

1 Q All right. When Mr. Dev would have sex with you,
2 did he where a condom?

3 A Towards the end, yes. In the beginning, I don't
4 recall him wearing any condoms.

5 Q Were you on any form of birth control at all?

6 A No.

7 Q All right. Did you ever get pregnant as a result
8 of him having sex with you?

9 A Yes.

10 Q Okay. When is the first time that you remember
11 becoming pregnant?

12 A I think it was -- I don't recall the year, but I
13 think it was January.

14 Q All right. And what happened when you became
15 pregnant?

16 A I had an abortion.

17 Q All right. How did you arrange for that --

18 THE COURT: Hold on. I'm still trying to put it
19 in chronology.

20 When he asked when and you said you didn't
21 remember the year, are you talking about when you're
22 still in high school or after you graduated?

23 THE WITNESS: It was after graduation.

24 THE COURT: Okay. Go ahead, Mr. Mount.

25 MR. MOUNT: Thank you.

26 Q So sometime after June of 2002. Right?

27 A Uh-huh.

28 Q And you think it was sometime in January?

1 A Yeah, I think so.

2 Q Okay. And you said you had an abortion. Is that
3 right?

4 A That's right.

5 Q Okay. How did that happen?

6 A He took me. He told if anyone finds out, we're
7 going to be in big trouble. Again he told me everything
8 is going to stop, and so he had me -- he told me, you
9 know, you should have abortion. And he took me to the
10 abortion place.

11 Q All right. How old were you when you started
12 getting your period?

13 A I had just actually --

14 Q How old were you when you got your first period?

15 A When I was 15. That was -- actually, no, not 15.
16 I'm sorry, 14. This was right before I came to America.

17 Q Okay. So you had first started getting your
18 period when you were in Nepal?

19 A Yes.

20 Q And had you ever had sex education in Nepal?

21 A No, we don't talk about sex in Nepal.

22 Q Did you know what was happening to you every
23 month when you had your period?

24 A Did I know --

25 Q When you first started getting your period in
26 Nepal when you were first living here in January of
27 1999, did you know what it was when you were getting
28 your period?

1 A Yes.

2 Q Who had told you about that?

3 A Well, I mean, it just -- I got my period, and my
4 mom had told me that you're -- now you're a woman and
5 you're going to get it every month.

6 Q All right. So how did you first know that you
7 were pregnant when you became pregnant?

8 A I did not get my period.

9 Q All right. And what did you do when you didn't
10 get your period?

11 A I was very nervous, and I told Ajay.

12 Q And what did he say when you told him that you
13 were late on your period?

14 A He said, well, you know, let's go check it out.
15 And, actually, he took me to his office that day, and he
16 got me a test, pregnancy test thing.

17 Q Where was his office?

18 A In Sacramento.

19 Q All right.

20 A Department of Water Resources.

21 Q All right. So you took a pregnancy test and --

22 A And it came out positive.

23 Q All right. So at some point in time after that
24 is when you went -- you said you went to an abortion
25 clinic?

26 A Yes.

27 Q And who went with you?

28 A Ajay.

1 Q And did anybody else go with you?

2 A No.

3 Q Did you tell Peggy that you were going for an

4 abortion?

5 A No.

6 Q All right. At this point in time, had you ever

7 had sexual relations with anybody other than Mr. Dev?

8 A No.

9 Q In high school, you didn't have any --

10 A No, I didn't have any boyfriend.

11 Q -- boyfriend?

12 A No.

13 Q All right. So do you remember what happened when

14 you went to this abortion clinic?

15 A Do I know what happened?

16 Q Yeah. Do you remember what happened?

17 A Yes. We went inside, and I had to file a form --

18 fill out a form, and Ajay told me not to put his name,

19 not to put anyone's name, and so I didn't put anybody's

20 name. And I went to -- and I went inside, and they did

21 an ultrasound on me, and then they gave me a pill that I

22 had to take.

23 Q Okay. Is this the only abortion you had had?

24 A No, I had two more after this.

25 Q You said you had three abortions?

26 A Yes.

27 Q And did these all occur between the time you

28 graduated high school in June of 2002 until you moved

1 out of their house in December of '03?

2 A Yes.

3 Q The three times that you had an abortion, did
4 you, during that time, were you having sexual relations
5 either with your will or against your will with anybody
6 other than Mr. Dev?

7 A No.

8 Q All right. So what you're telling us is those
9 three pregnancies were all because of intercourse with
10 Mr. Dev?

11 A That's correct.

12 Q All right.

13 THE COURT: Mr. Mount, are you changing line of
14 questioning now?

15 MR. MOUNT: I'm not sure whether I'm changing
16 line of questioning. This is a good time to take a
17 break.

18 THE COURT: Well, you had just finished asking
19 about the three abortions. I didn't know if you were
20 going to continue asking about those or if you were
21 going to move to something else.

22 MR. MOUNT: I probably have some more questions
23 about those, but this is a good time to stop. I can
24 stop.

25 THE COURT: If it is a good time, let's go ahead
26 and take the break. We're almost at noon.

27 So what we'll do, Ms. Dev, is we're going to pick
28 up at 1:30 this afternoon. So you're ordered back then,

1 but nothing is going to happen here in the courtroom
2 between now and 1:30, so you don't have to be here. And
3 Mr. Dev, you are ordered back as well. Counsel I'll see
4 you at 1:30 also.
5 Thank you.
6 MR. MOUNT: Thank you, your Honor.
7 MR. ROTHSCCHILD: I may leave my materials here?
8 THE COURT: Are you asking my permission?
9 MR. ROTHSCCHILD: Yes.
10 THE COURT: Or are you asking if they will remain
11 secure?
12 MR. ROTHSCCHILD: I'm asking your permission.
13 THE COURT: You have my permission. I cannot
14 assure you they will remain secure.
15 MR. ROTHSCCHILD: I have confidence in your court.
16 (Lunch recess taken.)
17 THE COURT: Thank you. Go ahead and take a seat.
18 Mr. Mount, you may continue questioning.
19 Ms. Dev would it be all right to start without
20 the water being here yet?
21 THE WITNESS: That's fine.
22 THE COURT: Go ahead.
23 MR. MOUNT: Thank you, your Honor.
24 Q Now, you said that you became pregnant three
25 times between graduating high school in June 2002 and
26 when you moved out in 2003. Is that correct?
27 A That's correct.
28 Q Did you have abortions all three times?

1 A No, one of them was miscarriage.

2 Q But did you go to the doctor -- you think you
3 went to the clinic three different times or just twice?

4 A Three different times.

5 Q And the two that were aborted, did you have a
6 medical procedure or was it a pill?

7 A Pill.

8 Q All right. And every time you went, Mr. Dev
9 accompanied you?

10 A That's right.

11 Q You said something earlier this morning about
12 giving -- not putting anybody's names on papers. Is
13 that correct?

14 A Yeah, any fathers, who impregnated me, their
15 name.

16 Q So you didn't give the purported father's name?

17 A That's correct.

18 MR. MOUNT: Your Honor, I would like to have
19 these marked as People's Exhibits 1 and 2. They are --
20 they are subpoenaed DT documents that are in the Court's
21 file that have been discovered to me through
22 Mr. Rothschild.

23 The first packet, I believe, is defendant's --
24 numbered Defendant's 1 through, I think, 11, and a
25 second group is marked Defendant's 33 through --
26 actually, they're different documents, but the rest of
27 them are here. There's 35. They're in different order,
28 but they're through page 46, 1 through 46 between the

1 two groups. They are, I believe, Mr. Rothschild would
2 agree, subpoenaed documents from Planned Parenthood and
3 a place called Pregnancy Consultation Center.

4 THE COURT: Can they be stapled together?

5 MR. MOUNT: They can be, that's fine.

6 THE COURT: Not that the two packets get stapled,
7 but the paper clips be replaced by staples.

8 MR. MOUNT: Yes.

9 THE CLERK: This is one?

10 MR. MOUNT: This is one. One, for the record,
11 being the documents that were subpoenaed and are in the
12 Court's file from Planned Parenthood, and the second one
13 would be from the Pregnancy Consultation Center.

14 (People's Exhibits 1 and 2 were marked for
15 identification.)

16 MR. MOUNT: I can ask a couple more questions
17 while counsel is looking at those.

18 Q When did you first become sexually active in
19 terms of intercourse with anyone other than Mr. Dev?

20 A It was after all three abortions.

21 Q Do you remember approximately when your first
22 consensual sexual encounter with someone was?

23 A Yes. It was after I moved out from my
24 apartment -- from their house, I'm sorry.

25 Q So sometime after December of 2003?

26 A That's right.

27 Q And what was that young man's name?

28 A Will.

1 Q All right. And before you had sex with Will, did
2 you go to get yourself checked out?

3 A Yes.

4 Q And why was that?

5 A I just wanted to make sure that I didn't have any
6 kind of disease before I have sex with Will.

7 Q Okay. At the time you started to have sex with
8 Will, did you tell Will about what was going on with
9 Mr. Dev?

10 A No.

11 Q All right.

12 THE COURT: Hold on. I think Mr. Rothschild is
13 distracted from looking at the exhibits by the
14 examination, so let's take a moment.

15 MR. MOUNT: All right.

16 Mr. Rothschild, are those documents you already
17 have?

18 MR. ROTHSCCHILD: May I just have one moment. I
19 believe these are the materials that were subpoenaed to
20 the Court. Judge Mock reviewed them, released them,
21 gave them to me. I agreed to make a copy for the
22 district attorney, but I just wanted to double check a
23 couple pages. It will just take a second.

24 I'm satisfied for purposes of the preliminary
25 hearing only. I have no objection to Exhibits 1 and 2,
26 either marking them or having them considered by the
27 witness. That's again for purposes of this hearing.

28 MR. MOUNT: I'm not sure your staple worked.

1 THE COURT: Just clip them together for now.
2 MR. MOUNT: Okay.
3 Q When you went to have your -- when you went to
4 have the abortion, you did have to sign some documents.
5 Correct?
6 A Yes.
7 Q And you had to put your name on them. Correct?
8 A That's right.
9 Q Showing you the documents that are in People's
10 No. 2.
11 MR. ROTHSCHILD: May I just have a moment.
12 That's the pregnancy consultation?
13 MR. MOUNT: Right.
14 MR. ROTHSCHILD: Could you reference the page
15 number, please.
16 MR. MOUNT: The bottom says Defendant's 37,
17 bottom right-hand corner.
18 MR. ROTHSCHILD: Got it.
19 BY MR. MOUNT:
20 Q Does this look like the form that you had to fill
21 out?
22 A Yes.
23 Q And it has your name here at the top?
24 A Yes.
25 Q And it has Ajay as notifying case of emergency.
26 Is that correct?
27 A That's right.
28 Q And you had to tell them when you had had your

1 last menstrual cycle. Is that correct?

2 A That's correct.

3 Q This was -- and you -- this is now page --

4 Defendant's 38. Your signature at the bottom, is that

5 where it says -- is that your signature?

6 A Yes.

7 Q That's from May 8th of 2003?

8 A Yes.

9 Q Were these papers from one of the abortions that

10 you talked about?

11 A Yes.

12 Q Here is the same type of page. It is Defendant's

13 43. Where once again you have your name at the top and

14 under emergency it has Ajay Dev. Correct?

15 A Uh-huh.

16 Q And once again, you're asked the last -- first

17 day of your last menstrual period, which you put down as

18 11-20-02. Is that correct?

19 A Yes.

20 Q And you listed Ajay Dev as your father. Correct?

21 A (Witness nods head.)

22 Q And this is signed January 2nd of 2003. Is that

23 correct?

24 A Yes.

25 Q Are those records from one of those abortions?

26 A Yes.

27 Q Okay. Show you People's No. 1 for

28 identification. Showing you the last page, page 11 of

1 that. Do you remember, is this what you were talking
2 about when you said that you were being tested for
3 sexually transmitted diseases?

4 A I believe so, yes.

5 Q Okay. And that's dated from 11-6 of 2003.
6 Correct?

7 A Yes.

8 Q Okay. And that's at Planned Parenthood as
9 opposed to the Pregnancy Consultation Center. Correct?

10 A Yeah.

11 Q Okay. Do you remember having those -- going in
12 for those doctors' appearances?

13 A Yes.

14 Q Okay. And you said the pregnancies were all due
15 to the defendant having sexual intercourse with you.
16 Correct?

17 A Yes.

18 Q Okay. Now, you said that sometimes he held you
19 down. Is that right?

20 A Yes.

21 Q Okay. And then you said there were sometimes
22 where he didn't have to hold you down, that you just let
23 it happen?

24 A Yes.

25 Q Okay. Were there ever times when he hit you at
26 all?

27 A Yes.

28 Q Can you describe one of those incidents to us?