

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN THE CITY AND COUNTY OF SAN FRANCISCO
HONORABLE GARRETT WONG, JUDGE PRESIDING

DEPARTMENT NO. 15

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COPY

7	THE PEOPLE OF THE STATE OF)	
8	CALIFORNIA,)	Court No. 12001311
9)	
10	Plaintiff,)	
11)	
12	vs.)	
13)	
14	ROSS MIRKARIMI,)	<u>402 HEARING</u>
15)	
16	Defendant.)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Friday, March 2, 2012

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Reported by: Susan Lee, CSR No. 4280
Official Court Reporter

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I N D E X

WITNESSES

For the People:

Direct

Cross

Christine Marie Flores

(By Ms. Aguilar Tarchi) 7

(By Ms. Stiglich) 63

1 **FRIDAY, MARCH 2, 2012**

9:27 A.M.

2 --- PROCEEDINGS ---

3 **THE COURT:** All right. We're on the matter of the
4 People vs. Ross Mirkarimi, Court No. 12001311. This is an
5 in camera hearing pursuant to the motion filed by the People
6 to admit evidence of other acts of domestic violence under
7 Evidence Code Section 1109. The Court has expressed, based on
8 an offer of proof by the People, that the evidence should be
9 admitted under Section 1109. But the Court, as it explained
10 the other day to the parties, is still required to perform an
11 evaluation under Evidence Code Section 352. So that is what
12 this hearing is designed to do today. And I'll have counsels'
13 appearances at this time.

14 **MS. AGUILAR TARCHI:** Yes. Good morning, Your Honor.
15 Elizabeth Aguilar Tarchi for the People. And present, also,
16 is post-Bar legal intern Ms. Christina Chen.

17 **MS. STIGLICH:** Your Honor, Lidia Stiglich on behalf of
18 Ross Mirkarimi. His appearance has been waived pursuant to
19 977, or I would ask to that it be. And Your Honor, I would
20 just like to note, as you recall our discussions regarding
21 1109 last week, that I did not intend to waive the argument
22 that I raised in my brief regarding the definition of whether
23 the acts in question or the injury in question meets the
24 definition of domestic violence. I believe for purposes of
25 this hearing, the facts elicited about the nature of the
26 incident would be sufficient for Your Honor, then, to make a
27 legal ruling on that issue.

28 **THE COURT:** Okay. Well, I'll need to hear the evidence.

1 Let me further point out that the Court has decided to hold
2 this hearing, actually, in the courtroom rather than in
3 chambers or in the Jury Room. A number of individuals that
4 are involved in this proceeding, the security issues raised by
5 the bailiffs, and also, just the logistical nature of the
6 parties that are involved here, the number of people that
7 involved, the Court decided that it would be best to hold the
8 hearing in the courtroom, itself.

9 The Court has made this an in camera hearing for the
10 expressed purpose of not having the public or the press
11 involved in this case. The Court recognizes the press' and
12 the public's right to know information. However, this is
13 information that is extremely private in nature, and I wish to
14 respect the privacy of not only Ms. Flores who is here today
15 to testify, but also the privacy of the defendant in this
16 matter. Should the Court rule that this evidence does not
17 come into the trial, the Court would be very concerned that if
18 the press got a hold of this information, that they would
19 still pass it onto the public, and that would create even more
20 difficulties with a fair trial for all involved, including not
21 only the defendant, but also for the People. So the Court is
22 well aware of the right of the press to be here, but because,
23 again, of privacy concerns for all involved in this case. And
24 I will say that the parties also agree -- so I don't there's
25 any objection to this -- that we will hold this hearing now.
26 So let us begin.

27 **MS. AGUILAR TARCHI:** Yes. Thank you, Your Honor. At this
28 time I would ask --

1 **THE COURT:** Oh, Ms. Scott?

2 **MS. AGUILAR TARCHI:** Oh, I was just going to ask,
3 Ms. Flores is present, and she needs to be sworn under oath.
4 Could you please stand, Ms. Flores?

5 (Witness sworn)

6 **THE CLERK:** Can you please state and spell your full name
7 name for the record.

8 **THE WITNESS:** My full legal name is Christine Marie
9 Flores, C-h-r-i-s-t-i-n-e, second name M-a-r-i-e, last name
10 F-l-o-r-e-s.

11 **THE CLERK:** Thank you.

12 **THE WITNESS:** You're welcome.

13 **THE COURT:** All right. Before we begin, I'm going to ask
14 you to follow these suggestions. So, have you ever testified
15 before?

16 **THE WITNESS:** No. I have not.

17 **THE COURT:** Okay. So here's how it works. Please let
18 each lawyer finish the question before you start answering
19 because you may be answering something that the lawyer's not
20 asking. Second. Please listen carefully to the question and
21 only answer the question. We do not proceed by way of
22 narrative. In other words, we don't want a story told after
23 each answer. We ask for separate and discreet bits of
24 information. If either lawyer seeks more information, the
25 lawyer will ask another question.

26 And when you answer, you must answer out loud and use an
27 audible English word. Sometimes people shake their heads or
28 they go "uh-huh," or they say "uh-uh". Well, the reporter

1 here is not able to look at you because she's focused on her
2 machine, and her hands are moving very quickly. So it's very
3 important that you give a verbal English response.

4 **THE WITNESS:** Okay.

5 **THE COURT:** Great. So if there comes a point in time when
6 you're not sure, we're asking you not to, guess, because you
7 are under oath. If you don't understand the question, you can
8 say that you don't. If you hear an objection, that means
9 don't answer because it means I must rule on the objection,
10 and I'll tell you if you have to answer the question, or I'll
11 tell the lawyer to ask you another question. So make sure you
12 keep your voice up, though. Well, you should keep it up so
13 that Ms. Stiglich --

14 **THE WITNESS:** Okay.

15 **THE COURT:** We'll go off-the-record.

16 (Off-the-record)

17 **THE COURT:** We're back to record. Make sure you keep your
18 voice up, and this gives an order to the way the testimony is
19 presented.

20 **THE WITNESS:** I have a question.

21 **THE COURT:** Yes.

22 **THE WITNESS:** Do I address you in answering, or do I
23 address whoever's asking?

24 **THE COURT:** Address the lawyers.

25 **THE WITNESS:** Okay.

26 **THE COURT:** Address whoever's talking to you and that
27 should be fine.

28 **THE WITNESS:** Okay. Yes.

1 **THE COURT:** All right. Ms. Aguilar Tarchi, would you
2 please begin. Any other things before we start, counsel?

3 **MS. STIGLICH:** No, Your Honor.

4 **THE COURT:** All right. Very well. You may inquire.

5 **MS. AGUILAR TARCHI:** Yes, thank you.

6 **CHRISTINE MARIE FLORES,**
7 called as a witness by the People pursuant to Evidence Code
8 Section 402, having been first duly sworn, was examined and
9 testified as follows:

10 **DIRECT EXAMINATION**

11 **BY MS. AGUILAR-TARCHI:** Q. Ms. Flores, your legal name is
12 Christine Marie Flores. Do you go by "Christina"?

13 A. Yes, I do. In German, "e" is pronounced (German
14 pronunciation of e). So my mother named me Christina, but
15 spelled it in her traditional thingy. I also go by Christina
16 Marie.

17 Q. Thank you, Ms. Flores. Do you know the defendant,
18 Mr. Ross Mirkarimi, in this matter?

19 A. Yes, I do.

20 Q. And when and where did you first meet Mr. Mirkarimi, if
21 you can recall? And at this point, I'm asking approximately
22 the month, the year, and the location.

23 A. It was in June 2007. It was at the Haight Street Fair. I
24 met him there, and he gave me his card, and we talked about
25 having coffee.

26 Q. All right. And what was Mr. Mirkarimi's line of work when
27 you met him and he gave you his card?

28 A. Supervisor was on the card, San Francisco.

1 Q. All right. And what was your line of work at the time?

2 A. I was working at BJ Droubian Company for Pete Branagan. I
3 stage homes, as well as have open homes. He's a real estate
4 agent, and I've worked for him since 2006.

5 Q. All right. Without giving me an address, where do you
6 live now presently?

7 A. Presently, I have two residences. One, I live with my
8 boyfriend in Marin County, and then for three months I'm in
9 Los Angeles studying there. So I'm both right now.

10 Q. All right. And what is your present line of work?

11 A. I have many jobs, actually. I worked for Net.App. I am
12 their tech talk show host. I've been doing that for half a
13 year now. I also do print modeling for mostly computer
14 companies and drug companies and, also, I do commercial work.

15 Q. Okay. And it sounds like you do have two separate holes.
16 But prior to being in San Francisco for this incident, would
17 you visit the SF office -- San Francisco office, pardon me?

18 A. I don't understand exactly what you're saying, prior to
19 the --

20 Q. Well, how long -- when did you first move to L.A. or
21 to --

22 A. The L.A. is just a temporary housing. I've always been in
23 the Bay Area all my life except two years a long time ago, in
24 Los Angeles. And I'm in the City about four times a week,
25 even though I'm in Marin County, I come into San Francisco.

26 Q. All right. Thank you, Ms. Flores. Now at some point,
27 would it be fair to say after you met Mr. Mirkarimi, as you
28 said, in June of 2007, would it be fair to say that you became

1 boyfriend and girlfriend?

2 A. Yes.

3 Q. And without giving us your exact address, what
4 neighborhood did you reside in, in San Francisco, when you
5 were boyfriend and girlfriend?

6 A. Noe Valley. It's kind of Baja Noe Valley, Valencia
7 Street. So kind of right in between.

8 Q. Where, if you recall, did Mr. Mirkarimi live when you met
9 him?

10 A. Webster Street.

11 Q. And for the duration of your relationship him as
12 girlfriend/boyfriend, did he live at that Webster Street
13 address?

14 A. Yes.

15 Q. And is that a single-family dwelling?

16 A. No. It's, I believe, four condos. He lived in the lower
17 left-hand side, and it's blue and gray -- blue and white and
18 gray.

19 Q. And would you describe that as a large apartment? Small?
20 Just briefly tell us the configuration. It is rather
21 relevant, Your Honor.

22 A. All right. You walk in the doorway, there's a hall
23 immediately to your right. There's a front room with a
24 fireplace. The next room is the bedroom. The hall continues
25 down, opens into a family area kind of off the kitchen room,
26 and then the last room is the kitchen, and then there is a
27 deck in the back.

28 Q. So it's a one-bedroom home or apartment?

1 A. Yes, it is. It's one of those -- it could be the family
2 room, but it's no door or closet. So it would be considered a
3 one-bedroom.

4 Q. All right. Now did you, as his girlfriend, actually spend
5 time with him in this apartment, or condo, that you're
6 describing on Webster Street?

7 A. Yes.

8 Q. And could you tell us did you ever formally move in with
9 him?

10 A. I did not formally move in. No.

11 Q. Now did you stay in his apartment, as his girlfriend, any
12 time during the week when you were?

13 A. Yes.

14 Q. Approximately how many times a week would you stay at his
15 place overnight at the apartment?

16 A. Anywhere from two to three times a week.

17 Q. And this is while you were in a boyfriend/girlfriend
18 relationship?

19 A. Yes.

20 Q. And did you briefly -- did you have a cordial
21 boyfriend/girlfriend relationship as it was progressing along?

22 A. It was very up and down. There were really good times and
23 there were not so good times.

24 Q. Before we get to the not so good times. Could you tell
25 us -- I don't I don't think I've asked you this yet -- the
26 length, in terms of months or years, of your

27 boyfriend/girlfriend relationship with Ross Mirkarimi? You
28 said you met him in June of 07?

1 A. Correct.

2 Q. And when would you say that the relationship ended, so we
3 get a time frame?

4 A. It absolutely ended the end of December 2008. It broke
5 apart around October 2008, but it was kind of limping back and
6 forth after that.

7 Q. And so from June of '07, when you met him at the Haight
8 Street Fair, to December of '08, so an approximate one
9 year-and-a-half relationship as boyfriend/girlfriend?

10 A. Yes, till late December, late the 29th, or so.

11 Q. Now you've told us you stayed at his apartment as his
12 girlfriend two to three nights per week. Would he ever stay
13 at your place?

14 A. Yes.

15 Q. Also overnight?

16 A. Yes.

17 Q. All right. Now just briefly, how would you characterize
18 just the beginning of your girlfriend/boyfriend relationship
19 with Mr. Mirkarimi in terms of just his demeanor during the --
20 as it was growing, your relationship?

21 A. When we were together, alone, he was very sweet. He was
22 distracted quite often. At the very beginning, it was, you
23 know, text back and forth constantly. It was like a normal
24 relationship. A little -- yeah. I would say it's fairly like
25 a normal relationship at the beginning.

26 Q. All right. Now at some point during this year-and-a-half
27 boyfriend/girlfriend relationship, did Mr. Mirkarimi
28 display -- verbally abuse you?

1 A. Yes.

2 Q. Can you explain how often and under what context?

3 **MS. STIGLICH:** I'm going to object as argumentative,
4 "verbally abuse you."

5 **MS. AGUILAR TARCHI:** Your Honor, it's a common lay
6 opinion. It's for purposes of this. If the Court later
7 needed to strict the parameters.

8 **THE COURT:** I'll overrule it. I don't have a jury here,
9 and I understand what Ms. Stiglich is getting at. It's
10 overruled.

11 **MS. AGUILAR-TARCHI:** Q. And by "verbal," I would mean
12 not -- anything that caused you concern, alarm, fear, in his
13 verbal context towards you?

14 A. Yes.

15 Q. On how many occasions?

16 A. All together throughout the whole relationship? Four,
17 maybe.

18 Q. Now could you tell us the nature, in these four separate
19 situations, just the nature of what you might consider or
20 would describe as "verbally abuse you"?

21 A. I can describe one incident very clearly, I remember. It
22 was at my house in the Noe Valley area. He had come in and
23 said -- he had called me and said "I need to talk to you
24 immediately," and I told him to come on over. And he marched
25 in the door and immediately started yelling and pointing his
26 finger saying that I was setting him up. He said that -- I
27 had no idea what he was talking about and he thought I did.
28 And he said "Who is setting you up to take me out?" And I

1 said "What are you talking about?" And he said "You left your
2 underwear under my bed." "What do you think you're doing?"
3 And I said "I didn't realize that I left it there," and "How
4 can you not leave your underwear?" when I'm yelling and got
5 louder and louder to the point of where I had closed my doors
6 to the back of the house because I was sure the neighbors were
7 going to start coming over trying to figure out what's going
8 on because he was yelling. I told him to keep it down. And
9 he started approaching me and pointing, pointing his finger
10 and backing me up into the corner of my couch against the
11 wall. And I felt very threatened at this point.

12 **MS. AGUILAR TARCHI:** And Your Honor, may the record
13 reflect that as the witness, Ms. Flores, testified "he was
14 pointing his finger and backing me against the wall," she
15 lifted her right hand and motioned with her index finger in a
16 moving back and forth towards the direction away from her; is
17 that correct?

18 **THE WITNESS:** Yes.

19 **MS. AGUILAR TARCHI:** Q. Now when you were backed-up
20 against the wall, how was it that you were backed-up against
21 the wall, if you can describe it? Was it literal, or did
22 you -- describe what you mean that you were pushed or --
23 excuse me, backed-up against the wall?

24 A. When he was yelling, he was walking towards me at the time
25 that he was yelling at the top of his lungs accusing me of
26 setting hit him up by somehow leaving my underwear at his
27 house, and very gruff, very abrasive, very abrupt approaching
28 me -- that's the only way I know how to describe that, but to

1 the point where I was literally pinned back against the couch
2 saying "What are you talking about?" And he was sure that I
3 knew.

4 Q. And how close did this finger pointing come towards any
5 part of your body, if you know?

6 A. Under a foot. It was approximately six inches?

7 Q. From what part of your body?

8 A. From my face.

9 Q. Now you said, your words were that he was "screaming" --
10 "yelling," pardon me, at the top of his lungs. Did this
11 yelling include any type of profanity?

12 A. No.

13 Q. All right. And did this behavior -- oh, I didn't ask you
14 this. Can you approximately remember the time frame of
15 either the month or the year when this occurred?

16 A. I believe this was -- a guess -- November, but I'm very
17 sure -- I don't know what date in November, but I do remember
18 it was before Christmas.

19 Q. All right. And --

20 **MS. STIGLICH:** Your Honor. I'm going to object. What
21 year?

22 **THE COURT:** What year?

23 **THE WITNESS:** I'm sorry. That would be soon after we met.
24 So it was 2007, still before 2008.

25 **THE COURT:** Thank you.

26 **MS. AGUILAR TARCHI:** Q. So in November of 2007. And at
27 the time, was it just you, this incident which you've just
28 described, was it just you and Mr. Mirkarimi in your

1 apartment?

2 A. Yes.

3 A. May I correct it? At my house.

4 Q. At his house?

5 A. No, excuse me. My house.

6 Q. You did say that. It's my mistake?

7 Now was this behavior that you described of November '07
8 cause you any fear or to be alarmed?

9 A. I was on the watch for him to do that, because it was
10 strange, the paranoia that went along with it was kind of
11 strange to me. So I was on watch. But continued with the
12 relationship. Yes.

13 Q. Now how long, if you can recall, in terms of minutes or
14 hours, did this yelling at the top of his lungs occur?

15 A. It went on for about ten minutes.

16 Q. And in that ten-minute period, he moved and you moved
17 about in areas of your home?

18 A. I kept moving away and he kept following me in my room, my
19 front room which I was at.

20 Q. So what room of the house did it begin and where did he
21 move you away to?

22 A. In the front room. It all occurred in the same place. I
23 just kept moving to the side because it felt uncomfortable.

24 Q. And he followed you as you moved?

25 A. Yes.

26 Q. So it began in the front room, and where did it end after
27 ten minutes?

28 A. In the kitchen which is adjacent to my front room. It's

1 an open floor plan. And I want to make it clear that he
2 approached me. That he was following me at first. But then
3 he was just following me around. It wasn't like he was
4 running around after me.

5 Q. And as he followed you around, was he still in the same
6 demeanor that you described of the tone of yelling at the top
7 of his lung?

8 A. After he finished yelling, it was more of agitated,
9 persistent questioning. And I'm trying to think of the right
10 word, accuse, accusatory statements.

11 Q. Did these accusatory statements make any sense to you?

12 A. No. They did not.

13 Q. What did you say or do as he followed you around in this
14 agitated state, ultimately, following you and your moving away
15 from him?

16 A. I asked him why he kept insisting that that was a problem
17 that I left my underwear there if there was no other romances
18 going on and we're supposed to be together, why would he get
19 so mad at that?

20 Q. And was there any response?

21 A. No. He just kept thinking I was setting him up for
22 something.

23 Q. And he never elaborated to you setting him up for
24 something? Did he elaborate on the set-up thing?

25 A. It was very strange to me. And I asked him what he met.
26 At first he thought I knew what he meant, and then I think he
27 realized it wasn't that and calmed down after that. He didn't
28 leave as angry as he came.

1 Q. Now when you say that you were backed-up against the wall,
2 was it at the end of this situation you're describing?

3 A. At the beginning.

4 Q. Oh, at the beginning.

5 A. Yes, almost immediately.

6 Q. And did you feel -- was he pointing the finger at you as
7 you were backed-up against the wall?

8 A. Yes.

9 Q. And this wall is in what part of the house?

10 A. The back wall of the front room. When you walk in, there
11 are double-glassed doors for the back entrance, which he came
12 in, and walked me directly -- there is a couch as soon as you
13 approach. I was sitting on the couch. I stood up. And then
14 at the end of the first few minutes, I was up against the back
15 wall where the couch is adjacent to. It's kind of hard to
16 describe.

17 Q. Did you feel cornered at that time?

18 A. Yeah. Yeah.

19 Q. How were you able to ultimately move away from that
20 backed-up position?

21 A. I walked around the other side in and came around back
22 towards the doors where he entered and just kind of, as it was
23 diffusing, kept walking around.

24 Q. And he followed you?

25 A. Yes.

26 Q. Now at some point, did you ever get physical with him --

27 A. No.

28 Q. -- during that episode?

1 Q. And how did it ultimately end or diffuse?

2 A. Um, I think he realized after it wasn't anything that I
3 meant to do on purpose, he was still angry, and then it
4 diffused much like other situations. It diffused to a okay.
5 I don't even remember. It wasn't a happy ending, but it
6 basically just dissolved. And he had to go back to work.

7 Q. Okay. So let's -- I'd like to move onto the second
8 incident. You said there were a total of four. So the first
9 one you just described in November of 2007 in your home.

10 Can you tell us, again, as it regards verbal or physical
11 abuse, what this second incident, when the time frame of the
12 second incident that you spoke of, if you can recall?

13 A. Yes. I believed there were two instances in February, one
14 being the one that I'm going to speak about now. And that was
15 simply --

16 Q. I'm sorry. In what year?

17 A. Oh, I'm sorry. That would be 2008.

18 Q. All right. I apologize. So two incidents in February of
19 2008. And if you could go to what I'll call as Incident
20 No. 2. Where were you and Mr. Mirkarimi when the second
21 incident in February of '08 occurred?

22 A. These occurred in his house.

23 Q. All right. And what was the nature of this incident, this
24 first incident in February of '08?

25 **MS. STIGLICH:** Your Honor, I just -- and I don't mean to
26 interrupt the witness. The People have noticed -- I'm just
27 curious if the People are intending on offering these verbal
28 incidents, or the incident that was noticed in the papers of

1 this alleged arm grab? This has been noticed as this one
2 incident they want to introduce now. Now we're talking about
3 a lot of verbal things. I'm unclear if this is background for
4 Your Honor for your consideration of what they're trying to
5 offer? I'm just trying to get some specificity about what
6 we're offering here.

7 **MS. AGUILAR TARCHI:** At this point, Your Honor, with
8 respect to the notice. At the conclusion of the hearing, the
9 People will proffer any and all relevant evidence as it may go
10 to the motion, and that would include some of the incidents
11 we're getting to. But even if the Court were to, assuming
12 arguendo, exclude these, let's call it "four separate verbal
13 incidents," I do think they provide context to the incident
14 occurring, which we'll get to, which involved the alleged
15 physical situation that caused a bruise on Ms. Flores. But
16 also, it does provide the relevancy and her state of mind to
17 explain her relationship. It's proper propensity evidence.
18 And at this point, it's been discovered, and it would provide
19 the backdrop, should this go to the triers of fact, as to the
20 volatility and nature of the relationship. It can't be taken
21 in a vacuum. Her credibility, most certainly, will be
22 attacked on a certain level. I won't say more at this
23 juncture in front of the witness. But yes. We would be
24 offering verbal and physical.

25 **THE COURT:** Okay. Well, I understand what Ms. Stiglich --
26 again, I understand what she's driving at. Let me just listen
27 to the evidence. If you're proffering all of this, and you're
28 saying, you used the word "discover". I assume that you mean

1 these circumstances, or evidence of these circumstances have
2 been reduced to writing and have been produced to the
3 defendant?

4 **MS. AGUILAR TARCHI:** Yes, Your Honor, in the form of
5 transcripts, a timeline that Ms. Flores proffered herself
6 concerning different incidents, and those were also
7 discovered, along with pictures, e-mails, to the defense.

8 **THE COURT:** Well, just for the record. I know counsel
9 refers to it as "discovered to the defense." But what that
10 means, for purposes of the Court's interpretation, is that
11 this evidence or discovery has been provided to the defendant.

12 **MS. AGUILAR TARCHI:** Yes, Your Honor.

13 **THE COURT:** So I think for purposes of any record, it's
14 better to refer to it as "produced," or "provided," or
15 something like that. All right. So I'm going to grant you
16 the right to put this evidence on. I'll reserve decision, as
17 I've mentioned already, so that Ms. Stiglich can give full and
18 thorough cross-examination. If she needs additional time,
19 there's sufficient reason for that preparation, I'll listen to
20 that. But right now, everything's been disclosed on the part
21 of the People. Think I we should just keep going with this.
22 And I understand, again, I appreciate why we need to narrow
23 some of this down. But then, again, I also appreciate what
24 the People's position is in this matter. So please continue.

25 And Ms. Flores, just make sure -- I know that you are
26 eager to tell everything. But just let Ms. Aguilar Tarchi ask
27 a question. It may not ask for as much as you think she
28 wants, or you're trying the anticipate. In this kind of

1 hearing, it's just important that you just listen. If you
2 testify in front of a jury, the same rules will apply. Okay?

3 **THE WITNESS:** Keep it short.

4 **THE COURT:** Yes. Keep it short.

5 **THE WITNESS:** Okay.

6 **THE COURT:** And she'll elicit the questions that she needs
7 to. All right. Ms. Aguilar Tarchi, please continue.

8 **MS. AGUILAR TARCHI:** Yes. Thank you.

9 Q. Because you indicated there were four alleged incidents of
10 verbal abuse, I'm going to go use chronological numbering.

11 Let's go to the second incident which you indicated

12 occurred -- in one of two -- in February of '08. Where were
13 you and Mr. Mirkarimi when the second incident of verbal abuse
14 occurred?

15 A. His house.

16 Q. And why were you there? Lunch? Dinner? Breakfast?

17 A. We were meeting in the evening there just to meet at his
18 house.

19 Q. And what, if anything occurred, that you would describe as
20 verbal abuse?

21 A. We were both arguing because of his saying that he was
22 somewhere that he wasn't, and I accused him of that. Yeah.

23 Q. So you basically accused him of lying to you?

24 A. Yes.

25 Q. And again, were you still boyfriend/girlfriend?

26 A. Yes.

27 Q. How, if at all, did Mr. Mirkarimi respond to this
28 accusation or this statement of yours that you were lying --

1 or that he lying?

2 A. He blew up.

3 Q. And please tell us, in your own words, what he said or did
4 that you described "blew up"? How did he react?

5 A. Very loudly, saying that I'm accusing him of all these
6 things and I don't trust him, and I should know that he is
7 where he says he is when he is.

8 Q. And what was his demeanor like, as he uttered, stated
9 these words?

10 A. Very loud.

11 Q. And did he use any profanity?

12 A. No.

13 Q. Okay. And did he motion towards you in any physical way
14 with his body or his language that caused you to be alarmed or
15 in fear?

16 A. Yes.

17 Q. What was it that he did, physically, with his body that
18 caused you to be fearful?

19 A. I followed him down, telling him that I had checked where
20 he said he was and he wasn't there. And he spun around, as I
21 followed him, and backed up towards me, yelling at me, not
22 pointing his finger, just approaching me full stance. I don't
23 know how to say it, just very aggressively.

24 Q. And what did he do as he yelled at you in full stance
25 aggressively?

26 A. He just approached me, turned it around -- because I was
27 following him now -- he turned around and started backing
28 towards me.

1 Q. Now he say or do anything that intimidated you at that
2 point?

3 A. That was, in itself, intimidating to me.

4 Q. Did you call him on this behavior, so to speak?

5 A. Yes.

6 Q. What did you say to him?

7 A. I said "If you're not lying, you wouldn't be so angry."

8 **THE COURT:** I'm sorry. What was his statement?

9 **THE WITNESS:** "If you're not lying, why are you so angry?"

10 **MS. AGUILAR TARCHI:** Q. And was there any response
11 verbally or physically?

12 A. No. He just put up his hands and went in his bedroom.

13 Q. And you used the words for the second incident that he
14 "blew up". Would you consider it, the second incident to be
15 similar to the first situation that you described in November
16 of '07?

17 **MS. STIGLICH:** Object to relevance. Describing the
18 incidents, comparing them.

19 **THE COURT:** Sustained. Why don't you rephrase the
20 question.

21 **MS. AGUILAR TARCHI:** Q. How did you feel concerning his
22 blowing up, being loud, spinning around and yelling at -- you
23 said he spun around yelling at you. How did you feel at that
24 time?

25 A. Scared.

26 Q. Now he didn't touch you, did he?

27 A. No. He did not.

28 Q. He didn't hit you in any way?

1 A. No.

2 Q. Why were you scared?

3 A. The presence that he had, and the anger that just all of a
4 sudden flared up. It wasn't an argument. It was a dominating
5 kind of explosive stance.

6 Q. And when he came over to your house in February of '08 for
7 this incident that you're describing, had you invited him to
8 come over?

9 A. I'm sorry. When?

10 Q. We're talking about the same incident.

11 A. It was at his house.

12 Q. It was at his house?

13 A. Yes.

14 Q. You were over there just for a regular
15 boyfriend/girlfriend meeting when he blew up?

16 A. Yes.

17 **THE COURT:** There's something that I don't understand.
18 You said that -- who was the one who -- the argument was
19 apparently over his not being where he was supposed to be. Is
20 that my understanding?

21 **THE WITNESS:** Yes, yes.

22 **THE COURT:** And did you follow him somewhere where he
23 wasn't or he was?

24 **THE WITNESS:** I was waiting outside of his house for an
25 hour. He was supposed to meet me an hour before he actually
26 came home. And during that hour, I went by his work to see if
27 he really was at work. He was texting me he had to work late
28 at City Hall. So I drove by. The lights were out, and he was

1 not there, and his car was not parked around it. So I waited
2 in front of his house, and he finally did come back.

3 **THE COURT:** Thank you.

4 **THE WITNESS:** You're welcome.

5 **MS. AGUILAR TARCHI: Q.** And it was your approaching him
6 and catching him, so to speak, in a lie that caused this
7 blow-up that you have described?

8 A. Yes.

9 Q. And now you've indicated there was another incident in
10 February of '08 where Mr. Mirkarimi verbally abused you?

11 A. Yes.

12 Q. And I'll call that Incident No. 3. Where were you and
13 Mr. Mirkarimi during this third incident of alleged verbal
14 abuse?

15 A. This -- I have to ask for clarification.

16 Q. Yes.

17 A. The third one was actually the one where he did actually
18 grab my arm.

19 Q. And so this later incident in February '08 involved
20 physical abuse?

21 A. Yes.

22 Q. Did it also involve verbal abuse?

23 A. Yes.

24 Q. And getting to this February '08 incident. Where was the
25 location of the incident?

26 A. His house.

27 Q. On Webster Street?

28 A. Yes.

1 Q. And do you recall the time of day that it was?

2 A. It was in the evening.

3 Q. All right. And tell us the setting prior to the incident
4 that we'll be getting details on. Were you there for dinner?
5 Were you planning to spend the night? Just explain briefly.

6 A. I always bring chicken and ice cream, and I was bringing
7 that in for dinner for us to eat, after he had worked, which
8 is about 10:00, 10:30 in the evening. And that's what led up
9 to that.

10 Q. Now if I could just get the setting. Did you have a key
11 to his apartment to get in and out?

12 A. I believe at that time I did. It may have been later.
13 But I remember, somehow, there must have been a Hide-a-Key, I
14 think. So yes.

15 Q. So I'm just trying to understand. Were you already in the
16 home waiting for Mr. Mirkarimi to arrive with the chicken and
17 ice cream you had purchased, or were you coming in?

18 A. I was coming in and he was there at the same time.

19 Q. Did you meet up with him outside?

20 A. Yes.

21 Q. And your understanding is he was coming home from his work
22 as supervisor?

23 A. Yes.

24 Q. So you meet up outside the home. You have these items to
25 have dinner. What next occurred?

26 A. I followed him into his house and went to put it away in
27 the kitchen.

28 Q. And then what happened?

1 A. I ate some food in the kitchen with him there, the
2 chicken, the rotisserie chicken. And then I moved into the
3 bedroom and started to relax and put my clothes away in the
4 closet. That is when I notice --

5 Q. Something?

6 A. Yes.

7 Q. What, if anything, did you notice as you were going
8 into -- strike that.

9 Your dinner was, situation, everything was cordial. No
10 arguments of any nature?

11 A. Correct.

12 Q. So at some point, you're in his bedroom putting your
13 clothes away. Did you find an item of clothing that made you
14 upset?

15 A. Yes.

16 Q. Just briefly, what did you find?

17 A. It was a woman's underwear.

18 Q. And after you found a woman's underwear, did you say or do
19 anything towards Mr. Mirkarimi?

20 A. I picked it up and I walked to him and told him, or asked
21 him "What's this?"

22 Q. And did he respond in any way?

23 A. Yes.

24 Q. Tell us how he responded?

25 A. He said "Those are yours."

26 Q. All right. And was that true?

27 A. No.

28 Q. So what, if anything, occurred next after you were

1 discussing this item of clothing that you were showing him?

2 A. He kept insisting they were mine.

3 Q. And at some point, did the discussion escalate to
4 something else?

5 A. Yes.

6 Q. And at what point was that, Ms. Flores?

7 A. We were at the foot of his bed in his bedroom, which is
8 right near the door to the closet, as well as the door to the
9 hallway, and we argued.

10 Q. And would it be fair to say you were upset?

11 A. Yes.

12 Q. All right. Did you ever physically strike him, or push
13 him, or pull him in any way?

14 A. No. I did not.

15 Q. All right. But were you verbally abusive towards him?

16 A. Yes.

17 Q. What did you say to him?

18 A. I said "You're a liar." And I said "These probably belong
19 to your ex-girlfriend who I think is still staying here."

20 Q. Okay. This is private now. But who is the ex-girlfriend?

21 A. The ex-girlfriend at the time is Evelyn.

22 Q. And do you know her last name?

23 A. Neves, Neve -- something. Sorry.

24 Q. So you're upset you're telling him this belongs to perhaps
25 his ex-girlfriend Evelyn Neves. And what happens next?

26 A. He said that she's stays over every once in awhile because
27 she couldn't afford her own place sometimes.

28 Q. All right. Now at some point, did this argument become

1 physical?

2 A. Yes.

3 Q. At what point?

4 A. When I said I was going to leave.

5 Q. Now prior to your saying, you said you were going to
6 leave -- excuse me if I ask the obvious -- why do you tell him
7 you wanted to leave?

8 A. I believed he was lying. It was upsetting me
9 tremendously.

10 Q. And again, prior to telling Mr. Mirkarimi that you wanted
11 to leave, had you been in any way physical with him at all?

12 A. No.

13 Q. And what, if anything, was Mr. Mirkarimi's reaction when
14 you told him you wanted to leave?

15 A. He continued yelling. And as I went out the door, I was
16 in the doorway, as I turned to get my purse, he grabbed my arm
17 and pushed me up against the wall as he was yelling.

18 Q. And for the record, Ms. Flores indicated with two hands,
19 open palms up, motioning forward. Would that be correct? He
20 pushed you?

21 A. One arm -- he pushed me back against the wall, not this
22 way. I'm not saying with that kind of force.

23 Q. Please describe in your own words, if you have to
24 demonstrate, that's fine, in your own words, the manner in
25 which Mr. Mirkarimi pushed you against the wall?

26 A. He pushed this way (indicating).

27 Q. And you are using one hand, the right hand motioning
28 towards what?

1 A. Mowing towards my arm.

2 Q. Okay. And he actually grabbed you with his hand?

3 A. He did.

4 Q. What part of the body did he grab you with his hand?

5 A. Right here (indicating). I'm sorry. This would be the
6 right hand tricep back here (indicating) and bicep
7 (indicating). So it would be cupping the bicep and the
8 tricep.

9 Q. Of your arm?

10 A. Of my arm. Yes.

11 Q. And what arm, if you know, did he use to grab you in that
12 fashion?

13 A. I don't recall.

14 Q. But you were grabbed by him?

15 A. Yes.

16 Q. On your upper right arm you were grabbed?

17 A. Yes.

18 Q. Were you grabbed, as you were pushed against the wall,
19 were you grabbed with his other hand, if you can recall?

20 A. Those are two questions. I'm sorry. So one more time?
21 Just one at a time.

22 Q. I would be -- I'll try to be more clear. I just want
23 to -- you've indicated you were grabbed with a hand, you're
24 not sure which, of Mr. Mirkarimi to grab you on your upper
25 right arm?

26 A. Correct.

27 Q. Do you know what he did with his other hand, if anything?

28 A. I don't.

1 Q. All right. And what room of his apartment or condo did
2 this happen in? The wall aspect?

3 A. That is right outside the door of his bedroom.

4 Q. Did your body actually touch the wall that you were pushed
5 up against?

6 A. Yes. The left side (indicating) of my body hit the wall.

7 Q. And the witness is motioning left side of the body with
8 the right side more exposed.

9 A. Correct.

10 Q. Did your head hit the wall in any way --

11 A. No.

12 Q. -- or touch the wall?

13 Q. So it would be your left shoulder area?

14 A. Correct. I was turning to go.

15 Q. To go away?

16 A. Yes.

17 Q. So your right shoulder area was exposed and your left was
18 against the wall?

19 A. Correct.

20 Q. What was he saying or doing as he grabbed you in the
21 manner you have described and you were up against the wall?

22 A. I remembered him mentioning, then, I'm overreacting.

23 Q. I'm sorry?

24 A. Yelling about me overreacting.

25 Q. Okay. And how would you describe this demeanor this
26 behavior? How did he change?

27 A. He's very loud. He was same tone all the way through. He
28 didn't get louder at that point. He just came at me at that

1 point.

2 Q. Was he shouting or just having a discussion?

3 A. Shouting.

4 Q. And what were his, if you know, did his facial expressions
5 change in any way during this episode of grabbing you and
6 having you against the wall?

7 A. Not until afterwards.

8 Q. Okay. Were you saying anything to him just shortly before
9 this happened and as you were pushed against the wall?

10 A. No, just as I was leaving, as I said.

11 **THE COURT:** I'm sorry. I missed that. What happened with
12 his facial expressions?

13 **MS. AGUILAR TARCHI:** I think the answer was that happened
14 later.

15 **THE COURT:** All right. Thank you.

16 **MS. AGUILAR TARCHI:** Q. Were you, at the moment you were
17 grabbed in the fashion on your arm in the way you have
18 described, and pushed against the wall as you turned to leave,
19 were you scared?

20 A. Yes.

21 Q. Why?

22 A. Because it was physical.

23 Q. How did you get away from him?

24 A. I yelled immediately on hitting the wall very, very loud,
25 and it shocked me and him, and he immediately let go.

26 Q. And you recall, if you can, just what word you uttered to
27 get him to let you go?

28 A. I don't recall. But it was loud.

1 Q. Did you physically strike him? Kick him? Bite him?
2 Anything like that?

3 A. No.

4 Q. Did he use any profanities other than the tone you just
5 described about being loud, and yelling, and the physical
6 aspect during this incident?

7 A. No.

8 Q. When you say let you go, he finally let go of the grip he
9 had of your upper right arm?

10 A. Yes.

11 Q. Today your arms are bare. If you recall, did you have a
12 jacket on when he grabbed you? Did you have a sweater?
13 Long-sleeve? Just if you know?

14 A. No. My stuff was in the kitchen. That's where I was
15 heading to get them.

16 Q. So you had a bare arm?

17 A. Yes.

18 Q. Bare arms, rather. What immediately happened after you
19 said you yelled at him. What were the words? I'm sorry?

20 A. I do not recall what I said.

21 Q. But you made it clear that you wanted him to let you go?

22 A. Yes.

23 Q. What, if anything, did he say or do upon letting you go?

24 A. He let me go immediately when I yelled. He looked
25 shocked. I looked shocked. And then he said "I'm sorry. I
26 didn't mean to do that."

27 Q. And it was just "I didn't mean to do that"?

28 A. Yes.

1 Q. Did you ask him to clarify?

2 A. No.

3 Q. Did you say anything in response?

4 A. No.

5 Q. What happened next?

6 A. I was in shock because this was the first time it
7 happened. And I walked over to get my things in the kitchen
8 like I was preparing to do.

9 Q. Did you decide to leave as had been your plan?

10 A. I brought my stuff to the door, and I stood at the door
11 for a good two minutes.

12 Q. And what happened?

13 A. I was trying to decide whether I should go out or stay,
14 and I stood at the door.

15 Q. And why were you hesitant for about two minutes in your
16 decision? Why?

17 A. He continued to talk and be kinder and apologized and say
18 "Let's just talk about this. This is stupid." And it went on
19 like that.

20 Q. And do you remember the words he offered to apologize to
21 you?

22 A. Just the ones I said. Nothing more than that, really. It
23 was the tone that was much more soothing.

24 Q. And this kinder apologetic soothing tone was for
25 approximately two minutes as you stood at the door deciding
26 "Should I go or stay"?

27 A. It continued throughout the evening.

28 Q. Ultimately, Ms. Flores, did you remain in the home or

1 condo of Mr. Mirkarimi's, or did you go home that evening?

2 A. I remained there.

3 Q. So you spent the night?

4 A. Yes.

5 Q. Other than the apologies he proffered in this two-minute
6 period while were you're at the door, did he say or apologize
7 any time during the evening for his behavior?

8 A. You mean after?

9 Q. After?

10 A. No.

11 Q. Did you feel -- can you describe whether the grab to your
12 arm, was it a gentle one? Was it a forceful one? Describe in
13 your own words how you felt at the point he grabbed you?

14 A. It was forceful.

15 Q. And he was angry when he did it?

16 A. Angry and frustration. Did you feel any pain as he
17 grabbed you at that moment of the strength of how he grabbed
18 you?

19 A. Not necessarily pain. I felt adrenaline through my body,
20 and I was ready to do more if I had to. But the fact that it
21 stopped so quickly and he responded to the outburst made me
22 relax. But it's very -- I didn't specifically feel a sharp
23 pain or anything like that.

24 Q. All right. Now at some point later, did you discover any
25 injuries on the part of the body where Mr. Mirkarimi grabbed
26 you and pushed you against the wall?

27 A. Yes.

28 Q. And what, if any injuries, did you discover?

1 A. Small bruise on my arm.

2 Q. And if you recall the time frame of when you made that
3 notice of the small bruise on your arm?

4 A. The next day.

5 Q. And when you discovered it, was Mr. Mirkarimi present at
6 the time you discovered the bruise?

7 A. No.

8 Q. So the next day, where did he go? You spent the night at
9 his apartment and he left?

10 A. He went to work. Yeah.

11 Q. And you remained in the apartment?

12 A. No. He always had me leave before him.

13 Q. And why was that?

14 A. I don't know.

15 Q. You had instructions you always had to leave before him?

16 A. Yes.

17 Q. You could not leave together?

18 A. No. We never left together. I always left before him
19 unless we were going somewhere together.

20 Q. And did he ever say to you he did not want to be seen with
21 you in public?

22 A. Yes.

23 Q. Did he explain why?

24 A. Yes.

25 Q. What was that?

26 A. And it was in January, it was a specific incident. Am I
27 allowed to say?

28 Q. Yes.

1 A. In January, I was trying to become a police officer. And
2 he said police officers seeing me with him would ruin my
3 chance of getting into the department.

4 Q. Did he explain what he meant by that? Why would your
5 chances be ruined if police officers saw you with
6 Mr. Mirkarimi?

7 A. He said it wasn't a good idea.

8 Q. All right. And this was his explained, reason for not
9 being seen, your being seen entering or exiting with him
10 together from his apartment?

11 A. Yes.

12 Q. Did that instruction apply as well to your home? Could
13 you exit your house with him as well or --

14 A. I exited my house with him. My front entrance is actually
15 unusual because it's in an alley, very secluded. So yeah.

16 Q. So let's -- getting back to where, after the physical
17 abuse you described with the bruise on your arm you noticed.

18 As Mr. Mirkarimi leaves for work, what do you do? Just
19 briefly, where do you go?

20 A. Back to my house.

21 Q. At some point, did Mr. Mirkarimi mention the bruise on
22 your arm?

23 A. No.

24 Q. Did he ever see the bruise on your arm?

25 A. Yes.

26 Q. What time frame, I want? Was it the very next day?

27 A. It was the day after then. So it was two days.

28 Q. So two days after this incident of February, where were

1 you when Mr. Mirkarimi -- we'll get to the point -- sees the
2 bruise? Where were you you guys?

3 A. I was on Webster Street at the very end of the street,
4 very opposite end of his side of the block in my blue Mini
5 Cooper.

6 Q. And were you waiting for him?

7 A. Yes.

8 Q. To come out of his house?

9 A. Yes. I was driving.

10 Q. So you had an arrangement to get together?

11 A. Yes.

12 Q. Did he enter your Mini Cooper?

13 A. Yes.

14 Q. And what, if anything, was said, if at all, about this
15 bruise?

16 A. Well, we were talking. I went to grab something on the
17 front and he said "What is that?" referring to the small
18 bruise on my arm, and I said "You did that." And then he
19 replied "When did I do that?" and I said "The other day," and
20 he said "I'm sorry. Didn't mean to do that. It was an
21 accident."

22 Q. And did you respond to him when he said to you "I'm sorry.
23 It was an accident"?

24 A. No. I did not.

25 Q. To your recollection, he, Mr. Mirkarimi, was the one who
26 pointed to the bruise on your arm saying "What is that"?

27 A. Yes.

28 **THE COURT:** While you're thinking about your question.

1 How big was the bruise?

2 **THE WITNESS:** Probably about the size, a little bigger
3 than a dime, smaller than a nickle.

4 **THE COURT:** What side of the arm?

5 **THE WITNESS:** Right here (indicating).

6 **THE COURT:** The record should reflect on the backside of
7 her right arm, the upper right arm.

8 **MS. AGUILAR TARCHI:** Thank you, Your Honor.

9 Q. Now before we get to incident, I'll call it alleged
10 Incident 4. Did you ever report -- strike that.

11 Other than Mr. Mirkarimi making the observations and
12 statements that you've testified to, your seeing your bruise,
13 did you tell anyone else about what he did to you that caused
14 the bruise?

15 A. Not about the grab. No.

16 Q. And did you tell anyone about the verbal abuse you had
17 endured during this incident, or others, with Mr. Mirkarimi?

18 A. My friends all know about the verbal, but I don't remember
19 if this particular one I called everybody. But they do know
20 about the history.

21 Q. And so, specifically, you did you take a photo of your
22 bruise?

23 A. No.

24 Q. Did you ever report this incident to the police?

25 A. No.

26 Q. Without giving specific names, do you come from a, well,
27 you come from a law enforcement family?

28 A. Yes, I do.

1 Q. And who in law enforcement relationships?

2 A. Um, father is retired, uncle is retired, ex-husband is
3 currently working, and cousins, as well.

4 Q. All right. Now you come from a law enforcement family.
5 Yet, why didn't you feel that you should report this physical
6 incident that caused a bruise to the police?

7 A. Because he immediately let go and apologized for it. And
8 I think he did it without realizing he was doing it. I felt
9 if he advanced it further, I definitely would have fought back
10 and said something. But because he let go and looked really
11 shocked, that I didn't think that I wanted to say anything. I
12 was kind of just watching and seeing if it ever happened
13 again.

14 Q. Did you remain, continued, obviously, with your
15 relationship with Mr. Mirkarimi, notwithstanding these --
16 we're now at the third incident -- these episodes of verbal
17 abuse, and now this verbal and physical?

18 A. Yes.

19 Q. What, if anything, can you tell us about an alleged fourth
20 incident, correct me I'm wrong, this would be of verbal abuse?

21 A. The fourth incident, I remember standing at the door
22 deciding whether it was scarier to go out and try to find my
23 car near the projects that he lives near or stay inside. I do
24 not remember the specifics of the argument.

25 Q. Okay. But did you end up leaving? You were at the
26 Webster Street apartment?

27 A. Yes.

28 Q. And was it morning, afternoon or late evening?

1 A. Approximately 2:00 in the morning.

2 Q. Were you fearful during this verbal abuse?

3 A. Fearful, yes, and angry.

4 Q. You don't recall what prompted the argument?

5 A. I do not.

6 Q. But can you recall the nature of the verbal statements
7 that you can characterize as being abusive? What did he say?

8 A. Just the intensity, not what he said, but how he
9 approached me and said these thing.

10 Q. What was the intensity?

11 A. Very intense. It's like it goes from zero-to-50.

12 **THE COURT:** When did this happen?

13 **THE WITNESS:** This was in late February.

14 **THE COURT:** Of 2009?

15 **THE WITNESS:** Yes. Am I allowed to add anything, or is
16 that --

17 **THE COURT:** No. Wait for her to ask you a question.

18 **THE WITNESS:** Yes.

19 **THE COURT:** Ask the question.

20 **MS. AGUILAR TARCHI:** Yes.

21 Q. All right. Is there about adding, is there something
22 about this particular incident that, without saying what it
23 is, that you wanted to elaborate on?

24 A. Not particularly.

25 Q. Of th prior incident?

26 A. Of the prior.

27 Q. Is there anything regarding the physical abuse incident?

28 A. No.

1 Q. About any prior verbal abuse that you wanted to clarify?

2 A. No.

3 Q. All right. You have used the term, you're saying
4 intensity 0-to-50. Did you use -- during your interview with
5 inspector -- excuse me, district attorney Investigator Mike
6 Kloss, any other words to describe this level of intensity or
7 description of how he behaves?

8 A. The two that I have used is accurate, is "Jekyll and Hyde"
9 kind of mentality. And the other one is "pitbull," because
10 the way a pitbull, to me, what that means is it locks on you
11 and it senses and then goes forward if it wants to continue
12 being aggressive. And that's what I would see, the motion of
13 forwarding yourself towards someone that you are yelling at.

14 Q. Would the pitbull-type behavior, would you use that to
15 characterize any of these incidents so far that we've been
16 describing?

17 A. Yes.

18 Q. All or some?

19 A. All.

20 Q. What do you mean, and it may be obvious, in your own
21 words, why you have characterized Mr. Mirkarimi's behavior,
22 and I'll get to the time frame, but just the terms Jekyll and
23 Hyde?

24 A. Because it's not an advancing argument. It doesn't start
25 to get heated, start to get a little more heated, and up there
26 it goes from zero to "Why are you accusing," the big
27 grandiose. That's what I mean by, you know, coming from a
28 very calm place to a very loud place.

1 Q. And with respect to the Jekyll-Hyde behavior that you've
2 described, would you characterize that behavior manifested
3 itself in these four incidents of which you've spoken?

4 A. Yes.

5 Q. Did all of these four incidents happen within the confines
6 of your private residence or apartment?

7 A. Yes.

8 Q. Never out in public?

9 A. No.

10 Q. And just to finish. The last incident that you
11 specifically recall of the verbal intensity you can't remember
12 what it was about. This is the one where you decided to go to
13 your car?

14 A. Yes.

15 Q. You went alone?

16 A. Yes.

17 Q. You did not stay in the home at that time?

18 A. No.

19 Q. Why not?

20 A. I thought it was safer to try to walk through the projects
21 to my car than stay because he was getting more and more
22 angrier.

23 Q. Can you recall whether this fourth incident where you felt
24 safer to go your car by yourself than remain in the home with
25 him, did he move forward to you in any way, or was it all just
26 verbal intensity?

27 A. It was verbal intensity. He did not charge as much as the
28 others.

1 Q. Do you remember him following you about his apartment?

2 A. No.

3 Q. Okay. At some point, Ms. Flores, did you and
4 Mr. Mirkarimi end your boyfriend/girlfriend relationship?

5 A. Yes.

6 Q. Okay. Was there a reason or reasons that the relationship
7 ended?

8 A. Yes.

9 Q. Please tell the Court, briefly, what and why?

10 A. I, a few times, said that "I don't want to be treated this
11 way. I deserve better," and I ended the relationship.

12 Q. Okay. And at some point, did he promise to -- did he make
13 any statements when you uttered why you deserved to be treated
14 better, were you referring to these episodes of his?

15 A. Yes.

16 Q. What did he respond to that?

17 A. That I'm over-reacting.

18 Q. Other than over reacting, did he ever accuse you of
19 anything else?

20 A. He accused me of sleeping with other people.

21 Q. Anything else that he accused you of?

22 **MS. STIGLICH:** I'm going to object. Vague as to time.

23 **THE COURT:** Sustained.

24 **MS. AGUILAR TARCHI:** Q. Is this right before the
25 relationship ended?

26 A. The accusations?

27 Q. Yeah.

28 A. It ended a few times. So before that, that was maybe one

1 of the excuses or the reasons that prompted that.

2 Q. And again, because we need a time frame, roughly, maybe
3 not a specific time and date, but month, year?

4 A. Of which time?

5 Q. Of when he accused you of overreacting or sleeping with
6 other people?

7 A. I don't recall the month it happened.

8 Q. Okay. But it was prior to breaking up?

9 A. Yes.

10 Q. And were these some of the reasons, the treatment of you,
11 and these, we'll call them "accusations," were these some of
12 the reasons why you were breaking up with him?

13 A. Yes.

14 Q. Now excuse me if I ask this, and it maybe very silly. But
15 was it a mutual breaking-up, or you said "This is it," or he
16 said "This is it"? Just please briefly explain.

17 A. At times I said "This is, it" and I have an e-mail to that
18 extent, and then we would talk and then get back together.
19 Sometimes he said "This is it" and "No more," and then we
20 ended up e-mailing, or texting, or talking, and getting back
21 together.

22 Q. So it was a little bit off again/on again until it
23 ultimately ended, in your words, in December of '08?

24 A. Yes.

25 Q. Now did you learn -- at some point, did he needed to go do
26 a conference in South America?

27 A. Yes.

28 Q. And what month and year was that, if you can recall?

1 A. I have it in my e-mail.

2 Q. Do you have it in any timeline?

3 A. Yes, I do.

4 **MS. AGUILAR TARCHI:** Okay. I'll have to mark that as an
5 exhibit. Well, actually, for refreshing, I don't need to do
6 this. I wish to refresh -- hand a document of a timeline,
7 multiple pages in length. I'm showing it to Ms. Stiglich. It
8 was provided as part of discovery.

9 If I could have Ms. Flores just review this to herself.
10 And then at some point, I'll ask her to refer to what page her
11 memory may be refreshed so I can show Ms. Stiglich. May I
12 approach?

13 **THE COURT:** Yes.

14 **MS. AGUILAR TARCHI:** Q. So Ms. Flores, without speaking,
15 just look through this document and see if your memory can be
16 refreshed as to the month and year Mr. Mirkarimi left for a
17 conference in South America.

18 A. There were two trips.

19 Q. Okay. Let's just refresh your memory as to the dates of
20 the two trips and then don't say anything yet. Tell us if,
21 after reviewing that timeline, if your memory is refreshed,
22 and then we can ask you some more questions.

23 A. Ah, May 1st through 4th.

24 Q. And what page is that, Ms. Flores?

25 A. On that I don't see a page number.

26 Q. Because Ms. Stiglich needs to know.

27 A. It's that chronologically order, May 1st through 4th.

28 Q. Just read it to yourself because I'm going to ask some

1 questions about those two dates, and then I'll need the
2 document back. Just refresh your memory.

3 **THE COURT:** Don't read it out for the reporter. Just read
4 it to yourself. And then once you are done, hand it to
5 Ms. Aguilar Tarchi. All right?

6 **THE WITNESS:** Okay.

7 **MS. AGUILAR TARCHI: Q.** Is your memory now refreshed with
8 with respect to some time frame of when Mr. Mirkarimi left the
9 country?

10 A. Yes.

11 **MS. AGUILAR TARCHI:** All right. And I now have the
12 timeline back.

13 **THE COURT:** All right. The record should reflect that the
14 timeline has been provided, returned to the prosecutor. And
15 Mr. Hinckley is now present as counsel for Mr. Mirkarimi.
16 Good morning, sir,

17 **MR. HINCKLEY:** Good morning, Your Honor.

18 **MS. AGUILAR TARCHI:** Thank you, Your Honor.

19 Q. So Ms. Flores, just briefly. At some point, did
20 Mr. Mirkarimi, while were you boyfriend and girlfriend, depart
21 for a conference of some sort to South America?

22 A. Yes. Yes.

23 Q. And on how many separate times, that you know of, did he
24 tell you that he was going to South America?

25 A. Two separate times.

26 Q. What was the date, month and year of the first trip?

27 A. May 1st, 2008.

28 Q. I'm sorry.

1 A. Uh-huh.

2 Q. And where did he tell you he was traveling to?

3 A. Brazil.

4 Q. All right. And was it for a particular event?

5 A. He was asked to speak at a Green Conference.

6 Q. And did you go with him?

7 A. No.

8 Q. How long was the conference?

9 A. I believe two or three days.

10 Q. Did he go anywhere else, that he told you, before
11 returning from Brazil?

12 A. No. That I know of, no.

13 Q. Upon returning, did he say anything to you about your
14 relationship upon returning from Brazil in May of '08?

15 A. No.

16 Q. All right. Did he ever say he met anybody there?

17 A. No.

18 Q. And let's talk about the second time he went to South
19 America. What month and year would this have been?

20 A. Um --

21 Q. Do you need to refresh your memory?

22 A. Yes, I do. I'm sorry. I want to make sure I get it
23 right.

24 Q. Once again, I'm just approaching the witness with a
25 timeline sheet prepared. It's been discovered -- shared and
26 copied for defense counsel. Just refresh your memory as to
27 that, and let me know when your memory is refreshed as to the
28 month and year of a second trip to South America.

1 A. Okay.

2 Q. Thank you. Tell us the the month and year Mr. Mirkarimi
3 told you, when were you still boyfriend and girlfriend, when
4 he was going to South America?

5 A. Beginning of October 2008.

6 Q. And where did he go?

7 A. He didn't tell he. He said that it was a very private,
8 secret trip.

9 Q. But he said this private, secret trip took place in
10 October of '08?

11 A. Yes.

12 Q. How long was he away?

13 A. Just I believe a week.

14 Q. Upon return, did he say or do anything to reveal where he
15 really was for this secret trip?

16 A. No.

17 Q. At some point, later, did you learn that Mr. Mirkarimi,
18 while being presumably in a relationship, intimate
19 boyfriend/girlfriend relationship was seeing someone else?

20 A. Yes.

21 Q. When was this?

22 A. Middle to end of October, same year.

23 Q. Did he tell you whom he met where?

24 A. He had told me that there was a woman that was a one-night
25 stand he had, that he slept with one time, and that she got
26 pregnant.

27 Q. And did he tell you where he met this woman for this
28 one-night stand?

1 A. He said that he met her at the conference that he went to
2 in Brazil, and she was coming through the City.

3 Q. So he told you she was -- I'm sorry. He told you how far
4 along she was?

5 A. Three months.

6 Q. Three months pregnant. That he met her in May during --
7 I'm sorry. I apologize. A one-night stand, she's pregnant,
8 and this was the person he met at the conference in Brazil?

9 A. Yes.

10 Q. The conference of May of '08?

11 A. The first one in Brazil. Yes.

12 Q. Now did you get upset?

13 A. Yes.

14 Q. All right. And you said she's coming through the City.
15 Can you elaborate?

16 A. I did not understand that. He said that he slept with her
17 one time, that she was in San Francisco, and that they slept
18 together and she got pregnant.

19 Q. And if you know, when he said "she's in San Francisco," he
20 meant, she, the woman he got pregnant, was in San Francisco as
21 he was telling you this?

22 A. No. No.

23 Q. Oh, all right. So you did not understand. Just she's in
24 San Francisco, but you didn't know when she arrived?

25 A. Correct.

26 Q. Did he tell you where she's from? Like what country?

27 A. I don't recall.

28 Q. All right. Now you were upset. Did you get physical with

1 him as you, presumably, discussed or confronted him about this
2 affair?

3 A. No. I was shocked.

4 Q. What would you say was his demeanor as he shared with you,
5 briefly, these specifics about getting a woman pregnant after
6 a quote "one-night stand."

7 A. Extremely apologetic.

8 Q. What did he say?

9 A. Just that he didn't mean it to happen and he's really
10 sorry. And we had a conversation but not loud, not yelling.

11 Q. Okay. And were you crying?

12 A. Yes.

13 Q. Was he crying?

14 A. Yes.

15 Q. Was he soothing you in any way?

16 A. Yes.

17 Q. Did he state that he wished to continue in the
18 relationship with you, notwithstanding this situation he was
19 in?

20 A. No. He said he was confused and he needed time.

21 Q. All right. Did he ever tell you, at that time or some
22 time thereafter, that he wanted advice to establish whether,
23 in fact, he was the father of this unborn child?

24 A. Yes.

25 Q. When did he say -- when did he seek advice from you and in
26 what manner?

27 A. I don't recall the date. The time frame was in November,
28 and he asked about paternity tests.

1 Q. Do you recall if those asking you about paternity tests
2 was, what mode? Phone call? Texting?

3 A. There was a text that I have of myself sending him
4 information on paternity testing.

5 Q. And who brought up paternity testing?

6 **MS. STIGLICH:** Object. Relevance on this point.

7 **THE COURT:** Sustained.

8 **MS. AGUILAR TARCHI:** Q. And you still have a text of
9 that?

10 A. Yes.

11 Q. We're now in November of '08. Between November of '08,
12 when Mr. Mirkarimi was -- excuse me, Mr. Mirkarimi was
13 confused and needed time up until the December '08, when you
14 ended the relationship, what, if anything, was the nature of
15 your exchange or visits, if anything, with Mr. Mirkarimi?
16 Just briefly.

17 A. I wanted to continue talking with him. He needed space.
18 We kept talking and finding out more information. I'm trying
19 to remember.

20 Q. Well, let me move a little forward. When you ended it,
21 did he acknowledge that that was it? There was no problem
22 with your terminating the relationship?

23 A. Um, well, we had one further discussion that is pertinent.

24 Q. And when was that discussion?

25 A. That was, I believe, it's hard to say the exact date. But
26 it was in December.

27 Q. And what --

28 A. -- of 2008.

1 Q. And in this pertinent discussion, was it relating to your
2 relationship or his relationship with the mother of this
3 unborn child?

4 A. Yes.

5 Q. And what did he say?

6 A. That's when he told me that the second trip that he went
7 on that I was under the assumption it was a green trip was
8 actually to visit her in her home town of Venezuela. He said
9 she is on television there and I'd probably like her, and do I
10 want to see her picture, and that he has decided to move her
11 up here and not get married, but just have her raise his
12 child.

13 Q. And you specifically recall him saying that he would move
14 her up here to raise his child, but that he would not marry
15 her?

16 A. Yes.

17 Q. And did that -- was that any prompting factor in your
18 ultimately ending the relationship in the same month?

19 A. Yes.

20 Q. Now did you threaten him with anything, getting back at
21 him, anything like that, because of this situation that
22 unfolded?

23 A. No.

24 Q. Were you shown a picture of his --

25 A. No. I did not want to see it.

26 Q. All right. And at some point, did he ever communicate to
27 you, in any way, that he was going to, that he did, or would
28 be married?

1 A. No.

2 Q. You were not invited to any wedding. I'm sorry if I asked
3 that.

4 A. No.

5 Q. Now I want to ask you about your coming forward with this
6 information. You've testified, of course, that you didn't
7 photograph the bruise. You talked about verbal abuse with
8 friends, but you never told anyone about the physical pushing
9 against the wall?

10 A. Right.

11 Q. Now did you report to a police station, I think it was
12 Northern Station, on January 22nd of this year, at about
13 1 p.m., to actually file a report documenting what you've
14 testified to here?

15 A. Yes.

16 Q. Why did you decide, Ms. Flores, to make an official report
17 or documentation nearly four years after the abusive incident?

18 A. I had seen a paper, an Examiner Newspaper in the coffee
19 shop when I came up from L.A. with my boyfriend. And on the
20 cover it said "The City is Ruining My Marriage" or "The
21 Country is Ruining My Marriage," something to that affect. On
22 opening it, I read that she had decided to take back the
23 information that she had had out before. And that I felt in
24 my heart, that I need to come out and say something about this
25 because this woman is not strong enough to go forward with
26 this. And in my heart, I believed that this was something
27 that he was manipulating her to withdraw all these things that
28 happened, the same type of thing that happened to me.

1 Q. Were you ever offered any money, any gain literally or
2 figuratively from coming forward?

3 A. No.

4 Q. Prior to making a police report, did you speak to any
5 member of the San Francisco Police Department?

6 A. Yes.

7 Q. Who did you speak to?

8 A. I spoke to my ex-husband Tony Flores.

9 Q. And just briefly, how long ago were you married and for
10 how many years?

11 A. Oh, we were married for 11 years and it ended in 1999,
12 legally separated five years before that, and we have two
13 daughters together. Yes.

14 Q. Okay. And you're still amicable with him?

15 A. Yes.

16 Q. Prior to talking to him -- and we'll get to that in a
17 moment about this situation you had been in -- did you talk to
18 any other member of the police station?

19 A. No.

20 Q. How often would you talk to Mr. Flores, your ex-husband
21 prior to communicating with him about this?

22 A. About once a year.

23 Q. And is it on holiday or birthday?

24 A. Yes, Christmas.

25 Q. And briefly, is that Christmas cards? Visits? What is
26 it?

27 A. Just phoning and telling him I appreciate him being a good
28 dad.

1 Q. Okay. And he is a good father to your children?

2 A. Yes, very good.

3 Q. And what position, if you know, you're aware of his
4 position within the San Francisco Police Department, his
5 title?

6 A. Yes.

7 Q. What is it?

8 A. He, inspect -- oh, you know what? I have to take that
9 back. I think it's an inspector, but I think he might be a
10 sergeant. I don't know if he gained that yet. I don't speak
11 to him regularly.

12 Q. But you know he's not on patrol?

13 A. Right. Right.

14 Q. Now when and how did you communicate with Inspector
15 Flores, your ex-husband, about this situation before coming to
16 the police station?

17 A. So you want me to do the records of how it all works?

18 Q. You read the paper.

19 A. I read the paper. I called the media.

20 Q. Oh, excuse me. What media forum did you call?

21 A. I believe it was Channel 7, first, to tell them that I had
22 history with this person. I wanted to say something. I was
23 very frustrated and wanted to say my experience with this
24 person. They had no one available to talk to me till Monday.
25 So I called Channel 4 as well.

26 Q. Did Channel 4, any reporter or person talk to you?

27 A. Yes.

28 Q. And what did you tell them?

1 A. I told them I wanted to tell my history.

2 Q. Okay. And did they set up an appointment?

3 A. Yes.

4 Q. All right. And was that for a future date?

5 A. That day 3:30.

6 Q. And did you end up keeping that appointment?

7 A. No.

8 Q. What happened between the time you spoke to the second
9 media, Channel 7?

10 A. 7, first, and then 4.

11 Q. Excuse me, Channel 4. They set up a later afternoon
12 appointment. Between that time period, did you contact
13 Mr. Flores?

14 A. Yes, I did.

15 Q. And what did you say? What was the exchange?

16 A. I said "I want you to know that I've called the media, and
17 I need to say what my experience was with this person. And I
18 want to give you the heads-up," because he being in the police
19 department I'm sure would be mentioned.

20 Q. And what, if anything, did Mr. -- you call him Tony
21 Flores, did Inspector Flores say to you?

22 A. He said "What are you going to talk about?" And I said
23 "my relationship," and I explained the situation being the
24 same as her report.

25 Q. And did he give you any statement, at that point, about
26 how you should proceed? What might be the more recommended
27 approach?

28 A. Yes. He said "Do not talk to the media." He said "They

1 twist everything that you say, and it's going to come out
2 really bad and make you look bad." And he said that he would
3 find out the best way to approach this.

4 Q. Okay. And did he put you on hold or what happened?

5 A. He called me back five minutes later and said he talked to
6 his superior and they said that I immediately should go down
7 and make a report of what happened.

8 Q. Okay. And then you did that?

9 A. The next morning, yes.

10 Q. At anytime, did Mr. Flores give you or direct you to say
11 or do anything to kind of script you as to what you needed to
12 say to the police?

13 A. No.

14 Q. Other than what you've said now, that was the extent of
15 your conversation with him?

16 A. Yes.

17 Q. You were in San Francisco reading the Examiner. You
18 recall that?

19 A. Yes. I was visiting up here from L.A.

20 Q. So did you, after ending the conversation and Mr. Flores
21 telling you his superior saying you should make a police
22 report, what is the next thing you did?

23 A. At that moment, I went with my boyfriend to go see the
24 Chinese acrobats. We had tickets. So I couldn't go
25 immediately. So first thing in the morning after I got up and
26 got dressed we went to the station.

27 Q. Okay. And again, you did not keep an appointment to speak
28 to anybody?

1 A. No. I cancelled that.

2 Q. And you did not go on any other media forum to discuss
3 what we have been discussing here?

4 A. No, not on that point.

5 Q. Now I do need to bring up some things. We're in a closed
6 setting, and Judge Garrett Wong will make some decisions
7 after, Ms. Flores. But I do need to ask you during the course
8 of your intimate relationship with Mr. Mirkarimi did you send
9 him photos of you naked?

10 A. Yes, I did.

11 Q. All right. And was there a time frame, just roughly, was
12 it every month? Every week?

13 A. Usually every other week.

14 Q. And did you do so at his request?

15 A. I did so, at first, at my prompting. And he liked them
16 and said he would like more, you know. He gave me requests of
17 certain things and I would send them.

18 Q. Okay. And they were only sent to him?

19 A. Yes.

20 Q. And what medium did you use to send most of these photos?

21 A. Um, it was between texting and e-mailing.

22 Q. Okay. And so the e-mail would be an attachment?

23 A. Yes.

24 Q. And it was to his personal e-mail or business e-mail?

25 A. I only had one e-mail for him.

26 Q. Me. And the texting would be to his cell phone?

27 A. Yes.

28 Q. All right. And were these photos meant for, and when I

1 say private, you were sharing them with him through a medium,
2 but they were private, to your knowledge, to be shared only
3 with him?

4 A. Absolutely.

5 Q. You did not send them for purposes of having them
6 published to a magazine?

7 A. No. No. Private.

8 Q. For your work?

9 A. Nothing.

10 Q. You didn't blind cc anybody these photos?

11 A. No.

12 Q. And other than these photos you have said you have sent
13 via e-mail to him only, and to his cell phone only to him, did
14 you ever give him any physical photos?

15 A. Yes.

16 Q. And can you describe what that was?

17 A. I, for his second trip overseas, I took a lot of the
18 photos I sent him, previously, and put them in a collage for
19 him to bring on the trip with him.

20 Q. He told you he wanted to bring it on his trip with him to
21 South America?

22 A. No. I gave them to him.

23 Q. And he took them?

24 A. Yes.

25 Q. And we'll call it, in your view, a collage of photos of
26 you undressed?

27 A. Yes. Yes.

28 Q. And is that the only known copy of this collage?

1 A. Yes.

2 Q. And did you ever ask for that collage back?

3 A. Yes.

4 Q. And can you tell us, approximately, the month and year
5 when you asked for those back?

6 A. That was October 2008.

7 Q. So prior to the breakup of December '08 --

8 A. Yes.

9 Q. -- you asked. What did he say or do when you asked him
10 for the collage back?

11 A. He wouldn't give them to me. I said "I'll give you your
12 key back if you give me my photos back. I would like my
13 collage back."

14 Q. What did you say or do?

15 A. I didn't give him his key back because he said "No. I
16 might need them some day."

17 Q. "Might need them some day" meaning the collage?

18 A. The picture, the pictures. Yes.

19 Q. Have you in any other forum, and we're now in the digital
20 age, Facebook, U-Tube, plenty more, Ms. Chen would know them
21 all, published, printed, sent any of these photos of you where
22 you're undressed to any of these mediums?

23 A. No.

24 Q. In Facebook, do you use Facebook?

25 A. Yes, I did.

26 Q. Do you use or have you used LinkedIn?

27 A. Yes.

28 Q. Was Mr. Mirkarimi sharing things with you on Facebook

1 while he was campaigning for Sheriff?

2 A. No. I had defriended and blocked him.

3 Q. Why?

4 A. Because I didn't want any association, I didn't want to
5 know what was going on. I wanted to wash my hands of the
6 situation.

7 Q. Okay. On any of these any medium, have you ever suggested
8 that you have come forward to describe the verbal and physical
9 abuse you've testified here today?

10 A. No.

11 Q. That you've done it to be vindictive?

12 A. No.

13 Q. Or that you're getting him back?

14 A. No.

15 **MS. AGUILAR TARCHI:** Your Honor, at this time, I have
16 nothing further.

17 **THE COURT:** Okay. Well, let's take a break.

18 **MS. STIGLICH:** Your Honor, with the Court's indulgence.

19 **THE COURT:** Let's go off-the-record.

20 (Off-the-record)

21 **THE COURT:** We'll start up at 11:05.

22 (Recess)

23 --- 11:05 A.M. ---

24 **THE COURT:** All right. The record should reflect that we
25 are back on the record. All counsel are present. Ms. Flores,
26 you're still under oath, and we're ready for
27 cross-examination.

28 **MS. STIGLICH:** Thank you, Your Honor.

CROSS EXAMINATION

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BY MS. STIGLICH: Q. Good morning, Ms. Flores.

A. Good morning.

Q. Ms. Flores, you have described a girlfriend/boyfriend relationship with Mr. Mirkarimi; correct?

A. Yes.

Q. You were not allowed to leave things at his house, were you?

A. At first, no. Later, yes.

Q. You didn't have a drawer there; correct?

A. No I did have a drawer.

Q. When was that?

A. That was about halfway through the relationship.

Q. At what point would have been halfway through the relationship?

A. I would say about March.

Q. He never wanted you to drop him off in front?

A. Correct.

Q. He wanted you to drop him off around the corner?

A. Correct.

Q. And he was worried about being seen with you?

A. Yes.

Q. And in fact, you and he had discussions about that, didn't you?

A. In what way?

Q. You accused him of not wanting to be seen together?

A. Well, police officers.

Q. Didn't you also accuse him of not wanting to bring a wet

1 swimsuit into the house because he didn't want somebody to
2 know he had been off swimming somewhere?

3 A. Correct.

4 Q. You applied for the Police Academy; correct?

5 A. Yes.

6 Q. You were rejected from the Police Academy; right?

7 A. No.

8 Q. You didn't enter the Policy Academy, did you?

9 A. I passed all the way through till the very end. At that
10 point, there was thing with my my taxes I had to deal with. I
11 took it on and I went over, and I made payment plans with the
12 IRS and the Federal Tax Board. Then Sergeant, the one that
13 was working with me said "Are you ready to go back in and
14 continue?" And at that point I didn't.

15 Q. When was that?

16 A. Um, let me see. I applied in January. I don't have the
17 date, but but I still have the e-mail.

18 Q. Was early 2008; correct?

19 A. I don't have the date. I don't know.

20 Q. Well, it had to be during your relationship with
21 Mr. Mirkarimi; correct?

22 A. Yes.

23 Q. Okay. So that started in June of 2007?

24 A. Yes.

25 Q. And your testimony here has been that ended in 2008?

26 A. Yes.

27 Q. Was it towards the beginning of your relationship, in te
28 middle, or the end?

1 A. I applied for the SFPD in June of 2008. It was processed
2 January, February, March. It must have been somewhere in
3 April.

4 Q. Somewhere in April. This not wanting to be seen with you
5 is no longer an issue because you weren't going to the Police
6 Academy, were you?

7 A. It faded out. It started out more so in the beginning and
8 later faded. So he didn't respond.

9 Q. Now with respect to the incidents you have described here
10 in court today. In December of 2008, you and Mr. Mirkarimi
11 broke up; correct?

12 A. Yes.

13 Q. And that was the final time you broke up; isn't that
14 right?

15 A. At the very end, about the 29th.

16 Q. And he broke up with you because he told you he was
17 bringing, who we now know is Ms. Lopez, here, and he was
18 bringing her here to the States, and they were going to raise
19 their baby together; right?

20 A. At the end of December, yes.

21 Q. And that was the break-up; correct?

22 A. Yes.

23 Q. And after that conversation with Mr. Mirkarimi, you found
24 out other information that pertained to your own relationship
25 with him; correct?

26 A. Yes.

27 Q. You were angry when he told you that decision in late
28 December; is that right?

1 A. At that point, it was kind of falling apart. So I wasn't
2 surprised as much as I was when he said he got her pregnant,
3 to begin with.

4 Q. You reached out and you connected with other individuals
5 who had previously dated him; is that correct?

6 A. Not previously. At the same time. Yes.

7 Q. I meant previous to that date? Well, strike that.

8 You found out he was dating other people when you were in
9 a relationship with him?

10 A. I was called by her. Yes.

11 **THE COURT:** I'm sorry. Wait. Wait a second. I missed
12 the question. Sorry.

13 **MS. STIGLICH:** Q. After Mr. Mirkarimi broke it off with
14 you related to Ms. Lopez bringing her to the United States --

15 A. Yes.

16 Q. -- you had a contact with another woman, not Ms. Lopez,
17 that he had also been dating during the period that you
18 thought were you boyfriend/girlfriend?

19 A. Yes.

20 Q. Prior to him breaking up with you in late 2008, you had
21 never told anyone else that you had had this physical incident
22 with him; correct?

23 A. Not the grabbing my arm part.

24 Q. You had not told anyone else that you had had these, what
25 you've described here in court today as verbal abusive
26 incidents?

27 A. Yes, I have.

28 Q. Who had you told?

1 A. I have a friend Artina Morten and a friend Mary Murley.
2 Both of them know about that.

3 Q. And you've described this verbal abuse to them?

4 A. Yes.

5 Q. Did you characterize it like that to the inspectors as
6 verbal abuse?

7 A. Yes.

8 Q. Ms. Flores, after December of 2008, you saw, sometime
9 later, an article relating to what you've described here in
10 court, this incident with Mr. Mirkarimi and his wife; correct?

11 A. Yes.

12 Q. And at that time, do you recall that --

13 **THE COURT:** Did you mean after 2011?

14 **MS. STIGLICH:** Q. I'm sorry. Let me back up. After
15 2008, your was break-up in 2008? --

16 A. Yes.

17 Q. Fast forward approximately three, four years --

18 A. Yes.

19 Q. -- to the alleged date of this incident?

20 A. Yes.

21 Q. Okay. You know why we're here. You saw it in the
22 newspaper; didn't you?

23 A. No.

24 Q. How did you become aware of it?

25 A. My friends texted me. I received approximately four text
26 mails from my friends saying "Did you see what's happening?"

27 Q. And then you saw the newspaper?

28 A. No.

1 Q. Right?

2 A. No. I spoke with them about what was going on.

3 Q. Okay. Was that on the 22nd of January?

4 A. No, that was when it first started. They started
5 e-mailing me and texted me.

6 Q. Your friends?

7 A. Yes. I was in L.A. at the time.

8 Q. You testified here that at some point, you saw an article
9 in the Examiner talking about family?

10 A. Yeah. That was the first time I had seen it in print.

11 Q. And after that, you made an appointment to speak to two
12 television reporters; right?

13 A. Yes.

14 Q. And you called --

15 **MS. AGUILAR TARCHI:** I'm sorry. That misstates the
16 evidence. She made an appointment with one.

17 **MS. STIGLICH:** Q. You made an appointment with Channel 7
18 and Channel 4?

19 A. Channel 7, they had no one to talk to me till Monday.
20 Channel 4 said they had somebody available at 3:30, and I made
21 an appointment with them.

22 Q. Okay. So you had an appointment with one and one was
23 going to be Monday?

24 A. Yes.

25 Q. You also talked to print media, didn't you?

26 A. Not at that point.

27 Q. Do you recall what date it was that you made these calls
28 to the news stations?

1 A. 21st, I want to say, but I don't remember exactly. I
2 believe it was the 21st.

3 Q. And after you made these appointments, you called your
4 ex-husband, as you've described here, to kind of give him a
5 heads-up; correct?

6 A. Yes?

7 Q. Now is it your testimony that you're not aware that since
8 2001, Inspector Antonio Flores has been an inspector in the
9 Domestic Violence Response Unit?

10 A. I knew that he was, but at the time I didn't. It didn't
11 come to my mind first. I wanted to make sure that he knew
12 that there was going to be media.

13 Q. I'm not intimating that you were calling him for any other
14 reason. I'm just asking on this date and time, you were aware
15 that that was his assignment, had been his assignment for some
16 time.

17 A. I knew that he did that.

18 Q. All right. And he told you "Whoa. Whoa. Don't do it
19 this way. Make a police report," or words to that effect;
20 correct?

21 A. He said "I wouldn't call the media because they'll twist
22 your words."

23 Q. So as a result of that conversation, you went down and
24 made a police report; correct?

25 A. Correct.

26 Q. On the 23rd, you also gave interviews to Rachel Warden, a
27 reporter; correct?

28 A. There were -- I guess the word, because I phoned to try to

1 get the interviews on t.v., the word got out that I was going
2 to be doing this. So I just started getting bombard with
3 phone calls. And now my name got out there with the phone
4 number from the people I initially contacted.

5 Q. Again, prior to that police report, prior to this coming
6 forward January 21st, 2012, having this, making these calls,
7 you had not reported an act of physical violence by
8 Mr. Mirkarimi against you to anyone?

9 A. No. I have not.

10 Q. Do you recall -- well, strike it.

11 Your motivation, at least one of your motivations, was
12 that Mr. Mirkarimi had told you that Eliana Lopez knew about
13 your relationship with him and you thought that was a lie?

14 A. That's twisting what I'm saying.

15 Q. Do you recall telling the inspectors on January 2nd, page
16 five of the January 22nd transcript:

17 "Q. So the woman that you met with, was she the one
18 from Venezuela?

19 "A. No.

20 "Q. Okay. This is another woman.

21 "A. He -- Mr. Mirkarimi -- said that the woman from
22 Venezuela knew about our relationship and it
23 didn't matter --

24 **MS. AGUILAR TARCHI:** Excuse me.

25 **MS. STIGLICH:** I'm on page six.

26 **MS. AGUILAR TARCHI:** Of which transcript.

27 **MS. STIGLICH:** The 22nd.

28 **MS. AGUILAR TARCHI:** Can you give the lines?

1 **MS. STIGLICH:** Page six, line three.

2 **THE COURT:** Okay. Now just slow down just a bit because
3 she's trying to catch everything you're saying. I
4 understand --

5 **MS. STIGLICH:** No. All right.

6 "Q. Do you recall telling the inspector, he --
7 Mr. Mirkarimi -- said that the woman from
8 Venezuela knew about our relationship and
9 it didn't matter to her?"

10 **THE WITNESS:** Yes. I remember saying that.

11 **MS. STIGLICH:** Q. You went further and you said.

12 "A. Which is a lie, and that's probably why I'm
13 here because I don't think she knew."

14 You recall telling him that?

15 A. Yes. I recall saying that.

16 Q. So when I quoted that, that's not twisting your words.
17 Those are your words?

18 A. I took offense to the "motivation" part of it. That was
19 not my motivation.

20 Q. You told him "That's probably why I'm here"? That's your
21 words; correct?

22 A. Well, that was a partial sentence.

23 Q. Okay. Now you recognized, when you have talked about, and
24 I think Ms. Tarchi asked you about electronic conversations,
25 and e-mails, and whatnot, you recognize that there's a record
26 of those e-mails?

27 A. Yes.

28 Q. In fact, you self-selected a number of e-mails to provide

1 to the District Attorney's Office --

2 A. Yes.

3 Q. -- in that case? Okay. And you provided those in your
4 initial report to prove that you even had a relationship with
5 him; is that correct?

6 A. Correct.

7 Q. You subsequently provided an additional e-mail to them; is
8 is that correct?

9 A. I believe so. I am not a hundred percent sure. You mean,
10 to the investigator?

11 Q. Correct, to Mr. Kloss.

12 A. I believe I gave him an e-mail. I'm not a hundred percent
13 sure.

14 Q. You provided them with e-mails, the D.A.'s Office?

15 A. Yes. Uh-huh.

16 Q. Now the alleged incident of violence that you have alleged
17 here occurred in, according to your testimony here today, in
18 February of 2008?

19 A. I believe so. Yes.

20 Q. Do you recall when you first spoke to the investigators on
21 January 22nd, 2012, you told them you didn't know when it
22 happened?

23 A. Correct.

24 Q. You told them it happened sometime in the relationship
25 between June 2007 and May 2008?

26 A. Correct.

27 Q. And you spoke to them again, subsequently; correct;

28 A. I spoke to the officer?

1 Q. Inspectors, again. Let me back up. January 22nd, you
2 spoke to police inspectors; is that right?

3 A. Yes.

4 Q. And subsequent to that, in February, you spoke to D.A.
5 Inspector Mr. Kloss?

6 A. Yes.

7 Q. And you gave him another statement; correct?

8 A. Yes.

9 Q. And you're aware both of those statements are transcribed;
10 are you not?

11 A. Yes.

12 Q. You knew they were audiotaped?

13 A. Yes.

14 Q. So on the first tape, you said you weren't sure when it
15 was, you weren't sure what the fight was about, and you
16 weren't sure what the details were?

17 A. Yes.

18 Q. When you spoke to them, again, and I say "them," meaning
19 law, enforcement in February, then you surmised that it was in
20 January of 2008; correct?

21 A. Correct.

22 Q. And that it had something to do, you believed, with this
23 interplay about underwear?

24 A. Yes.

25 Q. And you've testified here today that now you believe it
26 was in February of 2008?

27 A. Correct.

28 Q. And then now you have more details about how that

1 occurred?

2 A. Yes.

3 Q. Ms. Flores, with respect to your not telling anyone
4 regarding this incident of violence, you have never, there's
5 not one e-mail to Mr. Mirkarimi from you that references
6 violence; isn't that right?

7 A. No. There is not.

8 Q. There's not one e-mail from you to Mr. Mirkarimi that
9 references verbal abuse?

10 A. Yes, there is.

11 Q. Which one would that be?

12 A. May I look through my e-mails?

13 **MS. STIGLICH:** Your Honor, if I could just inquire. These
14 are all the e-mails that we have or we don't have?

15 **THE WITNESS:** I don't know if you have this one or not. I
16 can tell you the date, and you can check before I say
17 anything.

18 **MS. STIGLICH:** Well, I want to see them.

19 **THE COURT:** Well, I want to know if you've provided those
20 e-mails to Ms. Aguilar Tarchi, or to her staff?

21 **MS. AGUILAR TARCHI:** Your Honor, I can state that we have
22 received numerous e-mails. However, when Ms. Flores arrived
23 this morning, she indicated she brought e-mails with her. We
24 only had less than 30 minutes to review. And so we can
25 certainly check. Some may have already been discovered. I
26 did not --

27 **THE COURT:** Produced.

28 **MS. AGUILAR TARCHI:** Yes. I didn't go through every

1 document Ms. Flores brought with her in her personal attache
2 to look at. So we need to see the date.

3 **THE COURT:** I'm going to order those e-mails to be
4 provided to you immediately, and they shall be provided to
5 Ms. Stiglich.

6 **MS. AGUILAR TARCHI:** Of course.

7 **THE COURT:** She should have them now, to the extent that
8 she's going to be able to examine the witness with these
9 e-mails. So if you have one that you're referring to, please
10 provide that. If you've got them all tagged, then you should
11 provide those e-mails to Ms. Stiglich and Ms. Aguilar-Tarchi
12 now.

13 **THE WITNESS:** This is one with the verbal abuse.

14 **MS. AGUILAR TARCHI:** May the People approach to look at
15 the date?

16 **THE WITNESS:** Okay. February 10th, 2008.

17 **MS. AGUILAR TARCHI:** May I be allowed to retrieve that to
18 see?

19 **THE COURT:** Yes. Both lawyers should be able to see them
20 now.

21 **MS. AGUILAR TARCHI:** Yes. The witness' handing me a
22 document. Thank you. I will show this to Ms. Stiglich.

23 There is an e-mail that I've just shared with
24 Ms. Stiglich, and it does appear to be one that People have
25 not been privy to prior to today. In the interest of moving,
26 may we get this immediately copied, continue the testimony.
27 We can deal with -- or suspend the testimony. I'm not sure.
28 Whatever the Court wishes.

1 **THE COURT:** Ms. Scott, can you have that copied, and then
2 I'll allow Ms. Stiglich to come back to this issue.

3 **MS. STIGLICH:** All right. And Your Honor, I don't know
4 which, if Ms. Flores has more e-mails than she's provided to
5 the district attorney. And certainly, the district attorney's
6 provided materials to us from Ms. Flores. So -- yes, ma'am.

7 **THE WITNESS:** I just wanted to say that on my first time
8 that I went down there, I grabbed some e-mails to show that I
9 had a relationship with this person. I didn't pick through
10 them or look through them. And in a subsequent meeting with
11 the investigator, I had pulled some more to go back with the
12 timeline to find the framework of what happened at what time.
13 And then the last one is just the last week, I've been going
14 through and really looking through everything in order to
15 bring it. That's why there's three stages of e-mails.

16 **THE COURT:** Have you completed your review?

17 **THE WITNESS:** Yes.

18 **THE COURT:** All right. And everything that you've
19 retrieved or found to be relevant here -- and that's a legal
20 term -- but anything that you felt was referencing this matter
21 you've pulled up, retrieved, and printed out?

22 **THE WITNESS:** Yes.

23 **THE COURT:** All right. And they are here today?

24 **THE WITNESS:** Yes.

25 **THE COURT:** Very well. Those documents will be turned
26 over to the D.A. for review, and to Ms. Stiglich, as well.
27 We'll have copies of those made after -- well, they will be
28 turned over to Mr. Hinckley, who can remain in the courtroom,

1 because I'm not going to let Mr. Hinckley leave, or Ms. Flores
2 leave without those documents.

3 **MS. AGUILAR TARCHI:** We will make immediate copies, and
4 they're only for us here now.

5 **MS. STIGLICH:** Okay. If this is affecting the ability to
6 cross-examine her with respect to e-mails, then I apologize.

7 **THE COURT:** No. I understand that.

8 **MS. AGUILAR TARCHI:** We may need to continue it, Your
9 Honor.

10 **THE COURT:** Let's do as much as you can within the -- I'll
11 give you whatever time you need to follow up on this before I
12 issue a ruling. But there's not much we can do. We're kind
13 of pressed here for examination. I can't issue a ruling. You
14 won't have the ability to examine her, and you won't have the
15 ability to ask jurors certain questions.

16 **MS. AGUILAR TARCHI:** Your Honor, I'm sorry. I know we've
17 all been accommodating. And though no fault of -- when I
18 cancelled a trip for today and Monday, I did not know
19 Ms. Stiglich only had a half a day.

20 **MS. STIGLICH:** You know, I base it on what things we've
21 scheduled.

22 **THE COURT:** Yes.

23 **MS. AGUILAR TARCHI:** That why we're here.

24 Thank you. I just received and Ms. Stiglich has received
25 a copy of an e-mail that witness Flores was about to
26 reference. We both have seen this. Ms. Stiglich and I have
27 seen this for the first time this morning. It was part of,
28 apparently, several e-mails that Ms. Flores gathered prior

1 till today. And after this hearing, of course, the People
2 will make copies of all materials Ms. Flores brought for her
3 that are relevant. They will be be duplicated for
4 Ms. Stiglich.

5 **MS. STIGLICH:** I'm sorry. They're going to be copied
6 after the --

7 **MS. AGUILAR TARCHI:** Unless we want to do it now. But we
8 would suspend the proceedings for me to copy them. You have
9 to ask her.

10 **THE COURT:** Okay. Let's go-off-the-record.

11 (Off-the-record)

12 **THE COURT:** Let's go back on the record. The Court has
13 had a discussion off-the-record regarding the discovery of
14 extra or other materials that have been offered by the lay
15 witness. The Court has expressed its displeasure at the
16 People in their delaying in terms of the investigation. These
17 documents should have been provided to the defense at the
18 beginning of this week, or the time this matter was called and
19 sent out for trial. The Court does not attribute this to the
20 prosecutor, herself. But the investigation unit needs to
21 understand they need to be thorough, and they were not.

22 We're going to continue this matter to 1 o'clock on
23 March 5th before the jury comes back from their recess. We'll
24 have approximately 45 minutes for Ms. Stiglich to perform the
25 examination.

26 And it's the Court's finding in this matter that the
27 lawyers need to have these documents reviewed so that proper
28 examination can be occur. Ms. Stiglich will have an

1 opportunity to fully cross-examine Ms. Flores.

2 Now with respect to disclosures to the press. We are
3 going to tell the press that this matter is going to be
4 continued, and that will be it. I am still taking this matter
5 under submission. I have made no decisions yet about the way
6 this is going other than to say that I hold the D.A.'s Office
7 and their investigators, in particular, accountable for this.
8 And if this happens again, there will be appropriate sanctions
9 imposed. We're adjourned.

10 (Off-the-record)

11 **THE COURT:** Back on-the-record. Ma'am, you are ordered to
12 return here at 1 o'clock on Monday for examination. Do not
13 speak to anyone about the topics discussed in this matter.
14 You may need to talk to the D.A.'s Office and their staff for
15 logistical purposes and presentation of anything else you
16 have. But if you do find something in the time between now
17 and then, you are ordered to provide those to the D.A. without
18 delay. And I assume the D.A. will pay for any costs
19 associated with the delivery of any of those items. I don't
20 want anymore surprises here. All right. Thank you. You are
21 ordered to return.

22 (Whereupon, these proceedings were continued to
23 Monday, March 5, 2012 at 1:00 p.m.)

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1 STATE OF CALIFORNIA)
2 CITY AND COUNTY OF SAN FRANCISCO) : ss.

3
4 **REPORTER'S CERTIFICATE**

5 I, Susan Lee, Official Court Reporter for the
6 Superior Court of the State of California, in and for the
7 City and County of San Francisco, do hereby certify that
8 the foregoing transcript is a full, true and correct
9 transcription of the shorthand notes taken as such reporter
10 of the proceedings in the above-entitled matter, as reduced
11 to computer-aided transcript form under my direction and
12 control to the best of my ability.

13
14 Dated: March 6, 2012

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21 _____
22 Susan Lee, C.S.R. No. 4280
23 Official Court Reporter
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