

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,  
vs.  
OTIS LEROY RODGERS,  
Defendant.

RIF No. 098234

The NAMED VICTIM JOYCE  
TWO-YEARS PRIOR TO TRIAL DENYING SHE HAD BEEN VICTIMIZED

REPORTER'S TRANSCRIPT OF 1538.5 MOTION

Proceedings had before the Honorable Vilia Sherman,  
Judge of the Superior Court in and for the County of Riverside,  
Department 62, August 30, 2001

APPEARANCES:

For the People:

white ROAST FEMINAZI

OFFICE OF THE DISTRICT ATTORNEY  
BY: DEBORAH LUCKY, Deputy DA SS KKK  
4075 Main Street, First Floor  
Riverside, California 92501

For the Defendant:

OTIS LEROY RODGERS  
In Propria Persona

Reported by:

TONI C. O'NEILL, CSR NO. 5482  
Official Court Reporter

COPY

1 here but not until you finish testifying.

2 THE DEFENDANT: And the officer -- the officer  
3 will get her when I need her?

4 THE COURT: Yes, absolutely.

5 MS. LUCKY: Yes.

6 THE COURT: Miss Lucky, go ahead.

7 MS. LUCKY: Thank you.

8 GARY BOWEN,

9 called as a witness by and on behalf of the Plaintiff, having  
10 been first duly sworn, was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MS. LUCKY:

13 Q. Could you tell the Court what you do for a living.

14 A. I'm a deputy sheriff with the Riverside County  
15 Sheriff's Department.

16 Q. How long have you been so employed?

17 A. I was hired January 1st, 1997.

18 Q. Just over four years; is that correct?

19 A. Four and a half years.

20 Q. You went through a police academy; correct?

21 A. Yes, I did.

22 Q. In going through the academy, did you take a class on  
23 the preparation of police reports and the writing of reports and  
24 testifying at preliminary hearing pursuant to Proposition 115?

25 A. Yes, I did.

26 THE COURT: Excuse me --

27 ✓ MS. LUCKY: I know this is not a prelim. I just  
28 wanted to put this on the record at this point.

1 THE WITNESS: That's correct. Okay.

2 THE COURT: If it helps you at all, he doesn't  
3 understand whether it was an I.D. card or license from another  
4 state. So you can move on.

5 Q. (By the Defendant) You said you hadn't arrested  
6 Mr. Rodgers for not having a driver's license. At that point  
7 you hadn't arrested him. You pulled him out of the car and put  
8 him inside your car?

9 A. That's correct.

10 Q. You also say you detained him for purposes of  
11 questioning his wife. What type of -- what type of a legality  
12 is that, to put someone in the car to talk to their wife?

13 A. I had probable cause to investigate the incident. I  
14 detained you while I spoke to what could have been a victim, in  
15 my mind. From the knowledge I had, this woman was a victim --

16 Q. So it was necessary --

17 A. -- or possible victim.

18 Q. It was necessary for you to put me in a locked car?  
19 Was that necessary?

20 A. Yes.

21 Q. You mentioned in your report that you spoke to her and  
22 you said she was crying, but she stated that he was not physical  
23 with her and did not threaten to shoot her. Did she make that  
24 statement to you initially?

25 A. That she did not --

26 Q. That the defendant had not threatened her.

27 A. She did tell me that. ✓

28 Q. The defendant had not threatened to shoot her?

DEPUTY GARY BOWEN

1 A. Yes, she told me that. ✓

2 Q. So even after that, you still detained Mr. Rodgers in  
3 the car to speak to her -- how far away did you -- did you speak  
4 to Miss Rodgers -- how far from Mr. Rodgers to Mrs. Rodgers?  
5 How far away was the gap? How far was it?

6 A. I would estimate 30 feet.

7 Q. In this courtroom how far from her to there?

8 A. Probably from here to at least the blue chair behind  
9 you.

10 THE COURT: 20 feet. ✓

11 Q. (By the Defendant) You stated you personally talked to  
12 Miss Rodgers; is that correct?

13 A. That's correct.

14 Q. And you personally asked her if she [sic] Could search  
15 the vehicle?

16 A. Asked her if I could search the vehicle?

17 Q. If you could search the vehicle.

18 A. Yes.

19 Q. Were you the only officer that actually searched the  
20 vehicle?

21 A. Yes. ✓

22 Q. How many officers were there at the time?

23 MS. LUCKY: Objection. Assumes facts not in  
24 evidence.

25 THE COURT: Overruled.

26 Q. (By the Defendant) How many officers were there with  
27 you at that time?

28 A. Three.  
SS-KKK-UDA LUCKY: "IS THAT WHEN SHE (JOYCE) DENIED THERE HAD BEEN ANY PHYSICAL ABUSE OF HER."  
DEPUTY BOWEN: YES. (RT-27:8-10)

1 Q. Yes.

2 THE DEFENDANT: No further questions.

3 THE COURT: Anything else?

4 MS. LUCKY: Nothing further.

5 THE COURT: Thank you, Deputy. You can step down.

6 Any further witnesses?

7 MS. LUCKY: No, your Honor.

8 THE COURT: You wish to call a witness,

9 Mr. Rodgers?

10 THE DEFENDANT: Yes.

11 THE COURT: You'd like to call your wife?

12 MS. LUCKY: I'll step out.

13 (Pause in the proceedings.)

14 THE COURT: Miss Rodgers, I'm going to make an

15 exception. We normally don't let people take their babies to

16 the witness stand.

17 MS. RODGERS: Four weeks.

18 THE COURT: Is it a he or she?

19 THE WITNESS: She's awake now.

20 THE COURT: Is she going to cry or what? Do we

21 need to take breaks?

22 MS. RODGERS: Don't know.

23 THE COURT: Let's give it a try. We don't have

24 any childcare for you. You have anybody to take care --

25 MS. RODGERS: No, I don't.

26 THE COURT: We'll do our best, then.

27 THE CLERK: Please raise your right hand to be

28 sworn.

# JOYCE RODGERS

1 Q. (By the Defendant) I guess the -- what I wanted to know  
2 from you at this time is that -- at any time during these events  
3 of that night, did you ever -- did anyone ask you permission to  
4 search my car?

5 A. No.

6 Q. Anyone ask you anything similar to that?

7 A. No.

8 Q. There's an officer sitting here -- he's not an officer.  
9 He's a deputy. There's a gentleman sitting back there with the  
10 short hair. Do you recall seeing him that evening? Do you  
11 recall seeing him?

12 A. No, I don't.

13 Q. Did this officer ever talk to you? Did you ever  
14 communicate with this officer, "Hello, how are you doing?" Did  
15 you say anything to this officer?

16 A. No.

17 Q. You're saying you never spoke to this officer?

18 A. No, I never spoke to this officer.

19 Q. Of course, it would be redundant to say you never gave  
20 him permission to do anything; is that correct?

21 A. Yes.

22 Q. Did you tell any of the officers on that particular  
23 evening that you and your husband was having an argument?

24 A. No, I didn't.

25 Q. The evening prior to being at this location, where had  
26 you and your husband been?

27 A. To the bar.

28 MS. LUCKY: Objection. Relevance as to the prior

1 you? How many deputies did you see there that night?

2 A. I saw four.

3 Q. You saw four -- four deputies?

4 A. Yes.

5 Q. How many of those deputies was in close proximity to  
6 you to be able to speak to you or talk to you?

7 A. Two.

8 Q. Do you recall any of the deputies speaking to you?

9 A. Yes, I do.

10 Q. Which deputy was that?

11 A. The short one. I don't know his name, but he was like  
12 the -- I think he's kind of Mexican, short one.

13 Q. Did you -- what did he talk to you about? What did he  
14 say to you?

15 A. Well, that night he asked what was going on, and we --  
16 I told him that we were talking.

17 Q. Go ahead.

18 A. We were talking about things.

19 Q. I read in the police report that this officer gave you  
20 a ride home. This one gave you a ride home?

21 A. Which one?

22 Q. The one you call the short one.

23 A. Yes, the short one. ✓

24 Q. I think -- we could agree that the short one is  
25 Officer -- Deputy Padilla? ✓

26 A. Yes.

27 THE COURT: You're willing to stipulate to that?

28 MS. LUCKY: That's fine.

1 THE COURT: Okay.

2 Q. (By the Defendant) Deputy Padilla gave you a ride home;  
3 is that correct?

4 A. Yes. ✓

5 Q. Did he ever ask you about do you consent to search the  
6 car?

7 A. No.

8 Q. Did you hear any conversations between your husband and  
9 Deputy Bowen sitting back there? Did you hear any conversations  
10 between the two of them?

11 A. No.

12 Q. You didn't hear any conversations between the two?

13 A. No, I didn't.

14 Q. Were you afraid to tell officers anything at that time?  
15 Were you afraid because of your husband -- were you afraid to  
16 tell them anything?

17 A. No, I wasn't. ✓

18 Q. Are you considered a battered woman?

19 MS. LUCKY: Objection as relevance.

20 THE WITNESS: No, I'm not.

21 THE COURT: I'm sorry. Does she think of herself  
22 as a battered woman?

23 THE DEFENDANT: The D.A. mentioned that because  
24 when they are afraid --

25 THE COURT: Oh, all right. That's calling for a  
26 conclusion. The objection is sustained.

27 MS. LUCKY: Move to strike.

28 THE COURT: It will be stricken.



1 Q. (By the Defendant) You were not being abused that day;  
2 is that correct?

3 A. Yes.

4 Q. Bad question.

5 Were you abused that evening?

6 A. No, I was not. ✓

7 Q. Were you afraid of your husband?

8 A. No, I wasn't. ✓

9 Q. Were you afraid to tell the police anything you wanted  
10 to tell them?

11 A. No, I wasn't. ✓

12 Q. But you're saying categorically and emphatically you  
13 did not give Deputy Bowen the -- you didn't give Deputy Bowen  
14 permission to search the car? ✓

15 A. No, I didn't. ✓

16 THE DEFENDANT: I have no further questions.

17 THE COURT: Cross-examination.

18 MS. LUCKY: Thank you, your Honor.

19 CROSS-EXAMINATION

20 BY MS. LUCKY:

21 Q. Miss Rodgers, when the police contacted you and your  
22 husband that night, you were crying, weren't you?

23 A. No, I wasn't. ✓

24 Q. Were you crying at any point during this encounter with  
25 the police? ✓

26 A. No. ✓

27 Q. Did you have any scratches on your arms?

28 A. Yes, I did.

1 A. Yes.

2 Q. Did you see another police vehicle there near your car?

3 A. Yes.

4 Q. Did you see where the other three deputies were at this  
5 time?

6 A. They were by the car -- by my car.

7 Q. Did you see where your husband was at this point?

8 A. Yes. They had him in the car.

9 Q. Did any of the other deputies ever approach you?

10 A. No.

11 Q. Did any of the other deputies approach Deputy Padilla  
12 as he was standing with you this hundred feet away from where  
13 all the activities are going on?

14 A. Not that I remember.

15 Q. So it was the two of you off by yourselves, and the  
16 activity was happening a hundred feet away by your car?

17 A. Yes.

18 Q. Didn't you tell at least one of the deputies that you  
19 had been arguing with your husband? ✓

20 A. No. ✓

21 Q. Did any of the deputies ever tell you -- or ask you --  
22 I'm sorry -- whether or not there were any weapons inside your  
23 car?

24 A. I don't know.

25 Q. None of them ever asked you if there were weapons  
26 inside?

27 A. No. They asked to search the car. They said -- the  
28 deputy told me he was going to look around in the car. And he

1 Q. You said you only spoke to one deputy; is that correct?

2 A. Yes.

3 Q. But there were four deputies; correct?

4 A. Yes.

5 Q. But you only spoke to one?

6 A. Yes.

7 Q. You mentioned there was some scratches on your -- on  
8 your arm. How did those scratches come about?

9 A. From getting pumped around in the bar.

10 Q. Was the bar -- was the bar packed?

11 A. The bar was packed.

12 THE DEFENDANT: Can I have a moment, your Honor?

13 I have no further questions, your Honor.

14 THE COURT: Anything else?

15 MS. LUCKY: Just briefly, your Honor.

16 RECROSS-EXAMINATION

17 BY MS. LUCKY: -PROSECUTOR

18 Q. How long had you been in the parking lot prior to the  
19 police arriving there where they found you?

20 A. I think about 10, 15 minutes.

21 Q. Were you arguing with your husband that entire time?

22 A. No. I was talking to my husband. ✓

23 Q. Were your voices raised?

24 A. No.

25 Q. Were you inside or outside of the vehicle?

26 A. Inside.

27 Q. Were the windows up or down?

28 A. Up.

JOYCE RODGERS

1 Q. Were you talking in just a manner such as we're talking  
2 now?

3 A. Yes.

4 Q. So your voices weren't raised at all angrily?

5 A. No.

6 Q. Did he ever threaten you?

7 A. No. ✓

8 MS. LUCKY: Nothing further.

9 THE DEFENDANT: I have nothing further.

10 THE COURT: All right. Thank you, Mrs. Rodgers.  
11 You are excused, and you can stay in the courtroom if you wish  
12 as long as the baby doesn't cry.

13 Any further witnesses?

14 THE DEFENDANT: Yes. I call myself as a witness.

15 THE COURT: Come on up.

16 You understand the district attorney will get to  
17 cross-examine you about anything having to do with the incident  
18 that evening?

19 THE DEFENDANT: I do.

20 THE COURT: Further, anything you say can and will  
21 be used against you at your trial?

22 THE DEFENDANT: Yes, your Honor, I do.

23 THE COURT: You know you have a right to stay  
24 quiet now?

25 THE DEFENDANT: Yes, I do.

26 THE COURT: Go ahead and swear him in.

27 THE CLERK: Do you solemnly state that the  
28 evidence you will give in the matter shall be the truth, the