

1 PLAINTIFF: Ms. Bender

2 WITNESS:

3 COURT:

4 DEFENDANT: Ms. Banks

5

6 WARM UP

7 THE COURT: People may call their next witness.

8 MS. BENDER: Thank you, your Honor.

9 People call Roger Grayson.

10 THE COURT: Mr. Grayson, good afternoon.

11 THE WITNESS: Hello, your Honor.

12 THE COURT: You are being called / here today so the
13 attorneys can each ask you some questions. Just listen to
14 their questions and answer them the best you can.

15 THE WITNESS: Okay.

16 THE COURT: If / you are asked about something you are
17 not sure about or don't remember, just tell us. It is
18 important that you not guess about something / just to
19 give us an answer.

20 THE WITNESS: Okay.

21 THE COURT: We just want to know what you personally
22 saw or heard. Do you understand?

23 THE WITNESS: Yes.

24 THE COURT: Thank you, sir. /
25 Counsel, you may proceed.

26 MS. BENDER: Thank you, your Honor.

1 DIRECT EXAMINATION

2 Q. BY MS. BENDER: Good afternoon, Mr. Grayson.

3 A. Hello, ma'am.

4 Q. Where do you work, sir?

5 A. Knott's Berry Farm.

6 Q. And what is / your assignment at Knott's Berry
7 Farm?

8 A. I am the manager of security and loss prevention.

9 Q. And what are your duties there?

10 A. Handling the operation of / the water park and
11 the hotel.

12 Q. Were you on duty on the date of February 14th,
13 2014?

14 A. Yes.

15 Q. On that date and time, / did you make contact
16 with someone that you see here in court today?

17 A. Yes.

18 Q. Could you please describe for the jury where that
19 person is */ located, what they look like, and what they
20 are wearing.

21 A. The female sitting to my right. She is wearing
22 the green jacket.

23 MS. BENDER: Your Honor, may / the record reflect the
24 witness has identified the defendant?

25 THE COURT: Yes.

26 Q. BY MS. BENDER: Now, where did you initially make

1 contact with the defendant?

2 A. At the front desk at / the hotel.

3 Q. Why did you make contact with her that day?

4 A. I was asked by the security officer to meet her
5 there.

6 Q. What was going / on that you needed to meet with
7 the defendant?

8 A. The officer told me that the subject didn't have
9 any money to pay and didn't have / an I.D.

10 Q. What exactly was she being charged for?

11 A. Renting the hotel room.

12 Q. Had the defendant been staying in that hotel?

13 A. Well, when I / got on scene, they had already
14 gone back to room 529.

15 Q. Why were you called? What exactly was going on?

16 A. Since the woman didn't / have any money to pay
17 for the room, the security officer called on me to look
18 into it further and see if we need to / get the police.

19 Q. Okay. Now, when you say the subject wasn't able
20 to pay for the room, was she just checking out of the
21 room? */

22 A. Yes.

23 Q. Or was there something else going on that made
24 her leave the room?

25 A. Yes. Something was going on in the room.

26 Q. And what was / going on?

1 A. Well, the officers were responding to the room
2 because the guests were smoking in the room. When
3 security went there, they saw what / they thought to be
4 contraband in the room. They saw needles, cigarettes, and
5 also two subjects coming out of the restroom.

6 Q. Now, when you say / officers, are you talking
7 about police officers?

8 A. No. Just one hotel officer.

9 Q. Did the hotel officer also see the defendant in
10 the room?

11 A. Yes.

12 Q. Now, / what happens when a guest of the hotel
13 violates the smoking policy?

14 A. They would be fined.

15 Q. Are they allowed to stay on the property?

16 A. Depends / on the manager working that day. It is
17 their discretion.

18 MS. BANKS: Then I object. It is speculation.

19 THE COURT: Overruled. He is just saying what the
20 practice is. /

21 Q. BY MS. BENDER: Do you know who the manager on
22 duty was on that day?

23 A. I think it was Sandra Nelson.

24 Q. How long have you known her or / worked with her?

25 A. We have worked together for over 14 years.

26 Q. Do you know what she would do in that situation?

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MS. BANKS: Objection, your Honor.

THE COURT: Sustained. */

END OF WARM UP

1 EXAM

2 Q. BY MS. BENDER: In this case was the defendant
3 here allowed to stay at the hotel?

4 A. No.

5 Q. Why not?

6 A. She wasn't registered to the room.

7 Q. Now, who are / these other people that you are
8 talking about that first went to the room?

9 A. Normally it is a security officer and the manager
10 on duty / of the hotel.

11 Q. The hotel officers, are these sworn peace
12 officers?

13 A. No.

14 Q. Do they carry guns?

15 A. No.

16 Q. Are they in uniform?

17 A. They have a uniform / with a badge. I think it
18 kind of looks like a police officer.

19 Q. When they go to a room, they identify themselves
20 as Knott's Berry / Farm security?

21 A. Correct.

22 Q. What happened when the manager went to the room?

23 A. Everyone except the defendant fled the room.

24 Q. But the defendant stayed behind?

25 A. Correct. /

26 Q. Was she detained?

1 A. She wasn't really detained. But she was
2 questioned about who was going to pay for the room, so
3 they asked her to / go to the front.

4 Q. Is that when you were called to the lobby area of
5 the hotel?

6 A. Yes.

7 Q. Okay. What happened once you made contact / with
8 the defendant at the front desk?

9 A. Officer Spencer told me that she didn't have any
10 money and she didn't have an I.D. I */ spoke with her and
11 questioned if she was going to be able to settle the
12 charges for the room.

13 Q. What was her response?

14 A. She said / she didn't have any money and would
15 have to contact a relative to come settle the charges and
16 the fine.

17 Q. Were the charges eventually taken / care of?

18 A. After the police were contacted.

19 Q. Who paid the fine?

20 A. It was a gentleman who arrived. I don't remember
21 his name, but she contacted / him on the telephone and he
22 went over to the hotel.

23 Q. Once the charges were paid, then what happened
24 next?

25 A. At that point she said / she needed to retrieve
26 her belongings. We all went upstairs to the room for her

1 to do that.

2 Q. When you arrived to the room, did / you just
3 allow the defendant to go back inside?

4 A. No.

5 Q. Why not?

6 A. Officer safety.

7 Q. What do you mean officer safety?

8 A. Well, because the room was / really in disarray.
9 I saw needles and other things in there, and I wanted to
10 be the first person walking in for safety reasons.

11 Q. What / did you see when you walked inside?

12 A. It was a mess. There were items everywhere.
13 There was an empty bottle on the table.

14 MS. BANKS: Objection.

15 THE COURT: Overruled.*/
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1 START TYPING

2 Q. BY MS. BENDER: Was there anything else that you
3 noticed on the table?

4 A. There were things all over the place. On the
5 table there was an empty bottle. / I think it was a
6 Sprite bottle that they would use to smoke some sort of a
7 drug.

8 MS. BANKS: Objection. Lacks foundation.

9 Q. BY MS. BENDER: Sir, do you have / any --

10 THE COURT: Excuse me. I need to rule on the
11 objection.

12 MS. BENDER: I am sorry, your Honor.

13 THE COURT: All right. Everything after "empty
14 bottle" will go out as / lacking foundation.

15 Ask your next question.

16 MS. BENDER: Thank you, your Honor.

17 THE COURT: Proceed.

18 Q. BY MS. BENDER: Were you able to determine what
19 in that room belonged to the defendant?

20 A. Yes, / ma'am.

21 Q. What did belong to the defendant?

22 MS. BANKS: Objection. Foundation.

23 THE COURT: Sustained.

24 Q. BY MS. BENDER: How were you able to determine
25 what belonged to the defendant?

26 A. I asked her / what belonged to her.

1 Q. And what did she respond?

2 A. She pointed to a backpack.

3 Q. Now, of all the items that were all over this
4 room, / she pointed to a backpack?

5 A. Correct.

6 Q. Okay. And where was this backpack located?

7 A. On the bathroom counter.

8 Q. Did you simply return the backpack to her / and
9 let her leave?

10 A. No.

11 Q. What did you do?

12 A. I questioned her if that was her backpack. She
13 admitted it was. I wanted to confirm */ it was hers by
14 having her identify something inside.

15 Q. Okay. What happened when you went over to the
16 backpack?

17 A. The front pocket was slightly open. / I looked
18 inside, and there was a plastic bag with smaller bags
19 inside. There was also a bag of a white substance and
20 some pills. /

21 Q. What did you do once you saw these items?

22 A. I immediately turned to the defendant and asked
23 if it was hers. She said no.

24 Q. But / she had just told you that the backpack was
25 hers, correct?

26 MS. BANKS: Objection. Counsel is testifying.

1 THE COURT: The objection is overruled.

2 Q. BY MS. BENDER: You may answer.

3 A. Can you repeat / the question?

4 Q. Absolutely.

5 So when you initially showed her the white substance,
6 she explained it wasn't hers. But she had just told you
7 the backpack / was hers; isn't that correct?

8 A. Correct.

9 Q. Now, what did you do once you found these items
10 in the backpack?

11 A. At that point I requested Buena / Park police to
12 be called over the radio.

13 Q. Okay. And, sir, in your capacity as the manager
14 of security, do you wear a uniform every / day, or do you
15 dress much like you are now?

16 A. A casual look like I am today.

17 Q. You are not armed during your shift as */
18 manager?

19 A. No.

20 Q. You are not a sworn peace officer?

21 A. No.

22 Q. And did you detain the defendant while you waited
23 for the police department to arrive? /

24 A. After we called the police, I did. I told her we
25 were waiting for the police.

26 MS. BENDER: Nothing further at this time.

1 THE COURT: Counsel, you may begin. /

2 MS. BANKS: Your Honor, I was hoping we could address
3 the issue from this morning before I begin.

4 THE COURT: That's right. Thank you for reminding me.

5 Ladies and / gentlemen, I need to send you on a break
6 at this time. Don't discuss the case. Please return in
7 20 minutes.

8 MS. BANKS: Thank you, your Honor. /

9 THE COURT: All right. We are now outside the
10 presence of the jury.

11 There was a question regarding a video. Let's
12 proceed.

13 Ms. Bender, you may inquire. /

14 Q. BY MS. BENDER: Mr. Grayson, during the break we
15 talked about the hotel having a surveillance video in
16 place.

17 A. Yes, ma'am.

18 Q. And something you also mentioned was that / there
19 is, in fact, a video with the defendant on it; is that
20 correct?

21 A. Correct.

22 Q. And what is depicted in that tape?

23 A. Her coming out / of the elevator with the
24 backpack on.

25 Q. And this is the same backpack that you found in
26 the room?

1 A. Yes.

2 Q. This is the same backpack */ where you found the
3 narcotics and all of the items that you have described
4 during your previous testimony?

5 A. Yes.

6 Q. And this video was taken at / the same time as
7 this event that we are discussing on February 14th, 2014?

8 A. Yes.

9 Q. How are those tapes maintained?

10 A. They are at / the hotel main office. The system
11 is there, and they hold it for a couple months.

12 Q. At this point do you know if that video / is
13 still available?

14 A. No, I don't know.

15 Q. But you saw it, and you recognized the person who
16 was depicted in the security tape as the / defendant who
17 is here today?

18 A. Yes.

19 MS. BENDER: Nothing further at this time.

20 THE COURT: Counsel, you may examine.

21 MS. BANKS: Thank you.

22 THE COURT: All right.

23 CROSS-EXAMINATION

24 Q. BY MS. BANKS: Mr. Grayson, what was the date /
25 and time on this surveillance video?

26 A. It was that same day. I am not sure of the time.

1 Q. Was it before or after contact with / security?

2 A. After.

3 Q. Okay. So my understanding is security contacted
4 the occupants of the room, and some people fled, right?

5 A. Yes.

6 Q. My client was the only / one left, so she was
7 taken down to the hotel front lobby?

8 A. Yes.

9 Q. And then somebody came and took care of the bill,
10 but then */ she asked you if she could return back to the
11 room; is that right?

12 A. Yes.

13 Q. And then you went up there with her and
14 ultimately / wound up seeing what you believed to be
15 controlled substances in the backpack?

16 A. Yes.

17 Q. And then she was detained pending the police
18 arriving?

19 A. Yes.

20 Q. So / at what point after all this occurred was
21 she seen on a video with the backpack?

22 A. After the whole call happened, we were trying to
23 / identify the people who left the hotel. That's why we
24 were looking at video, to have a description of the
25 suspects.

26 Q. I am really confused / about the time frame that

1 we are talking about.

2 A. Well, I will try to explain it.

3 Q. Let me just ask you a question, and we / can go
4 from there.

5 A. All right.

6 Q. Was this after my client had been arrested when
7 you reviewed the surveillance video?

8 A. Yes.

9 Q. But the tape was / showing something that
10 happened before you ever contacted the people who rented
11 the room; is that right?

12 A. Yes.

13 Q. Did your manager or anyone from the / hotel
14 contact the occupants in that room in the early morning
15 hours on Valentine's Day?

16 A. I believe there was one contact early in the
17 morning. */ There was a second call, and that's when I got
18 called in. It was early, probably 7:40 or somewhere
19 around then. That's when I / got called.

20 Q. And so it is your understanding the time period
21 shown on the tape where you saw my client coming off the
22 elevator with / the backpack --

23 A. She was wearing it, not just carrying it.

24 Q. Okay. But that was sometime before 7:00 in the
25 morning on February 14th?

26 A. I don't / remember the time it said on the video.

1 All I remember is looking at it after she was arrested.

2 Q. And what caused you to review / the video?

3 MS. BENDER: Objection. Irrelevant.

4 THE COURT: Overruled.

5 THE WITNESS: We knew the time frame when they checked
6 in, I believe, and that's how we were checking to get a /
7 description of them for the police.

8 THE COURT: Are you speaking of the people who rented
9 the room or just the defendant?

10 THE WITNESS: We were looking for the / couple who
11 originally rented the room. That's when I saw the
12 defendant coming off the elevator with them.

13 Q. BY MS. BANKS: When was it that they checked in? /

14 A. I don't remember the exact time they checked in.
15 The time when they all came off the elevator was about
16 8:00 in the morning.

17 Q. Was */ the tape you were reviewing taken from the
18 morning of the arrest of my client?

19 A. No. It was before.

20 Q. How long prior to her arrest? /

21 A. I believe they had been there for a couple days
22 before the smoking violation.

23 Q. Is it your understanding she was arrested on the
24 same day / as someone reported the smoking violation?

25 A. That's correct.

26 Q. I would assume that once a guest is registered,

1 they can come and go to their room / as they please?

2 A. Of course.

3 Q. There would be no reason to stop at the front
4 desk; is that correct?

5 MS. BENDER: Objection. Speculation.

6 THE COURT: Sustained.

7 Q. BY MS. BANKS: Do you know / how many keys were
8 issued for this room?

9 A. I wouldn't have any way to verify that.

10 Q. What is your standard practice when somebody
11 registers for / a room?

12 A. We usually ask how many keys they will need for
13 their stay.

14 Q. Do guests ever ask for additional keys?

15 A. Sure. Sometimes people will / lose their key or
16 leave it in the room, and they need to get another one.

17 Q. Do you monitor how many total keys are given /
18 for any one room?

19 A. Not usually, no.

20 Q. How are you so positive that the backpack you see
21 in the video is the same exact backpack */ that you saw in
22 the room that morning?

23 A. It was a green backpack, and she was wearing it.
24 Obviously, her hairstyle is pretty distinct.

25 Q. No, / no. I understand that she is very
26 distinct, but my question is about the backpack.

1 A. Okay.

2 Q. What about the backpack did you observe in the /
3 video that made it so significant to you?

4 A. It is the only green backpack that I saw.

5 Q. In the room that day?

6 A. Yeah.

7 Q. But was / there anything distinctive about the
8 backpack that she was wearing in the video?

9 MS. BENDER: Objection. Asked and answered.

10 THE COURT: Well, it has been, but I will let / him
11 answer it so we can wrap this up.

12 THE WITNESS: What was the question?

13 Q. BY MS. BANKS: There is nothing special about the
14 backpack you remember from the video / that allows you to
15 say it definitely is the one from the room?

16 A. No. It just looked like a green backpack.

17 MS. BANKS: Thank you, your Honor. / Nothing further.

18 THE COURT: Let me ask you a question.

19 THE WITNESS: Okay.

20 THE COURT: Did you ever turn that video over to the
21 police department?

22 THE WITNESS: I don't believe we did. /

23 THE COURT: Thank you.

24 THE WITNESS: All right.

25 THE COURT: Anything further?

26 MS. BENDER: No, your Honor.

1 THE COURT: Thank you, Mr. Grayson.

2 Counsel, I want to go ahead and bring the jury back in
3 */ since they have been waiting awhile.

4 MS. BANKS: Will you be ruling on my previous
5 objection now?

6 THE COURT: I will rule in the morning. Let's finish
7 up today. / We will address the motion in the morning
8 after I research some of the cases you both recently
9 cited.

10 MS. BANKS: Thank you, your Honor.

11 THE COURT: The jury / is now back with us.

12 Ms. Bender, any further questions?

13 MS. BENDER: One last area, your Honor.

14 THE COURT: All right.

15 DIRECT EXAMINATION (Resumed)

16 Q. BY MS. BENDER: Mr. Grayson, you told me when you
17 entered / the room, you were concerned about officer
18 safety; is that correct?

19 A. Correct.

20 Q. And at that point you were alone with the
21 defendant?

22 A. No. There was / a security officer there also.

23 Q. Okay. At that point did you stop and do a
24 complete inventory search of the room before the police
25 arrived? /

26 A. No.

1 Q. When you went into the room, you asked the
2 defendant to identify what property was hers; is that
3 correct?

4 A. Yes.

5 Q. And she told you / about the purse inside the
6 backpack, right?

7 A. Yes.

8 Q. But she told you about the purse inside the
9 backpack after she pointed at the backpack and / said it
10 was hers; isn't that correct?

11 A. Yes.

12 MS. BANKS: Your Honor, I object to the form of the
13 question as leading.

14 THE COURT: Objection is sustained as to */ the last
15 question.

16 Q. BY MS. BENDER: What was the very first thing
17 that the defendant told you about the backpack?

18 A. That it was hers.

19 Q. She pointed at it? /

20 A. Correct.

21 Q. Did she tell you about some of her belongings
22 that you could find inside her backpack to identify it was
23 hers?

24 A. Yes. She said / there was a purse inside, that
25 her purse was inside.

26 Q. And her claim of ownership of that backpack

1 didn't change until you confronted her with / what you
2 discovered; isn't that correct?

3 MS. BANKS: Objection. Leading.

4 THE COURT: Sustained.

5 Q. BY MS. BENDER: When did her claim of ownership
6 change?

7 A. When I discovered the bag of white substance,
8 then / I turned around to her, and she said, "That's not
9 mine."

10 Q. Did she say anything else?

11 A. No.

12 Q. Now, once your security officers contacted the
13 defendant / in the room and saw what they thought was
14 contraband, was the defendant given time to pack up her
15 things?

16 A. No.

17 Q. Was she simply escorted / down to the front desk
18 where you met her?

19 A. I wasn't there in the room, but she was escorted
20 downstairs.

21 Q. And what's your hotel policy / once contraband is
22 found in a room?

23 A. Everything stays in the room until the police
24 arrive.

25 MS. BENDER: Nothing further.

26 THE COURT: You may examine.

1 MS. BANKS: Thank you, your Honor. */

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6 *****EACH EXAM VARIES. THE ACTUAL TEST GIVEN MAY BE**
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