

1 PLANTIFF: Mr. Green

2 WITNESS: Lisa Perez

3 COURT:

4 DEFENSE: Ms. Baker

5

6 WARM UP

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8 THE COURT: Counsel, are we ready to proceed this
9 afternoon?

10 MR. GREEN: Yes, your Honor. Thank you. We are ready
11 to call our next witness.

12 THE COURT: Is the defense ready? /

13 MS. BAKER: Yes, your Honor. Thank you for allowing
14 the late start today. I did advise Judge Benton that I
15 was engaged in trial here. His clerk /might be calling
16 later.

17 THE COURT: You mean he is going to be checking up
18 on you?

19 MS. BAKER: Apparently so.

20 THE COURT: All right. Let's bring the jury in and /
21 then you can call your next witness.

22 MR. GREEN: All right. Thank you, your Honor.

23 THE COURT: The record may reflect the jury has now
24 rejoined us.

25 MR. GREEN: Yes, your / Honor. The people call Lisa
26 Perez to the stand.

1 THE COURT: Please step forward to be sworn, ma'am.
2 Please state your name and spell it for the / record.

3 THE WITNESS: My name is Lisa Perez, P-E-R-E-Z.

4 THE COURT: Thank you. Proceed.

5 EXAMINATION

6 Q. BY MR. GREEN: Mrs. Perez, thank you for coming
7 in today. I have some / questions for you. Please speak
8 clearly and loudly so we can all hear what you have to
9 say.

10 A. All right.

11 Q. If you don't understand anything / that I'm
12 saying, please let me know immediately and I will
13 clarify it for you. Does that sound okay?

14 A. That's fine. No problem.

15 Q. Now, I */ wanted to ask you some questions about
16 the date of December 15 of last year. Where were you
17 residing as of that date?

18 A. I lived / in Los Angeles last year.

19 Q. Do you still reside there presently?

20 A. No, I have relocated from that apartment and now
21 I live in a house / somewhere else.

22 Q. You aren't required to give us the address, but
23 are you still in the area?

24 A. Yes, I am. I moved to a house / in Orange
25 County.

26 Q. Are you employed at the present time?

1 A. Absolutely. I am working in an office during the
2 day, and I also work on / the weekends in a department
3 store.

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6 **END OF WARMUP**
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1 EXAM

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3 BY MR. GREEN: On December 15 of last year were you
4 working on that date?

5 A. Yes, I was.

6 Q. What were your hours / on that date?

7 A. My hours are 9:00 to 5:00. That day it was the
8 same.

9 Q. Was there something that happened on December 15
10 that was / not normal for you?

11 MS. BAKER: Objection. Vague.

12 THE COURT: Sustained.

13 Q. BY MR. GREEN: On December 15 what time did you
14 arrive at work?

15 A. I usually get there about 8:30.

16 MS. BAKER: Objection. / Nonresponsive.

17 THE COURT: Sustained.

18 Q. BY MR. GREEN: On that specific day, what time
19 did you arrive at work, if you remember?

20 A. I got there about 8:30.

21 Q. Okay. When you */ arrived early that day, did
22 you go into the building, or what happened?

23 A. I was in my car in the parking lot and I was /
24 waiting for Brenda to open the office.

25 Q. Who is Brenda?
26

1 A. She is the office manager and she usually comes
2 in before I do. She has / the keys to the door and she
3 opens up the place.

4 Q. Did Brenda open up the office that day?

5 A. Yes, she did.

6 Q. After you both / had gone into the office, what
7 happened then?

8 A. I just went about my business to get things
9 ready for the day. We had a lot / of appointments that
10 day and it was going to be busy.

11 Q. Okay.

12 A. We had several big accounts coming in that day.

13 MS. BAKER: Objection. No question pending. /

14 THE COURT: At this point, sustained. Next question,
15 please.

16 Q. BY MR. GREEN: Could you briefly tell us what
17 your employment position is and what you do for the
18 office?

19 A. Yes, / I am the person in the office who
20 completes the billing for the accounts.

21 Q. What type of business is it?

22 MS. BAKER: Objection. Irrelevant.

23 THE COURT: Overruled.

24 THE WITNESS: It is / a property management
25 business.

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1 Q. BY MR. GREEN: Now, did something unusual happen
2 on that morning after you had arrived at work?

3 A. Yes, it did.

4 Q. Explain to us what */ happened.

5 A. We had only been in the office for a short time
6 and my cell phone went off. I had forgotten to set it
7 on / silent that morning.

8 Q. Did you answer your telephone?

9 A. No, I didn't answer it then and figured I would
10 check the messages later. My supervisor doesn't / like
11 people to take personal calls at work unless it's an
12 absolute emergency.

13 Q. Is your cell phone the type where you are able
14 to see / who is calling before you actually answer it?

15 A. Yes, it is, but I didn't open it up to look. I
16 just let it ring in / my bag and thought I would check
17 it later. I went over to turn the volume down so it
18 wouldn't ring again and disturb anybody. /

19 Q. When you retrieved your phone, did you
20 subsequently notice if you had any messages?

21 A. Yes, the display showed a message, but I really
22 didn't know / who it was from.

23 Q. Did your supervisor make any comments to you
24 about that incident?

25 MS. BAKER: Objection. Hearsay.

26 THE COURT: No, not yet. You can answer yes or / no.

1 THE WITNESS: No, he didn't say anything to me.

2 Q. BY MR. GREEN: Did you receive any other calls
3 that morning?

4 A. Yes, I did, but not on my personal phone. */

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1 START TYPING

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3 Q. BY MR. GREEN: Ma'am, when did you receive the
4 next call that day?

5 A. It was only about 20 minutes later I received a
6 page that I had a / call.

7 Q. What exactly do you mean you received a page? Is
8 this your cell phone again?

9 A. No, the receptionist telephoned me at my desk.

10 Q. You / don't have a direct line to your office?

11 A. Yes, I do, but this call came from the
12 receptionist. There is a central office number and / if
13 you dial that number then you are talking to the
14 receptionist. If you dial somebody's direct line
15 number, then the call just comes directly / to their
16 office.

17 Q. Who was the call from?

18 A. From my husband, Ron Perez.

19 Q. Is that the defendant in this matter?

20 A. Yes, that's correct.

21 Q. Do you / see your husband here in the courtroom
22 today?

23 A. He is right there sitting at the table next to
24 his attorney.

25 THE COURT: The record may reflect the / witness
26 has identified the defendant.

1 MR. GREEN: Thank you, your Honor.

2 Q. BY MR. GREEN: Did you speak with the defendant
3 that morning on the phone?

4 A. Yes, that's correct.

5 Q. Now, you / testified that you are never allowed
6 to have any personal calls while you are working. Does
7 that only just apply to receiving incoming calls on */
8 your cell phone, or would it also apply --

9 A. No, it doesn't matter where they call. It's just
10 a working thing where the boss doesn't want / you
11 talking on the phone when you should be doing your
12 duties.

13 Q. Yes, I understand.

14 A. I mean, it's not like somebody is standing there
15 staring / at you or something the minute the phone
16 rings.

17 Q. That was going to be my next question. When you
18 do receive a personal call, what / actually is the
19 procedure for taking that call?

20 MS. BAKER: Objection. It's irrelevant what they
21 normally do. It only matters what happened that
22 morning.

23 THE COURT: Well, I agree, / but the objection is
24 overruled at this time. You may answer the question.

25 THE WITNESS: You can take the call, but it is just
26 like a working / situation. The boss doesn't want you

1 talking on the phone all day while you should be
2 working. That's basically it, really.

3 Q. BY MR. GREEN: Did you have a / conversation
4 with your husband sometime that morning?

5 A. Yes, that's correct.

6 Q. What was the basis of the conversation?

7 A. He wanted to know why I didn't answer / my phone
8 immediately and why I hadn't called him back.

9 Q. Was it your husband who had called earlier that
10 morning?

11 A. Yes, he said he left */ me a message and why
12 didn't I answer his message.

13 Q. What happened then?

14 A. He just continued yelling at me and told me that
15 I would / be sorry if I didn't answer his calls in the
16 future.

17 Q. What did you respond to him?

18 A. I told him we could always discuss it / later,
19 that I was working and couldn't really talk to him
20 anyway.

21 Q. Did that seem to satisfy him?

22 A. He continued to keep yelling louder and / got
23 more agitated. I told him I was going to have to really
24 hang up because my supervisor was getting angry with
25 me.

26 Q. Was that / truthful?

1 A. No, he wasn't even there yet.

2 Q. Is this Brenda you are talking about?

3 A. No, no. Brenda is only the office manager. I
4 guess she / is one of my bosses in a way. I consider
5 the gentleman who owns the company to be my supervisor
6 and that's who I was / talking about with my husband.

7 Q. What is his name?

8 A. Michael hired me.

9 Q. What's his full name?

10 A. Michael Watson.

11 Q. How long has Michael been your supervisor? /

12 A. Oh, he is the gentleman who hired me. I started
13 to work there about seven years ago and that's who
14 hired me.

15 Q. Okay. Was Brenda */ present when you received
16 this particular call from your husband?

17 A. Correct, she was working. She wasn't standing
18 next to me, but she was in the / same room as I was.

19 Q. Do you know if she overheard the conversation?

20 MS. BAKER: Objection. Speculation.

21 THE WITNESS: I believe she did.

22 MS. BAKER: Objection. Move to strike.

23 THE COURT: Sustained. The / answer is stricken. The
24 jury is admonished to disregard the answer.

25 MS. BAKER: Thank you, your Honor.

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1 Q. BY MR. GREEN: Did Brenda make any comments to
2 you during this conversation? /

3 A. No.

4 Q. So you relayed to your husband that you have to
5 hang up because your boss was upset. What happened
6 then?

7 A. He said that he / wanted to talk to me and he
8 would come and see me in person if I wasn't going to be
9 talking to him.

10 Q. What did / you do then?

11 A. I said I needed to go and that I would speak to
12 him later.

13 Q. Did you hang up the receiver?

14 A. Definitely, I / did.

15 Q. Mrs. Perez, do you follow a set lunch schedule
16 at work?

17 A. No, not particularly. I mean, I don't usually go
18 out to lunch anyway. / Oftentimes I eat in my office
19 and usually try to get some billing statements
20 finished. It depends on how busy we are.

21 Q. That morning did */ you have plans with anybody
22 for lunch?

23 A. Correct, Brenda and I were going to go out to a
24 new taco place that had just opened / up down the
25 street.

26 Q. What time was your lunch hour that day?

1 A. Brenda wanted to leave about 1:00 o'clock
2 because then any potential crowd would / probably be
3 gone at the restaurant. Since we didn't have any time
4 problems, we decided to wait for any crowd to die down.

5 Q. What time / did you leave for lunch?

6 A. We left about 1:00 o'clock.

7 Q. Is this a restaurant you had to drive to or is
8 it within walking distance? /

9 A. We just casually walked over there. It is close
10 enough to walk.

11 Q. Did something unusual happen at the taco place?

12 A. Well, the defendant quickly approached / our
13 table and started yelling at me.

14 Q. Who was present at that time?

15 A. It was just me and Brenda at our table, but the
16 place / was still kind of crowded.

17 Q. How many people were in the taco place right
18 then?

19 MS. BAKER: Objection. No foundation. Speculation.

20 THE COURT: Sustained.

21 Q. BY MR. GREEN: Do you know how many / people were
22 there when you were there?

23 A. No, I don't know for sure.

24 Q. Could you give us an estimate of how many people
25 were present? */

26 MS. BAKER: Objection. Irrelevant.

1 THE COURT: Overruled.

2 THE WITNESS: I would say there were about 20 people
3 there when he came in.

4 Q. BY MR. GREEN: Did you have a conversation with
5 the defendant at / the restaurant?

6 A. If you want to describe it that way. It was
7 mostly the defendant yelling at me, and my telling him
8 to be quiet, / I would talk to him later. I asked him
9 to leave us alone and I would telephone him later.

10 Q. How did he respond to that? /

11 A. The defendant said he was going to patiently
12 wait for me outside and perhaps I needed to hurry up
13 and finish eating.

14 Q. Did he subsequently / leave the restaurant?

15 A. Yes, that's correct.

16 Q. Did you observe where the defendant went?

17 A. No, I couldn't see out into the parking lot from
18 where I / was sitting.

19 Q. Did you ultimately finish your meal, or what
20 happened?

21 A. Well, Brenda initially said we should just leave
22 and then --

23 MS. BAKER: Objection. Hearsay.

24 THE COURT: Sustained.

25 Q. BY MR. GREEN: What / did you do after that
26 happened?

1 A. We finished our lunch and ultimately returned to
2 the office.

3 Q. Did you observe the defendant any more that
4 afternoon? /

5 A. No, I didn't.

6 Q. He wasn't actually waiting for you in the
7 parking lot as he had said?

8 A. No, I didn't see him. If he was */ there, I
9 didn't see him.

10 Q. Then did you return to work and finish out your
11 day there?

12 A. Yes, Brenda and I returned back to work / and I
13 just had lots to finish up that afternoon. I had a lot
14 of filing to do and I wanted to get it done / before I
15 left that afternoon.

16 Q. Did you have any more conversation or contact
17 with the defendant that day or evening?

18 A. No, I didn't hear from / him again until the
19 next morning.

20 Q. Did you have any discussion with Brenda about
21 what had transpired that day?

22 MS. BAKER: Objection. Hearsay.

23 THE COURT: Overruled. You may answer / yes or no.

24 THE WITNESS: Yes, I did.

25 Q. BY MR. GREEN: What was that discussion?

26 MS. BAKER: Objection. May we approach side bar?

1 THE COURT: All right. On the record, please.

2 MS. BAKER: Your Honor, I / object to any of this
3 discussion that the question called for on the grounds
4 of hearsay.

5 THE COURT: That would be sustained. It is hearsay.

6 MR. GREEN: I believe / it falls in the category of
7 an exception to the hearsay rule. If the victim makes
8 statements right after the event happens, I believe
9 that / conversation comes in. Whatever conversation she
10 had with Brenda would be admitted based on that.

11 THE COURT: What is the time lapse here? I don't
12 think that */ we have enough information yet.

13 MS. BAKER: Well, I don't want it to come out in
14 front of the jury, your Honor.

15 THE COURT: Let's release the jury on / a break and
16 then we can conduct a hearing with the witness.

17 MR. GREEN: Thank you, your Honor.

18 THE COURT: Ladies and gentlemen, the attorneys and
19 I have some / business to conduct that's not going to
20 require your presence. The jury is on break for ten
21 minutes. Everyone is ordered to return at that / time.
22 Thank you.

23 The record should reflect the jury is no longer
24 present. Do you have any questions for the witness?

25 MS. BAKER: Yes, I do. Thank / you, your Honor.

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1 EXAMINATION

2 Q. BY MS. BAKER: Mrs. Perez, you testified that
3 Brenda was present with you at lunch; is that correct?

4 A. Yes, it is.

5 Q. Was Brenda also present / when you had the
6 telephone call at work before lunch?

7 A. Correct, she was in the same office I was.

8 Q. Did she overhear your end of / the conversation
9 that morning on the telephone?

10 A. Yes, she did. She knows we have really been
11 having trouble for a while. It was not a / secret.

12 Q. Did you have any discussion with her in the
13 office before you left to go to lunch?

14 A. Yes, we did.

15 MR. GREEN: Your Honor, I believe */ this hearing
16 was regarding the conversation that was between the
17 witness and Brenda at the restaurant. That was the
18 objection that was given.

19 THE COURT: Counsel.

20 MS. BAKER: Yes, / your Honor, that's correct. But
21 since the objection was the same grounds, I believe I
22 can cover them both.

23 THE COURT: Objection overruled. Let's continue.
24 Okay. Next / question, please.

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1 Q. BY MS. BAKER: Did you have any discussion in the
2 office before you left for lunch?

3 A. Correct.

4 Q. What did you say to Brenda and what did / Brenda
5 say to you?

6 A. Brenda asked me if I wanted her to call anybody
7 or let somebody know what was going on.

8 Q. How did you / reply?

9 A. I assured her I was okay, that I was certainly
10 used to it.

11 Q. Used to what?

12 A. To his being very angry for just about /
13 everything.

14 Q. Did you have any other conversation at the
15 office before you went to lunch?

16 A. No, that was basically it.

17 Q. At the restaurant what was / the discussion that
18 you had after the defendant left?

19 A. I basically apologized to her for the fight. She
20 said not to worry about her, that / she was more
21 concerned about me.

22 Q. And what did you say?

23 A. Nothing other than I was sorry.

24 Q. And how did Brenda respond to you?
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Q. At the restaurant after the defendant left, how much time passed before you started talking with each other?

A. It was immediately after he / left. Brenda said that she thought we should notify somebody and try to get someone to walk us back to work or drive us back.

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