Was he dressed at that time?

4 A He took his clothes off.

5 Q And what happens next?

6 A He starts massaging me, and then he told me to flip over
7 so he could massage the front of my body.

8 Q Okay.

9 A I laid on my back, and he starts massaging, and then he
10 starts to like massaging my thighs, and then that's when he
11 starts touching my penis.

12 Q Now at that point is he talking to you?

13 A No, he's not talking to me.

14 Q Before that had he talked to you about doing that?

15 A No, ma'am.

16 Q Was this something you expected to have happen?

17 A No, ma'am.

18 Q So what happens now? You said he start touching your
19 penis?

20 A Yes, ma'am.

21 Q And are you -- what happens? What do you do?

22 A I let him.

23 Q Okay.

24 And what are you thinking as far as why you're
25 allowing this to happen?

VASQUEZ-DIRECT

1 A I felt bad because he had given me money, so I felt like
2 I had to, you know, return the favor or help him, you know.

3 Q Okay.

4 And at this point, how does this encounter end?
5 Do you touch him? What's going on?

6 A He gives me -- he grabs -- he uses his hand to grab my
7 penis and starts doing a hand job, and then he performs oral
8 sex on my penis.

9 Q Okay.

10 Do you touch him in any way with this
11 encounter?

12 A Just a hand job.

13 Q Okay. Meaning you put --

14 A I put my hand on his penis.

15 Q And so all of this occurring on that massage table that's
16 in the picture?

17 A Yes, ma'am.

18 Q Do you ever move to a different location?

19 A Yes, ma'am.

20 Q And where did you go?

21 A We go to the -- so after I ejaculated, he moved me to the
22 bed, and that's when he started performing, he tried to
23 perform anal sex.

24 Q And did that occur?

25 A He did not penetrate.

VASQUEZ-DIRECT

1 Q And was that something you were willing to participate
2 in?

3 A No, ma'am.

4 Q And after that, what happens? What do you all do? Where
5 do you go?

6 A He ends up taking me back to my house.

7 Q Do you discuss what happened?

8 A Yes, ma'am.

9 Q And what does he tell you?

10 A He just told me that I should start doing massages with
11 him. I guess he enjoyed what happened, so that's when he
12 started talking about massages.

13 Q And when you say the "massages," were you told by the
14 defendant what he did for a living?

15 A Not at first. It wasn't until we were going back home.

16 Q And what did he explain he did?

17 A He said he did business with renting out homes and rooms,
18 and then he said he was a professional massage therapist.

19 Q And so when he starts talking to you about massages, it's
20 at the time he's telling you that he's a massage therapist?

21 A Yes, ma'am.

22 Q And what does he want you to do? What does he propose to
23 you you could do?

24 A He told me that if I wanted to make more money like I
25 just got, then I just should join him, do massages with him.

VASQUEZ-DIRECT

1 Q Now, when you say "money like you just got," did he give
2 you cash or are you talking about the things he allowed you
3 to buy?

4 A He gave me cash.

5 Q In addition to the money at the mall?

6 A Yes, ma'am.

7 Q Okay.

8 So, what are you thinking?

9 A Well, I took the offer.

10 Q Okay.

11 And so, how does it progress? So he drops you
12 off at home, correct?

13 A Yes, ma'am.

14 Q Do you tell your parents where you've been or what you
15 were doing?

16 A No, ma'am.

17 Q And do you tell your girlfriend?

18 A No, ma'am.

19 Q So how do you see him, how do you communicate with him,
20 because this is now April, correct?

21 A Yes, ma'am.

22 Q School is still in session?

23 A Yes, ma'am.

24 Q You're attending school, right?

25 A Yes, ma'am.

VASQUEZ-DIRECT

1 Q And if you hadn't gone to school they would have called
2 your parents?

3 A Yes, ma'am.

4 Q Okay.

5 So, first of all, how are you communicating
6 with him?

7 A We communicated on Facebook at first and made plans to
8 hang out on the weekend, the following weekend. I have a
9 phone, so I gave him my number.

10 Q Cell phone?

11 A Yes, ma'am.

12 Q And so you made plans to hang out on the weekend?

13 A Yes, ma'am.

14 Q And in your mind what's going to happen on the weekend
15 when you hang out?

16 A We were going to massage, go massage.

17 Q Did you know where the massages were going to occur?

18 A At his massage room.

19 Q So does he come get you? How do you get back to that
20 location?

21 A So we made plans to hang out on the weekend, and then he
22 met me at the elementary school and picked me up.

23 Q Where did your parents think you were?

24 A I was telling them I was going to my friend's house.

25 Q And were you allowed to sleep out at that point?

VASQUEZ-DIRECT

1 A On the weekends, yes.

2 Q So y'all go back to that house, right?

3 A Yes, ma'am.

4 Q I want to show you some pictures, specifically
5 Government's Exhibit 20. Who is that?

6 A That's me.

7 Q And approximately when was that picture taken?

8 A When I was 15.

9 Q That's how you looked then?

10 A Yes, ma'am.

11 Q Okay.

12 And I also want to show you what has been
13 admitted as Government's Exhibit 2B, and I want you to look
14 at those images. Do you recognize that picture?

15 A Yes, ma'am.

16 Q Who's that?

17 A That's me.

18 Q And where was that picture taken?

19 A That was at Jason's house.

20 Q Can you tell me what are you standing near, what are
21 those things? And use directions like "to my right" or "to
22 my left."

23 A To the right of the picture is the RV, and to the left of
24 the picture is the Smart car.

25 Q Okay.

VASQUEZ-DIRECT

1 And what's that gate behind you?

2 A That was his gate to get out of the house with the RV and
3 the Smart car.

4 Q Was the whole property gated or fenced?

5 A Yes, ma'am.

6 Q So let's look at the next picture. And approximately
7 when was the one we just looked at taken?

8 A When I was 15.

9 Q Okay.

10 Now let's look at the next one. Who took that
11 picture?

12 A I took that picture.

13 Q And do you know when you took that picture?

14 A When I was 15.

15 Q And what did you do with that picture?

16 A I posted it on Facebook.

17 Q The other picture, the first picture we looked at, the
18 one with the RV, who took that picture?

19 A Jason took that picture.

20 Q And what did he take it with?

21 A With his cell phone.

22 Q Let's go to the third picture. Who took that picture?

23 A I took that picture.

24 Q And where did you take that picture?

25 A At my house.

VASQUEZ-DIRECT

1 Q The apartment you shared with your family?

2 A Yes, ma'am.

3 Q Okay.

4 And do you know how old you were in that
5 picture?

6 A Yes, ma'am. I was 15.

7 Q And how can you tell you were 15, and what do you
8 remember about that picture?

9 A Because when I was 15 I dyed my hair.

10 Q So in the two previous pictures your hair isn't dyed yet,
11 correct?

12 A Yes, ma'am.

13 Q Do you remember when exactly you dyed your hair?

14 A I dyed my hair a couple months -- I think a month after I
15 turned 15.

16 Q So that would have been May approximately of 2012?

17 A The month of June.

18 Q June.

19 Was your hair dyed while school was in session?

20 A Yes, ma'am. I mean, no. It was probably toward the end
21 my hair was dyed.

22 Q So end of May, beginning of June?

23 A Yes, ma'am.

24 Q So now that picture, was that -- did you ever put that
25 picture anywhere?

VASQUEZ-DIRECT

1 A Yes, ma'am, put it on Facebook.

2 Q Okay.

3 So, that's how you looked back then?

4 A Yes, ma'am.

5 Q Okay.

6 So now you go over to the defendant's house --
7 approximately this is now the first weekend after the events
8 you described -- and you believe you're going to be doing
9 massages, correct?

10 A Yes, ma'am.

11 Q Did the defendant explain to you what he meant by
12 "massages?" What instructions were you given?

13 A He told me that he had clients on his cell phone and that
14 he was going to contact them and set up appointments for the
15 weekend and that when they show up he would tell them that he
16 wanted to do a four, four-hand massage.

17 Q Okay. What's a four-hand massage?

18 A Where two people perform the massage.

19 Q So you are being massaged by four hands at the same time?

20 A Yes, ma'am.

21 Q And what did he tell you your role in the massage was?
22 What were you doing? What were you supposed to be doing?

23 A Whenever they wanted a massage, he would tell me to come
24 in and then that's when he would tell me exactly how to
25 massage them, so he would instruct me how much pressure to

VASQUEZ-DIRECT

1 apply and where basically to put my hands on them.

2 Q And where did these massages occur for the most part?

3 A In the massage room.

4 Q That we've seen the picture of?

5 A Yes, ma'am.

6 Q And in that room, when you went in there, before that
7 where would you be? Where would you be waiting?

8 A He would make me wait in the RV before, prior to the
9 massage starting.

10 Q Were you ever given any instructions about what to tell
11 the clients about your age?

12 A He would tell me to tell them that I was 18 if they
13 asked.

14 Q Did anyone ever ask?

15 A No, ma'am.

16 Q Okay.

17 When you would be asked to join the massage,
18 what would you be wearing?

19 A When I would first show up, I would have clothes on; but
20 then Jason told me that I need to remove my clothes to make
21 the client feel comfortable.

22 Q Okay. Remove your clothes completely?

23 A Yes, ma'am.

24 Q Okay.

25 And what would the defendant be wearing?

VASQUEZ-DIRECT

1 A He wouldn't be wearing clothes.

2 Q And so, what would happen? Explain how one of these
3 massages would happen.

4 A I would first wait in the RV, then he would already bring
5 the client in the massage room. He would then, I guess, talk
6 with them for a little bit, get them to lay down, then he
7 would step out of the massage room, go in the RV and say I
8 was good to come inside.

9 Q Okay.

10 So you would cross the yard or whatever into
11 the room, go out of the RV, go into the room?

12 A Yes, ma'am.

13 Q And that's when you would take your clothes off?

14 A Yes, ma'am.

15 Q What happened during -- describe these massages for us.

16 A We would start massaging them while they're laying on
17 their stomach, and then after that he would tell them to flip
18 over and then we would start massaging their upper body and
19 then front sides and everything, and then that's when, now
20 they've flipped over, he would start --

21 Q Who is "he?"

22 A Jason would start masturbating them.

23 Q Meaning what?

24 A He would put his hand on their penis.

25 Q And is the client doing anything at that point?

VASQUEZ-DIRECT

1 A He's just feeling, like touching on Jason or touching on
2 me, feeling our bodies and our penis.

3 Q While this is going on?

4 A Yes, ma'am.

5 Q Okay.

6 Did the clients, when they would touch your
7 penis, what would they touch it with?

8 A They would touch it with their hand.

9 Q Okay.

10 And did you ever touch their penises?

11 A Yes, ma'am.

12 Q Were the clients often caused to ejaculate?

13 A Yes, ma'am.

14 Q Were you paid for this?

15 A Yes, ma'am.

16 Q Who paid you?

17 A The client would pay Jason, and then Jason would pay me.

18 Q Okay.

19 And approximately how much would you make per
20 massage?

21 A 60.

22 Q \$60?

23 A 60 to 80.

24 Q And how long did these massages last?

25 A These massages lasted an hour to less.

VASQUEZ-DIRECT

1 Q Did there ever come a time -- and approximately how many
2 would you do on the weekend?

3 A Two, three, or three.

4 Q Okay.

5 And did there ever come a time when you were
6 asked to do more than massage?

7 A Yes, ma'am.

8 Q Who asked you?

9 A Jason.

10 Q And explain. What happened?

11 A Jason thought that I should be masturbating them,
12 touching, feeling on them, letting them touch me, letting
13 them masturbate me.

14 Q And did you ever engage in any of that outside of the
15 massage room?

16 A Yes, ma'am.

17 Q Where?

18 A In his RV.

19 Q Okay. Can you explain that?

20 A Yes, ma'am. He would --

21 Q Who's "he?"

22 A Jason, Jason would do it. He would masturbate me and
23 perform oral sex.

24 Q Okay.

25 When he did that to you, did he pay you?

VASQUEZ-DIRECT

1 A No, ma'am.

2 Q Okay.

3 Did he ever ask you to do that to anyone else
4 in the RV or in any other location?

5 A Yes, ma'am. In the RV somebody, somebody else came, one
6 of his clients came, and I massaged them.

7 Q And when you say "clients," were all of these clients
8 male?

9 A Yes, ma'am.

10 Q When you say you massaged him, was it the same type of
11 contact you that you described earlier?

12 A Yes, ma'am.

13 Q And were you paid for that?

14 A Yes, ma'am.

15 Q Were you ever taken anywhere by the defendant, not the RV
16 or the massage room, to perform massages or engaged in any
17 type of sexual activity with clients?

18 A Yes, ma'am.

19 Q Where was that?

20 A We went to a house to massage, and we went to a hotel to
21 massage.

22 Q Can you tell me about the time at the house.

23 A We showed up to the house to massage. The client saw
24 both of us.

25 Q How did you get to the house?

VASQUEZ-DIRECT

1 A He drove on his car. He took me.

2 Q Who is "he?"

3 A Jason.

4 Q The house, what do you recall about the house?

5 A It was a really nice house. It was a two-story house.

6 Q And do you have any idea? Did the person identify
7 themselves, the client?

8 A No, ma'am. He didn't.

9 Q And similar to what you described happening in the
10 massage room and the RV, same thing at this location?

11 A Yes, ma'am. He was hesitant at first because of my age.

12 Q Well, did you tell him how old you were?

13 A Yes, ma'am. 18.

14 Q Okay.

15 But that wasn't the truth?

16 A He wasn't believing it.

17 Q And ultimately did that massage occur?

18 A Yes, ma'am.

19 Q You also talked about a motel room, correct?

20 A Yes, ma'am.

21 Q And do you know where that was?

22 A No, ma'am.

23 Q Was it in Houston?

24 A Yes, ma'am.

25 Q And how did you get there?

VASQUEZ-DIRECT

1 A Jason drove us.

2 Q Did both of you participate in that massage?

3 A Yes, ma'am.

4 Q And again, was the client caused to ejaculate at the end
5 of the massage?

6 A Yes, ma'am.

7 Q Were you and Jason paid for that?

8 A Yes, ma'am.

9 Q Okay.

10 And when I say were you both paid, who accepted
11 the money from the client?

12 A Jason.

13 Q And then he would give you a portion of it?

14 A Yes, ma'am.

15 MR. BUCKLEY: Object to the leading form of the
16 question.

17 THE COURT: Refrain from leading.

18 MS. ZACK: Yes, Your Honor.

19 BY MS. ZACK:

20 Q So when this is going on, what days of the week is this
21 happening?

22 A There is on the weekends.

23 Q And at some point in the end of May or beginning of June
24 of 2012 does ninth grade end?

25 A Yes, ma'am.

VASQUEZ-DIRECT

1 Q So when that happens, how often are you then seeing the
2 defendant?

3 A I'm seeing him on the weekdays now.

4 Q Now, while you were at the property, did you ever see the
5 defendant with any computers?

6 A Yes, ma'am.

7 Q Let me show you what's been admitted as Government's 1.
8 Do you recognize this?

9 A Yes, ma'am.

10 Q What is this?

11 A This is Jason's laptop.

12 Q And where did you see this laptop?

13 A It was in his RV.

14 Q And did you ever see him on the laptop?

15 A Yes, ma'am.

16 Q What kind of stuff did you see him doing on the laptop?

17 A He would be on porn or he would on his website, his
18 jasonrmt website.

19 Q Let me stop you there. And I want to show you what's
20 been admitted as Government Exhibit 12A. I am going to ask
21 you to look at that on your screen. Who is that a picture
22 of?

23 A Jason.

24 Q And when you say "on his website," is that the image that
25 you're talking about on the website?

VASQUEZ-DIRECT

1 A Yes, ma'am.

2 MS. ZACK: Can I see the second page, please?

3 MR. BUCKLEY: Pardon me, Your Honor. At this point
4 would the Court entertain a morning break?

5 THE COURT: Yes. I would entertain it. Let's get
6 to a convenient stopping point with this witness.

7 MS. ZACK: Sure.

8 THE COURT: I agree. It's been almost two hours.

9 MR. BUCKLEY: Thank you.

10 MS. ZACK: Your Honor, it appears there might be a
11 technical difficulty, so this may be a good time.

12 THE COURT: A perfect time, yes.

13 Ladies and gentlemen, let's take a 10-minute
14 break. And remember to follow all the instructions during
15 the break. Thank you.

16 (Jury excused)

17 THE COURT: Is there anything we need to take up?

18 MR. BUCKLEY: I don't believe so, Your Honor.

19 MS. ZACK: No, Your Honor.

20 THE COURT: Based on the progress and pace so far,
21 guesstimated time of completing the government's case in
22 chief? You may all be seated or you may leave.

23 If you all want to start lining up in the
24 bathrooms, you are welcome to do that.

25 MS. ZACK: I still stand by Friday, Your Honor.

VASQUEZ-DIRECT

1 THE COURT: Okay.

2 I gather there is no disagreement as to the
3 charge, correct?

4 MR. BUCKLEY: That's correct, Your Honor.

5 MS. ZACK: Correct.

6 THE COURT: Great. I will make sure it's in the
7 form and format that I generally like and have found works
8 well.

9 I would be interested in your feedback on how
10 the voir dire procedures worked. I know this is not your
11 first time with them. And particularly useful is feedback as
12 to how it works and the variety of subject matters and size
13 of panel, things like that.

14 MS. ZACK: Yes, ma'am.

15 THE COURT: But with respect to the charge, what I'd
16 like to do is have an informal charge conference if we need
17 one. We may not. And we will have a formal charge
18 conference the night before we instruct the jury.

19 I will make the copies and have them available
20 to the jury on their chairs to review. I will instruct them
21 first before you argue so that you can argue the charge.

22 MS. ZACK: And just so Your Honor knows, because of
23 the date range, while the 1591 is the same statute number, we
24 have adjusted the jury instructions to reflect the law at the
25 time of the incident because 1591 has been amended multiple

VASQUEZ-DIRECT

1 times. So it says like harbor, entice, maintain, obtain.
2 Those things have evolved over time. So right now it reads
3 all of those things, plus advertises, solicits and
4 patronizes, which doesn't come into play here, but for some
5 of that different things were added and changed.

6 THE COURT: Well, and that's fine. Let's take out
7 the verbiage from the statute that simply does not apply.

8 MS. ZACK: We did, we did. Just, when you read it,
9 sometimes -- of course, when it's the same count, just one
10 time and adjust. It's going to have to be four times because
11 they're different per each victim because of the date.

12 THE COURT: All right. I will look at it carefully
13 and make sure that there is no way we can make it less
14 cumbersome.

15 MS. ZACK: Right. And I apologize for that.

16 THE COURT: No. And I appreciate the explanation.

17 All right. Thank you. You have about eight
18 minutes left.

19 MR. BUCKLEY: And what time does the Court foresee a
20 lunch break, Your Honor?

21 THE COURT: Probably 12:30 at this rate or 12:15ish
22 depending on -- I don't know if we are going to finish the
23 direct of this witness by lunch. If you can finish cross by
24 lunch, that would be even better.

25 MS. ZACK: I'm sorry. What time would lunch be?

VASQUEZ-DIRECT

1 THE COURT: It depends on the witness. How much
2 longer do you think you have with him on direct?

3 MR. BUCKLEY: The Court suggested 12:15 or 12:30.

4 MS. ZACK: Right, depending. Yes. I mean, I think
5 we're almost up to London, so --

6 THE COURT: So your direct won't end before 12:15?

7 MS. ZACK: Oh, absolutely it will, if it's only
8 11:00 now.

9 THE COURT: When will it likely end?

10 MS. ZACK: Probably be a quarter to 12:00.

11 THE COURT: Okay.

12 Do you anticipate a lengthy cross?

13 MR. BUCKLEY: I don't believe it will be -- I think
14 I may be able to complete my cross by 12:30.

15 THE COURT: All right.

16 MR. BUCKLEY: Or sooner.

17 MS. ZACK: And I could be done earlier. I was just
18 trying to --

19 THE COURT: Let's see. I would like to, if we can
20 finish this witness before we break for lunch, terrific.
21 It's not a requirement.

22 MR. BUCKLEY: Understood.

23 THE COURT: Thank you.

24

25

(Recess taken)

VASQUEZ-DIRECT

1 THE COURT: Please be seated, ladies and gentlemen.

2 We are ready to resume.

3 MS. ZACK: I believe we've resolved our technical
4 issue.

5 THE COURT: Oh, good.

6 MS. ZACK: May I proceed?

7 THE COURT: Yes, you may, please.

8 MS. ZACK: Thank you.

9 BY MS. ZACK:

10 Q So I asked you to look at the first page of 12A, and you
11 already said that that's Mr. Gandy, correct?

12 A Yes, ma'am.

13 Q And this is part of?

14 A His website, Jason's website.

15 Q Let's go to the second page. And who is that?

16 A Jason Gandy.

17 Q And the third page, okay.

18 So you talked about pricing and things like
19 that. Does this tell you all of that?

20 A Yes, ma'am.

21 Q And this is what you saw on the computer, Government's
22 Exhibit 1, while you were with him; is that correct?

23 A Yes.

24 Q I want to go back briefly to Government's Exhibit 17A
25 because we didn't have that then. Do you recognize that?

VASQUEZ-DIRECT

1 A Yes, I do.

2 Q What is that?

3 A That's my birth certificate.

4 Q And you have seen this recently, correct?

5 A Yes.

6 Q And that's accurate information as far as your date of
7 birth, your parent's names, all of that?

8 A Yes, it is.

9 Q Thank you.

10 I need to just go back in time briefly because
11 I forgot to ask you this. To the best of your knowledge,
12 approximately how old was Jamie Vam?

13 A 30.

14 Q Okay.

15 And did there come a point in time where you
16 learned how old Mr. Gandy was?

17 A Yes, I did.

18 Q And when you were hanging out with him and this was going
19 on, how old did you believe him to be?

20 A I thought he was early 30s or late 20s.

21 Q Okay.

22 Now, the computer that you were talking about,
23 where would you see him using the computer?

24 A Inside his RV.

25 Q And did you ever get on that computer?

VASQUEZ-DIRECT

1 A Just Facebook.

2 Q And when you got on that computer, was it already open or
3 did you open it up and log in?

4 A He logged it in. He unlocked the computer.

5 Q Was it password protected?

6 A Yes, ma'am.

7 Q Did you ever have access to that password?

8 A No, ma'am.

9 Q You had earlier said that you saw porn on that computer.
10 Can you describe for me what you saw?

11 A I saw teens.

12 Q Doing what?

13 A Having sex.

14 Q And how did you see that?

15 A On the computer.

16 Q Go ahead. I'm sorry.

17 A I'm sorry. What do you mean?

18 Q I mean, did you pull that up to look at it? How did it
19 come to be that you were looking at that?

20 A He pulled it up.

21 Q And what was going on when that happened?

22 A Like, well, what were we doing?

23 Q Yes.

24 A Oh, masturbating. He was masturbating me. I was
25 masturbating him.

VASQUEZ-DIRECT

1 Q And then this was playing in the background?

2 A Yes.

3 Q Did you ever see any videos with people in it that you
4 recognized?

5 A Yes.

6 Q Who did you recognize?

7 A Jason.

8 Q And what was he doing in those videos?

9 A He was having sex.

10 Q And was that with men or women?

11 A Men.

12 Q Okay.

13 Now, we talked about in Government's Exhibit 2B
14 those first three pictures and who took them. I want you to
15 look at the fourth picture in Government's Exhibit 2B. Do
16 you recognize that picture?

17 A Yes. That's me.

18 Q And when was that picture taken?

19 A It was taken when I was 15.

20 Q And where was that picture taken?

21 A It was at Jason's RV.

22 Q Okay.

23 And what are you wearing?

24 A My boxers rolled up.

25 Q Why are they rolled up?

VASQUEZ-DIRECT

1 A Jason told me to roll them up like that.

2 Q And what was that picture taken on?

3 A Jason's phone.

4 Q And do you know what the purpose of that picture was?

5 A The purpose of this picture was to advertise me on the
6 internet.

7 Q For what?

8 A To get more massage clients.

9 Q In the same way like the website that we just looked at?

10 A Yes, ma'am.

11 Q Other than this picture -- or do you know how many
12 different images of you he took of you?

13 A Just two.

14 Q Were there other times that you recall him taking
15 pictures of you?

16 A Yes.

17 Q And where did that occur?

18 A In the massage room.

19 Q And what pictures do you remember being taken?

20 A I was laying on my stomach. He was a massage therapist
21 giving me a massage, and then I saw a flash because there
22 was -- I placed my head on the cushion where you place your
23 head at.

24 Q That round thing at the front?

25 A Yes, ma'am.

VASQUEZ-DIRECT

1 And I saw a flash because I was naked when I
2 was being massaged, and I saw a flash and I turned around. I
3 told him to delete it.

4 Q Do you know whether or not he did?

5 A He said he deleted it.

6 Q Were any other pictures of you ever taken where you
7 weren't wearing clothes?

8 A Yes. He took another one again, but I was on my front.
9 That's when I got up.

10 Q Okay.

11 A He took another one.

12 Q When you say of your front, meaning were you dressed?

13 A I was naked.

14 Q And so were your genitals exposed?

15 A Yes, they were.

16 Q And you saw him take that picture with what?

17 A His phone.

18 Q Now, let's discuss this -- school ends at some point,
19 ninth grade ends, correct?

20 A Yes.

21 Q And you're doing, for lack of a better term, the
22 massages, and this goes on.

23 Does there come a point in time when you plan a
24 trip or Mr. Gandy plans a trip?

25 A Yes.

VASQUEZ-DIRECT

1 Q Can you tell me about that?

2 A Well, we were at his house, and he said that one of his
3 friends canceled on him to go to the United Kingdom.

4 Q And so what happened then?

5 A He told me -- well, I asked him if I could go with him
6 because he brought it up. So I started getting excited, so I
7 want to go with him, so I started asking if I can go with
8 him.

9 Q And what were you excited about doing? Why was this
10 exciting to you?

11 A I wanted to travel. I wanted to go to concerts.

12 Q And had you ever been outside the United States?

13 A No.

14 Q Had you ever been at that point, other than moving from
15 L.A. to Texas, outside of Texas?

16 A Never.

17 Q Had you ever been on an airplane?

18 A Never.

19 Q So you're pretty excited about this process?

20 A Yes.

21 Q At this time how much time are you spending with the
22 defendant?

23 A A lot.

24 Q What kind of places would you go?

25 A We went to 24-Hour Fitness.

VASQUEZ-DIRECT

1 Q And what would you do at 24-Hour Fitness?

2 A We would work out.

3 Q Anything else happen at 24-Hour Fitness?

4 A No. We just went to the gym.

5 Q And did you go anywhere before or after 24-Hour Fitness?

6 A We would go to Krogers and we would buy some drinks.

7 Q And while at Krogers what else occurred?

8 A He would steal a drink. Like one of those, they're kind
9 of like vitamin drinks I would call them. So he would --

10 Q He would steal it?

11 A He would drink it at the Krogers, but he would not pay
12 for it. He would drink it. And I would do it. He'd tell me
13 to do the same thing instead of buy it. So we would just
14 both do that.

15 Q And is that like either way before or way after the gym?

16 A It would be before the gym.

17 Q And was this something that happened more than once?

18 A Yes.

19 Q Okay.

20 Now, did the defendant agree that you could go
21 with him to London?

22 A Yes. Not at first. He wasn't agreeing at first, he
23 didn't.

24 Q And once he agreed, what kind of preparations did you
25 have to make for London?

VASQUEZ-DIRECT

1 A I had to get my passport.

2 Q You didn't have a passport at this time?

3 A I did not.

4 Q How were you going to pay for the passport?

5 A He told me that I had to pay for that at first, but he
6 ended up paying for it.

7 Q And how would he pay for it?

8 A He gave me \$200 to put on my card.

9 Q Okay. What kind of card?

10 A I had a debit card.

11 Q And was that used for the passport?

12 A Yes.

13 Q I am going to show you what's been admitted as
14 Government's Exhibit 4. Do you recognize that?

15 A Yes.

16 Q And who is that a picture of?

17 A That's me.

18 Q And is that --

19 THE COURT: Can you make that larger on the screen,
20 please? Can you make that larger on the screen?

21 Can you all see it on your monitors as well?

22 JURORS: (Indicating in the affirmative).

23 THE COURT: Thank you.

24 MS. ZACK: Thank you, Your Honor.

25

VASQUEZ-DIRECT

1 BY MS. ZACK:

2 Q All of that, that's one of the applications, correct?

3 A Yes.

4 Q How many passport applications did you submit?

5 A One, I can think of one.

6 Q Well, let me show you what's been admitted as

7 Government's Exhibit 5, I believe.

8 A Yeah, the second one. Yeah, there's another one.

9 Q Why is there another one?

10 A We had to apply for it again.

11 Q And do you know what that had to do with as far as why
12 you had to have a second one?

13 A It wasn't arriving fast enough.

14 Q Ah, okay.

15 So did you know when you were leaving?

16 A Yes.

17 Q Okay.

18 And do you remember that date?

19 A July 18th or July 12th. I don't remember.

20 Q And this was in 2012?

21 A Yes.

22 Q And you were how old?

23 A 15.

24 Q So he gives you money for the passport, correct?

25 A Yes.

VASQUEZ-DIRECT

1 Q What other documents do you recall getting in order to
2 travel to London?

3 A A notary.

4 Q What did you need a notary for?

5 A Jason told me that I needed to get a notary so nobody
6 would ask questions.

7 Q About what kind of document? What was the document going
8 to say, do you know?

9 A That my mom was giving him permission.

10 Q Let me show you what's been marked and admitted as
11 Government Exhibit 11. Do you recognize that?

12 A Yes, I do.

13 Q Do you recall obtaining that with your mom?

14 A Yes.

15 Q And at any point in time up until now had your parents
16 met the defendant?

17 A No.

18 Q Did there come a point in time where your parents did?

19 A Yes.

20 Q What did you tell them? How did you explain this trip to
21 them?

22 A I told them that one of my friends from my school was
23 going. His uncle was going to go on a trip. So I told my
24 mom that best friend's uncle was going to go on a trip to UK.

25 Q Okay.

VASQUEZ-DIRECT

1 And so when your mom -- did your mom meet the
2 defendant?

3 A Yes, she did.

4 Q And you introduced him as this uncle?

5 A Yes.

6 Q Okay.

7 How many times did your mother meet the
8 defendant?

9 A Once.

10 Q And was that when that document was executed, signed?

11 A Yes.

12 Q So now it's getting close in time, correct?

13 A Yes.

14 Q What type of preparations are you and the defendant
15 making as far as going to London?

16 A We are just looking for a place to stay over there.

17 Q Okay.

18 And how would you look for a place to stay?

19 A On his laptop, he would go on Gum Tree.

20 Q What is Gum Tree?

21 A It's a place where you look for homes, like Airbnb
22 rentals.

23 Q And so y'all were looking for somewhere to stay in
24 London?

25 A Yes.

VASQUEZ-DIRECT

1 Q To the best of your knowledge, how were you going to pay
2 for everything when you got to London?

3 A We were going to be doing massages over there.

4 Q And do you recall ads or anything being placed in order
5 to create business over there?

6 A Yes. We did an advertisement with my pictures for the
7 UK.

8 Q Okay. And do you know where that ad was posted?

9 A Craigslist.

10 Q I am going to show you what's been admitted as
11 Government's Exhibit 6. Do you recognize that?

12 A Yes.

13 Q And how do you recognize that?

14 A Because me and Jason posted it.

15 MS. ZACK: Can we make those pictures a little
16 bigger, those little tiny pictures.

17 BY MS. ZACK:

18 Q Who's pictures are those?

19 A Those are my pictures.

20 Q Okay.

21 And let's talk about the text of this document.
22 Who wrote that?

23 A I did.

24 Q And where were you when you wrote that?

25 A I was with Jason and Darby.

VASQUEZ-DIRECT

1 Q And was there a email address associated with this?

2 A Yes.

3 Q Do you know what that was?

4 A I don't remember the email.

5 Q Do you remember creating the email or where or when it
6 was created?

7 A No.

8 Q Was this an email that you had before meeting the
9 defendant?

10 A No.

11 Q Was it created for the purpose of this ad to the best of
12 your knowledge?

13 A Yes.

14 Q And where did it say you were going to be?

15 A In London.

16 Q And do you know when this was posted?

17 A I don't.

18 Q Is there a date on this?

19 A Yes. July 8th.

20 Q Of 2012?

21 A Yes.

22 Q So that was like a week before or so you were leaving?

23 A Yes.

24 Q Do you know whether or not Jason, the defendant, updated
25 his website for the purpose of the trip?

VASQUEZ-DIRECT

1 A Yes.

2 Q I am going to show you what's been admitted as
3 Government's Exhibit 12B. Do you recognize that?

4 A Yes.

5 Q And what is that?

6 A That's Jason's website.

7 Q And does it say where he's going to be?

8 A Yes.

9 Q And the contact information, et cetera?

10 A Yes.

11 Q Did you see that on this computer, Government's Exhibit
12 1, while you were with the defendant?

13 A Yes.

14 Q So now it's getting time to travel, correct?

15 A Yes.

16 Q And you go to the airport, correct?

17 A Yes.

18 Q Are you excited?

19 A Yes, I am.

20 Q And who paid for the tickets?

21 A Jason did.

22 Q And when you get to the airport, you board the plane
23 together, correct?

24 A Yes.

25 Q And where are you seated?

VASQUEZ-DIRECT

1 A We are seated in the main crew. We are sitting on the
2 left side of the plane together.

3 Q Together, okay.

4 And what do you have with you?

5 A I have my clothes and my phone, my headphones. And I had
6 his laptop, too.

7 Q How did you get his laptop?

8 A He gave it to me.

9 Q And just so we're clear, did you have the passport at any
10 point?

11 A No, I did not.

12 Q Had you ever downloaded anything onto that laptop for
13 you?

14 A No.

15 Q Were you going to use that laptop for any reason during
16 the flight?

17 A No.

18 Q Would it have been possible to do anything?

19 A No.

20 Q Why not?

21 A I didn't know the password. Only he did.

22 Q Now, do you fly?

23 A Yes.

24 Q Where?

25 A We start flying to London.

VASQUEZ-DIRECT

1 Q Okay.

2 And when you land in London, what do you do?

3 A When we get to London?

4 Q Yes.

5 A When we get to London, we started walking to customs.

6 Q And are you together?

7 A We are together.

8 Q So, what happens at customs?

9 A We get to customs, and he looks at our passports, looks
10 at all our paperwork.

11 Q Let me ask you a question. Before you get to customs was
12 there any conversation at all on the plane concerning what
13 could happen in customs?

14 A We were talking about the notary, and I told him to
15 remember my mom's name.

16 Q Okay.

17 A In case they asked.

18 Q And your mom has a different last name than you; is that
19 correct?

20 A Yes.

21 Q Okay.

22 And so you have that conversation when?

23 A Before landing in London.

24 Q So now you're walking up to the person that you give your
25 passports to and what happens?

VASQUEZ-DIRECT

1 A He looks at our paperwork and then --

2 Q Do you need some water?

3 A No. I'm okay.

4 Then he looks at the notary, and he asks him
5 what my mom's name was, and he didn't remember.

6 Q Okay. And so now what happens?

7 A He -- I was trying to tell him my mom's name and --

8 Q Tell who?

9 A Tell Jason my mom's name, but the customs guy heard me,
10 so he separated us.

11 Q And then what happens?

12 A They put -- ICE put us in different rooms.

13 Q And do you ever see the defendant again during that time?

14 A Yes. I could see him through the glass. We were in just
15 both rooms.

16 Q Okay. So now you're in the place where you can see each
17 other but you can't talk?

18 A Yes.

19 Q At some point are you taken out of that area?

20 A Yes.

21 Q And what happens then?

22 A When we leave the airport or --

23 Q No, no, no. Before you leave the airport, who do you
24 come in contact with?

25 A We got up -- he got up to get some chicken, and I got up

VASQUEZ-DIRECT

1 to drink some water and asked him if he was mad, and he just
2 nodded away upset.

3 Q Okay.

4 Now, were you permitted entry into the country?

5 A No.

6 Q Okay.

7 So what happens to you?

8 A I get interviewed by somebody in the UK.

9 Q Okay.

10 A And they told me I couldn't say, and they sent me back.

11 Q Okay.

12 And so when they send you back, do you see the
13 defendant?

14 A No.

15 Q Okay. Is he on your plane that you're aware of?

16 A No, he's not.

17 Q And when you land in the U.S., where do you land first?

18 A I land in Houston, the George Bush Intercontinental.

19 Q And who were you met by?

20 A I was met by -- there was police waiting at the exit of
21 the plane.

22 Q And what happened to the stuff you had with you?

23 A They take it.

24 Q Including what's been marked as Government's Exhibit 1,
25 the computer?

VASQUEZ-DIRECT

- 1 A Yes.
- 2 Q And did they try to go through the computer with you?
- 3 A Yes.
- 4 Q And what happens?
- 5 A It was locked.
- 6 Q Okay. Were you able to unlock it?
- 7 A No, I was not.
- 8 Q Okay.
- 9 You leave the airport, correct?
- 10 A Yes.
- 11 Q And where do you go next?
- 12 A To the CAC.
- 13 Q Okay. And do you know what CAC stands for?
- 14 A Children -- no, I don't know.
- 15 Q Does the Children's Assessment Center sound familiar?
- 16 A Yes.
- 17 Q And what happens there?
- 18 A I get interviewed by the lady that works there.
- 19 Q Now, where are your parents while this is going on?
- 20 A My parents are in the building, too.
- 21 Q Okay.
- 22 A They're in there.
- 23 Q And what do you think is happening while you're being
- 24 interviewed?
- 25 A I thought that -- my whole family was in there watching

VASQUEZ-DIRECT

1 me get interviewed, and I saw there was a lot of people
2 watching me.

3 Q Could you see anybody from the room you were being
4 interviewed in?

5 A No.

6 Q Okay.

7 Were you aware that people could observe the
8 interview from outside that room?

9 A Yes.

10 Q And when you were interviewed, as far as what you told
11 them, was that in fact the entire truth about what had
12 happened with the defendant?

13 A About the interview?

14 Q Yes.

15 A No.

16 Q Why not?

17 A Because I was trying to help him.

18 Q Help who?

19 A I was trying to help Jason.

20 Q Okay.

21 A Didn't want him to get in trouble. I didn't want to get
22 in trouble myself, and I didn't want my mom to know what we
23 were doing.

24 Q And at that time how did you feel about the defendant?

25 A I really liked Jason. I felt bad that I got him in

VASQUEZ-DIRECT

1 trouble.

2 Q And at that time what was he providing you that you
3 weren't able to get any other way?

4 A He was giving me money.

5 Q Okay.

6 And how would you describe that as your
7 15-year-old self? What did you think of that?

8 A It was good, you know.

9 Q And after that interview, what happened?

10 A They take me to the hospital.

11 Q And you were examined?

12 A Yes.

13 Q Does there come a point in time you give another
14 interview at the CAC?

15 A Yes.

16 Q And during that interview are you still trying to protect
17 the defendant?

18 A Yes. Part of me was still trying to protect him.

19 Q Okay. And what about yourself?

20 A Yes.

21 Q Did you believe you had done something that might cause
22 you to get in trouble?

23 A Yes.

24 Q Okay.

25 In trouble with who?

VASQUEZ-DIRECT

1 A With the police.

2 Q Okay.

3 And at this point did your parents know what
4 had happened?

5 A Not yet.

6 Q Does there come a point in time where anybody else comes
7 to talk to you?

8 A Yes.

9 Q Before that, did the defendant ever try to contact you
10 after you returned to the United States?

11 A Yes.

12 Q How?

13 A He called me from jail.

14 Q Did you speak to him?

15 A Yes.

16 Q And what was that conversation about?

17 A He told me that he didn't know how much money he had to
18 pay to prove that he didn't do anything wrong, and then he
19 told me to listen to a song about forgiveness.

20 Q And what did you think --

21 THE COURT: Hang on.

22 MR. BUCKLEY: Excuse me, Your Honor. I'd request a
23 limiting instruction as to the part of the testimony that
24 relates to inadmissible material.

25 THE COURT: Let's take that up at the break.

VASQUEZ-DIRECT

1 MR. BUCKLEY: Yes, Your Honor.

2 BY MS. ZACK:

3 Q What did that mean to you?

4 A I feel like he was trying to talk to me like in a code.
5 He was trying to code talk to me.

6 Q About what?

7 A Helping him get out.

8 Q And are you interviewed again by somebody?

9 A Yes.

10 Q And by whom are you interviewed?

11 A Jason's private investigator.

12 Q And where did that interview take place?

13 A At my house.

14 Q And who else was present during that interview?

15 A My parents.

16 Q And what did you tell the interviewer at that time?

17 A I told him that I had felt bad for what happened and I
18 wanted my friend to get out. I told him that if there was
19 any way to help him. And I also told him what happened to
20 the massage and everything, but I told him that I felt bad
21 for what happened.

22 Q And throughout the entire time that you had contact with
23 the defendant, how old were you?

24 A 15.

25 Q The ad, the Craigslist ad, Government Exhibit 6, that

VASQUEZ-DIRECT

1 referred to women?

2 A Yes.

3 Q Why?

4 A Because he wanted to have massage clients as guys, and I
5 wasn't really -- I didn't even want that. So I told him I
6 was like, well, can we do women?

7 Q And --

8 A That's what we did in the Craigs ad for women.

9 Q Okay.

10 Do you know whether or not there were any
11 massages scheduled prior to leaving for London?

12 A Yes. We had two scheduled appointments in the UK for
13 massaging.

14 Q Okay. Before you even left the United States?

15 A Yes.

16 Q And do you know how those were scheduled, how they were
17 contacted?

18 A He did it through either his laptop or his phone he would
19 contact them.

20 Q Okay.

21 And that's how they could contact him?

22 A Yes.

23 Q All of the massages that you participated in, did those
24 all involve some type of sexual contact between you and the
25 person being massaged?

VASQUEZ -CROSS

1 A Yes.

2 Q Did you ever perform a massage where there was no sexual
3 contact?

4 A Never.

5 Q And when those massages occurred, who scheduled them?

6 A Jason.

7 Q Did you ever have anything to do with the scheduling of
8 the clients or the finding of the clients other than that one
9 Craigslist ad?

10 A No.

11 MS. ZACK: Your Honor, I'll pass the witness.

12 THE COURT: Thank you.

13 Cross, please.

14 MR. BUCKLEY: Thank you, Your Honor.

15 While I get started, if I may warm this up.

16 THE COURT: Hopefully it won't take long.

17 CROSS-EXAMINATION

18 BY MR. BUCKLEY:

19 Q Good morning, Mr. Vasquez.

20 A Good morning, sir.

21 Q First of all, thank you for your service to the military.

22 A Thank you.

23 Q I want to talk about some of your initial testimony in
24 this case.

25 You indicated or you described an encounter you

VASQUEZ-CROSS

1 had with someone named Jamie Vam. You remember your
2 testimony about that, sir, right?

3 A My initial?

4 Q Yes, sir.

5 A No, I don't. I kind of remember what I said about him
6 but not totally.

7 Q Okay. Fair enough.

8 Do you recall -- and if you would remind me
9 when approximately did that encounter occur?

10 A With Jamie Vam?

11 Q Yes, sir.

12 A Hanging out with him?

13 Q Yes, sir.

14 A Before I went out with Jason.

15 Q Pretty close to the time that you started hanging out
16 with Jason, to Mr. Gandy, correct?

17 A Yes.

18 Q Would you say it was within a week or so or two weeks?

19 A Yes.

20 Q And so when you first hang out with Jamie Vam, you really
21 only hung out with him one time, right?

22 A Yes.

23 Q And that was the occasion when Jamie Vam picked you up
24 from school, right?

25 A Yes.

VASQUEZ-CROSS

1 Q And then the two of you went shoe shopping, right?

2 A Yes.

3 Q And then after that Mr. Vam took you back to his
4 residence, right?

5 A Yes.

6 Q And at that point there was some sexual contact between
7 the two of you that occurred?

8 A Yes.

9 Q And then following that Mr. Vam dropped you off at your
10 home, right?

11 A Yes.

12 Q And you kept the shoes that he purchased for you?

13 A Yes.

14 Q And then, so within a number of days or a week or two
15 after that, you encountered Mr. Gandy, right?

16 A Yes.

17 Q And then very quickly after you encountered Mr. Gandy,
18 you find yourself engaging in a very similar arrangement with
19 him, right?

20 A Yes.

21 Q In other words, specifically that Mr. Gandy drove you to
22 the Galleria and gave you five or six hundred dollars to
23 spend, right?

24 A Yes.

25 Q And in each of these cases is it your testimony, sir,

VASQUEZ-CROSS

1 that these men, meaning Mr. Vam and Mr. Gandy, both reached
2 out to you to make the contact, right?

3 A Yes.

4 Q And that you don't have any, necessarily, any explanation
5 for why they did that with you?

6 A No.

7 Q You'd agree that it's an unusual coincidence that two men
8 who you don't know would, within a week-and-a-half or so,
9 both engage in sexual activity for money with you. That's an
10 unusual coincidence, right?

11 A Yes.

12 Q And you're sure that you were not in any way promoting
13 yourself online as someone who was inviting that kind of
14 thing?

15 A No.

16 Q That never happened?

17 A I have a girlfriend.

18 Q Understood. And I am not questioning your orientation,
19 sir.

20 What I am asking specifically is, did you
21 advertise yourself as someone who was interested in
22 companionship with men for financial arrangements?

23 A No.

24 Q You have described some instances where you and Mr. Gandy
25 would watch pornography together. And you remember that

VASQUEZ-CROSS

1 testimony, sir, correct?

2 A Yes.

3 Q But it's also true that even before meeting Mr. Gandy,
4 you had discovered pornography on your own, right?

5 A Yes.

6 Q And being a teenager at that time, some of your interest
7 was in pornography that depicted teenagers, right?

8 A Correct.

9 Q And that in fact you had on a number of occasions
10 yourself watched pornography that depicted teenagers in some
11 form or another, right?

12 A Correct.

13 MR. BUCKLEY: May I confer with opposing counsel,
14 Your Honor?

15 THE COURT: Certainly.

16 (Mr. Buckley confers with Ms. Zack)

17 BY MR. BUCKLEY:

18 Q Mr. Vasquez, I am showing you what's been admitted -- and
19 this is a new machine from the last time I was in here, so
20 let me -- oh, I see. Thank you for your patience, sir.

21 I am showing you what's been admitted as
22 Government Exhibit 12A. And you recognize this exhibit from
23 your earlier testimony, right, sir?

24 A Yes.

25 Q And this was, as far as you understand, an advertisement

VASQUEZ-CROSS

1 that Mr. Gandy had published online for his massage business,
2 right?

3 A Yes.

4 Q And it was your understanding and your observation that
5 in fact Mr. Gandy was a licensed massage therapist, right?

6 A Yes.

7 Q And your recollection, if I understood your testimony
8 correctly, is that any time you participated in a massage
9 with Mr. Gandy, there was always a sexual element to that.
10 Is that your testimony?

11 A Yes.

12 Q And that typically you would be paid for your massage
13 assistance \$80?

14 A Yes.

15 Q Was it always 80? Was it more or less, do you recall?

16 A He was doing 80 at first, then he lowered it to 60, then
17 he lowered it to 40, then he started saying that to get more
18 money it had to be sexual and he would raise it.

19 Q So what I understand your testimony now is that initially
20 the massages were not of a sexual nature and then they became
21 of a sexual nature at a later point?

22 A No. He started saying, because I didn't want to do
23 anything sexual that he would lower my pay if I didn't do
24 something sexual. It was always sexual. I told him I didn't
25 want to do it. And he told me he was going to lower my pay

VASQUEZ-CROSS

1 if I didn't do it.

2 Q And so over time your testimony, sir, is that he did
3 lower your pay?

4 A He did, because the next time I did it he talked to me
5 after the massage and he was like, you know, I really want
6 you to keep doing this.

7 And I told him, I said, you know, I don't
8 really like to do this. And then that's when he threatened
9 to lower my pay.

10 Q So I just want to make sure I understand your testimony,
11 and that is that because what your claim is, that because you
12 participated sexually in these massages, as you claim Mr.
13 Gandy told you to do, that he consistently continued to pay
14 you about \$80 every time you had a massage?

15 A Correct.

16 Q And that because you participated, he did not in fact
17 lower your pay even though you claim that he threatened to do
18 so?

19 A Yes.

20 Q Looking at page 2 -- pardon me -- page 3 of Mr. Gandy's
21 advertisement online for massage services, you indicated that
22 typically these massages would be about an hour or less,
23 right?

24 A Yes.

25 Q And so we have a rate here for an in-call. And what was

VASQUEZ-CROSS

1 your understanding of an in-call massage?

2 A Somebody is coming to get a massage at his house.

3 Q And with regard to that, you had explained in some detail
4 how people would arrive, how the client would arrive for the
5 massage, how you would wait in the RV and then when the
6 client was ready to be massaged that you would enter into the
7 massage room and participate with Mr. Gandy at the time?

8 A Yes.

9 Q And you are not a licensed or registered massage
10 therapist, are you, sir?

11 A No.

12 Q And prior to getting to know Mr. Gandy, did you have any
13 independent experience with giving massages of any kind?

14 A No.

15 Q Did you have any training in massage?

16 A No.

17 Q And so here we have Mr. Gandy's advertised rate of
18 in-calls, \$80 for one hour. And you see that there, correct,
19 sir?

20 A Yes, I do.

21 Q This is again, for your reference, Government's Exhibit
22 12A.

23 And you'd agree with me, sir, that if you're
24 receiving \$80 for your participation in a massage and the
25 price of the massage is \$80 that under this arrangement Mr.

VASQUEZ-CROSS

1 Gandy would not be making any money? You'd agree with that
2 math, right?

3 A I would agree with that, sir, that the only reason that
4 it was 80 is because he's doing a single massage, just him.
5 It's if two people, it goes to 140. He doesn't have that on
6 display, but that's what he told me.

7 Q So, in other words, if he's the owner of this massage
8 business, right?

9 A Right.

10 Q And he is the one with the massage therapy experience, in
11 other words, the massage training, right, he is the one with
12 the book? You didn't have any independent clients who you
13 had in the massage business, correct?

14 A Right.

15 Q And so Mr. Gandy also is the one with the facility, the
16 house, where the RV or the massage room where the massages
17 take place, right?

18 A Right.

19 Q You didn't have any ownership interest yourself in that
20 property, right?

21 A Right.

22 Q And Mr. Gandy is the one who has marketing in place,
23 whether it's an internet advertisement or an advertisement in
24 some other publication that he brings in the clients to the
25 business, that was the way that worked, correct?

VASQUEZ-CROSS

1 A Correct.

2 Q And so if this is a two-person massage, which I think is
3 what you referred to and what Ms. Zack referred to as a
4 four-handed massage, right?

5 A Right.

6 Q That would have been, what your testimony is, that would
7 have cost \$160 or \$140?

8 A 140.

9 Q And so, understanding that Mr. Gandy was the one bringing
10 in the clients, the one with the massage facility, the one
11 with the massage training, your testimony is that you were
12 receiving a greater amount of pay than he was for any
13 four-handed massage?

14 A Correct.

15 Q And that although he threatened to reduce your pay, that
16 what your testimony here today is is that he never did that?

17 A He never did that.

18 Q When you and Mr. Gandy traveled to the UK you were in
19 possession of a laptop computer that was Mr. Gandy's, as
20 you've testified, correct, sir?

21 A Correct.

22 Q And if you recall, was that an Acer brand laptop? If you
23 recall, was that a laptop with the brand name Acer, A-c-e-r?

24 A Yes.

25 Q And where did you carry that computer in your belongings

VASQUEZ-CROSS

1 during your travel?

2 A It was in my bag.

3 Q And what type of bag did you have?

4 A I don't know.

5 Q Well, if you recall generally, was it a backpack or a
6 duffel bag, if you recall?

7 A A backpack.

8 Q And do you recall what bags, if any, Mr. Gandy was
9 carrying?

10 A A backpack.

11 Q And did -- I imagine that the two of you, in addition to
12 your carry-on backpacks, would have checked baggage, right?

13 A Yes.

14 Q Did you and Mr. Gandy, either you or Mr. Gandy during the
15 flight to the UK, access or use that Acer laptop computer?

16 A Talking about the same day?

17 Q Yes, sir.

18 A Did not.

19 Q The day you traveled to the UK?

20 A No.

21 Q And did Mr. Gandy, do you have any understanding of what
22 the explanation was for why you were carrying the laptop that
23 is his laptop?

24 A Yes.

25 Q And what is that explanation that was your understanding?

VASQUEZ-CROSS

1 A He told me to put it in my bag.

2 Q I understand that you are testifying that he told you to
3 do that, but there is no explanation as to why, right?

4 A There is.

5 Q What is the explanation?

6 A He had pictures of me in his laptop.

7 Q And so he -- well, I don't understand how that is an
8 explanation for why he would want you to carry it?

9 A I don't know why he wanted me to put the laptop in my
10 bag, but it was more like to protect himself because I was
11 going to protect himself.

12 Q In other words, what you claim in your testimony today is
13 that your belief is that Mr. Gandy wanted you to carry the
14 laptop because he thought that it contained information that
15 could get him in trouble, right?

16 A Yes.

17 Q And knowing this, you agreed to carry the laptop
18 yourself. That's your claim today?

19 A That's what I think.

20 Q Well, and I'm not wanting to just quarrel with you, but
21 is that what you know or what you're guessing?

22 A What I am guessing.

23 Q Okay.

24 Because you always knew that when you arrived
25 in the UK that your belongings would be subject to search by

VASQUEZ-CROSS

1 customs, right?

2 A Well, whenever he gave me the laptop, it was before we
3 were even being detained, so we didn't even know we were
4 going to be detained.

5 Q It was just that you would be traveling with the laptop,
6 right?

7 A Yes.

8 Q But you knew that there would be some type of inspection
9 by some type of customs agency when you arrived in the UK,
10 right?

11 A No, I didn't know that.

12 Q Well, in your earlier testimony you had described a
13 conversation, if I understood you, where you had spoken with
14 Mr. Gandy about remembering your mother's name, right?

15 A Yes.

16 Q And the reason why you had that conversation with Mr.
17 Gandy was because you wanted to make sure that when you got
18 to the UK that you didn't have any problem with immigration
19 or customs officials, right?

20 A Right.

21 Q And so naturally you would also have to assume that
22 customs or immigration officials might have an opportunity to
23 search your bags, right?

24 A I didn't know that.

25 Q Well, if your understanding was or your belief was that

VASQUEZ-CROSS

1 Mr. Gandy wanted you to possess the Acer laptop because it
2 contained information that could get him in trouble, well
3 then why would you agree to possess it?

4 A I didn't know. I didn't know. I just listened to --

5 Q But was it your understanding at the time or your belief
6 that that's why he wanted you to carry the laptop?

7 A No. That wasn't my understanding at first.

8 Q That's what you now speculate about six years later?

9 A Correct.

10 Q I know that you testified you did not independently use
11 that laptop on your own without Mr. Gandy. That's your
12 testimony here today, correct?

13 A Correct.

14 Q But isn't it true, sir, that you did know the password to
15 that laptop?

16 A No, I didn't.

17 Q And isn't it true, sir, that you on many occasions
18 accessed that laptop and viewed material and downloaded
19 material on your own? That's true, isn't it?

20 A No.

21 Q Isn't it true that on some occasions you used that laptop
22 to send emails to and from your account? That's true, isn't
23 it?

24 A No, it's not true.

25 Q You were eager, I think you testified, to go to the UK

VASQUEZ-CROSS

1 with Mr. Gandy, right?

2 A Correct.

3 Q And even considering -- and when this UK trip was
4 planned, about how long had you known Mr. Gandy up to that
5 point?

6 A About three months.

7 Q And so in the course of that three months, the activities
8 that you have described in this case of a massage or a sexual
9 nature, including your private sexual counters with Mr. Gandy
10 that you have described, those had been going on during that
11 three-month period before your trip to the UK, right?

12 A Right.

13 Q And even though that had been going on, that did not
14 cause you any hesitation about your desire to travel overseas
15 alone with Mr. Gandy, did it?

16 A I did not hesitate.

17 Q And, in fact, you were looking forward to a trip that
18 would put you and Mr. Gandy together in a foreign country for
19 a month together? You were looking forward to that?

20 A Correct.

21 Q Pardon me, sir.

22 Mr. Vasquez, I'm showing you what's been
23 admitted as Government's Exhibit 6. And this is a
24 advertisement that, as I believe you indicated, you authored
25 with Mr. Gandy present, correct, sir?

VASQUEZ-CROSS

1 A We both authored it.

2 Q Okay.

3 And was this before you went to the UK?

4 A Yes.

5 Q But it was intended to get the attention of people who
6 were in the UK, right?

7 A Yes.

8 Q So it says, "just moved to the UK today." That's the
9 first line you read, sir?

10 And it's directed at women. It says, the title
11 of it is "very cute American skater looking for any woman."
12 That's what it says, right?

13 A Right.

14 Q And when you say "woman," that's not a coded word, right?
15 That means a woman?

16 A Correct.

17 Q And what your testimony was earlier, sir, was that this
18 was I think part of the idea that you and Mr. Gandy would be
19 performing massages for people in the UK for profit. Was
20 that your testimony?

21 A Correct.

22 Q There is nothing in this text at all about massages, is
23 there?

24 A There isn't.

25 Q Have you at any time in the United States with Mr. Gandy

VASQUEZ-CROSS

1 advertised or participated in advertising massage services
2 for women?

3 A No.

4 Q And understanding that your testimony here today has been
5 that all of your massage services you performed with Mr.
6 Gandy involved sexual conduct, are you aware of any
7 opportunity or business model where women asked men to give
8 them massages with happy endings?

9 Let me -- that was an in-artful question. Let
10 me try it again.

11 Have you and Mr. Gandy ever massaged women who
12 had requested happy endings from you?

13 A No.

14 Q Are you aware that that is anything that anyone does?

15 A I'm not aware.

16 Q And you're not aware of any women anywhere who have
17 approached you asking for a massage from men that has a happy
18 ending component. You are not aware of anything like that?

19 A I'm not.

20 Q So you would agree with me that if this advertisement
21 that's contained in Government's Exhibit 6 relates to a
22 massage purpose, that it's obviously not of a sexual nature,
23 right?

24 A Right.

25 Q And what it really does, I mean, I understand what your

VASQUEZ-CROSS

1 testimony is about your intention behind this, but if you
2 look at the face of it, what it really looks like is that
3 you're looking for some companionship when you're in London
4 for a woman. You'd agree that that's what it looks like?

5 A Correct.

6 Q And in fact, you did want to meet a woman or women while
7 you were in the UK, right?

8 A Correct.

9 Q You were going there for a number of reasons. You were
10 excited about traveling overseas, right?

11 A Right.

12 Q There was a concert or concerts that were scheduled to
13 take place during the time that you and Mr. Gandy were going
14 to be in the UK?

15 A Correct.

16 Q Do you recall what band or group was going to be playing?

17 A I don't.

18 Q There was also a clothing store or a shopping area that
19 you and Mr. Gandy had discussed that you would get to shop at
20 while you were in the UK, right?

21 A Yes.

22 Q Do you recall what that was?

23 A I do.

24 Q What was that?

25 A It that was called Drop Dead.

VASQUEZ-CROSS

1 Q And what was the significance of that, of Drop Dead to
2 you, and why did you want to shop there?

3 A It was a band member owned the store.

4 Q A band member from a popular group?

5 A Yes, in the UK.

6 Q So, understanding that this advertisement in Government's
7 Exhibit 6 was an advertisement that may have allowed you to
8 meet a woman in the UK who could provide some companionship
9 while you were there, it wasn't your intention to go on a
10 double date with a woman and Mr. Gandy, was it?

11 A No.

12 Q And, in fact, by the face of this document, it says,
13 "like someone to have fun with or show me around the UK."
14 That's what you're requesting in this document, right?

15 A I didn't type that, sir.

16 Q Well, Mr. Gandy typed it then, right?

17 A Yes.

18 Q So Mr. Gandy is helping you put out an advertisement that
19 would allow you to meet a woman who you could spend time with
20 alone while you're in the UK, right?

21 A Right.

22 Q And Mr. Gandy never expressed to you any instructions or
23 orders of any kind that you had to be confined in your room
24 or locked up or that you weren't free to travel during the
25 time that you were in the UK?

VASQUEZ-CROSS

1 A No.

2 Q In fact, he was perfectly fine with you meeting a woman
3 who could show you around the city, right?

4 A Right.

5 Q And you'd agree with me that if Mr. Gandy was interested
6 in making money on the massages that it would be impossible
7 for you to help Mr. Gandy with a massage if you were
8 somewhere else touring the city with a woman, right?

9 A No. He told me that I had to massage while I was in the
10 UK, I had to, and that was the only way that we were going to
11 stay because he didn't have money to pay for me.

12 Q Well, in any event, this advertisement that Mr. Gandy
13 helped you draft would have made you, if it was successful,
14 and by "successful" I mean if a woman had contacted you and
15 you had met the woman and toured around the UK with her, that
16 would have made you unavailable to massage with Mr. Gandy at
17 any time that you were with a woman, right?

18 A No.

19 Q Well, you'd agree with me that it was not your intention
20 that a woman would accompany you on a massage appointment
21 with Mr. Gandy, correct?

22 A She wouldn't be there, sir.

23 Q Exactly. So if you're with a woman somewhere else, then
24 you're not with Mr. Gandy doing the massage?

25 A I would be doing massages.

VASQUEZ-CROSS

1 Q Well, I understand that's your contention, and I don't
2 mean to belabor the point; but if you were somewhere else
3 with a woman, then you're not at a massage with Mr. Gandy at
4 the same time, right?

5 A Right.

6 Q You've described your military career, sir. Which branch
7 are you with?

8 A I'm in the Army.

9 Q And again, thank you for your service.

10 What is your outlook? Are you intending to
11 pursue a career with the U.S. Army in the future?

12 A As of right now, yes.

13 Q And is that a long-term prospect for you? Is this your
14 plan to be a lifetime employee or soldier with the United
15 States Army?

16 A Yes, sir.

17 Q And you understand that the types of subject matter that
18 we're dealing with in this case could be a distraction to
19 your career in the Army if it got out. You understand that,
20 right?

21 A I'm sorry. I didn't understand.

22 Q Let me ask it a different way. And I hope that I am
23 conveying the question in an appropriate way.

24 But you'd agree with me, as an employee of the
25 United States Army serving your country, that if your

VASQUEZ-CROSS

1 superiors and your colleagues in the Army got in the middle
2 of this case, that that could cause you -- you would be
3 concerned about the effects on your career if this case got
4 in the middle of your Army business?

5 A Yes.

6 Q And you also understand that the prosecutors here are
7 prosecutors who work for the United States Department of
8 Justice, right?

9 A Right.

10 Q And you understand that that's also an agency of the same
11 U.S. government that you're employed by, right?

12 MS. ZACK: Objection, Your Honor, relevance.

13 THE COURT: I'll sustain the objection.

14 MR. BUCKLEY: Understood, Your Honor.

15 BY MR. BUCKLEY:

16 Q It's your understanding and your belief that an agency of
17 the United States government wants to convict Mr. Gandy?

18 A Yes.

19 Q And you don't want to have any problems in your
20 employment that might result if you offer resistance to that
21 objective?

22 MS. ZACK: Objection, Your Honor, improper.

23 THE COURT: Rephrase it. Sustained.

24 BY MR. BUCKLEY:

25 Q Mr. Vasquez, you don't want to have any problems in your

VASQUEZ-REDIRECT

1 career and at work because you don't cooperate with this
2 investigation and this prosecution, do you?

3 A Correct. I'm cooperating.

4 Q I understand you're cooperating. My point is that you
5 would be concerned if you don't cooperate that that could
6 have some fallout for you in your career. You'd agree with
7 that, right?

8 A Correct.

9 MR. BUCKLEY: Thank you, sir. I pass the witness.

10 THE COURT: Redirect.

11 MS. ZACK: Yes, Your Honor, very brief.

12 REDIRECT EXAMINATION

13 BY MS. ZACK:

14 Q Just so we're clear, in order for you to be here today,
15 were you promised anything by myself or anyone from my office
16 in any way?

17 A No.

18 Q Why are you here?

19 A Because I wanted to.

20 Q Okay.

21 And as far as any promises not to discuss this
22 with the Army, did I promise you anything? Did anyone in my
23 office promise you anything?

24 A Nobody promised me anything.

25 Q Okay.

VASQUEZ-REDIRECT

1 I want to talk about the ad that Mr. Buckley
2 showed you, the Craigslist ad, the one for you meeting women
3 while in London, okay?

4 A Right.

5 Q Was it your expectation that if you met someone there
6 that you would be with them 24 hours a day, seven days a
7 week?

8 A No. That was not my expectation, no.

9 Q Okay.

10 And when you and Mr. Gandy participated in the
11 massages back in the United States, approximately how many
12 hours in a day might you be participating in massages?

13 A A day?

14 Q Yes. How many would you do in a day?

15 A Oh, like four or five hours I was staying with Jason,
16 massages would be two hours.

17 Q So it was not 24 hours a day, seven days a week?

18 A Right.

19 Q Now, the store that you wanted to go to, I believe you
20 said it was called Drop Dead?

21 A Yes.

22 Q How were you going to shop there? Where would the money
23 come from?

24 A It was going to come from Jason.

25 Q And did you have any money really at that point?

VASQUEZ-REDIRECT

1 A No.

2 Q Did your parents give you money to go to London?

3 A No.

4 Q Okay.

5 The email addresses that you used personally
6 back when you were 15, do you remember what they were?

7 A My personal email?

8 Q Yes.

9 A Yes.

10 Q And how many email addresses did you have?

11 A One.

12 Q And did it contain your name?

13 A Yes.

14 Q And let's talk about this flight to London. How many
15 times have you been on a plane before?

16 A Never.

17 Q Had you ever cleared customs?

18 A No.

19 Q Did the defendant or anyone tell you that any of your
20 bags would be subject to search?

21 A No.

22 Q When you talked about being concerned about him knowing
23 your mother's name, that was for to be entered into the
24 country with your passports when you were going through
25 customs?

VASQUEZ-REDIRECT

1 A Yes.

2 Q When Mr. Buckley discussed at the beginning of the
3 cross-examination that he thought it was a coincidence that
4 these two 30-something-year-old men had contacted you on
5 Facebook and that this resulted in sexual encounters. Do you
6 remember this line of questioning?

7 A Yes.

8 Q Did anything happen on your Facebook page around that
9 time?

10 A Yes.

11 Q What? Can you explain that to me?

12 A I posted a picture in skinny jeans, and everybody thought
13 I looked gay so they were commenting on it.

14 Q Okay. When you say everybody and they were commenting on
15 it, what do you mean "they were commenting?"

16 A My Facebook post.

17 MR. BUCKLEY: Pardon me. I object to the hearsay
18 and the best evidence under 1002.

19 THE COURT: Overruled as to best evidence. Rephrase
20 so as not to elicit hearsay.

21 BY MS. ZACK:

22 Q As far as what occurred based on the picture of you in
23 the skinny jeans, what actions did people take online?

24 A People were messaging me. People were commenting on my
25 photo.

VASQUEZ-REDIRECT

1 Q Okay.

2 And in those comments were they commenting on,
3 potentially on what your sexuality was?

4 A Yes.

5 Q Okay.

6 And was this around the same time that you
7 encountered Jamie Vam and then became in contact with the
8 defendant?

9 A Yes.

10 MS. ZACK: Nothing further, Your Honor.

11 MR. BUCKLEY: May I have a moment, Your Honor?

12 THE COURT: You may.

13 MR. BUCKLEY: Nothing from us. Pass the witness.

14 THE COURT: And may this witness be excused?

15 MS. ZACK: Subject to rebuttal, yes, Your Honor.

16 THE COURT: Sir, you are free to leave; but you must
17 remember to follow all of the rules, and if you are required
18 to return, you must follow that instruction. Do you
19 understand?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Very good. Have a very nice day. Thank
22 you.

23 All right, ladies and gentlemen, lunch.

24 We will be in recess until 1:15. That's a
25 little less than an hour but not much. Enjoy your lunch,

1 please.

2 (Jury excused for lunch)

3 THE COURT: Please be seated.

4 There is one matter that I think you indicated
5 you wanted to take up, but it may be moot at this point.

6 MR. BUCKLEY: Well, I will articulate what the
7 matter was, and it may be moot.

8 During the testimony, during Mr. Vasquez'
9 testimony he indicated that he had some communications with
10 Mr. Gandy from the jail, which revealed to the jury that Mr.
11 Gandy was in custody.

12 You know, obviously I don't want to just keep
13 drawing attention to it, but I felt that a limiting
14 instruction would have been appropriate at the same time.

15 THE COURT: We can still do the limiting instruction
16 for it. If you will draft one, run it by opposing counsel,
17 if you think it would be useful. I will certainly consider
18 it, as well as any objections that might be levied, all
19 right.

20 So come back at 10 after 1:00 and we will take
21 it up. All right?

22 MR. BUCKLEY: Thank you Your Honor.

23 THE COURT: Enjoy lunch.

24 MS. ZACK: Thank you, Your Honor.

25 (Recess taken for lunch)

1 THE COURT: I think we're ready. I understand that
2 the next witness wishes to be referred to as Mr. D?

3 MS. LEO: That is correct, Your Honor.

4 THE COURT: And the parties have no opposition?

5 MR. BUCKLEY: I am not opposed to it, Your Honor.

6 THE COURT: We will do so. And this is Minor Victim
7 No. 3?

8 MS. ZACK: Yes.

9 THE COURT: Very good. Thank you.

10 Is he here?

11 MS. ZACK: Yes.

12 THE COURT: Bring him in.

13 MR. BUCKLEY: Your Honor, we would request that
14 there is, even if it's under seal, a specific reference to
15 who this is.

16 THE COURT: I agree. Let's put that under seal.

17 And who is Mr. D?

18 MS. LEO: Your Honor, he is [REDACTED].

19 THE COURT: All right. That was actually mentioned
20 during the voir dire examination, so let's put that part of
21 the voir dire examination under seal as well, just the
22 identification of the name.

23 All right. Bring them in. Thank you.

24 (Jury enters courtroom)

25 THE COURT: Please come forward, sir. Sir, please

MR. D-DIRECT

1 come forward. You may all be seated, please.

2 Raise your right hand to be sworn.

3 Do you solemnly swear that the testimony you
4 will give in the case now before this Court will be the
5 truth, the whole truth and nothing but the truth so hope you
6 God, or you may affirm?

7 THE WITNESS: Yes.

8 THE COURT: Take the witness stand, please, sir.
9 And if you will lean forward and speak directly into the mic,
10 you can pull the mic towards you and lean forward toward it,
11 and speak clearly and directly so everyone can hear you.

12 THE WITNESS: Sure.

13 Go ahead, please, Ms. Leo.

14 MS. LEO: Thank you, Your Honor.

15 MR. D

16 was called as a witness by the government and,
17 having been first duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. LEO:

20 Q Sir, good afternoon. Is your name Mr. D?

21 A Yes.

22 Q And, Mr. D, how old are you?

23 A I am 28 years old.

24 Q And what's your date of birth?

25 A February 14, 1990.

MR. D-DIRECT

1 Q And where were you born?

2 A Here in Houston, Texas.

3 Q Let me show you Government's Exhibit 17C. Do you
4 recognize what's already been admitted as Government's
5 Exhibit No. 17C?

6 A I do.

7 Q And what is Government Exhibit No. 17C?

8 A This is my birth certificate.

9 Q And does it list what your full name is?

10 A Yes.

11 Q Does it list your date of birth?

12 A Yes.

13 Q And what is your date of birth again?

14 A 2-14-1990.

15 Q And does it list who your mother and your father are?

16 A That is correct.

17 Q Okay.

18 Q Now, Mr. D, where are you currently living?

19 A In Alvin, Texas.

20 Q And how far away is that from Houston?

21 A About 40 minutes south I think.

22 Q How long have you been living in Alvin, Texas?

23 A I have been living in Alvin for about the last
24 year-and-a-half.

25 Q And are you currently working?

MR. D-DIRECT

1 A Yes.

2 Q And where are you working?

3 A In Alvin also.

4 Q And what do you do? What's your occupation?

5 A I'm a retail store manager selling furniture supplies.

6 Q And how long have you been there?

7 A Since April of last year.

8 Q And in regards to your family, Mr. D, do you have any
9 brother or sisters?

10 A I have two sisters, yes.

11 Q Are they older or younger than you?

12 A Both older than me.

13 Q And are your parents, the ones who are listed on your
14 birth certificate, are they currently married?

15 A No, ma'am.

16 Q They're separated or are they divorced?

17 A My parents are divorced.

18 Q And do you remember more or less when it was that your
19 parents got divorced?

20 A I believe 1999.

21 Q How old would you have been at that time?

22 A Nine years old.

23 Q And at the time that your parents got divorced, who were
24 you living with?

25 A My mother.

MR. D-DIRECT

1 Q And were you living -- where were you living at that
2 time?

3 A When they were divorced I lived in Alvin, Texas.

4 Q Where you are living currently?

5 A Nearby, uh-huh.

6 Q And where was your father living during that time period?

7 A In Pearland, Texas.

8 Q How often would you see your father?

9 A Initially after the divorce I believe maybe it was every
10 Wednesday and every other weekend, if I remember correctly.

11 Q Where were you going to school at that time?

12 A Alvin School District.

13 Q Mr. D, at some point in time did you come in contact with
14 an individual by the name of Jason Gandy?

15 A Yes, I did.

16 Q Do you recall what year that was or how old you were?

17 A To be honest, I don't recall when I came into contact
18 with him exactly. I can remember I really began developing
19 an intimate relationship.

20 Q When was that?

21 A That would have been around 2005.

22 Q Do you recall how old you were in 2005?

23 A 15 is close enough. I was 15.

24 Q And how did you first meet Mr. Gandy?

25 A I first met him at my father's place of residence.

MR. D-DIRECT

1 Q Is that the same place where he was living after your
2 parent's divorced in 1999?

3 A No.

4 Q Where was he living or what town was he living in at that
5 point when you first met Mr. Gandy?

6 A In Pearland.

7 Q And how did you meet Mr. Gandy?

8 A I met him as my -- he was my father's massage therapist.

9 Q And do you recall how many -- you testified that you
10 remember the time when you started to have a relationship
11 with him; is that correct?

12 A Uh-huh.

13 Q Had you met him previously?

14 A I believe so, yes, yeah.

15 Q But it was in the summer of 2005 that you started some
16 sort of relationship with him; is that correct?

17 A Yes, ma'am.

18 Q And you were 15?

19 A Yes.

20 Q And before we go any further, do you see Mr. Jason Gandy
21 here in the courtroom?

22 A Yes.

23 Q An can you identify him by an article of clothing that
24 he's wearing?

25 A A blue and white striped shirt and blue jacket.

MR. D-DIRECT

1 MS. LEO: Your Honor, let the record reflect that
2 the witness has identified the defendant.

3 THE COURT: Record will so reflect. Thank you.

4 MS. LEO: Thank you.

5 BY MS. LEO:

6 Q Now, Mr. D, at the time that you first met or at the time
7 that you started to be involved in some sort of a
8 relationship with Mr. Gandy in the summer of 2005, can you
9 tell the jury a little bit about how that began.

10 A Well, it began, to my recollection, at my father's place
11 of business, which also was a residence at that time in
12 Alvin. I don't recall why, but I think my father was before
13 or after his massage with Jason, I don't know if he was
14 bathing or something, I don't know; but for whatever reason
15 Jason and I had alone time. This is the first time I recall
16 interacting with him. It was at my father's home/business.

17 Q So what happened when you were alone with the defendant?

18 A We just were talking, you know. I can remember him
19 brushing his teeth, you know, just --

20 THE COURT: Sir, can you lean forward a little bit,
21 talk a little bit towards the mic.

22 THE WITNESS: Sorry.

23 THE COURT: Thank you.

24 A I just remember him brushing his teeth and talking and
25 nothing much more than that.

MR. D-DIRECT

1 Q What happened after that in regards to your contact with
2 the defendant?

3 A I'm sorry. Can you repeat the question?

4 Q Sure.

5 After that first initial time that you spoke
6 with and had, I guess, alone time with the defendant, what
7 was your next contact with him?

8 A So I'm wanting to say that that was kind of repeated,
9 just very, you know, sort of brief interaction as I
10 described, until a point in time which he expressed interest
11 in my father's business.

12 Q What did your father do? What type business did he do?

13 A At that time he did several things; but what I am
14 specifically referring to is the heavy equipment business.

15 Q And what exactly did the defendant express an interest in
16 your dad's business?

17 A The equipment initially.

18 Q And did you have a conversation with him about that?

19 A Yes. I recall --

20 Q And what were they?

21 A I recall instructing him on how to operate some of the
22 equipment specifically.

23 Q And was that at your dad's place of employment or was
24 that someplace else?

25 A It was there, yes.

MR. D-DIRECT

1 Q And what happened after you were explaining to him how to
2 use the equipment?

3 A I remember when one of the pieces of equipment got stuck
4 in the ditch and we used another piece of equipment to pull
5 it out.

6 Q And what else happened then?

7 A That was I think pretty much the extent of what took
8 place then.

9 Q Did something else happen after that?

10 A What would have taken place after that would have been
11 Jason, I would say, being inspired to dabble in the business
12 himself.

13 Q Was this different construction equipment?

14 A Right. So purchasing to sell the equipment.

15 Q And so did you come in contact with him more so because
16 of the business venture that the defendant was pursuing?

17 A That was the, I would say, the reason why there was
18 further contact, yes.

19 Q Can you tell us a little bit about that contact?

20 A So, he, Jason had purchased a piece of equipment, a
21 backhoe, which he had on a piece of property that he owned
22 here in Houston, which he was interested in repainting to
23 sell the equipment; and he invited me to work for him fixing
24 the piece of equipment up.

25 Q Was he going to pay you to help him fix this equipment?

MR. D-DIRECT

1 A Yes.

2 Q And was this something that you wanted to do?

3 A Yes.

4 Q Why was that?

5 A Well, up until that point I, every summer, would work for
6 my father on the things like this; and so it just presented
7 itself as an opportunity to be helpful and make some money.

8 Q And so did you, in fact, go and work for the defendant?

9 A On the equipment, you know, I don't recall ever actually
10 painting the equipment or if it was discussed actually.

11 Q Do you recall then what other contact you had with the
12 defendant during that summer?

13 A Yes.

14 Q What was that contact?

15 A Well, I remember a discussion as we were there looking at
16 the backhoe regarding what would be the next step if he was
17 to, you know, continue working on it and kind of determine
18 this is what we need to get to work on the equipment. And it
19 was almost as if that determination was made, and then he
20 mentioned another opportunity for me to help him, which would
21 have been in his massage business.

22 Q Did you know at that time that the defendant had a
23 massage business?

24 A Yes.

25 Q And how did you know?

MR. D-DIRECT

1 A Just because of his relationship with my father, what
2 little I understood about it, I had assumed as much.

3 Q And at this time when the defendant had told you about
4 the opportunity to help him in his massage business, had you
5 and the defendant, were you in a relationship at this point?

6 A I was not with the defendant or anyone else, no.

7 Q Okay.

8 And so, can you explain what this opportunity
9 that this defendant told you about in regards to his massage
10 business?

11 A The way that he described it, as I recall, was he
12 expressed the fact that some of his other -- some of his
13 clients would be interested in a massage on which I was
14 assisting him; and he had offered for me to make, I
15 specifically recall, \$80 for what he described as 15 minutes
16 of my time rubbing their leg, for instance.

17 Q Do you recall at what point in the summer that he told
18 you about this opportunity?

19 A What point in the summer? No, I don't recall actually.

20 Q And what did he -- when you said that he explained to you
21 that you would have to rub someone's legs for about 15
22 minutes, was that all that you would have to do?

23 A He didn't say.

24 Q Did he say to you why you would make that amount of
25 money?

MR. D-DIRECT

1 A Well, he said that the clients would be interested in
2 such a thing, you know.

3 Q Do you know what he meant by that, that the clients would
4 be interested in having you rub their legs?

5 A My understanding was just being a young guy doing that.

6 Q And again, you were 15 years old at that time?

7 A Right.

8 Q And let me show you especially what's been marked as
9 Government Exhibit No. 22. Do you remember the context shown
10 in Government Exhibit No. 22?

11 A Yes, ma'am.

12 Q And what is being shown?

13 A It's a picture of myself and my grandmother as I looked
14 around 2005.

15 Q And do the contents of what's being shown in Government
16 Exhibit No. 22, do they fairly and accurately depict what
17 they purport to depict?

18 A Yes.

19 MS. LEO: Your Honor, the government would move to
20 offer Government's Exhibit No. 22 into evidence.

21 MR. BUCKLEY: No objection.

22 THE COURT: It's admitted. Thank you.

23 MS. LEO: May I publish it, Your Honor?

24 THE COURT: You may.

25 MS. LEO: Thank you.

MR. D-DIRECT

1 BY MS. LEO:

2 Q So, Mr. D, who again is being shown in that photograph?

3 A I'm shown there with my grandmother.

4 Q And that's how you looked back in the summer of 2005?

5 A Yes.

6 Q Now, at some point after the defendant had told you about
7 this opportunity to perform this massage, did you in fact
8 perform a massage?

9 A I'm sorry. Can you repeat that?

10 Q After the defendant had told you about this opportunity
11 to perform this massage, did you actually perform one?

12 A Yes.

13 Q Can you explain to the jury about the massage?

14 A The massage itself was, I would say, within a week of
15 that initial visit to his home. And I remember being told
16 that a man who was generous with gifts and things like that
17 would be coming for a massage. I think I remember him saying
18 he was a doctor. And I remember the man bringing muffins and
19 receiving a massage.

20 Q Can you explain how that worked, the massage?

21 A Sure. I recall waiting after the man arrived in another
22 room and at some point Jason coming and getting me.

23 THE COURT: Keep your voice up, please, sir.

24 A And so I came to the room, down to the room; and I
25 remember being nervous helping him, and I can specifically

MR. D-DIRECT

1 recall one of my fingernails at some point like scraping the
2 guy's leg, and I felt bad, kind of, you know, came back and
3 was very apologetic before being excused from the room.

4 Q Do you remember more or less how long you were in the
5 room performing the massage?

6 A To be honest, it couldn't have been more than, like you
7 said, actually 10, maybe 15 minutes, not very long.

8 Q And during this time what were you wearing?

9 A I am not sure, to be honest. I don't recall.

10 Q Were you wearing clothing?

11 A Yes.

12 Q Was the client wearing clothing?

13 A No. I believe -- I just specifically recall a towel.

14 Q Was the defendant wearing clothing?

15 A Yes. He would have been.

16 Q And other than touching and massaging the client's leg,
17 did you touch anywhere else on his body?

18 A No.

19 Q After you were there for about 15 minutes, what happened?

20 A After I was there, again, I think he could tell I was
21 getting uncomfortable and so I was basically excused from the
22 room at that point.

23 Q Do you know what happened in the massage?

24 A I do not.

25 Q And after that were you given any money?

MR. D-DIRECT

1 A I wanted to say yes. To be honest, I don't recall the
2 actual exchange of him giving the money, but I think so.

3 Q And, Mr. D, at the time that the massage was performed
4 was there any lotion or oils that you had used?

5 A On the client?

6 Q Yes.

7 A Yes.

8 Q What type of lotion or oil?

9 A It was a -- no, it wasn't an oil. I recall a white
10 lotion that had a hemp leaf on it. It was a hemp branch,
11 actually, lotion.

12 Q Mr. D, after this -- or strike that.

13 Where did this -- you stated that this occurred
14 at the defendant's residence; is that correct?

15 A Yes.

16 Q And where was he living at that time?

17 A He was living here in Houston.

18 Q Do you recall what street?

19 A I believe it's Fairview is the name of the actual street
20 that he lived on.

21 Q And at that time where was he performing, or where did
22 you perform this massage?

23 A It was on the lowest level of the home, the first floor.

24 Q Was it a two-story home?

25 A It was either a three-or-four-story home actually.

MR. D-DIRECT

1 Q And is this the bottom level that he performed it at?

2 A Right.

3 Q After that did he ever ask you to perform another
4 massage?

5 A I recall shortly after this actually moving, so I don't
6 think he ever even -- we had that opportunity. No, I don't
7 think we did.

8 Q And, Mr. D, during the summer when you were having this
9 interaction with the defendant, did you and the defendant,
10 were you in a relationship with the defendant?

11 A During that interaction time?

12 Q During that summer?

13 A During that summer I perceived us to be in a
14 relationship, actually, yes.

15 Q And why did you perceive the two of you to be in a
16 relationship?

17 A Partially because I hadn't been in a relationship before,
18 I want to say; but mostly because I was told that he loves me
19 and things of that nature, which would have led me to believe
20 that we would have been in a relationship.

21 Q He told you that he loved you?

22 A Yes, ma'am.

23 Q Did you have feelings for him?

24 A Yes.

25 Q Were you in love with him?

MR. D-DIRECT

1 A I certainly thought so, yes.

2 Q Back when you were 15 you thought so?

3 A Yes.

4 Q And, Mr. D, your relationship with him, was it sexual?

5 A Yes.

6 Q And at that point in time had you figured out what your
7 sexuality was?

8 A I was, I would say I was contemplating it.

9 Q Did your family or friends know about this?

10 A Absolutely not.

11 Q And, Mr. D, during that time did you know if there were,
12 or did you ever see any other people at the defendant's
13 residence who helped him with giving these massages?

14 A In that summer?

15 Q In that summer.

16 A Did I see anyone else helping to giving massages? I
17 don't believe so, no.

18 Q Do you recall how often you saw the defendant during that
19 summer?

20 A You know, I don't recall the frequency. I just recall
21 going just pretty much from the time that I met him or first
22 went to his home until I moved and was no longer able to go
23 over there as much as possible.

24 Q And how would you get there?

25 A I actually drove.

MR. D-DIRECT

1 Q Did you have a driver's license at that time?

2 A No, no, I did not.

3 Q Mr. D, did you communicate with the defendant during that
4 time when you weren't with him?

5 A After moving, you mean?

6 Q No. During that summer would you communicate with him
7 when you weren't there at his residence?

8 A Yes, yes.

9 Q And how did you communicate?

10 A So, what I was just trying to recall is, I want to say,
11 you know, yes, I believe I did have a cell phone at that
12 time. The only reason I have to give thought to it is
13 because I specifically remember having his home phone number
14 that I recall.

15 Q And do you recall what you used to call his home number?

16 A I don't specifically recall, no, actually.

17 Q So could it have been a cell phone?

18 A Yes.

19 Q Could it have been a land line?

20 A Yes.

21 Q But some sort of phone?

22 A Right.

23 Q Mr. D, when the message would have been up from the first
24 time he brought it, the opportunity to you up until the time
25 it actually occurred, I believe you testified it was about a

MR. D-DIRECT

1 week in between; is that correct?

2 A I'm sorry. Can you repeat the question?

3 Q Yes.

4 You had testified that there was about a week
5 in between when he first brought up the opportunity of the
6 massage to when the massage actually occurred; is that
7 correct?

8 A Yes.

9 Q And during that time frame how would he have been in
10 contact with you?

11 A By phone.

12 Q And do you know how he got clients?

13 A Do I know how he got clients?

14 Q How he got his business?

15 A No. Part of me wants to say that I recall an
16 advertisement in a magazine. Other than that, I don't recall
17 being involved with anything having to do with that.

18 Q And, Mr. D, in regards to, I believe you testified that
19 at some point you then moved; is that correct?

20 A Yes, ma'am.

21 Q And when was that?

22 A That would have been towards the end of that summer in
23 2005.

24 Q And why did you move at that time?

25 A I moved because my father wanted me to return to school

MR. D-DIRECT

1 living with my mother.

2 Q Was that at the end of the summer?

3 A Yes.

4 Q And after you left at the end of the summer, did you ever
5 talk to the defendant again?

6 A I did, yes.

7 Q And when was that?

8 A It was the following summer.

9 Q And what happened when you -- what happened the following
10 summer?

11 A I was leaving an Astros game, and by that time I did have
12 a driver's license and my first vehicle; and I hadn't, I
13 don't believe I had spoke to Jason at all between the two
14 summers of 2005 and 2006. However, I did have his home phone
15 number memorized. I specifically recall dialing his home
16 phone number and reaching out to him wanting to see him.

17 Q Did you still have feelings for him?

18 A Yes.

19 Q And did you in fact go and see him that second summer,
20 which would have been the summer of 2006?

21 A Yes, I did.

22 Q And at that point were you -- what did you find when you
23 went to go see him?

24 A What I found -- what I found was what I perceived to be a
25 new boyfriend.

MR. D-DIRECT

1 Q Okay.

2 A Which I quickly realized that what I kind of had presumed
3 to be the case was not because essentially the way I remember
4 my feeling.

5 Q Do you know the name of who that person was?

6 A Yes, I do.

7 Q Who was that?

8 A It was a David Villa Gomez.

9 Q Now, Mr. D, after that did you at some point in time work
10 for the defendant again?

11 A Yes, I did.

12 Q And when was that?

13 A That would have been two years later in 2008.

14 Q And where was that?

15 A It was in Austin, Texas that I worked for him.

16 Q And what did you do for him?

17 A I managed a property for him.

18 Q And how long did you manage that property for him?

19 A It would have been less than six months.

20 Q And why did that end?

21 A It ended -- he was returning from California where he was
22 living at that time due to the ill health of his mother, and
23 unfortunately she passed away on his way from California. I
24 remember him being about an hour outside of Austin when he
25 called and gave me that news that he had been on his way to

MR. D-DIRECT

1 see his mother, received that news; and so, instead he was
2 coming to the house there in Austin where I was living.

3 Q And at that point in time he had made decisions about the
4 house that would -- did he make decisions about the house?

5 A Yes, he did.

6 Q And so after that you were no longer working for him; is
7 that correct?

8 A Right.

9 Q And after that time did you have any other contact with
10 the defendant?

11 A Yes.

12 Q And in regards to that contact, did you ever work for him
13 in any other capacity?

14 A Never.

15 Q Now, Mr. D, do you know an individual by the name of
16 Kevin Vasquez?

17 A Not in any other context than here today.

18 Q Okay.

19 And do you know an individual by the name of
20 Jose Alfaro?

21 A No.

22 MS. LEO: Your Honor, if I could have a moment.

23 THE COURT: You may.

24 MS. LEO: Your Honor, I'll pass the witness at this
25 time.

1 THE COURT: Thank you.

2 Cross.

3 MR. BUCKLEY: We have no questions for this witness,
4 Your Honor.

5 THE COURT: And may this witness be excused subject
6 to recall?

7 MS. LEO: Yes, Your honor.

8 THE COURT: A rebuttal.

9 Sir, you are free to leave. If your presence
10 back here is required, you must come when you are told it is
11 needed for you to do so. And because you may be back, please
12 follow all of the restrictions, don't talk about the case
13 with anybody. All right. Thank you.

14 Your next witness, please.

15 MS. LEO: Your Honor, at this time the government
16 would call David Villa Gomez to the stand.

17 THE COURT: Is Mr. Gomez in the hall, or Villa
18 Gomez?

19 MS. LEO: Yes.

20 THE COURT: Are they bringing him in?

21 MS. LEO: Yes, Your Honor.

22 THE COURT: It is often the case that right when a
23 witness is needed, the witness decides it's time for a brief
24 break.

25 Please come forward, sir. If you will pause

VILLA GOMEZ-DIRECT

1 there, raise your right hand. No. Over here is fine. Pause
2 right there. Raise your right hand.

3 Do you solemnly swear that the testimony you
4 will give in this case will be the truth, the whole truth and
5 nothing but the truth so help you God, or you may affirm?

6 THE WITNESS: I do.

7 THE COURT: Take the stand, please, sir. And as you
8 testify, you need to lean forward and pull the mic towards
9 you so you are speaking directly and closely into it. And
10 please keep your voice up so everyone can hear you.

11 You may proceed.

12 MS. LEO: Thank you, Your Honor.

13 DAVID VILLA GOMEZ

14 was called as a witness by the government and,
15 having been first duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. LEO:

18 Q Please state your name for the record, sir.

19 A David Villa Gomez.

20 Q And can you please spell your last name for the court
21 reporter.

22 A V-i-l-l-a G-o-m-e-z.

23 Q Now, Mr. Villa Gomez, how old are you?

24 A I am 30.

25 Q What's your date of birth?

VILLA GOMEZ-DIRECT

1 A 12-28-1987.

2 Q And where were you born?

3 A Houston, Texas.

4 Q What are your parent's names?

5 A Beatrice and Henry Villa Gomez.

6 Q And let me show you Government Exhibit No. 17B. Do you
7 recognize Government Exhibit 17B?

8 A Yes. My birth certificate.

9 MS. LEO: If we can put 17B up on the small screen.

10 Thank you.

11 BY MS. LEO:

12 Q And other than it being upside down, is everything
13 correct on your birth certificate?

14 A Correct.

15 Q And again, sir, your date of birth?

16 A December 28th, 1987.

17 Q So, Mr. Villa Gomez, where are you currently living?

18 A I live in Montrose, 2212 --

19 Q We don't need to know your exact address.

20 You live here in Houston?

21 A I do, Houston.

22 Q Inside the loop?

23 A Correct.

24 Q And, Mr. Villa Gomez, how long have you been living at
25 that location?

VILLA GOMEZ-DIRECT

1 A Just under a year.

2 Q And are you working?

3 A I am.

4 Q Where are you working at?

5 A Work at a bakery as a supervisor.

6 Q And how long have you been a supervisor at this bakery?

7 A On four years.

8 Q And what are your duties as supervisor at the bakery?

9 A I cook, order products. I kind of do everything at the
10 restaurant as well.

11 Q And, Mr. Villa Gomez, have you taken -- you finished high
12 school?

13 A I did not.

14 Q Have you gotten a GED?

15 A I have not.

16 Q Have you taken college courses?

17 A I have. I just got my associates certificate.

18 Q What did you get your associates in?

19 A Art.

20 Q And, Mr. Villa Gomez, do you have any siblings?

21 A I do.

22 Q And how many brothers and sisters do you have?

23 A 14.

24 Q Okay.

25 And do they all live here in the Houston area?

VILLA GOMEZ-DIRECT

1 A Predominantly, yes.

2 Q Where do you fall in that range of 14 kids?

3 A I'm in the end. So they're 15 total.

4 Q Oh, total 15, okay.

5 Mr. Villa Gomez, do you know an individual by
6 the name of Jason Gandy?

7 A I do.

8 Q Do you see him here in the courtroom?

9 A I do.

10 Q Can you identify him by an article of clothing that he is
11 wearing?

12 A A blue undershirt, collar and undershirt.

13 Q Is there anything else that he is wearing?

14 A A gray jacket.

15 MS. LEO: Your Honor, let the record reflect that
16 the witness has identified the defendant.

17 THE COURT: Record will so reflect. Thank you.

18 MS. LEO: Thank you.

19 BY MS. LEO:

20 Q Now, Mr. Villa Gomez, how did you meet Mr. Gandy?

21 A Online.

22 Q And more or less, do you recall when that was?

23 A Around the age of 17.

24 Q Do you recall if you were still going to school at that
25 point?

VILLA GOMEZ-DIRECT

1 A I had been absent most of, on and off throughout the past
2 semester during that time.

3 Q And what school was that?

4 A Bellaire High School.

5 Q And at the time that you met Mr. Gandy you were 17; is
6 that correct?

7 A Correct.

8 Q And you stated you met him online?

9 A I did.

10 Q And do you remember what platform online that you met him
11 on?

12 A It was a gay kind of dating site.

13 Q After meeting Mr. Gandy online, did you start
14 communicating with him?

15 A Yes, right away.

16 Q And how was your communication?

17 A It was through messaging.

18 Q At some point in time did you actually meet him in
19 person?

20 A I did.

21 Q And what was going on in your life at that time?

22 A It was a kind of tumultuous time. I was partying a lot
23 and struggling with the sexual identity.

24 Q Did something happen to you that caused you to be in some
25 sort of disagreement or fight with your family?

VILLA GOMEZ-DIRECT

1 A Yes.

2 Q And what was that?

3 A I had gone out to the clubs with my friends and I had
4 stolen my dad's work phone. And that same night I was
5 sexually raped, taken advantage of, however you want to call
6 it. And when I told them about it they were more interested
7 in why I took the phone. And they never acknowledged the
8 fact that I just told them I was raped.

9 Q And so this happened at that point in time when you
10 started to communicate with Mr. Gandy; is that correct?

11 A Correct.

12 Q At some point in time, what were -- strike that.

13 What was your communication like with Mr.
14 Gandy?

15 A I think there were messages on and off at the time.

16 Q What were the contents of them?

17 A Sexual.

18 Q And at some point did you ever meet Mr. Gandy?

19 A I did.

20 Q And when was that?

21 A That was in 2005, I believe.

22 Q Was this still when you were enrolled in high school?

23 A Yes.

24 Q And what happened when you first met the defendant?

25 A My concern for him was in part that I could make money;

VILLA GOMEZ-DIRECT

1 and I really liked that, the way he was making a lot of
2 money.

3 Q At that point in time do you know what the defendant's
4 job was?

5 A I was. I was aware of what he did.

6 Q And how were you aware?

7 A He told me he did massage.

8 Q Did you find this out when you saw him in person or was
9 this something that you found out when you were communicating
10 electronically with him?

11 A Electronically.

12 Q And after he told you what he did and he told you that
13 you could make some money, did you follow up with that?

14 A I did.

15 Q And what did he tell you as far as making money?

16 A He just let me know that we did massages. There was
17 kind of like a lot of science to it, so I believed that they
18 were legitimate because there was a lot of anatomy, and I
19 felt like I was learning a trade, up until the end of it, of
20 course.

21 Q Okay. And we'll get there in just a minute, but let me
22 back up real quick.

23 So, Mr. Villa Gomez, at some point in time
24 after you first met the defendant, did something between you
25 and the defendant happen?

VILLA GOMEZ-DIRECT

1 A Yes.

2 Q And what was that?

3 A We had sex.

4 Q And at that point where were you living? Were you still
5 living at home?

6 A Yes.

7 Q Did the defendant know how old you were?

8 A I believe so.

9 Q Did he know that you were still attending school?

10 A High school.

11 Q Had you told him that?

12 A I can't recall.

13 Q Mr. Villa Gomez, did he know that you were still living
14 at home with your parents?

15 A Yes.

16 Q At some point did it ever come up that you wanted to
17 leave your parent's residence?

18 A Yes.

19 Q And tell us about that.

20 A So after having gone through this and not leaving here,
21 acknowledging what I just went through, I was eager to escape
22 by any means; and I felt that this man kind of saved me, I
23 guess, and he seemed to like me as much as I liked him. And
24 maybe it was an opportunistic move for me at the time, but I
25 just know I needed to get out from that place because I no

VILLA GOMEZ-DIRECT

1 longer felt safe in my own home.

2 Q Did Mr. Gandy ever offer you a place to stay?

3 A Yes.

4 Q Tell us about that.

5 A He offered me a place to stay. I remember almost
6 immediately signing a dossier kind of contract about what the
7 rent would be.

8 Q And who did you sign that contract with?

9 A With the defendant.

10 Q And when do you recall moving in with the defendant?

11 A I can't recall exactly.

12 Q Would it have been fall of 2005?

13 A It would have been shortly after having left high school.

14 Q And, Mr. Villa Gomez, was there anything that you recall
15 as far as being able to remember a certain holiday or
16 celebration that comes to mind about the time that you moved
17 in with the defendant?

18 A I do remember hearing after, shortly after I had moved in
19 there that, oh, you should have been around during Halloween,
20 he had this really crazy party. And so I know I wasn't here
21 at that time period.

22 Q So it was sometime in November or after of 2005; is that
23 correct?

24 A Correct.

25 Q Now, Mr. Villa Gomez, you testified that you had to sign

VILLA GOMEZ-DIRECT

1 some sort of a contract. Tell us about that.

2 A I actually don't remember the exact price amount, but I
3 just remember thinking like, okay, sure, so it's a contract;
4 but I'm in love with you, so I will sign this rent contract.

5 Q So did you have to pay the defendant rent then to stay at
6 his residence?

7 A Correct.

8 Q And where was his residence located?

9 A It was located off of Fairview.

10 Q Is that in Houston?

11 A It is in Houston.

12 Q And can you describe for us the residence, for the jury.

13 A A three, three-and-a-half-story metal kind of finish
14 outside exterior home.

15 Q Were there other people that were living there?

16 A There was.

17 Q How many other individuals lived at that residence?

18 A At the time one of them.

19 Q And what happened in regards to the opportunity for you
20 to make money?

21 A It came to fruition, at least in the eyes of a
22 17-year-old.

23 Q And tell us about the first time that you were involved
24 in such an opportunity.

25 A I want to say right away, right away, I was making \$40 a

VILLA GOMEZ-DIRECT

1 client; and there was at least five a day, so it added up
2 very quickly to me.

3 Q And can you walk us through how the massage and how that
4 all happened?

5 A There was typically one of two ways. I would either come
6 in, and immediately at the beginning or during the second
7 half of the massage we would give normal massages, however
8 that translates, regular massages, just with happy evenings
9 at the end.

10 Q And just so we know and we are clear for the record,
11 let's talk first about the normal part of the massage. Can
12 you explain how the normal part of the massage went?

13 A Yeah. So if it was just the plain massage, I remember
14 him instructing me that at no point can our hands leave the
15 body. It has to be a thorough and just, you know, give a
16 massage.

17 Q And were the customers, were they -- where were they
18 during the time of the massage?

19 A On the massage table.

20 Q Were they laying on their backs or were they laying on
21 their stomach?

22 A On both.

23 Q And were there women customers or men customers?

24 A There was only one time in those few years that I can
25 recall ever, and there was, I think there was just one or two

VILLA GOMEZ-DIRECT

1 showed up to fornicate. It wasn't like a normal massage.

2 Q So your customers were then male customers; is that
3 correct?

4 A Yes.

5 Q And after the normal part of the massage finished up,
6 what happened next?

7 A I guess hand jobs, for lack of better words, were given.

8 Q Can you explain what body parts were involved?

9 A Yes. The mail penis was ejaculated.

10 Q And who -- did someone touch the males? Was it the
11 client's penis that was touched?

12 A Yes.

13 Q And who touched that?

14 A Jason and myself.

15 Q At the same time or at different times during the
16 massage?

17 A It really kind of depended. I mean, we both would engage
18 in completing that request.

19 Q So someone, either yourself or the defendant, would touch
20 the customer or client's penis during the massage?

21 A Yes.

22 Q And would it go to the point of ejaculation?

23 A Yes.

24 Q And were you ever touched by the client?

25 A Yes.

VILLA GOMEZ-DIRECT

1 Q And where were you touched?

2 A They grabbed me or fondled my gentles or grabbed my
3 buttocks.

4 Q And what were you wearing during these massaging?

5 A Sometimes just underwear; often nothing at all.

6 Q And what was the defendant wearing during these massages?

7 A Sometimes boxers, but usually he wound up naked.

8 Q And what about the customers?

9 A They were almost always nude or draped in some fashion.

10 Q And all of the massages that you would give, did they
11 always end in the client ejaculating?

12 A I think maybe with the exception of like one or two, all
13 of them, yeah.

14 Q And how often did you perform these massages?

15 A A lot. I remember thinking like the average we would do
16 at minimum was like three a day, but upwards of eight
17 wouldn't have -- it wasn't always requested as there was an
18 extra charge to have an additional person.

19 Q And during this time period when the massages were
20 occurring, were they always occurring in the same room of the
21 house?

22 A Yes.

23 Q What room was that?

24 A The bottom floor.

25 Q Can you describe the room?

VILLA GOMEZ-DIRECT

1 A Yes. It was very dark. There was curtains hanging even
2 where there otherwise weren't windows. There was a large, it
3 seemed kind of marble restroom shower area; and then in the
4 middle of the bedroom was a massage table.

5 Q And after these massages took place, did you ever get
6 money for them?

7 A Yes.

8 Q And who gave you money?

9 A The defendant.

10 Q Did the clients or customers ever give you any money?

11 A I typically was not allowed to receive the cash directly,
12 so he would take it and then give me my cut.

13 Q How much would you get?

14 A Typically 40.

15 Q Do you know how the defendant would get his clients?

16 A Through various means. I know there is a website, and
17 then the *Houston Press* as well as Craigslist.

18 Q Do you know what the advertisements were?

19 A They would offer massage and four-hand massage.

20 Q What's a four-hand massage?

21 A It's with two people.

22 Q Is that what you and the defendant would do when you
23 would do these massages?

24 A Correct.

25 Q How long were you with the defendant?

VILLA GOMEZ-DIRECT

1 A I would say roughly near three years.

2 Q And is that how long you stayed and lived with the
3 defendant?

4 A Yes.

5 Q At that residence on Fairview; is that correct?

6 A Correct.

7 Q And, Mr. Villa Gomez, during that time, did you -- I
8 guess when did you turn 18?

9 A December 28th, I guess it was 2008.

10 Q Well, let me show you Government's Exhibit 25. Do you
11 recognize Government Exhibit No. 25?

12 A Yes. This is my school records.

13 Q And this Government's Exhibit 25 has already been offered
14 and admitted. Can we publish that, please.

15 And what school district were you in?

16 A I think this is HISD for Bellaire High School.

17 Q And does it list the different years that you were
18 attending school there?

19 A Yes.

20 Q And the first column, is that for your freshman year?

21 A Correct.

22 Q And on the bottom does it show what date that you entered
23 school?

24 A Yes.

25 Q What date was that?

VILLA GOMEZ-DIRECT

1 A August 19th.

2 Q Of what year?

3 A 2002.

4 Q And what about for your sophomore year. Does it indicate
5 what day you entered for your sophomore year?

6 A Yes.

7 Q And what date would that be?

8 A That would be August 18th, 2003.

9 Q And what about for your junior year. Does it indicate
10 what day that you entered school?

11 A Yes.

12 Q And what date was that?

13 A August 16th, 2004.

14 Q And then for your senior year, does it indicate what day
15 that you entered school?

16 A Yes.

17 Q And what date was that?

18 A August 15th, 2005.

19 Q Now, does it also indicate when you withdrew your senior
20 year?

21 A Yes.

22 Q And what date does it show that you withdrew?

23 A December 12, 2005.

24 Q And at the time you officially withdrew from high school
25 on December 12th of 2005, had you been living with the

VILLA GOMEZ-DIRECT

1 defendant?

2 A At the time of the withdrawal?

3 Q Yes.

4 A I couldn't say if I had officially moved in, but it was
5 on the basis that that's where I'd be going that I made the
6 decision to kind of convince my parents to let me withdraw.

7 Q And at that time were you performing these massages?

8 A Yes.

9 Q Now, Mr. Villa Gomez, you testified that you were in a
10 relationship with the defendant for approximately three
11 years; is that correct?

12 A Correct.

13 Q And during your three years you continued to live with
14 the defendant?

15 A Yes.

16 Q Did you pay him rent?

17 A I did.

18 Q And did you have to pay for your own food?

19 A I did.

20 Q And at some point did you ever see anything that --
21 strike that.

22 Do you know if the defendant had a computer at
23 that residence?

24 A Yes.

25 Q And at some point in time did you ever see anything on

VILLA GOMEZ-DIRECT

1 the computer that caused you concern?

2 A Yes.

3 Q And what exactly did you see?

4 A I walked in on him watching child porn on the computer on
5 the second floor in the kitchen.

6 Q And what happened when you walked in on him?

7 A I just remember being very confused, kind of, I suppose,
8 angry, if that's the right word, that the person I am in love
9 with is engaging in watching this; and the fact that he was
10 jacking off while watching it alarmed me, but I couldn't
11 process it at the time.

12 Q Was that the only time you ever saw him looking at
13 something like that?

14 A No.

15 Q When else did you see him looking at something like that?

16 A I can't specifically remember times, but I just remember
17 various incidents of feelings or things he would say that
18 indicated to me that this was something he was into, child
19 pornography, and not being okay with that; but feeling
20 somehow complicit in the fact that my boyfriend was engaged
21 in activity, I didn't know how to react or respond.

22 Q And during that three years, were y'all in an exclusive
23 relationship?

24 A It was my understanding that we were exclusive.

25 Q During that time frame did you ever see any other -- or

VILLA GOMEZ-DIRECT

1 strike that.

2 During that time frame was there anyone else
3 who would perform these massages?

4 A We did have a couple of clients that would come into town
5 periodically and other boys would be involved.

6 Q When you say "other boys," did you know their ages?

7 A I did not.

8 Q Why did you think they were boys?

9 A They just seemed young.

10 Q And, Mr. Villa Gomez, did you ever travel to perform
11 these massages elsewhere?

12 A I did.

13 Q And was that with the defendant?

14 A Yes. I traveled separately, typically independently to
15 met up with Jason; but it was on the basis to do a massage,
16 whether it happened or not.

17 Q And what did you and the defendant do other than these
18 massages?

19 A We didn't really do much. I thought that it was a loving
20 relationship at the time. I thought we were just a domestic
21 kind of recluse couple. But thinking about it now, though,
22 the combination of the relationship was primarily based on
23 money and staying fit with body marketing means, I suppose.

24 Q And what do you mean by "staying fit?"

25 A He was very health conscientious, and I think that kind

VILLA GOMEZ-DIRECT

1 of indoctrinated all of those workouts, the variety of
2 workout mentality.

3 Q Would you and the defendant go and work out together?

4 A We would.

5 Q And where would y'all work out?

6 A Club Houston.

7 Q And did you all ever go out to eat together?

8 A We did.

9 Q And when you would go out to work out, did y'all ever go
10 to the grocery store either before or after you would go to
11 work out?

12 A Yes.

13 Q And what, if anything, unusual would happen when you were
14 in the grocery store?

15 A Well, it was more a date than any errand. We would spend
16 a great deal of time there; and just a lot of odd things, I
17 thought, you know, not so much my custom, but I remember he
18 would like peel the ends off of --

19 MR. BUCKLEY: Excuse me, Your Honor. I have an
20 objection under 404(b) as to relevance.

21 THE COURT: I will sustain the objection. Either
22 rephrase or move on.

23 MS. LEO: Yes, Your Honor.

24 BY MS. LEO:

25 Q Did you ever see, during the time that you were with the

VILLA GOMEZ-DIRECT

1 defendant and during the time that you were at the store with
2 the defendant, him ever consume anything at the store and not
3 pay for it?

4 MR. BUCKLEY: Excuse me, Your Honor, same objection.

5 THE COURT: Rephrase.

6 MS. LEO: Yes, Your Honor.

7 BY MS. LEO:

8 Q Did you, at the defendant's direction, ever consume
9 anything at the store and not pay for it?

10 THE COURT: I am going to sustain the objection.

11 Move to a different area.

12 MS. LEO: Yes, Your Honor.

13 BY MS. LEO:

14 Q Mr. Villa Gomez, let me show you --

15 THE COURT: And I would add that the jury is to
16 disregard the questions entirely.

17 MS. LEO: May I proceed, Your Honor?

18 THE COURT: Excuse me?

19 MS. LEO: May I proceed, Your Honor?

20 THE COURT: Yes, please.

21 MS. LEO: Thank you.

22 BY MS. LEO:

23 Q Mr. Villa Gomez, let me show you what's been marked as
24 Government's Exhibit No. 21. Do you recognize what's being
25 shown in Government's Exhibit No. 21?

VILLA GOMEZ-DIRECT

1 A I do.

2 Q And what are the contents that are being shown in
3 Government's Exhibit No. 21?

4 A It's a picture of myself and three friends.

5 Q And more or less, how old were you during the time that
6 this picture was taken?

7 A 18 to 20.

8 Q Was this during the time frame that you knew the
9 defendant?

10 A Yes.

11 Q And do the contents in the picture, do they fairly and
12 accurately depict what they purport to depict?

13 A Yes.

14 MS. LEO: Your Honor, at this time the government
15 would move to introduce Government's Exhibit No. 21 into
16 evidence.

17 MR. BUCKLEY: No objection.

18 THE COURT: Admitted. Thank you.

19 MS. LEO: May I publish it, Your Honor?

20 THE COURT: You may.

21 BY MS. LEO:

22 Q And so, can you explain, Mr. Villa Gomez, who are the
23 individuals that are here in the picture?

24 A So it's a friend of mine, Joey Santiago, myself, Chris
25 and Steven.

VILLA GOMEZ-DIRECT

1 Q And that would have been more or less when you were about
2 18; is that correct?

3 A More or less.

4 Q And that was a little bit after you had met the
5 defendant?

6 A Yes.

7 MS. LEO: Your Honor, may I have a moment?

8 THE COURT: You may.

9 MS. LEO: Thank you.

10 BY MS. LEO:

11 Q Mr. Villa Gomez, when you first met the defendant online,
12 did you know how old he was?

13 A Yes.

14 Q And how did you know?

15 A I believe he told me he was in his 30s.

16 Q And I know that you had recalled moving in with him
17 sometime after Halloween; is that correct?

18 A Correct.

19 Q Do you recall what you did for your 18th birthday?

20 A I do not.

21 Q Do you recall if you spent it with the defendant?

22 A I'm pretty sure I did.

23 Q And was that when you were living, already living with
24 the defendant?

25 A Yes.

VILLA GOMEZ-CROSS

1 Q In regards to this particular investigation, when was it
2 that you contacted law enforcement?

3 A I saw a news kind of plea for possible victims to come
4 forward.

5 Q And do you recall what year that was?

6 A I do not.

7 Q And prior to that, though, you hadn't contacted law
8 enforcement until you saw something in the news?

9 A Correct.

10 Q And why was it that you decided to come forward?

11 A Given what I encountered with Jason and regarding like
12 the knowledge I had about his actions with minors, I thought
13 I was in a place of kind of spiritual fortitude to come
14 forward and speak on their behalf. I kind of felt the sense
15 of obligation in speaking up for people that I know that
16 probably wouldn't.

17 MS. LEO: Your Honor, I'll pass the witness.

18 THE COURT: Thank you.

19 MR. BUCKLEY: If I may switch over to the overhead
20 projector.

CROSS-EXAMINATION

22 BY MR. BUCKLEY:

23 Q Good afternoon, Mr. Villa Gomez.

24 A Good afternoon.

25 Q Showing you what's been admitted as Government's Exhibit

VILLA GOMEZ-CROSS

1 No. 21, which you had just recently discussed with the
2 government, the gentleman from the, the second one from the
3 left, is that you, sir?

4 A Correct.

5 Q And I know this may sound like an awkward question; I'll
6 try to make it as sensical as I can, but the gentleman
7 standing next to you, who is the next person to the right, if
8 I were to refer to him by the first letter of his last name,
9 would that be Mr. D?

10 A Correct.

11 Q And this was approximately taken, sir, in -- would that
12 be 2005 or 2006, do you know?

13 A Sometime around that time frame.

14 Q Understood.

15 And how old were you at that point?

16 A I would say in this picture I was probably anywhere from
17 18 to 20.

18 Q Understood. Thank you.

19 You explained that you met Mr. Gandy, as I
20 understood your testimony, shortly after having some conflict
21 with your own family; is that correct?

22 A That's correct.

23 Q And the conflict with your own family had a pretty
24 significant effect on you, right?

25 A That's correct.

VILLA GOMEZ-CROSS

1 Q And if I were to characterize it as being severe enough
2 in your own mind that it caused you to alter your own life
3 plans?

4 A Yes.

5 Q In a sense uproot everything that you had been doing and
6 do something else because of the way that that incident made
7 you feel?

8 A Correct.

9 Q You met Mr. Gandy over the internet, as I think you
10 explained, on a website, right?

11 A That's correct.

12 Q And do you know, if you recall, was that gay.com?

13 A It was either gay.com or xy.com.

14 Q What would be the nature of a website like that? If you
15 were to log-in, for example, to gay.com, what was the nature
16 of that website and what would people do on it?

17 A To either hookup or to date. Typically to hookup.

18 Q Now, when you say "hookup," do you mean have a sexual
19 encounter?

20 A Correct.

21 Q Without necessarily any strings attached?

22 A Correct.

23 Q And so would that be true for either of those websites
24 that you mentioned?

25 A Yes.

VILLA GOMEZ-CROSS

1 Q So at the time that you met Mr. Gandy, was your immediate
2 intention at that time just for a hookup or for more than
3 that?

4 A No, it wasn't. I think I was seeking kind of just an
5 ear, just to someone who felt that no one was hearing them.
6 And, I mean, of course there was an attraction to him, but I
7 felt that he was someone I could go to.

8 Q Understood.

9 And so, I think you were seeking out someone
10 within the gay community who you could form an attachment to?

11 A Correct.

12 Q Is that a fair statement?

13 A That's a fair statement.

14 Q Particularly in light of the, the estrangement that you
15 were feeling with your own family?

16 A Yes.

17 Q And do you think that this would have been about when you
18 were age 17, right?

19 A Yes.

20 Q And so then shortly thereafter or within this zone of
21 time you made the decision to withdraw from Bellaire High
22 School, right?

23 A Correct.

24 Q And then at some point entered into a sexual relationship
25 with Mr. Gandy, right?

VILLA GOMEZ-CROSS

1 A Correct.

2 Q Now, that occurred before you actually moved in to live
3 with Mr. Gandy, right?

4 A Yes.

5 Q And you have explained that Mr. Gandy had made you sign
6 a -- I forget the word you used -- a kind of a goofy rental
7 agreement to live in the house?

8 A Yes.

9 Q Would it be fair to say that he's pretty stingy?

10 A Yes. I would say he's very frugal.

11 Q So in retrospect, notwithstanding the type of
12 relationship that was developing between the two of you, it
13 doesn't surprise you, looking back, that one of his
14 eccentricities might have been to make you sign a rental
15 agreement and pay to live with him?

16 A At the time I respected his frugality initially.

17 Q And regardless of your feelings now, you could certainly
18 agree with me that it is an eccentricity that he has?

19 A Yes.

20 Q And after you moved to -- before you moved into the house
21 with Mr. Gandy, you understood that he had a business
22 involving providing massages, right?

23 A I did.

24 Q And the two of you had discussed that business to some
25 degree before you made the decision to move in?

VILLA GOMEZ-CROSS

1 A Yes.

2 Q It was your understanding that not only did he provide
3 massages but that he was actually a registered massage
4 therapist, right?

5 A I was aware of it, yes.

6 Q And, in fact, I believe you reflected in your direct
7 testimony that you found a lot of what he was doing to be
8 very interesting on an intellectual level, right?

9 A Yes.

10 Q And I would imagine that he had a skill set and a degree
11 of training that you had not before been exposed to?

12 A Correct.

13 Q In the field of massage?

14 A Correct.

15 Q And so there came a point after you made a decision to
16 move in with Mr. Gandy where the two of you discussed you
17 participating in the massages with him?

18 A I would say more it happened rather quickly rather than a
19 discussion. This was just an understood practice that was
20 pretty much immediate.

21 Q But it would occur, the discussion or the immediate
22 inclusion of you into Mr. Gandy's massage project, that
23 occurred after you moved in with him?

24 A It may have happened before. I am pretty certain it did,
25 because I wouldn't have made the move had I not seen, you

VILLA GOMEZ-CROSS

1 know, the prospect of money coming in.

2 Q So at that point that was a motivating factor to you. In
3 addition to your own personal feelings for Mr. Gandy was the
4 idea that you could have a means to earn a living, right?

5 A I needed security, yes.

6 Q And you began to see yourself, in the context of your
7 personal feelings for Mr. Gandy and the opportunity to make
8 money through Mr. Gandy's massage business, you began to see
9 yourself as basically a partner of his in this business at
10 some point, right?

11 A Yes. Did you say a contest?

12 Q No. And let me rephrase the whole question because I am
13 not sure which word you're referring to. I think it's
14 "context," but let me say it differently.

15 Within your emotional relationship with Mr.
16 Gandy and also including your participation in his massage
17 business, you saw yourselves or you saw you and Mr. Gandy as
18 operating as a couple, right?

19 A I did, correct.

20 Q And so, as a couple, in the emotional sense, first of
21 all, right? Would you agree with that?

22 A I would agree with that.

23 Q But also in a sense as a partnership in the provision of
24 massage services together to clients?

25 A Correct.

VILLA GOMEZ-CROSS

1 Q And so, it was not, Mr. Gandy was not locking you in a
2 room and forcing you to go to work with him, right?

3 A No, sir.

4 Q He was not taking away your cell and prohibiting you from
5 talking to other people?

6 A He was not directly, no.

7 Q And this relationship went on for three years, right?

8 A Yes.

9 Q And had you felt that you were being belittled or
10 controlled or exploited by Mr. Gandy during those three
11 years, you wouldn't have put up with that, would you?

12 A I put up with a lot to stay alive in those years. And
13 looking back, I felt that I was very manipulated. I wasn't
14 chained down with a ball, if that's what you are asking, no,
15 sir; but do I feel that I was given enough to feel that I had
16 to stay, absolutely.

17 Q Well, and I am not disputing how you may feel about it
18 now; but at the time you didn't see it the same way that you
19 see it now?

20 A No.

21 Q Is that a fair statement?

22 A I thought I was, and I felt at the time that I was in
23 love with him; and if he asked me to do anything, I would
24 have done it.

25 Q But also, you never felt that he was asking you to do

VILLA GOMEZ-CROSS

1 something that you weren't willing to do; that's right?

2 A It wasn't a matter of not being willing. If he wanted me
3 to do something, I would have done it.

4 Q Because you saw yourself as essentially in a partnership
5 with him emotionally and in the business sense?

6 A Yes.

7 Q And you, even before the devastating incident that
8 happened to you at the nightclub, would you say that you were
9 close to your family?

10 A We had been growing kind of estranged as I was struggling
11 with my sexual identity at the time.

12 Q So, in other words, I think what I am hearing from you is
13 that your family members weren't communicating to you that
14 they were accepting of the feelings that you were having?

15 A Correct.

16 Q And because of that breaking point that happened at the
17 club and your family's reluctance to acknowledge it, you
18 really broke ties with your biological family on a pretty
19 significant level?

20 A I did.

21 Q But for a three-year period in your relationship and
22 partnership with Mr. Gandy, nothing occurred that caused you
23 to have a similar response to him?

24 A As far as breaking away?

25 Q Right.

VILLA GOMEZ-CROSS

1 A No.

2 MR. BUCKLEY: May I have a moment, Your Honor?

3 THE COURT: You may.

4 BY MR. BUCKLEY:

5 Q It's fair to say and it's my understanding that your
6 three-year relationship with Mr. Gandy did not end well?

7 A That is fair to say, yes.

8 Q And I see by your response that I am sure there is more
9 to the story, but if you would just summarize in your view
10 why you believed that this relationship ended poorly?

11 A In quick summary, I think I was losing my ability to cope
12 with what was becoming increasingly evident as to the nature
13 of Mr. Gandy's character and his tendencies.

14 Q In other words, you had believed and felt and invested
15 yourself into what you believed was a monogamous and
16 exclusive loving relationship, right?

17 A Correct.

18 Q And you had had some discoveries, as you interpreted
19 them, to reveal that that was not the case, right?

20 A Not so much with infidelity, but specifically with regard
21 to his interest sexually in being into minors.

22 Q And understanding that that was on his mind, in your
23 view, observing that Mr. Gandy was having those thoughts or
24 those interests upset you greatly?

25 A Yes. I would venture to say more to the thoughts than

VILLA GOMEZ-CROSS

1 actions that I witnessed, but okay.

2 Q Not only, I would imagine, that you felt disappointed,
3 but you also felt betrayed?

4 A Yes.

5 Q And that's a pretty powerful emotion, isn't it?

6 A It is.

7 Q And over time, as you have reflected on that and
8 reflected on the allegations in this case, the passage of
9 time has not made those emotions any less for you, has it?

10 A I disagree with that, sir.

11 Q Well, you are here testifying today against Mr. Gandy?

12 A I am.

13 Q When you learned through the media reports of accusations
14 against Mr. Gandy, you made contact with the authorities to
15 tell them more information about him, right?

16 A I did.

17 Q And that was in approximately 2012, right, sir?

18 A I am not a hundred percent certain.

19 Q Well, if you don't know, that's fine.

20 In any event, although your emotions may have
21 subsided, you remain convinced that Mr. Gandy violated your
22 trust and betrayed you. You'd agree with that?

23 A As one point, yes.

24 Q And we talked briefly about these massages that you have
25 testified to.

VILLA GOMEZ-CROSS

1 You've explained that during the massage there
2 would be sexual contact with the client by someone, right?

3 A Yes.

4 Q And you said that sometimes that contact would happen
5 from Mr. Gandy or sometimes it would happen from you, right?

6 A With his guidance, yes.

7 Q And you'd agree that Mr. Gandy was, I think you
8 characterize it as a germophobe?

9 A Yes.

10 Q And pardon in advance for using this language, and I
11 think you know what I am going to say, but Mr. Gandy had
12 instructed you and it was clear that there would be no
13 "sucking or fucking" during any of these massages, right?

14 A Or kissing was the third one, yes.

15 Q And again, I apologize for using that language, but I
16 just want to be real clear about what we are talking about
17 here.

18 And so what we are discussing is a massage that
19 involved what is, I guess, colloquially known as a happy
20 ending, right?

21 A That is correct. But they were not limited to that
22 always. There were exceptions to the rule.

23 Q In other words, the happy ending did not always occur
24 during the massage, correct?

25 A Incorrect. Sometimes full sex would occur.

VILLA GOMEZ-CROSS

1 Q And this is the first time that you're reporting that,
2 isn't it?

3 A No, this is not.

4 Q You have given a number of statements before to the
5 authorities about this case, haven't you?

6 A I have.

7 Q And isn't it true that in your prior reports about Mr.
8 Gandy and on your direct testimony you've never alleged that
9 there was any full sex that went on in these massages?

10 A I am not certain. The last time I met with the
11 prosecution I did disclose this.

12 Q And do you recall what date that was?

13 A This was this past week.

14 Q And so your first report was, whether it was 2012 or
15 2014, it's been somewhere between four and six years between
16 now and the time that you made your first report, correct,
17 sir?

18 A Correct.

19 Q And I am not expecting you to be a calendar because none
20 of us are.

21 A Yes.

22 Q But what I think you're explaining is that what seems to
23 be the worst part of your testimony didn't come up until last
24 week. You understand the point, right?

25 A For me that wasn't the worst part of my testimony. The

VILLA GOMEZ-CROSS

1 emotional abuse that I felt throughout the years, looking
2 back, and my inability to reconcile love with the ability to
3 have sex for me was the worst part of my testimony. Whether
4 or not it was a happy ending, as you call it, or full-on sex
5 to me didn't register in the same manner being the worst part
6 of the testimony.

7 Q Well, when you first reached out to the authorities
8 following the media coverage of Mr. Gandy's arrest, you were
9 eager to explain to them the things that you knew about Mr.
10 Gandy that you believed they would be interested in, right?

11 A Correct.

12 Q And you would think that they would have been interested
13 in full, reports of full sex happening during massages,
14 right?

15 MS. LEO: Objection, calls for speculation.

16 THE COURT: Sustain the objection.

17 MR. BUCKLEY: Understand. I will move on, Your
18 Honor.

19 BY MR. BUCKLEY:

20 Q During the massages that you conducted with Mr. Gandy,
21 you would typically wear boxers, correct, sir?

22 A Correct.

23 Q And Mr. Gandy, as I believe you reported, would typically
24 either wear boxers or sometimes nothing at all, right?

25 A Correct.

VILLA GOMEZ-REDIRECT

1 Q And you would agree with me that the instruction that we
2 discussed earlier, which I won't repeat because I think both
3 of us want to be gentlemen today, is inconsistent with the
4 idea that people are having full-on sex in a massage room.
5 You'd agree that those are inconsistent?

6 A I do understand that, yes.

7 MR. BUCKLEY: Thank you, sir. I will pass the
8 witness.

9 THE COURT: Any further questions?

10 MS. LEO: Yes, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. LEO:

13 Q Mr. Villa Gomez, let me first ask you something about
14 Government's Exhibit No. 21. I believe that you testified
15 that the person in the middle we're pointing to, or the
16 person next to you on the left, that is the individual that
17 you know as Mr. D?

18 A Correct.

19 Q And when was it that you met Mr. D?

20 A I couldn't recall. It was after I had already been
21 living with Jason.

22 Q And how often would you see Mr. D?

23 A Not very often then.

24 Q Not very often during the time that you were living with
25 the defendant?

VILLA GOMEZ-REDIRECT

1 A Correct.

2 Q Now, in regards to the reason of your breakup, can you
3 explain what you meant that you saw that the defendant had a
4 sexual interest in minors, that was disturbing to you?

5 A To extrapolate it, when I said that, I was losing my
6 ability to cope. I started drinking more. And one night I
7 had gone into a club, and I went from being tipsy to very
8 intoxicated, and I felt that someone had drugged me.

9 So I rushed home to the very residence, and my
10 card was stuck in the ATM. I woke up Mr. Gandy to ask him if
11 he could cover the fare. I think he wanted like a full
12 disposition of why I should give him money or why he should
13 give me money, rather. And I remember knocking over a vase,
14 and understandably he was trying to kick me out because I
15 would have, too, if somebody woke me up at 3:00 a.m. asking
16 for money incoherently. I get that now.

17 But at the time like I didn't know what was
18 going on. All I know is that I was trying to get home safely
19 because I had been drugged, I thought, and my boyfriend
20 wouldn't give me money. So from my perspective, I didn't
21 know what was going on.

22 Then the cops showed up. They said, you have
23 to leave. One of you has to leave, and so I left.

24 Q And, Mr. Villa Gomez, though, what made you, earlier on
25 cross-examination you said that you thought that the

VILLA GOMEZ-REDIRECT

1 defendant had some sort of sexual interest in minors that
2 disturbs you?

3 A Yes.

4 Q What made you think that?

5 A I saw it. I saw him erect and masturbating to what was a
6 small -- excuse my language -- a small girl with her vagina
7 being entered with a penis. And I remember just being -- I
8 didn't know what to think. You know, I had never
9 encountered, I had never witnessed something like that, much
10 less the person that I think I love watching it in that
11 fashion with interest.

12 Q Where was he watching that?

13 A In the kitchen on the computer on the second story of the
14 Fairview house.

15 Q And that happened shortly before the incident you just
16 described?

17 A I wouldn't venture to say shortly. It was kind of like
18 just a chunk and maybe some other incidences throughout these
19 years.

20 Q Now, Mr. Villa Gomez, in regards to the different types
21 of massages, you testified about the massages in which the
22 client was masturbated; is that correct?

23 A That's correct.

24 Q And I believe you used the phrase the "happy ending
25 massage?"

VILLA GOMEZ-REDIRECT

1 A Correct.

2 Q And I believe defense counsel just now was asking you
3 about if there were any other sexual acts that took place,
4 and you talked about what you termed full-on sexual. Would
5 that be sexual intercourse?

6 A Yes.

7 Q And in regards to massages that you were involved with
8 prior to you turning 18, what were those massages?

9 A Those were happy endings.

10 Q So the other type of massage happened after you turned
11 18?

12 A Like I said, they were very far and few between, but they
13 were full-on sex, and condoms were absolutely necessary and
14 demanded by Mr. Gandy to be used.

15 Q So the majority of these massages that you were involved
16 with were the ones where you or the defendant would
17 masturbate the client?

18 A Correct.

19 MS. LEO: Your Honor, I will pass the witness.

20 MR. BUCKLEY: Nothing further from us, Your Honor.

21 THE COURT: May this witness be excused?

22 MR. BUCKLEY: No objection.

23 MS. LEO: No objection.

24 THE COURT: Subject to recall again?

25 MS. LEO: Yes.

1 THE COURT: Sir, you are free to leave, but if your
2 return is required, you must return when you're told you are
3 needed; and in the meantime don't talk about the case with
4 anyone, please.

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: Thank you, sir.

7 MS. ZACK: Your Honor, prior to the next witness
8 would now be okay for the afternoon break?

9 THE COURT: That sounds like a fairly pointed
10 request. So, yes, we will take our afternoon break. We will
11 resume at 10 minutes after 3:00. Thank you. You are all
12 excused for your break.

13 (Jury excused)

14 THE COURT: Is there anything to take up?

15 MR. BUCKLEY: Not from us, Your Honor.

16 MS. ZACK: Nothing from the United States, Your
17 Honor.

18 THE COURT: Please be seated.

19 There was a prior exchange on essentially petty
20 shoplifting, and there was no 404(b) issue raised at the time
21 by the defendant.

22 Do you want any kind of a limiting instruction?

23 MR. BUCKLEY: Yes, Your Honor.

24 THE COURT: Tell me what kind of guidance you want.

25 MR. BUCKLEY: I don't have the language, Your Honor.

1 THE COURT: It's not intrinsic.

2 MS. ZACK: No, Your Honor. It was --

3 THE COURT: What was the purpose of admitting it?

4 MS. ZACK: Because each of them, the boys that were
5 with the defendant that didn't know each other, all described
6 very similar behavior. It's to corroborate that they all
7 experienced it, more that they're not making this up.

8 THE COURT: I think that's pretty attenuated, Ms.
9 Zack, I have to say, given the fact that it's --

10 MS. ZACK: We won't bring it up if --

11 THE COURT: You won't bring up similar incidents in
12 the future. But the question is what should we do with the
13 one that is before the jury? There was no objection.

14 MR. BUCKLEY: I don't have a limiting instruction on
15 the brain.

16 THE COURT: I don't really think there is a good
17 one.

18 MR. BUCKLEY: And perhaps it's one of those things
19 that we just ignore and hope that they are thinking about
20 something else.

21 THE COURT: If we don't bring it up again, I think
22 that there was error in not -- even in the absence of an
23 objection in not raising the issue, then it would be harmless
24 because it was a fleeting instance, and the Court did rule on
25 the objection that was raised to the next instance and kept

1 it out.

2 MR. BUCKLEY: Yes, Your Honor.

3 THE COURT: And in fact instructed the jury to
4 disregard the issue. So I think we're okay. All right.
5 That's fine.

6 Anything else?

7 MR. BUCKLEY: Nothing from us, Your Honor.

8 MS. ZACK: Nothing from us.

9 THE COURT: Very good. Your Honor.

10 MR. BUCKLEY: When shall we be back?

11 THE COURT: Oh, you've got about eight minutes.

12 MR. BUCKLEY: Yes, Judge.

13 (Recess taken)

14 THE COURT: Are we ready? I believe that the jury
15 is lining up.

16 MS. ZACK: Yes, Your Honor.

17 Can we had a conversation with Your Honor about
18 the progress?

19 THE COURT: Certainly.

20 MS. ZACK: Yes. So I had told you Friday. We have
21 this witness and one more witness today. We have one witness
22 tomorrow morning, and then the government anticipates
23 resting.

24 THE COURT: Good.

25 MS. ZACK: So we are prepared to do closings

1 tomorrow afternoon or whenever the Court wants us to.

2 THE COURT: The charge.

3 MS. ZACK: Yes. That's why we just wanted to give
4 you that heads up.

5 THE COURT: That's fine. I appreciate that. Let's
6 see what happens.

7 MS. ZACK: Yes, Your Honor.

8 THE COURT: We are ready. Thank you.

9 MS. ZACK: Thank you, Your Honor.

10 THE COURT: Please be seated, ladies and gentlemen.

11 Your next witness. If you will pause there,
12 sir, raise your right hand.

13 Do you solemnly swear that the testimony you
14 will give in the case now before this Court will be the
15 truth, the whole truth and nothing but the truth so help you
16 God, or you may affirm?

17 THE WITNESS: I do.

18 THE COURT: Take the witness stand, please, sir.
19 And if you will lean forward and pull the mic towards you and
20 speak directly and clearly into the mic, everyone can hear
21 you.

22 JOSE ALFARO

23 was called as a witness by the government and,
24 having been first duly sworn, testified as follows:

25 DIRECT EXAMINATION

ALFARO-DIRECT

1 BY MS. ZACK:

2 Q Good afternoon. Can you please state your name and spell
3 your last name.

4 A Jose Alfaro. The last name is A-l-f-a-r-o.

5 Q And how old are you?

6 A I'm 27.

7 Q And where were you born?

8 A In Navasota, Texas.

9 Q I am going to show you what's been admitted as
10 Government's Exhibit 17D, and I am going to ask you if you
11 recognize that as being your birth certificate? And it's
12 going to show up on the screen there in front of you.

13 A Yes.

14 Q And when were you born?

15 A April the 15th, 1991.

16 Q Okay. Do me a favor. Talk a little bit louder so that
17 we can hear you clearly, okay?

18 A April 15th, 1991.

19 Q Okay. Thank you.

20 I want to draw your attention back to August,
21 approximately August of 2007. Do you remember that time
22 period in your life?

23 A Yes.

24 Q Can you explain to me what was going on, how old were
25 you, where were you in school, things like that?

ALFARO-DIRECT

1 A I was 16. And the summer before that I was going to
2 school in San Antonio, and my parents -- I came out to my
3 parents and I came back --

4 Q Let me stop you just so we're clear.

5 When you say you "came out to your parents,"
6 what do you mean you told them?

7 A I told them that I was gay.

8 Q And how did they react to that?

9 A My father got very angry and followed me and told me that
10 if I wasn't going to counseling and going to therapy then and
11 church then I would have to leave the house.

12 Q Okay.

13 And ultimately did your parents arrange for you
14 to leave the house, meaning -- or how did it come to be that
15 you left their residence?

16 A Well, I left because my dad and I got into a fight, and
17 he told me that I needed to leave, so I --

18 MR. BUCKLEY: Object to the hearsay.

19 THE COURT: Rephrase it so it doesn't elicit
20 hearsay.

21 BY MS. ZACK:

22 Q Where did you end up living?

23 A I ended up when?

24 Q After you left your parent's house?

25 A I went to go stay at a friend's place.

ALFARO-DIRECT

1 Q And where was that?

2 A That was in Navasota.

3 Q And from that friend's place in Navasota, where did you
4 go?

5 A That's when I went with Jason.

6 Q Now, up until that point had you ever had any
7 communication -- and you called the person "Jason." Let me
8 back up a minute.

9 When you say "Jason," who are you referring to?
10 Do you know his full name?

11 A Jason Gandy.

12 Q And where did you meet that person?

13 A We met online.

14 Q Okay.

15 And did there come a point in time where you
16 met in person?

17 A Yes.

18 Q And the person that you came to know in person, do you
19 see that individual here today?

20 A Yes.

21 Q And can you identify that individual by an article of
22 clothing to distinguish him from other people in the
23 courtroom?

24 A Blue striped shirt.

25 MS. ZACK: Your Honor, may the record reflect an

ALFARO-DIRECT

1 in-court identification?

2 THE COURT: The record will so reflect. Thank you.

3 BY MS. ZACK:

4 Q And where -- let's go back.

5 Now, you say you met him online. Do you recall
6 what website or where online you met him?

7 A It was gay.com.

8 Q And what were you doing on gay.com? Like what kind of
9 activities could you do there?

10 A It was a chat site just to meet anyone.

11 Q And you were chatting. What were you chatting about?

12 A I felt alone. I was kind of going through a lot, and my
13 friend was asleep, so I didn't have anything to do, so I got
14 online, and then that's when Jason started talking to me
15 through the chat site.

16 Q And this friend that you were staying with, this was a
17 friend from where?

18 A From my hometown and from school.

19 Q And was this a male or female friend?

20 A Female.

21 Q And how long were you planning on staying with her?

22 A She told me that because she was a girl and I was a guy
23 that her dad probably wouldn't let me stay more than a night.

24 Q So now you're talking to the defendant online, and what
25 happens? How did this progress?

ALFARO-DIRECT

1 A He asked me how my day was going. I told him what had
2 previously happened in the day with my dad and I fighting.
3 And he told me that he wanted to help me because he had
4 friends who had gone through similar situations. Personally
5 it wasn't something that he had gone through, but he would be
6 willing to help me if I wanted.

7 Q Okay. And what did you take "help you" to mean?

8 A He had mentioned sending me to private school and provide
9 me with a place to stay.

10 Q And so how did you ultimately come together in person?

11 A He mentioned that if it would be easier for me to chat
12 with him on the phone and make me feel more comfortable that
13 he could, you know, give me a call. So he called me on my
14 cell phone and we chatted for about an hour-and-a-half to two
15 hours. And he said, if you'd like, I'll come and pick you
16 up.

17 Q Okay. Did you know where he was?

18 A He said he was in Houston for the weekend.

19 Q Okay. And at that time did he indicate to you where he
20 was living?

21 A I don't remember.

22 Q When you say he was in Houston, did you believe he worked
23 in Houston or was he visiting Houston at that time?

24 A I believe he said he was visiting.

25 Q Okay.

ALFARO-DIRECT

1 So you're in where?

2 A In Navasota.

3 Q And approximately how far of a drive time is that?

4 A Hour-and-a-half to two hours.

5 Q And so what happens?

6 A I woke my friend up, and I told her that I was going with
7 Jason.

8 And she said to me, how do you know him?

9 I said, I just met him.

10 She was like, I don't know how I feel about
11 that.

12 And I said, it's okay. I'm going to be fine,
13 I'm going to be safe, you know. I just, I don't have
14 anywhere to go from here, so I am just going to go with him,
15 and it will all be okay.

16 She said, well, it seems like you have made up
17 your mind, so I can't stop you.

18 So she drove me to a local grocery store and
19 gas station called Brookshire Brothers, and we waited for
20 Jason to arrive.

21 Q And did he arrive?

22 A He did.

23 Q Okay.

24 And so now this is August of 2007?

25 A Yes, correct.

ALFARO-DIRECT

1 Q And he arrives, and was he alone?

2 A No.

3 Q Do you know who he was with?

4 A It was a guy named Eugene.

5 Q Okay.

6 And at that time had you indicated to the
7 defendant how old you were?

8 A Yes.

9 Q And was that online?

10 A That was online. That was online and on the phone.

11 Q And so when he came to pick you up, he was fully aware of
12 the fact that you were 16 years old?

13 A Yes.

14 Q Did you know how old he was?

15 A I believe he told me, but I believe it was in his 30s.

16 Q Okay.

17 And the other person, this Eugene person, when
18 he came to pick you up, did you learn how old that person
19 was?

20 A No.

21 Q What's your best guess?

22 MR. BUCKLEY: Object to speculation.

23 THE COURT: Don't speculate.

24 BY MS. ZACK:

25 Q Based on your observations of that individual and how he

ALFARO-DIRECT

1 looked to you, how old did you believe him to be?

2 A In his 60s.

3 Q And how would you describe him? Was he black, white?

4 A He was white, older, heavy-set.

5 Q Okay.

6 And do you know whose vehicle they arrived in?

7 A I believe it was Eugene's vehicle.

8 Q Okay. Who was driving?

9 A Jason was.

10 Q And do you go with them?

11 A Yes.

12 Q And where do you go?

13 A We went to Eugene's condo in Houston.

14 Q Okay.

15 And when you arrive at Eugene's condo, what
16 happens?

17 A First night?

18 Q Sure. And what time? This is at night now?

19 A This is at night.

20 Q So you arrive at the condo and what happens?

21 A Jason said he wanted me to feel comfortable, and so it
22 was pretty late. So the first night we really just went
23 straight to bed. I showered and went to bed.

24 Q And did you sleep alone that night?

25 A No.

ALFARO-DIRECT

1 Q Who did you sleep with?

2 A Jason.

3 Q Was there any sexual contact that night?

4 A No.

5 Q Okay. So now what happens next?

6 A We woke up the next morning. I don't remember a lot of
7 what happened that next morning, but I do remember going to a
8 restaurant with Eugene and Jason the next day.

9 Q Okay.

10 Now, at this point did you know how the
11 defendant made a living?

12 A I did ask. And he said that he was a registered -- no.
13 First he told me that his father or grandfather left him a
14 pressure washer business when he was 15, and he sold the
15 business; and then he also later on mentioned that he was a
16 registered massage therapist.

17 Q And did you, when you went with him, have any money or
18 any means to support yourself?

19 A No.

20 Q So now you're in Houston at this Eugene person's condo
21 with the defendant, and what happens? What is the
22 progression of things?

23 A After the first couple of days, it turned into going to
24 the gym daily, mostly twice a day, and then Jason mentioned
25 of a way that I could make income while working with him.

ALFARO-DIRECT

1 Q And where were y'all going to live?

2 A He told me he lived in Austin.

3 Q So what was this way that he indicated to you that you
4 could make money?

5 A He told me that we could -- that I could help him give
6 massages.

7 Q Did he describe what he meant by that?

8 A No.

9 Q What did you think he meant by that?

10 A A massage.

11 Q At that point had your relationship with him become
12 sexual?

13 A No.

14 Q While in Houston did your relationship with him become
15 sexual?

16 A No.

17 Q Did he work while you were in Houston?

18 A Yes.

19 Q Okay.

20 A Sorry. Are you asking if we were sexual together or
21 if --

22 Q Yes. Did y'all engage in sexual activity at that point?

23 A No.

24 Q Okay.

25 Did he do any massages while y'all were in

ALFARO-DIRECT

1 Houston?

2 A Yes.

3 Q And where did those massages occur?

4 A In Eugene's bedroom.

5 Q Were you present for any of those massages?

6 A Yes.

7 Q Can you explain how that occurred and what went on?

8 A Jason told me that if I wanted to help him give massages
9 then I would need to take a photo of myself shirtless.

10 Q I am going to show you what's been marked as Government's
11 Exhibit 23 and ask you if you recognize this photo?

12 A Yes.

13 Q And who is in that photo?

14 A I am.

15 Q And when was that photo taken?

16 A At Eugene's.

17 Q And is that a fair and accurate representation of how you
18 looked back when you were 16 and during the time period when
19 you were describing this incident?

20 A Yes.

21 MS. ZACK: Your Honor, at this time the United
22 States moves government's exhibit, would offer Government's
23 Exhibit 23 into evidence.

24 THE COURT: Any objection?

25 MR. BUCKLEY: If I may see the exhibit briefly, I

ALFARO-DIRECT

1 don't think --

2 THE COURT: Of course.

3 MR. BUCKLEY: Pardon me.

4 No objection.

5 THE COURT: It's admitted. Thank you.

6 MS. ZACK: Permission to publish, Your Honor?

7 THE COURT: Yes.

8 BY MS. ZACK:

9 Q And so you took this picture?

10 A Yes.

11 Q And that was at whose instruction?

12 A Jason's.

13 Q And what was the purpose of this picture for? What did
14 you believe it was going to be used for?

15 A He told me he was going to advertise the massages.

16 Q And where did you believe they were going to be
17 advertised?

18 A Online.

19 Q So now what is the next thing that happens after you take
20 this picture? You were going to explain the clients that
21 came to Eugene's apartment.

22 A Well, he told me that to give massages, because I was
23 under age, I would have to lie and tell them I was 18.

24 Q Okay.

25 A And that I was training almost like an assistant or an

ALFARO-DIRECT

1 apprentice; and he was teaching me how to give massages, and
2 I was also in massage school. That's what he had told me to
3 say if anyone asked.

4 Q Did anyone ever ask?

5 A No.

6 Q And so explain how these massages went.

7 A Usually you'd walk in the room, the client would be naked
8 on the bed facing down, and Jason would usually be naked and
9 then I would have to get naked.

10 Q Okay.

11 And did you engage in the massage?

12 A Yes.

13 Q And during the massage were you caused to engage in any
14 sexual contact?

15 A Yes.

16 Q And can you explain that?

17 A Uh-huh. A lot of it was fondling.

18 Q Of whom to whom?

19 A Of me.

20 Q By?

21 A By the client.

22 Q Okay. And when you say you were fondled, I hate to ask
23 you this, but can you be specific as to what body part of
24 theirs touched what body part of yours?

25 A Their hand, sometimes mouth would touch my penis.

ALFARO-DIRECT

1 Q And were you caused to do the same thing to them?

2 A Sometimes.

3 Q And did this result in the client ejaculating?

4 A Yes.

5 Q And while this was going on, where was the defendant?

6 A Usually he would -- sometimes the client would not want
7 me in the room and sometimes the client would. If it were me
8 in the room, Jason would leave the room.

9 Q And when the client paid for the massage, who did the
10 client pay?

11 A Jason.

12 Q And was there -- did he indicate to you before this ever
13 happened how much you would get paid or if you would get
14 paid?

15 A No.

16 Q Were you paid?

17 A I was paid.

18 Q And do you recall how much you were paid?

19 A If I remember, anywhere from 25 to \$50.

20 Q And that was per massage?

21 A Yes.

22 Q While in Houston can you remember approximately how many
23 massages you participated in?

24 A I would say anywhere from five to seven.

25 Q And this was over the course of how many days, weeks?

ALFARO-DIRECT

1 A A week-and-a-half.

2 Q Now, during that time did you ever see any of the online
3 advertisements or anything like that?

4 A I had seen his website many times.

5 Q And who showed that to you?

6 A Jason.

7 Q Now, there came a point in time where you all left
8 Houston?

9 A Yes.

10 Q And was that about a week, a week-and-a-half later?

11 A Yes.

12 Q And where did you go?

13 A To Austin.

14 Q And when you got to Austin, where were you going to be
15 staying?

16 A At Jason's house.

17 Q Now, during this time had there been discussions about
18 your education?

19 A Yes.

20 Q Did you believe you were going to be enrolled in school?

21 A Yes.

22 Q And were you in fact enrolled in school?

23 A I started the process of enrolling in school.

24 Q Okay.

25 And who helped you do that?

ALFARO-DIRECT

1 A Jason.

2 Q And what grade would you have been going into?

3 A My senior year -- sorry. Junior year.

4 Q And during the time that you were there did your
5 relationship with the defendant become sexual in any way?

6 A Yes.

7 Q Can you explain how?

8 A It was never really intercourse. For the most part it
9 was jacking off together, sometimes going to the gym and
10 jacking off in the shower or the work room.

11 Q And when you say that, do you mean that you stimulated
12 yourself or y'all stimulated each other?

13 A Each other.

14 Q Okay.

15 During the time that you were with the
16 defendant did you ever see anything on any computer or did he
17 ever show you anything that you found to be disturbing?

18 A Yes.

19 Q And what was that?

20 A Before I left I --

21 Q Before you left Austin?

22 A Yes.

23 Q Okay.

24 A Before I left Austin I had told Jason I wasn't feeling
25 well. I lied. "I don't want to go to the gym that day."

ALFARO-DIRECT

1 And so when he left, I figured I had time to go to his laptop
2 drawer, the closet, whatever I could to find something that
3 showed me the feeling that I had been having about him.

4 Q Meaning what?

5 A There was a lot of things that had occurred before that
6 made me feel uncomfortable, and I wanted to see if I could
7 find anything that just proved it.

8 Q When you say made you feel uncomfortable, uncomfortable
9 about what?

10 A That he wasn't a good person.

11 Q Okay.

12 And is there any particular incident or event
13 that you can recall that made you feel uncomfortable?

14 A There were a few. I mean, aside from the massages where
15 the time where we went to --

16 MR. BUCKLEY: We would object to 404(b), Your Honor.

17 MS. ZACK: This is not.

18 THE COURT: Rephrase the question so as to make
19 clear that position for which you are introducing this
20 evidence.

21 BY MS. ZACK:

22 Q In relation to a child, did you ever see any interaction
23 with the defendant that made you feel uncomfortable?

24 MR. BUCKLEY: Still the same objection as to 404(b),
25 Your Honor.

ALFARO-DIRECT

1 THE COURT: The question is, did he ever see any. I
2 will allow that.

3 MR. BUCKLEY: Understood, Your Honor.

4 A Yes.

5 BY MS. ZACK:

6 Q What did you see?

7 A We were in a grocery store, which --

8 THE COURT: Okay. Hold on. Let's move on to a
9 different area. We will come back to this at the next break.

10 MS. ZACK: Okay.

11 BY MS. ZACK:

12 Q Tell us what you saw if you got into the computer. Were
13 you able to get into the computer?

14 A Yes.

15 Q What did you see on the computer that disturbed you?

16 A There were a lot of photos of him in Bali.

17 Q Okay. "Him" being the defendant?

18 MR. BUCKLEY: Objection as to 404(b).

19 THE COURT: Stay away from the area, if it's the
20 same area, until we get a chance to discuss the ruling.

21 MS. ZACK: I'm sorry. I thought you were talking
22 about the other.

23 THE COURT: No.

24 BY MS. ZACK:

25 Q So there came a point in time where you left; is that

ALFARO-DIRECT

1 correct?

2 A Yes.

3 Q And approximately how long after being in Austin was
4 that?

5 A I would say over the course of two months and-a-half.

6 Q And during that time did the massages that you were doing
7 in Houston continue, too?

8 A Yes.

9 Q And after you -- did you have an opportunity to explain
10 why you were leaving or did you just leave?

11 A I did have an opportunity to explain.

12 Q Was it before you left?

13 A Yes.

14 Q Okay.

15 And then you leave; is that correct?

16 A Yes.

17 Q Was that the last contact that you had with the
18 defendant?

19 A No.

20 Q When did you come in contact with the defendant again?

21 A Well, he messaged me right after apologizing.

22 Q When you say he messaged you, do you mean on the computer
23 or on the phone?

24 A On the phone.

25 Q Okay.

ALFARO-DIRECT

1 Does that mean you texted?

2 A Yes.

3 Q Okay.

4 And you indicated he apologized?

5 A Uh-huh.

6 Q And what was -- don't tell me what it was about, but did
7 the communication continue?

8 A Yes.

9 Q And for approximately how long?

10 A A month, maybe even a year.

11 Q Okay.

12 So if that was August of '07, it never went
13 past August of '08, approximately?

14 A I would say it was definitely before. It was in '08.

15 Q Okay.

16 So at some point in '08 you ceased having
17 communications with the defendant?

18 A Yes.

19 Q And as far as this case is concerned, when did you become
20 involved? How did your involvement come to be?

21 A I'm sorry. Could you --

22 Q Yes.

23 Did law enforcement seek you out or did you
24 seek out law enforcement?

25 A I seeked out law enforcement.

ALFARO-DIRECT

1 Q And how did you know to seek out law enforcement?

2 A I had a friend come visit me from Texas who told me that
3 he knew --

4 MR. BUCKLEY: Object to hearsay.

5 THE COURT: Rephrase it.

6 BY MS. ZACK:

7 Q Without telling me what the friend told you, based on
8 information you received were you caused to contact law
9 enforcement?

10 A Yes.

11 Q And at that point you were living outside of the State of
12 Texas?

13 A I was living in Austin.

14 Q Okay.

15 And did you contact law enforcement?

16 A Yes.

17 Q And did you have an opportunity to meet with Special
18 Agent Johnson?

19 A Yes.

20 Q And did you give her information similar to what you are
21 saying here today?

22 A Yes.

23 Q Since leaving and ceasing communication with the
24 defendant, can you explain how your interactions with the
25 defendant has affected you?

ALFARO-DIRECT

1 A It's a daily battle. I feel as I suffer from a lot of
2 anxiety.

3 MR. BUCKLEY: Pardon me. Object to relevance, Your
4 Honor.

5 THE COURT: Overruled.

6 BY MS. ZACK:

7 Q Go ahead. You can finish.

8 A I suffer from a lot of anxiety. I have trouble in my
9 relationships.

10 Q What kind of trouble?

11 THE COURT: I don't think we need to go into a lot
12 of detail, however.

13 A I would say mostly trust.

14 BY MS. ZACK:

15 Q Did there come a point in time recently where you
16 initiated legal proceedings against the defendant?

17 A Yes.

18 Q And can you explain a little bit about that?

19 A I'm sorry. Could you --

20 Q Meaning what caused you to want to start that process?

21 A I always felt like for so long, feeling the way I feel, I
22 just felt like it was never ending, I felt like there was no
23 way for me to ever feel better, and I felt that I needed to
24 be compensated for what happened to me.

25 Q During the time in August of '07 and moving forward from

ALFARO-DIRECT

1 there when you were with the defendant, living with the
2 defendant, who supported you? Meaning who paid for your food
3 and your shelter and all of that?

4 A When I was living --

5 Q With the defendant.

6 A Jason did.

7 Q And how did performing massages at that time make you
8 feel?

9 A Gross.

10 Q And while you were never physically forced to engage in
11 that, why did you engage in that?

12 A A lot of times I felt like I had no choice.

13 Q Did you have anywhere else to go at that time?

14 A No.

15 Q Other than speaking with Special Agent Johnson, did
16 anyone else ever attempt to contact you about this case that
17 was not part of the government, not part of the prosecution
18 or law enforcement?

19 A No.

20 MS. ZACK: May I have a moment, Your Honor?

21 THE COURT: You may.

22 MS. ZACK: Your Honor, short of the issue that --

23 THE COURT: All right. Come on up and we'll talk
24 about it up here.

25 (Conference before the bench)

ALFARO-DIRECT

1 MR. BUCKLEY: I am drawing a blank on the issue.

2 THE COURT: All right. What is it that you're
3 attempt to elicit?

4 MS. ZACK: That he saw child pornography on his
5 computer.

6 THE COURT: And we talked about that.

7 MR. BUCKLEY: Yes, Your Honor. It appeared to me
8 that there was some attempt to elicit testimony about
9 photographs of Mr. Gandy involved in activity.

10 MS. ZACK: He saw --

11 THE COURT: Is he looking?

12 MS. ZACK: He said -- he is going to say he saw
13 pictures. I believe he is going to say he saw pictures of
14 Mr. Gandy on the occasions with small children that he's
15 related to and that that made him --

16 THE COURT: Was Mr. Gandy engaged in sexual activity
17 with the small children?

18 MS. ZACK: No, but there was other, I believe there
19 was other pornography there, and the incident --

20 THE COURT: And will he testify to it?

21 MS. ZACK: I believe that is what he is going to
22 say.

23 The other incident at the grocery store was not
24 about that. He saw -- they were together in the grocery
25 store, there was a little blond boy, and Mr. Gandy made

ALFARO-DIRECT

1 comments to him sexualizing that child, and it scathed him
2 out or grossed out Mr. Alfaro, and that made him very
3 uncomfortable.

4 And I think that we have to demonstrate as far
5 as the child pornography --

6 THE COURT: Do you want a limited instruction, and
7 if so, what would it be?

8 MR. BUCKLEY: It would be that the evidence is to be
9 considered only as to --

10 THE COURT: Showing Mr. Gandy's intent or state of
11 mind.

12 MR. BUCKLEY: Yes, Your Honor.

13 THE COURT: All right. And knowledge.

14 MR. BUCKLEY: Right.

15 And just for the record, we still object to it.

16 THE COURT: That's fine.

17 MS. ZACK: So I can ask about the grocery store
18 incident --

19 THE COURT: Yes.

20 MS. ZACK: -- and what he saw on his computer?

21 THE COURT: Same point.

22 MR. BUCKLEY: Yes, Your Honor.

23 MS. ZACK: Thank you.

24 THE COURT: Ask the questions and then I will do the
25 instruction.

ALFARO-DIRECT

1 (In open court)

2 BY MS. ZACK:

3 Q Mr. Alfaro, there was a point when I was asking you to
4 describe a particular incident. You were telling us about
5 the incident in the grocery store with a child.

6 Can you please tell me what you saw that made
7 you uncomfortable, and who were you with?

8 A I was with Jason.

9 Q Okay. What happened in regard to, just in regard to the
10 child, what occurred?

11 A A young boy walked past us, long hair.

12 Q Approximately how old?

13 A 11, 12.

14 Walked past us, and Jason turned completely,
15 entire body as the boy walked by, and I saw him doing things.

16 I said, what are you doing?

17 And he said, what?

18 And I said, why are you looking at that boy
19 like that?

20 And he said, I can't look?

21 And I said, he looks really young.

22 And he said, there's nothing wrong with me
23 looking at him. I haven't done anything.

24 Q And in regards to imagines on his computer involving
25 minors, what did you see on his computer?

ALFARO-CROSS

1 A I remember seeing pornography of really young boys.

2 Q And what do you mean by "pornography?"

3 A There were images of oral sex that seemed to have been
4 given to Jason from really young boys.

5 THE COURT: Ladies and gentlemen, you have heard
6 just now evidence of acts of the defendant that are in some
7 ways perhaps similar to some of those charged in the
8 indictment but which were committed on other occasions.

9 You must not consider any of this evidence in
10 deciding if Mr. Gandy committed the acts charged in the
11 indictment. However, you may consider this evidence for
12 other very limited purposes.

13 If you first find beyond a reasonable doubt
14 from other evidence in the case that Mr. Gandy did commit the
15 acts charged in the indictment, then you may consider
16 evidence of similar acts allegedly committed on other
17 occasions to determine whether Mr. Gandy had the state of
18 mind or intent necessary to commit the crime charged in the
19 indictment or whether he committed the acts for which he is
20 on trial by accident or mistake.

21 These are the limited purposes for which any
22 evidence of other similar acts may be considered. Thank you.

23 Does that conclude your questioning of this
24 witness, Ms. Zack?

25 MS. ZACK: Yes, Your Honor. I will pass the witness

ALFARO-CROSS

1 at this time.

2 CROSS-EXAMINATION

3 BY MR. BUCKLEY:

4 Q Good afternoon, Mr. Alfaro.

5 You've indicated that you made the decision to
6 take legal action against Mr. Gandy. And I am not speaking
7 about these proceedings here, but I am speaking about a
8 lawsuit that you filed in civil court, correct, sir?

9 A Yes.

10 Q And when did you make the decision to pursue legal action
11 against Mr. Gandy?

12 A A few years ago.

13 Q And the case has been, was only just recently filed.
14 That's true, isn't it?

15 A Yes.

16 Q When is your 28th birthday, sir?

17 A In April.

18 Q In April.

19 And you understand that there is a statute of
20 limitations that applies to this civil case that you have
21 filed against Mr. Gandy, right?

22 A Yes.

23 Q And that you have to file the case before your 28th
24 birthday, right?

25 A Correct.

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1 Q And having decided to file this case four years ago or
2 so, the reason why you didn't file it was because you didn't
3 want us to know that that was your intention, right?

4 A I'm sorry. Could you ask that again.

5 Q You wanted to -- you didn't want to have to file this
6 civil case against Mr. Gandy while the criminal case was
7 still going on, right?

8 A That's not necessarily true.

9 Q Well, you didn't want to have to answer questions about
10 the civil case during the course of the criminal case, right?

11 A No.

12 Q But in any event, you waited four years to file a case
13 that you intended to file four years ago, right?

14 A Yes.

15 Q It was your understanding throughout your interaction
16 with Mr. Gandy that he had engaged in a number of different
17 businesses, right?

18 A Yes.

19 Q Not only the massage business that you have testified
20 about, right?

21 A Correct.

22 Q But also things like real estate investing and things of
23 that nature, too?

24 A Correct.

25 Q Correct?

ALFARO-CROSS

1 And it's your understanding that Mr. Gandy may
2 have substantial assets, that he may have a lot of money,
3 right?

4 A I wouldn't say that I thought he made a lot of money or
5 had a lot of money, so no.

6 Q Well, you've agreed, you've engaged lawyers to file this
7 civil case on a contingency fee agreement, right, sir?

8 A Yes.

9 Q In other words, you haven't paid your lawyers any money
10 to file this civil case, right?

11 A Correct.

12 Q And the only way that they get paid is that they get a
13 cut of what you might recover from Mr. Gandy, correct?

14 A If I recover anything.

15 Q If you recover anything.

16 And you're aware, sir, that if Mr. Gandy is
17 convicted in this civil case as to the allegations against
18 the -- pardon me. If Mr. Gandy is convicted in this criminal
19 case as to the allegations against you, you're aware that
20 your civil case is a slam-dunk. You understand that, right?

21 MS. ZACK: Objection, calls for speculation.

22 MR. BUCKLEY: Just as to his knowledge, Your Honor,
23 his belief.

24 THE COURT: I'll allow it. If he can answer the
25 question, he may answer it. If he can't answer it, then he

ALFARO-CROSS

1 should say so.

2 MR. BUCKLEY: Understood, Your Honor.

3 THE WITNESS: Can you ask the question again?

4 MR. BUCKLEY: Yes, sir. Of course.

5 BY MR. BUCKLEY:

6 Q It's your understanding and your belief that if Mr. Gandy
7 is convicted in this criminal case as to the allegations
8 involving you that your civil case against him is a slam-dunk
9 for you?

10 A A slam-dunk in what way?

11 Q In other words, it's easy for you to win at that point?

12 A I mean, I would just consider this case a slam-dunk if we
13 won.

14 Q Well, if Mr. Gandy is convicted in this case, you
15 understand that it will be much easier for you to win your
16 civil case. You'd agree with that statement?

17 A Yeah.

18 Q In the course of your dealings with Mr. Gandy -- and
19 understanding that this is a sensitive matter for you, I am
20 not intending to give you grief about it, but I have to
21 ask -- Mr. Gandy never forced you to stay in any house or
22 lock you in any room or anything like that, did he?

23 A No.

24 Q He never ordered you to do things and threatened you if
25 you didn't, did he?

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1 A No.

2 Q He didn't take away your cell phone or prevent you from
3 getting on the internet, did he?

4 A No.

5 Q And you reached out to the investigators in this case in
6 approximately 2014, right, if you recall?

7 A Yes.

8 Q And when was the last contact before that that you had
9 had with Mr. Gandy? And I know you testified about it
10 earlier, but if you would refresh my recollection.

11 A Yes. I believe that was sometime before 2008.

12 Q Understood.

13 So at least six years went by between your last
14 contact with Mr. Gandy and then your report to law
15 enforcement, right?

16 A Correct.

17 Q And the reason that you reported it was that you had
18 heard that law enforcement was interested in hearing from
19 people who might have things to say about Mr. Gandy?

20 A Correct.

21 Q Did you learn that from your own hearing of it in the
22 media or did you learn about it from someone else?

23 A I learned about it from a friend of mine.

24 Q Understood.

25 When you met Mr. Gandy on gay.com, as I

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1 understand it -- and that's correct, right?

2 A (Indicating in the affirmative).

3 Q That is a website that requires a user to certify that
4 they are over the age of 18, correct?

5 A Correct.

6 Q And I'm not quarreling with you that you made admissions
7 to Mr. Gandy at a later point that you were under 18. We
8 agree that that was true, right?

9 A Yes.

10 Q But when you logged into gay.com and initiated
11 conversations, you indicated that you were 18, which allowed
12 you to access the website, right?

13 A Right.

14 Q And in the postings that you were making and the
15 communications that you had on gay.com, you did not
16 explicitly state to people in those postings that you were
17 not 18, correct?

18 A Correct.

19 Q And it was only later after you would initiate a more
20 in-depth conversation with someone that you would reveal that
21 you were in fact younger than 18, right?

22 A Yes.

23 MR. BUCKLEY: May I have a moment, Your Honor?

24 THE COURT: You may.

25 MR. BUCKLEY: Thank you, Mr. Alfaro. We pass the

ALFARO-REDIRECT

1 witness.

2 THE COURT: Redirect?

3 MS. ZACK: Yes, Your Honor.

4 THE COURT: Go ahead.

5 REDIRECT EXAMINATION

6 BY MS. ZACK:

7 Q And I'm sorry, I didn't ask this earlier; but in regard
8 to the lawsuit, and obviously one of the things that you
9 would be seeking would be monetary compensation, correct?

10 A Correct.

11 Q Are you in need of money?

12 A No.

13 Q Do you work?

14 A I do.

15 Q And do you make a living?

16 A A very good living, yes.

17 Q And you're self-sufficient?

18 A Absolutely.

19 Q Are you in a relationship?

20 A Yes.

21 Q And does your partner make a living?

22 A Yes.

23 Q And is your purpose in this lawsuit monetary gain?

24 A No.

25 Q The other -- I know that you have heard that there were

ALFARO-REDIRECT

1 other individuals involved in this?

2 A Yes.

3 Q Prior to coming here to testify, did you know any of
4 those individuals?

5 MR. BUCKLEY: Object to foundation for his
6 knowledge.

7 THE COURT: The question is did he know? It's just
8 a yes or a no.

9 MR. BUCKLEY: As to who the individuals were.

10 MS. ZACK: Oh.

11 BY MS. ZACK:

12 Q Did you know Kevin Vasquez?

13 A No.

14 Q Did you know David Villa Gomez?

15 A No.

16 Q Did you know an individual that we've called in the court
17 Mr. D? And I will show you the picture so that we can
18 clarify whether you knew him.

19 MS. ZACK: Can I see Government Exhibit 21.

20 BY MS. ZACK:

21 Q Let me show you what's been admitted as Government's
22 Exhibit 21. And I am pointing to the third individual from
23 the right. Do you know that individual?

24 A That individual, no.

25 Q While you were involved in any way with the defendant,

ALFARO-REDIRECT

1 did you know him?

2 A No.

3 Q Did you know the second individual from the right?

4 A David?

5 Q Yes.

6 A Yes.

7 Q While you were -- while you knew the defendant?

8 A Yes.

9 Q Okay. How did you know him?

10 A I met him at Eugene's condo in Houston.

11 Q Was that the first week, that week-and-a-half that we
12 discussed?

13 A Yes.

14 Q Other than that, did you have any contact with him once
15 you left Houston?

16 A No.

17 Q And up until the time of this trial, did you have any
18 contact with him?

19 A No.

20 MS. ZACK: Pass the witness, Your Honor.

21 MR. BUCKLEY: May I have a moment, Your Honor?

22 THE COURT: You may.

23 RECROSS-EXAMINATION

24 BY MR. BUCKLEY:

25 Q Mr. Alfaro, you have indicated to Ms. Zack that money is

ALFARO-RE CROSS

1 not the motive for your civil lawsuit against Mr. Gandy.

2 That was your testimony, correct, sir?

3 A Correct.

4 Q However, it's true, isn't it, that you have requested
5 money damages in that federal civil lawsuit, right?

6 A Right.

7 Q And you have requested punitive and exemplary damages on
8 top of that, right?

9 A Correct.

10 Q And you understand what punitive damages are?

11 A No.

12 Q But it's your understanding that you have asked for money
13 damages that go even beyond the claims that you're making in
14 this lawsuit as to your damages, right?

15 A I guess.

16 Q If you don't know, you don't know.

17 But the bottom line is that you've made claims
18 in your federal lawsuit to recover as much money as you can
19 from Mr. Gandy for this matter that you've testified about
20 today, right?

21 A Yes.

22 MR. BUCKLEY: Pass the witness.

23 THE COURT: Anything further?

24 MS. ZACK: No, Your Honor.

25 THE COURT: May this witness be excused under the

JOHNSON-DIRECT

1 same terms?

2 MS. ZACK: Yes, Your Honor.

3 THE COURT: Sir, you are free to leave. You may be
4 required to return. If you are so notified, you must return
5 as you are instructed to at the date and time; and in the
6 meantime you may not discuss the case with anyone. Thank
7 you, sir.

8 THE WITNESS: Thank you.

9 THE COURT: The next witness, please.

10 MS. LEO: At this time the government would call
11 Special Agent Juanae Johnson.

12 THE COURT: All right. Agent Johnson. Raise your
13 right hand to be sworn.

14 Do you solemnly swear that the testimony you
15 will give in this case will be the truth, the whole truth and
16 nothing but the truth so help you God, or you may affirm?

17 THE WITNESS: I do.

18 THE COURT: Thank you. Please be seated.

19 You have heard me tell the other witnesses on
20 how to arrange themselves. Thank you.

21 MS. LEO: May I proceed, Your Honor?

22 THE COURT: You may.

23 JUANA E JOHNSON

24 was called as a witness by the government and,
25 having been first duly sworn, testified as follows:

JOHNSON-DIRECT

1 DIRECT EXAMINATION

2 BY MS. LEO:

3 Q Please state your name for the record.

4 A Juanae Johnson.

5 Q And are you currently employed?

6 A Yes.

7 Q What is your occupation?

8 A I am special agent with the Department of Homeland
9 Security.

10 Q How long have you been employed as a special agent for
11 Homeland Security?

12 A Since August of 2004.

13 Q And can you explain to the grand jury a little bit about
14 your training in order to become a special agent with
15 Homeland Security?

16 A Yes. We receive specialized regarding law enforcement
17 skills, investigative activities at the law enforcement
18 academy and then we have on-the-job-training.

19 Q And where is the academy?

20 A It's in Glenco, Georgia, and we're at training for six
21 months.

22 Q And then after that six-month training, what happens
23 next?

24 A We report to our office, our duty station, and then we
25 are assigned a field training officer to kind of show us the

JOHNSON-DIRECT

1 ropes.

2 Q And have you been assigned -- have you always been
3 assigned to the Houston office?

4 A Yes.

5 Q And while at the Houston office were you assigned to any
6 particular groups or task forces?

7 A Yes. I have been a member of the Child Investigations
8 Group, Child Exploitation Investigations Group, and the Human
9 Trafficking Rescue Alliance Group.

10 Q How long have you been assigned to those two groups?

11 A I was a member of the Child Exploitation Group for
12 approximately 10 years, and then I have been in the Human
13 Trafficking Group coming up on a year.

14 Q And Special Agent Johnson, as far as being employed with
15 his, prior to that do you have any law enforcement
16 experience?

17 A No.

18 Q Did you go to college?

19 A Yes.

20 Q And did -- can you tell the jury a little bit about your
21 educational background?

22 A Yes. I received an associates degree from Hutchison
23 Community College in Hutchison, Kansas, and then I received a
24 bachelor of criminal law -- excuse me -- a bachelors degree
25 of Criminal Justice from Prairie View A&M University.

JOHNSON-DIRECT

1 Q And when did you receive that?

2 A In 2004.

3 Q Now, Special Agent Johnson, are you familiar with this
4 criminal case?

5 A Yes.

6 Q And that's United States of America versus Jason Gandy;
7 is that correct?

8 A That is correct.

9 Q Are you what's considered the case agent?

10 A Yes.

11 Q And I guess before going into what you did in this
12 particular case, can you explain to the jury a little bit
13 about your duties as a special agent just in general?

14 A Okay. So as a special agent we investigate crimes that
15 are committed. And specifically involved in the Child
16 Exploitation Group will be investigated crimes against
17 children, and in the Human Trafficking Group we investigate
18 crimes of human trafficking.

19 Q And when you say "crimes against children," can you
20 explain a little bit more about that?

21 A Yes. Crimes such as child pornography, child
22 exploitation, online solicitation of minors, production of
23 child pornography.

24 Q Can you explain to the grand jury a little -- excuse me.
25 Can you explain to the jury a little bit about your duties as

JOHNSON-DIRECT

1 a case agent?

2 A So as a case agent you basically investigate the specific
3 information that you have received as to the legality or lack
4 thereof of the offenses or the information that you have
5 received.

6 Q And how did you wind up becoming case agent in this
7 particular case?

8 A I received -- excuse me. I received information from
9 Customs and Border Protection regarding Mr. Jason Daniel
10 Gandy.

11 Q And when was that?

12 A That was in July of 2012.

13 Q And after you received information from Customs and
14 Border Protection, what did you do?

15 A After I received information I reviewed the information
16 and then I arrived at the airport.

17 Q And what was happening at the airport?

18 A From my recollection we were awaiting for Mr. Gandy to
19 arrive at the airport.

20 Q Do you recall where Mr. Gandy was coming from?

21 A He was coming from the United Kingdom.

22 Q And do you know what the circumstances -- at that time
23 did you know the circumstances of why he was coming into the
24 United States?

25 A Yes. From the information that I received, I had been

JOHNSON-DIRECT

1 informed that Mr. Gandy was traveling to London, United
2 Kingdom with a minor victim; and upon their entering into the
3 United Kingdom they were denied entry because of their
4 stories didn't match up, so they were returned back to the
5 United States.

6 Q And that was your purpose of going to the airport on that
7 day?

8 A Yes. Our purpose was to interview them to find out the
9 details as to basically what was going on.

10 Q So when you got to -- which airport did you go to?

11 A Houston Bush Intercontinental Airport.

12 Q And when you arrived at the airport did you have an
13 opportunity to see the defendant, Mr. Gandy?

14 A Yes, I did.

15 Q Do you see him here in the courtroom?

16 A Yes.

17 Q Can you identify him by an article of clothing and what
18 he is wearing?

19 A Yes. He is wearing a blue jacket with a blue and white
20 striped button-down shirt.

21 MS. LEO: Your Honor, let the record reflect that
22 the witness has identified the defendant.

23 THE COURT: The record will so reflect. Thank you.

24 MS. LEO: Thank you, Your Honor.

25

JOHNSON-DIRECT

1 BY MS. LEO:

2 Q Special Agent Johnson, at the time that you saw the
3 defendant at the airport, did you have an opportunity to see
4 what he was, what the defendant was bringing back with him?

5 A Yes.

6 Q And what did the defendant have in his possession?

7 A So when I arrived to speak with him or see him, he had
8 a -- I saw his backpack, and the contents of his backpack was
9 on the table.

10 Q What were the contents of that backpack?

11 A He had some miscellaneous contents, papers, pens and a
12 large number of condoms.

13 Q Do you recall how many condoms?

14 A 90.

15 Q And at that time do you know if there was a customs
16 declaration that was done?

17 A There was.

18 Q And let me show you Government's Exhibit No. 14. Do you
19 recognize this?

20 A I do.

21 Q And what is Government Exhibit No. 14?

22 A A customs declaration filled out by Jason Gandy.

23 Q And can you explain to the jury what a customs
24 declaration is?

25 A So when you leave out of the country and you enter back

JOHNSON-DIRECT

1 into the United States you have to fill out a customs
2 declaration to declare that what you are bringing back into
3 the United States.

4 Q And is this something Mr. Gandy would have filled out at
5 the time?

6 A Yes.

7 Q And did he declare that he was bringing anything back
8 with him?

9 A No.

10 Q Now, Special Agent Johnson, did you also happen to see
11 anyone else that was involved in this case at the airport on
12 that particular day?

13 A Yes, I did.

14 Q And who did you see?

15 A Minor Victim No. 1.

16 Q And who is that?

17 A Kevin Vasquez.

18 Q And do you recall if you saw Mr. Gandy first or if you
19 saw Mr. Vasquez first?

20 A Best of my recollection, I saw Mr. Gandy first.

21 Q And at some point later when you saw Mr. Vasquez, what
22 happened?

23 A When I saw Mr. Vasquez, I recall introducing myself to
24 him and setting up an interview for him to be forensically
25 interviewed at the Child Advocacy Center.

JOHNSON-DIRECT

1 Q Let me show you Government's Exhibit 15. Do you
2 recognize this?

3 A Yes.

4 Q And what is Government's Exhibit No. 15?

5 A This is Kevin Vasquez' customs declaration.

6 Q And would Mr. Vasquez have filled this out at the time?

7 A Yes.

8 Q And when did he fill this out?

9 A On July 20th of 2012.

10 Q And was he declaring that he was bringing back anything?

11 A No.

12 Q Do you know on that date, on July 20th of 2012, when Mr.
13 Vasquez arrived at the airport, if he had any belongings with
14 him?

15 A Yes, he did.

16 Q And what did he have with him?

17 A I know that he had a backpack, which I believe -- and a
18 laptop was inside of his backpack.

19 Q Let me show you Government Exhibit No. 1. Do you
20 recognize that?

21 A Yes.

22 Q And what is Government Exhibit No. 1?

23 A It's a Acer laptop.

24 Q And how do you recognize this?

25 A It was in Mr. Vasquez' belongings.

JOHNSON-DIRECT

1 Q And at the time that you saw this laptop was it seized?

2 A No.

3 Q At some point later was it seized?

4 A Yes.

5 Q And who seized this laptop?

6 A I did.

7 Q And after you seized the laptop, what did you do with it?

8 A I turned it over to computer forensic agent Jeffrey
9 Chappell.

10 Q And why did you turn it over to him?

11 A It was his job to go through the laptop and forensically
12 examine it.

13 Q And after seeing Mr. Vasquez and introducing yourself to
14 him, did you interview him at the time?

15 A I did not.

16 Q What did you do in regards to trying to have Mr. Vasquez
17 interviewed?

18 A We contacted the Child Advocacy Center to set up an
19 interview with Mr. Vasquez.

20 Q And why was that done?

21 A Well, as a federal agent we are not properly trained to
22 interview children, so we had to set up an interview. We set
23 up a interview with a forensically trained interviewer.

24 Q And do you know or do you recall when that was set up?

25 A For the same day, July 20 of 2012.

JOHNSON-DIRECT

1 Q And who took Mr. Vasquez for that interview?

2 A If I recall correctly, his mother took him to the
3 interview facility.

4 Q Now, was Mr. Vasquez' mother there at the airport with
5 y'all?

6 A She arrived at the airport, yes.

7 Q And then were you present when Mr. Vasquez was
8 interviewed at the advocacy center?

9 A Yes.

10 Q And after the interview did you set anything else up for
11 him?

12 A Yes. After his interview we set up a medical exam at
13 Texas Childrens Hospital.

14 Q And why was that set up?

15 A It was for everyone in a case like that that we set up a
16 medical exam to see what, if any, medical issues or problems
17 have taken place. It was a full --

18 Q Sorry. Go ahead, special agent.

19 A It was basically the same exam.

20 Q What is the same exam?

21 A It is a basically, for lack of a better term, a rape kit
22 just to check, just to do a medical exam on their body.

23 Q So it's a full medical exam?

24 A Yes, it is.

25 Q Now, Special Agent Johnson, during your investigation

JOHNSON-DIRECT

1 were you or did you have an opportunity to set up a second
2 interview, a forensic interview with Mr. Vasquez?

3 A Yes.

4 Q And what was the purpose of the second interview?

5 A Some of the information that was received during the
6 medical exam needed to be evaluated in a forensically secure
7 environment.

8 Q Basically you had follow-up questions. Is that what it
9 was?

10 A Yes.

11 Q Now, Special Agent Johnson, during your investigation
12 were you able to obtain certain documents for your case?

13 A Yes.

14 Q Did you have an opportunity to obtain or look at Mr.
15 Vasquez' application for a passport?

16 A Yes.

17 Q Let me show you Government Exhibit No. 4. What is this?

18 A This is Mr. Vasquez' application for a U.S. passport.

19 Q And now let me show you Government Exhibit No. 5.

20 A This is also his application, Mr. Vasquez' application
21 for a U.S. passport.

22 Q Do you know why there are two applications?

23 A Yes. Because the first application wasn't, the passport
24 wasn't coming back fast enough, and he needed to do an
25 expedited passport application.

JOHNSON-DIRECT

1 Q So this second one, Government's Exhibit No. 5 is the
2 second expedited request for a passport?

3 A Yes.

4 Q And Special Agent Johnson, were you also able to get a
5 copy of the defendant's passport application?

6 A Yes.

7 Q Let me show you Government's Exhibit No. 8. Do you
8 recognize that?

9 A Yes.

10 Q And what is this?

11 A This is Mr. Gandy's application for passport, U.S.
12 passport.

13 Q And through your investigation you were able to obtain
14 this document?

15 A Yes.

16 Q Now, at the time that Mr. Gandy traveled back into the
17 United States, did he have his passport with him?

18 A Yes.

19 Q And was that seized?

20 A Yes.

21 Q And let me show you Government's Exhibit No. 7. What is
22 Government's Exhibit No. 7?

23 A It is Jason Gandy's passport.

24 Q And did you seize this from Mr. Gandy?

25 A Yes.

JOHNSON-DIRECT

1 Q And when did you seize that from him?

2 A On July 19, 2012, on or about July 19, 2012.

3 Q Through your investigation were you also able to look
4 into the flight arrangements that were made for the defendant
5 as well as Mr. Vasquez?

6 A Yes.

7 Q And what did you find out?

8 A We found out that there were travel reservations made for
9 the trip to London, UK.

10 Q And were you able to figure out who made those travel
11 reservations?

12 A Yes.

13 Q Who made those reservations?

14 A Mr. Jason Gandy.

15 Q And he made it -- who did he make those reservations for?

16 A Himself and Mr. Kevin Vasquez.

17 Q Now, let me show you Government's Exhibit No. 10. What
18 is being shown on Government's Exhibit No. 10?

19 A This is a travel reservation detail.

20 Q And who is it for?

21 A Mr. Jason Gandy and Kevin Vasquez.

22 Q And in regard to the itinerary that's on the bottom
23 portion of the document, what was the flight that Mr. Gandy
24 was traveling on from the United States to the UK?

25 A He was traveling on United Airlines Flight No. 4.

JOHNSON-DIRECT

- 1 Q And when was it departing?
- 2 A On July 18, 2012 at 18:20.
- 3 Q And what time does that translate to?
- 4 A 6:20.
- 5 Q And what was the arrival time?
- 6 A It was arriving at 9:40.
- 7 Q On what date?
- 8 A a.m. On, looks like -- it doesn't say what date it was
- 9 arriving.
- 10 Q What was the departure airport?
- 11 A The departure airport was Houston Bush Intercontinental
- 12 Airport.
- 13 Q And what was the arrival airport?
- 14 A Heathrow, United Kingdom.
- 15 Q And on this itinerary there's a second flight that's
- 16 referenced. And what flight is that?
- 17 A That is United Airlines Flight No. 35.
- 18 Q And what was the departure date?
- 19 A It was July 20 of 2012.
- 20 Q And what time was the departure?
- 21 A At 9:30.
- 22 Q What time was the arrival?
- 23 A At 13:30, which is approximately 1:30 p.m.
- 24 Q What was the arrival date?
- 25 A July 20 of 2012.

JOHNSON-DIRECT

1 Q And what was the departure airport in regards to that
2 particular flight?

3 A Heathrow, United Kingdom.

4 Q And what was the arrival airport?

5 A Houston, George Bush Intercontinental Airport.

6 Q And was this the flight that Mr. Gandy was on after he
7 was denied admission into the UK?

8 A Yes.

9 Q Let me show you Government's Exhibit No. 9. What is
10 Government's Exhibit No. 9?

11 A Travel reservation Heathrow.

12 Q Whose reservation is this for?

13 A It was for Jason Gandy and Kevin Vasquez.

14 Q And in regards to this particular itinerary, does it show
15 the flight that Mr. Vasquez also departed on?

16 A Yes, it does.

17 Q And what airline was that?

18 A United Airlines Flight No. 5.

19 Q In regards to the initial flight?

20 A Excuse me. United Airlines Flight No. 4.

21 Q And what was the departure date?

22 A 7-18-2012.

23 Q And what was the departure time?

24 A 6:20 p.m.

25 Q And what was the arrival time?

JOHNSON-DIRECT

1 A 9:40.

2 Q And what was the departure airport?

3 A Houston, George Bush Intercontinental Airport.

4 Q And what was the arrival airport?

5 A Heathrow, United Kingdom.

6 Q Now, does this itinerary show when the return travel was
7 supposed to be?

8 A Yes.

9 Q What was the return supposed to be in regards to this
10 itinerary?

11 A It was supposed to be United Airlines Flight No. 5.

12 Q And what date was it supposed to depart on?

13 A On August 22nd, 2012.

14 Q And what would have been the departure time?

15 A 11:40.

16 Q And what would have been the arrival time?

17 A At 15:50, which is approximately 3:50 p.m.

18 Q And on what date?

19 A On August 22nd, 2012.

20 Q And where would the departure airport have been?

21 A Heathrow, United Kingdom.

22 Q And what airport would this flight have arrived into?

23 A Houston, George Bush Intercontinental Airport.

24 Q Now, would that flight -- did Mr. Gandy take that flight?

25 A No.

JOHNSON-DIRECT

- 1 Q Did Mr. Vasquez take that flight?
- 2 A No.
- 3 Q Instead, what is the other flight that's listed here?
- 4 A United Airlines Flight No. 5.
- 5 Q And who took that flight?
- 6 A Mr. Vasquez.
- 7 Q And what date was that flight for Mr. Vasquez?
- 8 A On July 20, 2012.
- 9 Q What was the departure time?
- 10 A 11:40.
- 11 Q And what was his arrival time?
- 12 A At 15:50 at George Bush -- excuse me. 3:50. Excuse me.
- 13 Q And what date did he arrive?
- 14 A July 20 of 2012.
- 15 Q And where did he depart from?
- 16 A Heathrow, United Kingdom Airport.
- 17 Q And where did he arrive into?
- 18 A Houston, George Bush Intercontinental Airport.
- 19 Q And was this the flight that Mr. Vasquez took after he
- 20 was denied access and entry into the United Kingdom?
- 21 A Yes.
- 22 Q Special Agent Johnson, through your investigation did you
- 23 look into the defendant's business?
- 24 A Yes.
- 25 Q And what type of business did he have?

JOHNSON-DIRECT

1 A A massage therapy business.

2 Q Did he have a license?

3 A Yes.

4 Q And were you able to see any sort of advertisements for
5 his business?

6 A Yes, his website.

7 Q And can you explain to the jury a little bit about his
8 website.

9 A He had a website called jasonrmt.com which advertised his
10 massage business and if he was in town or out of town.

11 Q And were you able to capture some screen shots of this
12 website?

13 A Yes.

14 Q Let me show you Government's Exhibit 12A. Can you
15 describe what's being shown in Government's Exhibit 12A?

16 A This is a photo of Mr. Gandy and a telephone number at
17 the top, and it says please call for his current location.

18 Q Let's look at the second page. What is being shown on
19 the second page?

20 A This is also a photo of Mr. Gandy without a shirt with a
21 hoodie unzipped and some jeans on.

22 And it says: "Your privacy is absolute. This
23 website does not collect any information about you, any
24 cookies, adware, spywear, malware or popups. Any
25 information that you provide such as your email address or

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1 telephone number is used solely for communication between you
2 and me. This information is never shared with any person or
3 organization. I consider your identify, your massage therapy
4 and any conversation that we have completely and totally
5 confidential."

6 Q Let's look at the third page of this screen shot from the
7 defendant's website. What is this showing?

8 A So this shows the rates of the massages. He has a
9 category of in-calls at \$80 per one hour, \$115 hour for an
10 hour-and-a-half, out-calls are \$100 an hour and \$145 for an
11 hour-and-a-half.

12 Q Now, let me ask you, Special Agent Johnson, what does an
13 in-call mean?

14 A An in-call is when the client comes to the location of
15 the person.

16 Q And what is an out-call?

17 A An out-call is when the person or individual goes to the
18 client's place of residence or anywhere they specify.

19 Q So in regards to this, the out-call seems to be more
20 expensive than the in-call; is that correct?

21 A That is correct.

22 Q And what else does this indicate in regards to the fees?

23 A It says all fees are cash only.

24 Q Does it indicate as far as the defendant's availability
25 for massages?

JOHNSON-DIRECT

1 A It states that he's available 24-7.

2 Q And what else does this ad say?

3 A It mentions his travel schedule, and the ad at the time
4 says he's in Dallas for now.

5 Q Now, let me show you Government's Exhibit No. 12B. What
6 is this?

7 A This a screen shot from the website jasonrmt.com.

8 Q And did you also take these screen shots from Mr. Gandy's
9 website?

10 A Yes, I did.

11 Q And can you please explain what is being shown in the
12 first page of this screen shot?

13 A This is a photo again of Mr. Gandy, and it says that he's
14 a registered massage therapist and gives his therapist
15 number.

16 Q What is his therapist number?

17 A It is 23870.

18 Q And what does it say?

19 A It says: "My name is Jason. I am proud to offer a wide
20 range of massage techniques. Please navigate through my
21 website to learn more. Call 512-299-2836 today to schedule
22 your appointment or visit the contact page to send an email."

23 Q What else does the website indicate?

24 A It says, "hey, guys, I'm on the road again. I'll be in
25 London July 18 to August 22nd. Give me a call and let's get

JOHNSON-DIRECT

1 together. Are you in another city? Give me a call and maybe
2 I'll come see you. Please contact me for exact information.
3 I look forward to hearing from you."

4 Q Okay. And let's look at the second page. What does the
5 second page of this website screen shot say?

6 A It lists, "for my patients, relax, stress relief, muscle
7 health, flexibility."

8 Q And what does it say here?

9 A "These are just a few of the benefits you receive from
10 massage therapy. Stress is just as devastating to your body
11 as sickness, disease and poor lifestyle habits. Massage
12 therapy is extremely important to your overall health. I
13 offer a full-body massage using medium to firm pressure.
14 Each massage is customized to your needs and physical
15 condition.

16 A blend of these modalities will be used:
17 Swedish, deep tissue, sports myotherapy and reflexology.
18 Since every part of your body works in harmony with itself,
19 your massage will be complete and thorough, sometimes intense
20 but always relaxing. If you have any serious condition or
21 have had a serious injury or any special needs, just let me
22 know. My goal is your total satisfaction."

23 Q And what is the last page of this screen shot?

24 A The last page is a photo of Mr. Gandy with his shirt off.

25 Q Special Agent Johnson, the website that the defendant had

JOHNSON-DIRECT

1 where he's advertising the massages, what does it run on?

2 A The internet.

3 Q And is the internet a means and facility of interstate
4 and foreign commerce?

5 A Yes.

6 Q And can you explain that to the jury?

7 A When you utilize the internet you bounce off of different
8 servers that cross interstate commerce.

9 Q Now, did you also find anything in regards to, through
10 your investigation did you find any listing that dealt with
11 Mr. Vasquez?

12 A Yes.

13 Q And what did you find?

14 A We found a listing on a website called Craigslist.

15 Q And let me show you Government's Exhibit No. 6. What is
16 Government's Exhibit No. 6?

17 A It is a posting from Craigslist.

18 Q Was this the posting that you found?

19 A Yes.

20 Q Are there different pictures on this?

21 A Yes.

22 Q With this ad?

23 A Yes.

24 Q And do you recognize the person that's in these pictures?

25 A Yes, I do.

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1 Q And who is that person?

2 A Mr. Vaquez.

3 Q And does it indicate here where Mr. Vasquez was going to
4 be located?

5 A Yes.

6 Q And where was that?

7 A London.

8 Q And does it give the time frame?

9 A Yes.

10 Q And when is that?

11 A That is July 18th, 2012 to August 22nd, 2012.

12 Q And in regards to this particular ad, was there anything
13 regarding seeking money in this ad?

14 A No.

15 Q Was this ad different than the other ad that you had
16 found regarding the defendant's website that you found on the
17 defendant's website?

18 A Yes.

19 Q Special Agent Johnson, through your investigation were
20 you able to determine if this is legal to have sex with a
21 minor in the UK?

22 A Yes.

23 Q And is it legal?

24 MR. BUCKLEY: I have an objection under 702.

25 THE COURT: Establish the predicate.

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1 MS. LEO: Yes.

2 BY MS. LEO:

3 Q Special Agent Johnson, through your investigation were
4 you able to look into the laws of the UK?

5 A Yes.

6 Q And how did you do that?

7 A Through research.

8 Q And what was your research?

9 A The research was the laws in the United Kingdom.

10 Q And what type of? Did you talk to anyone or did you just
11 do research online? What did you do?

12 A We did research online.

13 Q And were you able to locate the different laws in the UK?

14 A Yes.

15 Q And were you able to look into and see if it is in fact
16 legal to have sex with minors in the UK?

17 A Yes.

18 MR. BUCKLEY: I object, Your Honor. I don't think
19 the predicate, the foundation has been laid. I don't think
20 she has the ability to form an opinion about that.

21 THE COURT: Establish how she came to know what
22 she's just testified to, and make it more specific.

23 MS. LEO: Yes, Your Honor.

24 BY MS. LEO:

25 Q Special Agent Johnson, specifically what did you look at

JOHNSON-DIRECT

1 and research in regards to the laws of the UK?

2 A We found a statute regarding having sex with someone
3 under -- sexual activity actually with someone under the age
4 of 18.

5 MR. BUCKLEY: My objection to that is best evidence,
6 Your Honor.

7 THE COURT: Overruled.

8 BY MS. LEO:

9 Q And based off of that particular statute that you were
10 able to find of that crime in the UK, were you able to make a
11 determination if it is legal to have sex, any sort of sexual
12 activity with a minor in the UK?

13 MR. BUCKLEY: And I object to hearsay as to the
14 statute, Your Honor.

15 THE COURT: Overruled.

16 A Yes.

17 BY MS. LEO:

18 Q And is it legal to have sex with a minor or any sexual
19 activity with a minor in the UK?

20 A No.

21 Q Now, did you also have an opportunity to research
22 statutes in the UK in regard to sexual activity with a minor
23 for money?

24 A Yes.

25 Q And what did you look at?

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1 A The --

2 THE COURT: Excuse me. We have an objection.

3 MR. BUCKLEY: I do have an objection, Your Honor.

4 It's the same objection. And if I may have a continuing
5 ruling.

6 THE COURT: You may. Same ruling.

7 MR. BUCKLEY: Thank you, Your Honor.

8 BY MS. LEO:

9 Q Did you find anything in your research about a statute
10 that would make something like that legal or illegal?

11 A Yes.

12 Q And what did you find?

13 A It's illegal to conduct any type of sexual activity with
14 a minor in London.

15 Q Even if's for the purposes of obtaining money?

16 A Yes.

17 Q Now, through your investigation were you able to -- did
18 you go to -- were you able to determine where Mr. Gandy had
19 been living?

20 A Yes.

21 Q And where was he living at?

22 A At 2320 Truxillo Street in Houston, Texas.

23 Q And is that located within the Southern District of
24 Texas?

25 A Yes.

JOHNSON-DIRECT

1 Q And do you know the address of where Mr. Gandy had
2 previously been living?

3 A Yes.

4 Q And where was that?

5 A 815 Arlington Street in Houston, Texas.

6 Q Is that also located within the Southern District of
7 Texas?

8 A Yes.

9 Q And through your investigation were you able to obtain
10 school records for one of the minor victims in this case?

11 A Yes.

12 Q And who was that?

13 A Mr. David Villa Gomez.

14 Q And let me show you Government Exhibit No. 25. What is
15 Government's Exhibit No. 25?

16 A It is a record that I received from Mr. David Villa
17 Gomez' school.

18 Q And what school did he attend?

19 A Bellaire High School.

20 Q And from these records does it show when he started his
21 senior year?

22 A Yes.

23 Q And when did he start his senior year?

24 A In August of 2005.

25 THE COURT: When you're talking away from the mic

JOHNSON-DIRECT

1 facing away from the jury you need to keep your voice higher.

2 MS. LEO: Yes, Your Honor.

3 BY MS. LEO:

4 Q Does it show when he withdrew from school?

5 A Yes.

6 Q And when did he withdraw from school?

7 A December 12th, 2005.

8 Q Would that have been prior to him turning 18?

9 A Yes.

10 Q Special Agent Johnson, let me show you Government's
11 Exhibit No. 20. Do you recognize who is shown in
12 Government's Exhibit No. 20?

13 A Yes.

14 Q And who is that?

15 A Mr. Kevin Vasquez.

16 Q And throughout this case is Mr. Vasquez referred to as a
17 particular minor victim?

18 A Yes.

19 Q And which minor victim is he numbered at?

20 A Minor Victim No. 1.

21 Q Let me show you Government Exhibit No. 21. In
22 Government's Exhibit No. 21, how many of the minor victims in
23 this case are being shown?

24 A Two of them.

25 Q And I am pointing to the second one on the left-hand

JOHNSON-CROSS

1 side. Which minor victim is that showing?

2 A I believe that's Minor Victim No. 2.

3 Q And the one next, and that is the one, the individual who
4 has dark-colored hair; is that correct?

5 A That is correct.

6 Q And in regards to the one next to that minor victim on
7 his left side, the third one from the left with the blond
8 hair, does that show another minor victim in this case?

9 A Yes.

10 Q And which minor victim does that depict?

11 A Minor Victim No. 3.

12 Q And let me show you Government's Exhibit No. 23. Who
13 does Government's Exhibit No. 23 depict?

14 A Minor Victim No. 4.

15 MS. LEO: Your Honor, may I have a moment?

16 THE COURT: Yes.

17 BY MS. LEO:

18 Q Special Agent Johnson, I believe you had testified
19 earlier in regard to Government's Exhibit No. 1, the Acer
20 laptop. I believe that you had stated that you had seized
21 it; is that correct?

22 A Yes.

23 Q And who did you turn it over to?

24 A Special Agent Jeffrey Chappell.

25 Q And what was the purpose of you turning it over to him?

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1 A To complete a forensic examination of the laptop and to
2 do a preview of the laptop.

3 Q And were you present when he did the examination?

4 A No.

5 Q Do you know if he did perform an examination?

6 A I do.

7 Q And did he perform an examination?

8 A Yes, he did.

9 MS. LEO: Your Honor, at this time I'll pass the
10 witness.

11 THE COURT: Cross?

12 MR. BUCKLEY: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. BUCKLEY:

15 Q Good afternoon, Special Agent Johnson.

16 A Good afternoon.

17 Q You had testified earlier about encountering Mr. Gandy
18 and his possessions at Intercontinental Airport?

19 A Yes.

20 Q And if I recall correctly, you noted that you found him
21 with a backpack that had some contents that had been taken
22 out of the backpack by the time that you got there; is that
23 correct?

24 A That is correct.

25 Q And someone had placed the contents on, what was it, on a

JOHNSON-CROSS

1 table?

2 A Yes.

3 Q And do you recall what the contents were? I understand
4 that you saw 98 condoms?

5 A 90.

6 Q Pardon me?

7 A 90.

8 Q 90 condoms.

9 Do you recall what the other contents of the
10 backpack were?

11 A I just remember miscellaneous paperwork and like pens,
12 nothing in particular.

13 Q Was the backpack stuffed full or was it just -- do you
14 recall?

15 A Oh, also there were like granola bars or something like
16 that in there. And I don't know if those were in there
17 because when I came it was out on the table.

18 Q And certainly this Acer laptop, which is admitted as
19 Government's Exhibit 1 or 2?

20 MS. ZACK: It is 1.

21 MR. BUCKLEY: Thank you, counsel.

22 BY MR. BUCKLEY:

23 Q It's not a large laptop, right?

24 A It is not.

25 Q You have no reason or no knowledge one way or another

1 that this laptop would have fit into Mr. Gandy's backpack if
2 someone had wanted to put it in there, right?

3 A I have no knowledge of that.

4 Q One way or another?

5 A No.

6 Q But in any event, that's not where that laptop was found,
7 right?

8 A Specifically in Mr. Gandy's backpack?

9 Q That's right.

10 A That's right.

11 Q In fact, that laptop was recovered separately from Mr.
12 Vasquez, correct?

13 A Yes. That's correct.

14 Q Okay.

15 MR. BUCKLEY: I believe that's all I have. Thank
16 you. Pass the witness.

17 THE COURT: Anything further of this witness?

18 MS. LEO: No, Your Honor.

19 THE COURT: May this witness be excused?

20 MS. LEO: Yes, Your Honor.

21 THE COURT: You may step down, ma'am. Thank you.

22 What says the government?

23 MS. ZACK: Your Honor, we have one additional
24 witness that is prepared to testify first thing tomorrow
25 morning.

1 THE COURT: And the timing could not be better.

2 All right. Ladies and gentlemen, we will be in
3 recess until 9:00 o'clock tomorrow morning. I fully
4 anticipate, subject to being corrected right now, that we
5 will end the evidence tomorrow.

6 The lawyers and I will then have to confer on
7 the instructions on the law, which cannot be done before all
8 of the evidence is in. That will take some time. So at that
9 point we will face -- and what I will likely do in this, and
10 this is not set in stone. Well, actually, I am going to give
11 you a choice. Here are the two choices.

12 Let's assume we finish what, 10:00 o'clock,
13 tomorrow morning, 10:30?

14 MS. ZACK: At the latest I think 10:30.

15 MR. BUCKLEY: That's likely, Your Honor.

16 THE COURT: If you would be patient and enjoy an
17 early -- and enjoy lunch that we would order in for you,
18 special treat. If you would be patient and give us time to
19 get our stuff together, we could argue, present you with
20 written and oral instructions that I would have to give you,
21 which will take roughly half an hourish. The lawyers will
22 then present arguments, which will take at least an hour,
23 perhaps a little longer, unclear, you could at least begin
24 deliberations tomorrow.

25 Scenario two, second choice. You come in, we

1 complete the evidence and I send you home for either going
2 back to work or a long weekend, longer, and then you come
3 back first thing Monday morning for the instructions,
4 argument and deliberations.

5 If you want to go to the jury room, confer
6 among yourselves as to which is more appealing, I will have
7 Ms. Eddins come in in five or ten minutes, figure out where
8 we are and send you home for the day one way or another.

9 All of the instructions that I have already
10 given you continue to apply. Do not talk about the case with
11 anyone, do not allow anyone to talk about the case with you,
12 do not engage in any communications, engage in any
13 communications about the case electronically, social media or
14 otherwise, do not take your jury notes home. If you have
15 taken them, leave your notebooks here, and do not attempt to
16 gain any information about the case. Everything you are
17 properly presented is here in the courtroom.

18 With that, ladies and gentlemen, enjoy your
19 evening, and Ms. Eddins will let me know very shortly what
20 your preference on schedule is.

21 Thank you.

22 (Jury excused)

23 THE COURT: Please be seated. I apologize if you
24 weren't expecting that curve ball.

25 Would you go in in about five or ten minutes,

1 find out from the jury which they prefer, to work through
2 tomorrow with an interruption in the middle of the day, a
3 lull, or to come back Monday morning. I trust the lawyers
4 don't really care. I hope not because I've already put it
5 before them. Since I figured you were counting on maybe
6 Monday anyway, it would not present a scheduling problem
7 setting aside preferences.

8 We are working on translating the agreed
9 instructions -- and we are grateful for the agreement -- into
10 a format that we think is going to be a little easier for the
11 jury. That's going to take a little while.

12 I would like to have you come in extra early
13 tomorrow so that we could go over this in the event the jury
14 doesn't want to wait until Monday. If they want to wait
15 until Monday, we wouldn't have to do that. So let's just
16 hang tight for a minute.

17 Is there anything else we need to do today?

18 MR. BUCKLEY: I don't believe so.

19 THE COURT: Have you and Mr. Gandy and co-counsel
20 arrived at a decision as to whether or not he will testify or
21 do you want tonight to talk about it more before you announce
22 that choice to the Court outside the jury's presence?

23 MR. BUCKLEY: I believe we have an understanding,
24 but I think it would be prudent for me to have it --

25 THE COURT: I'd like to be prudent. Thank you.

1 MR. BUCKLEY: Yes, Your Honor.

2 Your Honor, it came to my attention -- my plan
3 was to go into the FDC this evening to visit with Mr. Gandy,
4 but recently they have changed the visitation schedule so
5 that now Thursdays are treated like Fridays and I can't get
6 in past 2:00 o'clock.

7 THE COURT: Can you keep him here long enough for
8 them to confer? And how long do you need?

9 MR. BUCKLEY: Well, probably no more than an hour,
10 but I don't want to just --

11 THE COURT: You tell me.

12 THE MARSHAL: Whatever you like, Judge.

13 THE COURT: He's got to be able to talk to him,
14 okay.

15 THE MARSHAL: And if that speeds it along,
16 absolutely.

17 THE COURT: Thank you.

18 MR. BUCKLEY: We'll try to be efficient.

19 THE COURT: And I appreciate that.

20 How long do you want for final argument,
21 closing?

22 MR. BUCKLEY: I think I would wait until I hear what
23 the government says.

24 THE COURT: Do you guys want to duck out in the hall
25 first and talk about it and then come back?

1 MS. ZACK: Your Honor, I don't anticipate taking
2 more than 45 minutes.

3 THE COURT: 45 minutes each is fine.

4 MR. BUCKLEY: That would be acceptable.

5 THE COURT: That's fine. All right.

6 CASE MANAGER: Option A1.

7 THE COURT: All right. They want to work through.
8 You guys are going to have to be here early. I'm sorry.

9 MR. BUCKLEY: That's fine, Judge.

10 THE COURT: To go over the charge.

11 MS. ZACK: What do you mean by "early," because I
12 have a child?

13 THE COURT: What is the earliest you are able to
14 come?

15 MS. ZACK: I can be here in the courtroom at 8:00.

16 THE COURT: Okay. Here's what we are going to do.
17 It's going to be a later evening instead somewhat -- is that
18 okay -- tonight?

19 MS. ZACK: Can I make a suggestion, only because Ms.
20 Leo has plans this evening, and it's her birthday.

21 THE COURT: Happy birthday. It's my husband's
22 birthday, too, but I suspect he has a few years on you.

23 MS. ZACK: Could we maybe ask the jury not to come
24 back at 9:00, ask them to come back at 10:00 and give us more
25 time?

1 THE COURT: Are they still here? That's fine with
2 me. Great idea, in fact.

3 MS. ZACK: That way we can just shift to 10:00.

4 THE COURT: Okay. And that would work because I
5 have to meet some people for lunch at 12:15. I can move that
6 to noon. And then if you in fact are going to rest with your
7 cross of the government. And you won't call any witnesses?
8 Is that your current thinking without really having it
9 written in stone?

10 MR. BUCKLEY: That's my current thinking.

11 THE COURT: All right. That's all you need to
12 commit to. It's not a commitment, subject to change.

13 Your last witness is likely to take how long?

14 MS. ZACK: An hour, hour and 15 minutes, including
15 his cross, I believe.

16 THE COURT: Fine. Tell them 10:00 o'clock. Find
17 out what they want for lunch. Tell them that we won't have
18 breakfast for them, but we will have lunch for them, okay.

19 MR. NEYLAND: Judge, just one thing I want to bring
20 up is that you said probably lunch tomorrow between 12:00 and
21 1:00. Is that what you are thinking, 12:15 to 1:00,
22 somewhere around there?

23 THE COURT: Yes.

24 MR. NEYLAND: I have a sentencing at 1:00 p.m. in
25 Judge Hittner's court. It won't take more than five minutes.

1 THE COURT: That's should be fine, okay.

2 MR. NEYLAND: Thank you, Judge.

3 THE COURT: 45 minutes each to argue. You are going
4 to argue what, half hour and then 15 in rebuttal?

5 MS. ZACK: Right, something like that.

6 Would it be okay if we now go out?

7 THE COURT: Please. Come right back because I have
8 got one thing I want to go over with you.

9 Here is what we are going to do. As soon as I
10 get this revised, it will still be in draft form, we will
11 email it to each of you. I would like you here at 8:30
12 tomorrow morning with suggestions, revisions, whatever,
13 informal charge conference. We will promptly make revisions,
14 have a formal charge conference, put copies on the chairs,
15 ready to argue as soon as we finish the witness, who will
16 begin testifying at noon, I mean at 10:00. Does that work?

17 MS. ZACK: Yes.

18 THE COURT: So we will work on the charge from 8:30
19 until 10:00 o'clock.

20 MS. ZACK: Or as soon as we get it done.

21 THE COURT: Whichever comes first. You're right
22 about that.

23 All right. Enjoy the birthday celebration,
24 watch your emails. You are excused to confer with your
25 client.

1 MS. ZACK: Is it okay if we use the easel in
2 closing?

3 THE COURT: That's fine. Anything that has been
4 admitted into evidence you may use during closing.

5 During closing, everybody in front of the bar
6 keep your seat. Don't move around while the other person is
7 doing the closing. It is distracting. Thank you.

8 MR. BUCKLEY: Yes, Your Honor.

9

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11 (Conclusion of proceedings for July 19, 2018)

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CERTIFICATION

I, Fred Warner, Official Court Reporter for the United States District Court for the Southern District of Texas, Houston Division, do hereby certify that the foregoing pages 1 through 287 are a true and correct transcript of the proceedings had in the above-styled and numbered cause before the Honorable LEE H. ROSENTHAL, United States District Judge, on the 19th day of July, 2018.

WITNESS MY OFFICIAL HAND at my office in Houston, Harris County, Texas on this the 23rd day of November, A.D., 2018.

 /s/ Fred Warner
Fred Warner, CSR
Official Court Reporter