

April 3, 2015

[ROBERT GIBBS-15F05464-OMURA-DUBUQUE INTERVIEW]

PEOPLE v. ROBERT GIBBS
SHASTA COUNTY - CASE NUMBER - 15F05464
FRIDAY, APRIL 03, 2015

DEPUTY DISTRICT ATTORNEY: CRAIG OMURA
INVESTIGATOR: BRETT MC CALLISTER

WITNESS: CHERI DUBUQUE

1 (0:00:00:0)

2

3 INVESTIGATOR MC CALLISTER: I'm an investigator.
4 I'm going to be sitting in with you guys today.

5

6 CHERI DUBUQUE: Okay.

7

8 CRAIG OMURA, DDA: Remember how I told you I
9 couldn't be a witness in my own case, so I have to have
10 somebody to be able to say, oh, yeah, that's what
11 happened?

12

13 CHERI DUBUQUE: Right.

14

15 CRAIG OMURA, DDA: Yeah.

16

17 CHERI DUBUQUE: Okay.

18

19 CRAIG OMURA, DDA: So that -- that's why
20 Investigator McCallister's here. So I'm Craig.

21

22 CHERI DUBUQUE: Okay.

23

24 CRAIG OMURA, DDA: I didn't introduce myself.

25

26 CHERI DUBUQUE: Cheri.

27

28 CRAIG OMURA, DDA: Nice to meet you, Cheri.

29

30 INVESTIGATOR MC CALLISTER: It's Brett, actually.

31

32 CHERI DUBUQUE: Brett?

33

34 INVESTIGATOR MC CALLISTER: Nice to meet you.

35

36 CHERI DUBUQUE: Cheri.

1 CRAIG OMURA, DDA: So what do you want to talk to
2 us about?

3
4 CHERI DUBUQUE: Well, I think that there's a lot
5 more going on than what everyone has been aware of, and
6 I think it's really important that that be brought up,
7 because -- I'm sorry. I'm just, like, feeling really
8 nervous all the sudden.

9
10 INVESTIGATOR MC CALLISTER: Don't be.

11
12 CRAIG OMURA, DDA: Please, don't.

13
14 INVESTIGATOR MC CALLISTER: So -- we're just
15 having a conversation, so it -- in here, you're safe.

16
17 CHERI DUBUQUE: So, basically, Mr. Crowfoot became
18 my parole officer when I moved in with Mr. Robert
19 Gibbs, so that was about -- oh, God. I'm just feeling
20 really nervous.

21
22 INVESTIGATOR MC CALLISTER: Don't be.

23
24 CHERI DUBUQUE: Okay. Basically, what I'm trying
25 to explain is that Robert had a lot to deal with when
26 he accepted me into his home because my parole was very
27 extreme.

28
29 INVESTIGATOR MC CALLISTER: Right.

30
31 CHERI DUBUQUE: So -- and then -- and then,
32 basically, in -- in explaining what had happened in my
33 past to Robert and stuff -- has made him upset with the
34 department, because I was, basically, a -- victimized
35 in my case and -- so seven years in prison, and then
36 parole was, like, really harsh and excessive on me
37 considering what had happened.

38
39 So by -- by the time that I had moved in with
40 Robert, it -- I had been on parole for two years
41 already, and -- so he and Crowfoot were getting along

1 for a while, but then when Robert and I became --
2 having problems a little bit, I didn't have the option
3 to just take, you know, and say, hey, I'm going to go
4 stay with somebody for a few days -- because of my
5 parole conditions.

6
7 I -- I had to ask my parole officer, "Can I go
8 anywhere? Can I -- anything."

9
10 Because, basically, I was seen as harm -- harmful
11 to society or --

12
13 CRAIG OMURA, DDA: High risk?

14
15 CHERI DUBUQUE: -- like, some -- I could hurt
16 somebody or something, so they -- once -- I had to ask
17 him, you know, if I could stay with my friend, and then
18 he decided that I should stay away from Robert
19 permanently, but we had actually requested counseling
20 and help from them.

21
22 And they were, like, "We're just parole. We don't
23 have those resources."

24
25 And -- so we -- sorry.

26
27 INVESTIGATOR MC CALLISTER: No, that's okay.
28 Don't worry about it.

29
30 CHERI DUBUQUE: We were trying -- with what
31 resources we had -- to find counseling and to work on
32 our issues, because it's not just, like, some normal
33 couple bickering. It's, like, I've got a lot of
34 problems because of my past.

35
36 CRAIG OMURA, DDA: Understandable.

37
38 CHERI DUBUQUE: So it is really hard for him to
39 understand and deal with, and, also, he's -- feels
40 protective over me with parole being so crazy about how
41 I might hurt somebody or something.

1 So he -- I had met with Crowfoot in his office
2 several times, requesting that they quit being so harsh
3 with me; that they take off the ankle monitor that I
4 had to charge twice a day; that I -- that he would
5 just, you know, see that I'm just a normal person that
6 had gone through a horrible situation; and that I was
7 not out trying to hurt somebody, and he understood
8 that.

9
10 But then there was problems with them under -- him
11 understanding why Mr. Crowfoot could not -- after a
12 couple of years -- have not had the authority to say,
13 hey, you know, she's not, like, some weirdo that's
14 going to hurt somebody.

15
16 So then they -- after the few meetings and him --
17 it still being the same -- then it was, pretty much, a
18 little bit of a negative atmosphere.

19
20 So I became pregnant in the time that I was living
21 with Robert, and I was really terrified that they would
22 take our child, so I don't even tell them for, like,
23 four months, and then, when I did tell them, I was so,
24 like, freaked out, I couldn't really, like, understand
25 what was going on, you know.

26
27 Like, everything's just happening, but I'm not
28 really processing it, so -- and -- and I just had a lot
29 of anxiety and stuff, you know, and it's hard -- it's
30 really hard, and -- to deal with.

31
32 So when -- when I had arguments with Robert, it
33 was, you know, like, always just something stupid and
34 stuff, and then I get real excited, and I'm over --
35 overanxious and stuff, and I just can't really cope --
36 cope very well, so -- and, you know, I had done a lot
37 of counseling over the years and stuff -- trying to
38 work on myself, because my mother was schizophrenic.
39 That's why I'm a little, like, not as level.

40
41 INVESTIGATOR MC CALLISTER: Right -- you've got

1 some troubles.

2
3 CHERI DUBUQUE: So there was even, like, a
4 situation where Robert wasn't able to change something
5 where he was going one day, and -- so I rescheduled a
6 POC appointment -- which was, like, a therapy thing,
7 and then -- I didn't cancel it. I just rescheduled it.

8
9 And then all the sudden, Mr. Crowfoot's calling
10 me, and saying, "Come to the office within 20 minutes,
11 or you're violating your parole."

12
13 And I was, like, fur -- further into my pregnancy
14 and stuff, so that was, like, you're really going to
15 put me in prison because I rescheduled an appointment?
16 You know, like, that's pretty, like, scary.

17
18 So, like, that was just really extreme stuff that
19 ex -- exacerbated the feelings towards Mr. Crowfoot,
20 so -- and he, like, there's other instances where,
21 like, if -- I was cooking or something, and I yelled at
22 the dog.

23
24 There was this one day he was approaching where we
25 were -- are living, and the dog was coming where I was
26 cooking.

27
28 And I said, "Get out of there."

29
30 And Mr. Crowfoot overheard that and thought that I
31 was talking to him, but I didn't even know he was there
32 yet, so he drew his gun.

33
34 And then -- and I open the door, and I saw him
35 with his gun.

36
37 I said, "Oh, my God, a gun? Really?"

38
39 And then he was, like, "Well, I thought that you
40 were yelling at me to get out of here."
41

1 And I'm, like, "Oh, my God. I would never do
2 that. I can't believe that after, like, you know --
3 like, this is just crazy."
4

5 So, I mean, like, everything's so extreme, and
6 severe, and, like, just crazy, and out of hand with
7 parole, and stuff, and then, Robert was, like -- didn't
8 know that all that stuff was coming.
9

10 I had to register with the sheriff every month as
11 transient, because his address was not a number. It
12 was just rural, and -- so it was just, like, on, and
13 on, and on with the stress from parole.
14

15 (sneezing)
16

17 And when I was --
18

19 INVESTIGATOR MC CALLISTER: Excuse me.
20

21 CHERI DUBUQUE: -- told --
22

23 (sneezing)
24

25 -- by Mr. Crowfoot that I was coming off of
26 parole --
27

28 (sneezing)
29

30 -- he told me --
31

32 INVESTIGATOR MC CALLISTER: Excuse me.
33

34 CHERI DUBUQUE: -- "Do not tell Robert that you're
35 getting off parole."
36

37 I am assuming because he wanted me to continue to
38 be separated, though -- we had also shown that we're
39 trying to work on our problems. We're trying to get
40 counseling and stuff like that -- despite that he had
41 made our living separation permanent according to their

1 rules.

2
3 So he was having to drive every single day to come
4 see me and the baby in Weaverville all the time, and
5 that was excessive stress on his situation and mine.

6
7 So -- and that was also another part of why he was
8 going from Weaverville the day that that thing happened
9 with the other stuff.

10
11 And then -- so I really got to calm down for a
12 minute, because I think I'm rambling, and I'm not
13 following any kind of certain order, and I'm confusing
14 you guys or something.

15
16 CRAIG OMURA, DDA: You're doing fine.

17
18 INVESTIGATOR MC CALLISTER: You got a lot on your
19 plate, so (inaudible).

20
21 CRAIG OMURA, DDA: There's no need to apologize.

22
23 CHERI DUBUQUE: I was really hoping I wouldn't
24 start crying today, and I just can't help it. I'm
25 sorry.

26
27 INVESTIGATOR MC CALLISTER: Don't apologize.

28
29 CHERI DUBUQUE: God, it's just not something
30 that's easy to talk about.

31
32 So the day that Mr. Crowfoot told me that I was
33 going to -- going to get off parole in -- in, like, a
34 week -- and he said, "Do not tell Robert that you're
35 getting off parole."

36
37 And I still have my own place right now, because,
38 you know, like, I definitely need, you know, my --
39 certain space sometimes, and it's a healthy option for
40 me considering that I'm not really easy to deal with
41 sometimes.

1 So -- so the next morning after Mr. Crowfoot told
2 me that I was getting off parole then is -- is when
3 that text had happened, and -- so I didn't -- was not
4 aware of it at all.

5
6 And then I had an appointment at parole that very
7 morning, actually, and then when I went in,
8 Mr. Crowfoot popped his head out of the door.

9
10 And he said, "What's Robert's phone number?"

11
12 And I -- well -- said, "Okay" -- gave his phone
13 number.

14
15 And -- and then was, like, "Okay. What's going
16 on" -- didn't really think of nothing.

17
18 And then I got through my appointment, and then he
19 comes, and then he's telling me after my appointment --
20 that -- that there was a text sent, and that some --
21 basically, what is happening was bad.

22
23 And then I didn't -- I was, like, "Oh, my God,
24 what's happening? I don't know," you know.

25
26 And -- so then he -- I said, "What is -- what did
27 he say? I don't even know what he said."

28
29 And then he told me what he had said in the thing.

30
31 And then -- so I was, like, "Are you serious? Are
32 you kidding me? Like, really? That happened? Like, I
33 don't believe you. Are you serious?"

34
35 And then, like, he had never -- would have even
36 said any of that crap if I would have just said, hey,
37 Rob, I'm getting off parole, you know, and, like,
38 things are going to be less stressful, like, really
39 soon, so, you know, like, just, you know -- and -- and
40 then he wanted me to sign some kind of a statement
41 against Robert.

1 And I said, "No. I have no reason to do that. I
2 don't even know why you would ask me that."
3

4 And then -- and then I was, like, "Am I still
5 getting off parole?"
6

7 And he said, "Yeah."
8

9 And -- so I left.
10

11 And I'm, like, "That's it. That's it. I can't
12 take any more of this."
13

14 And -- so I got off parole, but then this is all
15 still continuing now because of all this stuff.
16

17 But it's just, like, a whole great, big, mess of a
18 nightmare that I wouldn't have -- if I had never even
19 asked Rob, you know, "Hey, like, can we arrange to live
20 together? You know, it's going to be really hard."
21

22 But, you know, like, I didn't know it was going to
23 be, like, that really messed up for him, you know.
24 Like, I totally wouldn't have never brought any of that
25 to his home if I knew it was going to be like that,
26 because now he's looking at, like, what -- like, prison
27 and stuff? Like, he doesn't deserve that after all
28 he's trying to do is be protective over me and his
29 baby, you know.
30

31 And then I don't even understand, like, how in the
32 world they can -- they can bring up some kind of factor
33 of child abuse when he would never even think of
34 harming his baby.
35

36 That is his baby. He loves his daughter. He --
37 every day -- laughs, and reads with her, and takes her
38 for walks, and stuff.
39

40 And, like, this -- making him into some kind of,
41 like, monster on paperwork is really, like, happening

1 right now, and -- and it seems like you guys are really
2 trying to, like, put him in prison, you know.

3
4 And I'm -- I'm not really understanding how that
5 could be so severe. Like, what is happening? I mean,
6 how -- how in the world can he end up in prison over
7 all this stuff? I just, like, I don't understand that.

8
9 And I -- like, my daughter -- she needs her
10 father, you know. She's just, like, one -- 14 months
11 now, and, like, she -- they -- I -- I'm in shock right
12 now.

13
14 And it's, like, this is -- this is, kind of,
15 really revolve -- resolve -- re -- rooting from me, you
16 know. Like, I would have not -- should have not ever
17 asked to come to his home and to bring that stress into
18 his life, so I don't know what to do right now. I
19 just -- it's just -- I don't know.

20
21 And then I heard with the cop -- the cop with the
22 situation that had pulled him over -- he -- I have not
23 seen -- this is what is Mr. -- Robert is telling me --
24 that the cop saw him swerve into his lane or something
25 right before he was pulling him over or something --
26 which had never occurred. That actually really never
27 occurred. That is incredible that he would say
28 something like that.

29
30 The -- the situation with the -- the pulling
31 over --

32
33 (coughing)

34
35 I don't know if you guys ever drive in the
36 mountains or not, but it's really, kind of, a little
37 bit crazy sometimes with the curves, and the ups, and
38 the downs, and the people clu -- getting in clusters,
39 okay.

40
41 It's really dangerous when people become --

1 driving in clusters, because everybody's, kind of,
2 wondering what everybody's doing. Everybody's, like,
3 trying to get around everybody, and it's really, kind
4 of, like, a little -- like a zoo -- like, crazy.

5
6 So when we were driving from Weaverville to
7 Redding, the cluster became -- you know, it's --
8 it's -- it's been construction for years up there, so
9 it becomes this thing where some people are going only
10 40 or 45 through the 55 and -- and, maybe, they can't
11 go faster, because their vehicle can't handle the
12 mountains or whatever, but then it continues for a
13 really long time.

14
15 And -- so after, like, 15 or 20 minutes, we're
16 all, like, okay. Well, how are we going to deal with
17 this situation?

18
19 Because there's a bunch of people behind us.
20 There's a couple of cars, and there's a truck with this
21 junk, like, all up in the truck, like, not tied down
22 and stuff, so it's, like, boxes of junk.

23
24 And, like, when it's all like that, you all just,
25 kind of, like, go, and you go, and you, like, look so
26 you can see if there's anybody coming -- if you can
27 pass during the passing lane. You keep looking.

28
29 If you -- you know, if you can't go, you
30 get -- you know, you can't. So this continues for,
31 like, 15 or 20 minutes, and then, finally, there was a
32 free, clear pass, you know, and nobody felt endangered.
33 Nobody felt like -- like it was something crazy or,
34 like, people were going to hurt each other, like,
35 rage -- road rage or something.

36
37 Like something -- somebody mentioned road rage or
38 something like that, but it was just one of those
39 cluster things that had happened for so long that it
40 was so extreme, and something had to be done, so that's
41 what had happened with that.

1 And that is no way -- in no way, shape, or form --
2 child abuse. In -- in my -- my heart my baby's father
3 should not have to be going away somewhere because he
4 decided to pass in a clear, safe, manner. There was no
5 vehicles coming. Nobody was harmed. Nobody was shoved
6 off the road. It was done in a very safe manner.
7

8 And the actual charge for crossing a double yellow
9 is punishable by a fine and traffic school, and what's
10 happening is somebody's decided that child abuse has
11 become an issue now, and that is not an issue with our
12 child. We love our baby very much.
13

14 And every day, all our goal is -- is to bring her
15 up healthy, and happy, and safe. That was an unsafe
16 situation that we were forced to be in on the road.
17 That was a hazardous situation that was necessary to
18 get out of, and that's what I have to say about that.
19

20 CRAIG OMURA, DDA: Okay.
21

22 CHERI DUBUQUE: And I know that it's your job to
23 prosecute people for those kinds of things, and that --
24 that's just your job, but in no way, shape, or form was
25 it child abuse.
26

27 CRAIG OMURA, DDA: The charge that's on the
28 complaint is child abuse. The factual allegation is
29 more child endangerment, and this is a very unfortunate
30 short title, because it doesn't include the
31 endangerment, but I'm not accusing Robert of abusing
32 your child -- but putting her in a very dangerous
33 situation, okay.
34

35 So I -- I don't expect that to make you feel any
36 better, but as a way of an explanation, the -- the
37 allegation that we'd be -- go to trial on -- if we had
38 to do a trial -- would be endangerment -- and not that
39 he ever laid a hand on your daughter, okay.
40

41 CHERI DUBUQUE: Can I also explain something else?

1 CRAIG OMURA, DDA: Please.

2
3 CHERI DUBUQUE: In this situation, the judges
4 decided to remove his license -- which has also created
5 an immense amount of stress -- because I have to drive
6 his vehicle now -- everywhere, to where he needs to go
7 and to where I need to go.

8
9 And I have never had to drive a stick shift in my
10 life, and -- so, now, all the sudden, I'm forced to
11 drive this vehicle with the big, jiggly tires and the
12 stick shift, and I'm jerking all over the place, and
13 I'm slamming the clutch thing together, and it's not
14 working very well. I'm a terrible driver. I have to
15 drive this vehicle. I have to buy groceries, and -- so
16 this is a really big mess -- for three months now --
17 since January -- he's lost his license.

18
19 (coughing)

20
21 And -- so I've had to drive this vehicle, and it
22 has been very hard for me, and is causing me a lot of
23 problems, you know, and just trying to function in
24 everyday life.

25
26 And I just feel that that was an -- complete --
27 not -- not considering our -- his situation and my
28 situation where he's living in the middle of nowhere,
29 and -- and I'm living farther away, and then he has to
30 go through things -- has to come to court and stuff,
31 and then I have to drive his vehicle and stuff, and --
32 so none of that was considered by anybody when that
33 happened.

34
35 And I -- I don't understand how that happened.

36
37 CRAIG OMURA, DDA: I wasn't there. I have
38 reviewed the file, and from what it looks like -- is
39 the judge made that order after hearing the testimony
40 at the preliminary hearing, okay.

1 So the judge heard testimony from witnesses about
2 the allegations of Robert's driving, and the judge made
3 the conclusion that based on what he heard, the public
4 at large -- and you and your daughter -- would all be
5 safer if he weren't driving, so it wasn't just coming
6 out of the blue. It was after the judge heard the
7 testimony.

8
9 CHERI DUBUQUE: Well, that's really sad, because
10 he doesn't know how Robert drives. He drives very
11 well, actually, and I drive really terribly, so this is
12 a nightmare.

13
14 CRAIG OMURA, DDA: At least, on this day, I --
15 July 14, or 24th, or whatever the date was -- 22nd --
16 several people told the -- the police that Robert was
17 not driving well, and that's upon what the judge based
18 his decision to take --

19
20 CHERI DUBUQUE: Those several --

21
22 CRAIG OMURA, DDA: -- away Robert's --

23
24 CHERI DUBUQUE: -- people are probably the people
25 that were passed going 40 for, like, 20 minutes
26 straight through the mountains when there's plenty of
27 opportunity to pull over. There's plenty of
28 opportunity to figure out how you're going to get this
29 line out of -- behind you -- whatever. It's -- isn't
30 it illegal to hold up traffic?

31
32 CRAIG OMURA, DDA: I don't know if it's --

33
34 CHERI DUBUQUE: I mean --

35
36 CRAIG OMURA, DDA: -- illegal, but it's
37 recommended that if there are five cars behind you, you
38 pull out at the next turnout, yes.

39
40 CHERI DUBUQUE: Okay. Well, he's not necessarily
41 trying to be, like, a speed demon or anything, but,

1 like, does want to go to -- the speed limit and stuff,
2 so, generally, he's not, like, into clumping, and to
3 the clump or, you know, section of people.

4
5 If he sees -- see people going slower, he will go
6 around them, and that's just his pattern, and when
7 there's a big clump, that's what happens, and it --
8 it's generally safe to pass, you know, in the safe
9 passing zone.

10
11 And this one day, that is what had happened -- is
12 it just was not -- the passing zone -- you know, but it
13 was safe, and there's plenty of people that -- that
14 could say that he was trying to be dangerous, but if
15 you're trying to pass, you have to look and see if
16 somebody's coming. You have to go up to where the
17 vehicle is.

18
19 You're not trying to -- what do they say --
20 tailgate, you know, you're trying to get up so you can
21 go pass, and if there's not an option, then you have to
22 go back, and, maybe, that seems like an aggressive
23 tactic or something to these people. I don't know, but
24 all it -- it was is they were going very slow for a
25 long period of time, and they were not yielding.

26
27 INVESTIGATOR MC CALLISTER: Which makes sense but
28 you do know that you --

29
30 CHERI DUBUQUE: I would have never done that. I
31 am not that kind of driver. When I -- when I'm in a
32 clump, I stay in a clump.

33
34 INVESTIGATOR MC CALLISTER: But do -- well, the
35 one -- the one --

36
37 CHERI DUBUQUE: I mean --

38
39 INVESTIGATOR MC CALLISTER: -- issue that we
40 wanted to try and help you with -- and, maybe, it helps
41 you feel better understanding -- is Caltrans designed

1 that for a reason. You think it's safe because there's
2 no cars coming, but those double yellow lines are there
3 for a reason -- because there's other things other than
4 just cars coming in the other direction -- so it is
5 unsafe. If those lines are double yellow, it's for a
6 reason. It means it's unsafe.

7
8 CHERI DUBUQUE: Well, I --

9
10 INVESTIGATOR MC CALLISTER: And that's what
11 we're --

12
13 CHERI DUBUQUE: -- agree with that, and in -- and
14 I'm not, like, trying to justify saying, okay. There's
15 plenty of places where you can cross on a double yellow
16 or something like that.

17
18 I'm just saying in that one instance, everybody
19 could see. In that one instance, nobody felt scared.
20 We don't know what the other drivers were thinking. We
21 don't know what they were going through. We know what
22 we -- was happening in our vehicle for a very long
23 time, so everything could be misunderstood as what --
24 whatever they're saying is driving crazy and stuff,
25 and -- and it's really not driving crazy when all
26 you're doing is keep trying to pass, and they won't
27 yield. It's just trying to pass.

28
29 CRAIG OMURA, DDA: When Robert was trying to pass
30 this clump, was he doing that in passing lanes, and
31 people were preventing him from passing?

32
33 CHERI DUBUQUE: He was trying to pass, but in
34 the -- in the passing lanes, either they are uphill --
35 which makes it very hard to get your momentum to
36 pass -- or there's other vehicles coming which is not
37 time to pass.

38
39 So it -- it -- it just goes on and on like that,
40 you know, sometimes, and I don't care. I'm not -- I'm
41 not a passer, you know, if I'm in a clump, I'm in a

1 clump.

2
3 And then that's -- that's not everybody's, you
4 know -- everybody drives differently, so -- and it --
5 I -- I'm -- really don't even know what any of this
6 stuff has said or anybody said. I only know what I'm
7 saying and what I've experienced.

8
9 I have no clue what anybody else is saying except
10 what I've heard from Robert and his court session about
11 the officer claiming that he's swerving in his lane and
12 stuff, and that's total exaggeration.

13
14 I'm, like, are you kidding me? They're really
15 saying that kind of stuff? Like, really? You know,
16 like, this is all about enough. We don't need more
17 exaggeration to the stuff. It's all really bad
18 enough -- really.

19
20 CRAIG OMURA, DDA: Well, yeah, and -- excuse me.
21 When you folks are driving through Old Shasta -- Shasta
22 town --

23
24 CHERI DUBUQUE: Yeah.

25
26 CRAIG OMURA, DDA: -- coming into Redding, did
27 Robert go into the -- the left lane to pass that clump?
28

29 CHERI DUBUQUE: No. Old Shasta -- was, like, 20
30 minutes after that -- if that incident had happened --
31 or, maybe, 15.

32
33 CRAIG OMURA, DDA: Uh-huh.

34
35 CHERI DUBUQUE: You know, not -- it was the time
36 frame, like --

37
38 INVESTIGATOR MC CALLISTER: You think he could
39 have moved over --

40
41 CHERI DUBUQUE: -- because bas --

1 INVESTIGATOR MC CALLISTER: -- a little bit in the
2 other lane to look to see what was coming?

3
4 CHERI DUBUQUE: There was nobody around for him to
5 pass or nothing going on when that policeman approached
6 from the Redding area, and we were going to the Redding
7 area.

8
9 The policeman came around and pulled him over.
10 That's what happened. Robert did not veer into the
11 police lane. That's -- that would be stupid. Why
12 would he do that? I mean, like, if he's --

13
14 Because we all said, "Oh, they're going to pull us
15 over" -- as soon as we saw him.

16
17 Because we saw the other vehicles taking pictures
18 and doing all that stuff with their phones, you know.

19
20 So we're, like, "Oh, great. Here it's -- here it
21 comes."

22
23 And then there's the police. He pulls us over.
24 That's all that happened. Robert never veered towards
25 the police or nothing like that. That's, like, some
26 kind of made-up story. I don't know what's going on
27 there or why that would happen, but -- that is complete
28 fallacy.

29
30 CRAIG OMURA, DDA: So Robert didn't try to pass
31 somebody else coming down Old Shasta?

32
33 CHERI DUBUQUE: No.

34
35 CRAIG OMURA, DDA: Okay. Because that's how I --
36 when I read it, that's what I was thinking. There were
37 more slow cars in front of you.

38
39 CHERI DUBUQUE: No. It was just the one time --

40
41 INVESTIGATOR MC CALLISTER: Uh-huh.

1 CHERI DUBUQUE: -- where had -- that had happened
2 for, like, 15, 20 minutes. We're going, and going, and
3 going, and these people are just going 40, 45, 40, 45,
4 and it's -- like, goes on for, like, 15 or 20 minutes,
5 and it's, like, that's -- that's really hazardous with
6 an unsecured load, and then, like, all this stuff
7 behind you, and then, like, everybody's wondering what
8 everybody's doing. It's just too much going on all at
9 once.

10
11 INVESTIGATOR MC CALLISTER: Is that coming down
12 Buckhorn?

13
14 CHERI DUBUQUE: Yeah. Yeah.

15
16 INVESTIGATOR MC CALLISTER: So real tight -- real
17 tight turns, and construction, and all that stuff going
18 on?

19
20 CHERI DUBUQUE: Yeah. Well, that's, like --
21 that's, like -- that was, like, at the end. They were
22 doing -- they were doing some stuff up by Weaverville,
23 and then there was a stretch where the -- that incident
24 had happened, and then they're doing more stuff at the
25 bottom of Buckhorn right there.

26
27 INVESTIGATOR MC CALLISTER: But you guys were --
28 you guys were passing on Buckhorn?

29
30 CHERI DUBUQUE: That was --

31
32 INVESTIGATOR MC CALLISTER: Well, then that's when
33 you felt it was safe?

34
35 CHERI DUBUQUE: Yeah, it was way up --

36
37 INVESTIGATOR MC CALLISTER: It was actually --

38
39 CHERI DUBUQUE: -- Buckhorn. It wasn't -- it was
40 before the downgrade where it's all that and then
41 Shasta, so --

1 INVESTIGATOR MC CALLISTER: So the pass was at the
2 top?

3
4 CHERI DUBUQUE: Yeah.

5
6 INVESTIGATOR MC CALLISTER: Had you -- had you --

7
8 CHERI DUBUQUE: Like --

9
10 INVESTIGATOR MC CALLISTER: -- crossed over yet?

11
12 CHERI DUBUQUE: It was not in the downgrade at
13 all. It was not after the 6 percent ground --
14 downgrade thing. It was way back. Like, I can't say
15 exactly where, but it was not during all that kind of
16 stuff at -- at all. That's, like, incredibly
17 dangerous. I mean, you'd have to go, like; 30 right
18 there or whatever.

19
20 CRAIG OMURA, DDA: Do you realize now why
21 Mr. Crowfoot asked you what Robert's phone number was?

22
23 CHERI DUBUQUE: Now, I do.

24
25 CRAIG OMURA, DDA: Uh-huh.

26
27 CHERI DUBUQUE: And -- and then I did after -- as
28 soon as he had told me what had happened, but --

29
30 CRAIG OMURA, DDA: Oh, okay.

31
32 CHERI DUBUQUE: -- I was just, like, in -- in
33 shock that that had -- had occurred, and then it seemed
34 like he was really trying to get me to say something
35 against him and stuff, and, like, I really didn't want
36 to, and I had no reason to, and, like, he want --
37 wanted to -- really, like, try to get him, you know.

38
39 Like -- and I'm, like, "Are you kidding? No, and
40 I'm -- I -- I just want to get off parole now, please."
41

1 (buzzing)

2
3 "Just let me go."

4
5 And then, now, this is happening, so --

6
7 CRAIG OMURA, DDA: At some point, Mitch took you
8 out of Robert's house and had you move; right?

9
10 CHERI DUBUQUE: Yeah. That's because I had
11 requested -- because Robert and I were arguing, and I
12 couldn't deal with it very well.

13
14 And I'm not -- when I'm -- get -- with -- arguing
15 with somebody, I want -- want to just get my space, you
16 know, and I can't just -- I don't have the option to
17 say, okay. I'm going to go right now, you know.

18
19 I have to go ask my parole officer, hey, I -- I'm
20 having a little bit of a rough time right now. Can I
21 go to my friend's house or something, you know. Like,
22 I can't just -- and -- and -- so it just turned into
23 that.

24
25 CRAIG OMURA, DDA: And that made Robert really
26 mad, yeah?

27
28 CHERI DUBUQUE: Yeah, it -- it -- it made him
29 think that I was, like, leaving permanently with his
30 child and stuff, and he was ready to sue me over
31 custody and everything. Like, it was really bad.
32 Like --

33
34 CRAIG OMURA, DDA: Do you know if he was mad at
35 you only, or was he mad at --

36
37 CHERI DUBUQUE: He was --

38
39 CRAIG OMURA, DDA: -- Mr. Crowfoot?

40
41 CHERI DUBUQUE: He was mad at parole for the way

1 in which they removed me from the home -- which was a
2 little excessive, but I -- there was no other way,
3 because I don't have -- like, I didn't -- that -- that
4 was it. That was my life -- parole and Rob, so --

5
6 CRAIG OMURA, DDA: Are you still living with Rob
7 right now?

8
9 CHERI DUBUQUE: We have our own living places, but
10 we are together all the time.

11
12 CRAIG OMURA, DDA: Okay.

13
14 CHERI DUBUQUE: We're still working on trying to
15 get counseling. We had one counselor, but that didn't
16 work out, because he didn't want to be involved with
17 parole.

18
19 CRAIG OMURA, DDA: Do you think, maybe, it'll work
20 now that you're not on parole?

21
22 CHERI DUBUQUE: Probably better now.

23
24 CRAIG OMURA, DDA: Uh-huh.

25
26 CHERI DUBUQUE: Yeah.

27
28 CRAIG OMURA, DDA: And I forget, you gave me your
29 address, I think, when we talked on the phone, and it
30 was different than what we had in the paperwork; right?

31
32 CHERI DUBUQUE: I don't know what you had on the
33 paperwork. It --

34
35 CRAIG OMURA, DDA: Can I have your --

36
37 CHERI DUBUQUE: It -- the --

38
39 CRAIG OMURA, DDA: -- address again? I'm sorry.

40
41 CHERI DUBUQUE: The mailing address or the

1 physical? The mailing address is PO Box 1954.

2
3 CRAIG OMURA, DDA: That's right.

4
5 CHERI DUBUQUE: And -- and -- and that's
6 Weaverville, 96093.

7
8 CRAIG OMURA, DDA: And you actually have a
9 physical address. Is it an address on your house?

10
11 CHERI DUBUQUE: It's a -- it's, like, a mobile
12 home -- like a trailer, like, in a trailer park.

13
14 CRAIG OMURA, DDA: Okay.

15
16 CHERI DUBUQUE: And -- so it's --

17
18 CRAIG OMURA, DDA: Can I have that?

19
20 CHERI DUBUQUE: It's Number 6 and then the word,
21 Five, Cent Gulch Street.

22
23 CRAIG OMURA, DDA: And it's that same zip code?

24
25 CHERI DUBUQUE: Yes.

26
27 CRAIG OMURA, DDA: Okay.

28
29 INVESTIGATOR MC CALLISTER: Is that actually in
30 the -- like, the town area or is that --

31
32 CHERI DUBUQUE: It's -- it's, like, kind of, at
33 the edge of the town area, like, right where the dump
34 is.

35
36 INVESTIGATOR MC CALLISTER: Okay.

37
38 CHERI DUBUQUE: Like --

39
40 INVESTIGATOR MC CALLISTER: So as you're -- as
41 you're --

1 CHERI DUBUQUE: Yeah. Like --

2
3 INVESTIGATOR MC CALLISTER: -- heading out of
4 town?

5
6 CHERI DUBUQUE: -- Highway 3, like, going towards,
7 like, the lake and stuff.

8
9 My dad actually passed away a year ago, and then
10 that's how I had inherited that place.

11
12 INVESTIGATOR MC CALLISTER: Okay.

13
14 CRAIG OMURA, DDA: I'm sorry to hear that. Is
15 there anything else that you wanted to talk about? Do
16 you have any questions?

17
18 CHERI DUBUQUE: I don't really understand what's
19 happening at all. I am -- I, like, don't know. I have
20 no clue, and, like, this is all just going on, and on,
21 and on, and I don't even know what's going on, really.

22
23 (crying)

24
25 CRAIG OMURA, DDA: Again, I did not do the
26 preliminary hearings, but Mitch Crowfoot testified in
27 that case. Kurt Hoyer testified in the other case, and
28 I believe, Robert testified a little bit about his
29 driving -- and it may have been the other way around.
30 I forget, but he testified in one of them, okay.

31
32 So bottom line is he's looking at two different
33 cases, and that's why he has state prison hanging over
34 his head -- is that on both of those cases, a state
35 prison sentence is possible -- not necessarily going to
36 happen, but it's possible, okay.

37
38 Based on what I've read, I've made what's called a
39 prison lid, which means, he could get prison, or he
40 could get probation, and it would be up to what he
41 tells probation, and how probation analyzes the case,

1 and how the judge interprets everything that he or she
2 would be looking at in trying to decide what would be
3 the appropriate remedy in Robert's case, okay.
4

5 So state prison is a possibility. The charges on
6 both cases -- Mr. Crowfoot's and your -- the driving
7 case from Weaverville -- both of them have the
8 possibility of prison, so that's why the information's
9 getting back to you that -- that we were trying to send
10 him to prison -- kind of, sort of, but not really.
11

12 That's -- that's the -- the absolute ceiling would
13 be a prison sentence, okay. So that's where that's
14 coming from.
15

16 The reason that it's that serious of a settlement
17 offer is because of the serious nature of both cases --
18 as I see it on my side. I wasn't there. You were
19 there. You have a different view of what happened,
20 okay.
21

22 So I -- I can't tell you what you remember is
23 wrong, and I'm not going to tell you that. You were
24 there, and I wasn't, okay.
25

26 But from what I'm reading -- what I think the
27 evidence will be at trial -- I think that, yeah,
28 prison's an option. Prison's a possibility.
29

30 And -- so I don't want to take that possibility
31 away from the judge if the judge also thinks that
32 prison is a possibility. The judge may say, Mr. Omura,
33 you're nuts. I'm never going to send Mr. Gibbs to
34 prison, and then the judge would have the option of --
35

36 CHERI DUBUQUE: Well, I'm --
37

38 CRAIG OMURA, DDA: -- of just giving --
39

40 CHERI DUBUQUE: -- pretty sure --
41

1 CRAIG OMURA, DDA: -- probation.

2
3 CHERI DUBUQUE: -- that everybody's going to
4 prison, because, like, everybody goes to prison.
5 That's just what happens.

6
7 CRAIG OMURA, DDA: Not -- not really true.

8
9 INVESTIGATOR MC CALLISTER: No.

10
11 CRAIG OMURA, DDA: And I know you have your --
12 your personal experiences and opinions, but I'm -- I'm
13 trying not to tell you you're wrong, but I'm trying to
14 allay some of your fears, okay. That's not true.

15
16 In fact, I just did a hearing yesterday that the
17 guy should have gone to prison, and the judge gave him
18 one more chance.

19
20 So even with one foot in the prison door --
21 because this guy was on his way -- the judge still
22 said, "I'm going to give you another chance."

23
24 And that's somebody who's been on probation and
25 violated two times already, okay. So that -- it's not
26 a necessarily done deal.

27
28 And from what I see in Robert's record, he has two
29 felony convictions -- what -- eight years ago, okay.
30 So that's quite a while, and that's something that the
31 judge will take into consideration, but it's not
32 something necessarily pushing him toward the prison
33 door, okay.

34
35 So I don't expect anything I say to make you feel
36 better, but I hope, at least, it doesn't make you feel
37 worse -- it gives you some kind of -- a little bit of
38 comfort.

39
40 (short pause)

1 CHERI DUBUQUE: I don't know. I mean, I'm just,
2 like -- I'm just, kind of, really not understanding,
3 like, why this is happening. I just can't get over it.
4 I'm not -- I just --

5
6 CRAIG OMURA, DDA: Did Mr. Crowfoot tell you or
7 show you the text?

8
9 CHERI DUBUQUE: He told me what it had said.

10
11 CRAIG OMURA, DDA: Okay.

12
13 CHERI DUBUQUE: I don't -- I mean, now --

14
15 CRAIG OMURA, DDA: Uh-huh.

16
17 CHERI DUBUQUE: -- it's just far away, but --

18
19 CRAIG OMURA, DDA: Uh-huh. Do you remember --
20 even just, kind of, ranting and raving -- Robert ever
21 said anything like that -- any kind of violence or
22 threats against Crowfoot for what he did to you and --
23 and your family?

24
25 CHERI DUBUQUE: No. He gets -- Rob gets over --
26 overexcited and -- and just spouts out at the mouth
27 sometimes, and he's really not meaning what he's
28 saying, you know.

29
30 He's, like, one of those people that just -- you
31 just, oh, he's mad again. Just ignore him, you know,
32 and then, like, when he says stuff like that, it's
33 just -- he's not, like, some scary monster that's
34 really going to do something, like, bad or something.
35 He's really just, kind of, being a brat and being --
36 tantrum or something, you know.

37
38 He was raised in the system. His momma gave up on
39 him when he was ten, and -- so he had it real rough as
40 a boy, and -- so he's a little bit rough, you know, and
41 he doesn't really -- he doesn't really think sometimes,

1 and he just gets a little bit rough.

2
3 And he's, not, like, thinking, you know, hey, I
4 might go to prison. He's just thinking, man, I'm
5 pissed off. I'm going to tell this guy and
6 ba-va-da-ba, you know.

7
8 And it's, like -- and then it's, like, this big
9 mess now, and it's -- and it's -- and it doesn't need
10 to be that way, you know, he might need a little bit of
11 help or something, but he doesn't need to go to prison.

12
13 He's, you know -- like, being raised in the system
14 is hard enough on a person's spir -- on the spirit, you
15 know, so I don't know what else to say.

16
17 CRAIG OMURA, DDA: Well, it's a lot more than I
18 knew before.

19
20 CHERI DUBUQUE: Well, I really feel bad about all
21 of this, because I feel like, you know, if I'm -- I
22 feel like I should not have tried to be involved in a
23 relationship, you know. That's --

24
25 CRAIG OMURA, DDA: Okay. That is the third time
26 you've said that, and I was going to let it go, because
27 I don't like playing therapist or anything, but you can
28 only do so much for somebody else and to somebody else.
29 They make their own decisions, okay.

30
31 And I can tell that this is tearing you up, and
32 you're taking on the whole responsibility. I shouldn't
33 have asked to live with him. I shouldn't have been in
34 a relationship with him. I shouldn't have had his
35 baby. I shouldn't have -- don't put that all on you.

36
37 He's a grown man. No matter what his past was --
38 he's a grown man making his own decisions, okay, and
39 when you asked to live with him, it was because you
40 thought there was something there, and it was not
41 from -- just your benefit -- for his too; right?

1 You guys had a relationship. You guys have a
2 baby. Maybe, it was a mistake -- you guys weren't
3 planning on having a baby, but you have a baby, and you
4 both love her, and -- so, basically, what you're saying
5 is, I wish I'd never had my baby -- and I know that's
6 not what you mean.

7
8 CHERI DUBUQUE: No. That's not what I'm saying at
9 all. No.

10
11 CRAIG OMURA, DDA: But -- but think about it;
12 right?

13
14 CHERI DUBUQUE: I just feel bad --

15
16 CRAIG OMURA, DDA: Because that's what you're
17 saying.

18
19 CHERI DUBUQUE: -- that I just -- you know, like,
20 he wouldn't have had to interact with the parole at all
21 if I hadn't come in his life, you know, and -- so,
22 like, him and the parole situation was just bad. It
23 was just bad, and I just --

24
25 INVESTIGATOR MC CALLISTER: But, again, he --
26 what -- what he just told you is there's different ways
27 to interact with parole, and there's decisions you
28 make, and you -- you can be frustrated beyond belief,
29 but there's sometimes you just don't do certain things.
30 That's not your fault. That's on him.

31
32 CRAIG OMURA, DDA: Even if Robert were totally
33 justified in being mad at Crowfoot -- Crowfoot was a
34 jerk and he deserved to be yelled at -- you don't
35 threaten him. Yell at him. Call him names, but don't
36 threaten to hurt him and his family, you know.

37
38 That -- that goes a little bit more than -- just
39 like you said -- being a brat. It's more than a
40 tantrum, you know, that -- that's just a little bit too
41 personal.

1 And -- so I can understand the bratty personality.
2 I've seen that a -- before -- and they'll yell, and
3 scream, and call you names until they get what they
4 want, but threatening harm to somebody isn't a natural
5 bratty response. That's just a little bit more.

6
7 And -- so, yeah, okay. You introduced parole into
8 his world when you moved in, but you didn't give him
9 his personality. You didn't give him that way of
10 dealing with other people when he gets mad.

11
12 CHERI DUBUQUE: Yeah, I don't, like, justify it
13 or --

14
15 CRAIG OMURA, DDA: Yeah.

16
17 CHERI DUBUQUE: -- like, think it's acceptable or
18 anything, you know, and I don't want you to think that
19 I feel like it's okay or anything either, you know, but
20 I -- I just, kind of -- I'm trying to help you
21 understand his situation a little better, because it's
22 not like he's just some normal man that just decided to
23 threaten a parole officer.

24
25 CRAIG OMURA, DDA: And --

26
27 CHERI DUBUQUE: You know.

28
29 CRAIG OMURA, DDA: And I understand you're, kind
30 of, feeling guilty, and that's why you're saying
31 this -- that, maybe, I shouldn't -- and I brought this
32 in, and I understand that.

33
34 I mean, if you have to point at one thing that
35 started this -- okay. Yeah, your moving in put all the
36 pieces together, but don't carry the weight of these
37 cases on your back because you brought parole into his
38 house. It's not your fault. You have to get that off
39 your back -- because you're going to drive yourself
40 crazy dealing with that.

1 You didn't make him threaten Crowfoot. You didn't
2 make him get mad at Crowfoot, and -- and there's only
3 so much you can take, and that's not one of them.
4 That's not some of the stuff you should be taking on
5 your back. You know what I mean?

6
7 CHERI DUBUQUE: Yeah.

8
9 CRAIG OMURA, DDA: Okay. Do you have any other
10 questions?

11
12 CHERI DUBUQUE: What is going on? Like, where
13 is -- I mean, because, like, I guess, the 17th was
14 supposed to have trial or something, and, now, there's,
15 like, no trial, and then what -- is, like, what's
16 happening?

17
18 CRAIG OMURA, DDA: So on -- I think it was the
19 14th -- that Friday before the 17th, we were in court,
20 and the lawyer wanted a continuance, and the judge
21 wouldn't give it to him, because we're ready for trial.
22 The trial's supposed to start in two days. Why are you
23 coming in now asking for more time?

24
25 Then Robert said he doesn't like his lawyer. He
26 wants a new lawyer. He wants to hire a lawyer.

27
28 And the judge said, "Okay. I'm not sure you're
29 saying this just to avoid trial. You're just trying to
30 buy time. Do you know somebody? Do -- have you talked
31 to somebody? Are they going to be ready next Tuesday?"

32
33 "Well -- well, no."

34
35 "Then my answer is no, because I'm not going to
36 let you get a continuance by asking for a lawyer, and
37 then come back two weeks from now and say, oh, I
38 couldn't get a lawyer. I guess, I'll just keep my
39 lawyer. Let's set a new trial date and then get your
40 continuance without really having a reason."
41

1 INVESTIGATOR MC CALLISTER: (inaudible).

2
3 CHERI DUBUQUE: Well, he actually had several
4 attorneys -- the first one went on pregnant leave, and
5 the second one was another lady that he had talked to a
6 couple of times, and then she went somewhere else, and
7 then he had Cota -- which he spoke to just briefly
8 before his court thing, so he was very upset that Cota
9 only had just only a moment to discuss everything and
10 then felt prepared enough to go into the court.

11
12 And -- so that was his whole deal with Cota from
13 the be -- very beginning, because Cota was very
14 defensive with him and did not feel -- Robert did not
15 feel that Cota was prepared at all.

16
17 CRAIG OMURA, DDA: And that was for the
18 preliminary hearing?

19
20 CHERI DUBUQUE: Yeah.

21
22 CRAIG OMURA, DDA: And then Robert brought all
23 this stuff up over two months later at the trial.

24
25 CHERI DUBUQUE: Uh-huh.

26
27 CRAIG OMURA, DDA: And that's where the judge
28 said, "No. We're not putting this over."

29
30 Okay. So this was after a long time to get ready
31 for the trials --

32
33 CHERI DUBUQUE: Uh-huh.

34
35 CRAIG OMURA, DDA: -- after having done both of
36 the hearings and actually hearing the witnesses
37 testify, and that helps a lot to know what you're going
38 up against.

39
40 CHERI DUBUQUE: Uh-huh.

1 CRAIG OMURA, DDA: You know, when Mitch and Hoyer
2 both testified so -- to -- to actually be able to ask
3 that person questions, so that helped Cota get ready --
4 a lot.

5
6 CHERI DUBUQUE: Uh-huh.

7
8 CRAIG OMURA, DDA: And, you're right, the first
9 woman who did the first two appearances on Crowfoot's
10 matter -- maybe, both -- did go out on maternity
11 leave -- and, in fact, she's still out, and that was
12 back in November -- was the last time she met with
13 Robert, so, I mean, I can understand how Robert
14 wouldn't have been real happy with the preliminary
15 hearing time, but that was two months before the trial.

16
17 CHERI DUBUQUE: Right.

18
19 CRAIG OMURA, DDA: And -- so not to be mean about
20 it, but, you know, he should have gotten over that.

21
22 CHERI DUBUQUE: Well, the situation after that was
23 that Mr. Cota was not re -- giving him any kind of
24 calls or nothing. Like, it was just kind of, like,
25 blank communication between the two.

26
27 And -- so I had actually complained to the
28 supervisor of Mr. Cota, and then Cota decided to call
29 me and became very defensive with me claiming that he
30 knew -- and has been doing -- law for 30 years, and
31 knew everything he needed to know, and didn't want to
32 hear anything I had to say.

33
34 And -- so I said, "I'm sorry, sir. I'm not
35 attacking you. I'm just trying to give you
36 information."

37
38 And -- and it just became an argument.

39
40 CRAIG OMURA, DDA: Some people have very short
41 fuse for any kind of criticism or suggestions, so,

1 maybe, that's what happened. I don't know, but I'm not
2 going to yell at you.

3
4 To finish answering your question -- Robert
5 decided that he was going to get his continuance by
6 telling the judge that he felt he was incompetent to
7 stand trial. Do you know what that means?

8
9 CHERI DUBUQUE: No.

10
11 CRAIG OMURA, DDA: Basically, he couldn't
12 understand what was going on because of some mental
13 illness, mental defect, mental disease, or something
14 else, and that he couldn't help his lawyer defend him.
15 Those were the two issues that --

16
17 CHERI DUBUQUE: He does have severe ADD.

18
19 CRAIG OMURA, DDA: Okay.

20
21 CHERI DUBUQUE: And he doesn't really pay
22 attention to what people are saying most of the time,
23 so they have to repeat it about four times before he's
24 really paying attention.

25
26 Sometimes, he's really with it, and he's --

27
28 (snapping)

29
30 -- really with it, but a lot of times, he's
31 distracted and somewhere else, and he's, like, here,
32 but he's not really here, and he's thinking, and it's,
33 like, literally a ADD thing, so I don't know.

34
35 CRAIG OMURA, DDA: So that's what's going on right
36 now, which is why I called and told you -- the last
37 time you called -- "Don't worry about that Tuesday, the
38 17th."

39
40 CHERI DUBUQUE: Okay.

1 CRAIG OMURA, DDA: "It's not going to happen."
2

3 So now we're on --
4

5 CHERI DUBUQUE: That's --
6

7 CRAIG OMURA, DDA: -- calendar for this 17th --
8 two weeks from today.
9

10 CHERI DUBUQUE: Part of what I'm -- I'm trying to
11 understand of what's going on is a problem, because
12 when Robert goes through these things that he's going
13 through here in the courts, I am not able to really,
14 like, see what's happening, you know.
15

16 So I don't know what's really happening. I just
17 know what he's telling me, and I don't know if he
18 really knows what's happening, you know, because he's
19 so stressed out. He's so, like, just on a -- on a --
20 like, a whole -- not really thinking, you know.
21

22 He's, like, just thinking, like, just sporadically
23 and spontaneously, and he's not really able to really
24 think, you know, so this is really a big mess. This
25 has really caused a lot of problems for him and for me,
26 and ev -- ev -- everybody, you know.
27

28 CRAIG OMURA, DDA: I can't imagine that having
29 one -- let alone two felonies charged against you would
30 make any -- look -- body's life easier, you know, so I
31 can imagine that.
32

33 So we're back on Friday the 17th of April for the
34 doctors' reports --
35

36 CHERI DUBUQUE: Okay.
37

38 CRAIG OMURA, DDA: -- to -- to do an evaluation to
39 see --
40

41 CHERI DUBUQUE: So I come back then, or what's

1 going on?
2

3 CRAIG OMURA, DDA: You don't have to. You can.
4 How is Robert getting to court?
5

6 CHERI DUBUQUE: I have to take him.
7

8 CRAIG OMURA, DDA: Okay.
9

10 CHERI DUBUQUE: But I have a baby to take care of,
11 and there's only one person that can watch her, and
12 she's not always available, and I don't trust nobody
13 with my baby after what I experienced in my life.
14

15 INVESTIGATOR MC CALLISTER: Which makes sense.
16

17 CRAIG OMURA, DDA: I don't blame you. You -- you
18 don't have to defend your -- your decision with us. We
19 don't live it, but we've seen it, so you got to protect
20 your family.
21

22 CHERI DUBUQUE: Yeah.
23

24 CRAIG OMURA, DDA: I'm -- the only reason I
25 asked -- because I've never seen you in court before.
26

27 CHERI DUBUQUE: Yeah. I -- I went --
28

29 CRAIG OMURA, DDA: And --
30

31 CHERI DUBUQUE: -- a couple times when she was
32 younger, but I act -- actually had to leave because I
33 was -- she was with us, and she was making noise and
34 stuff --
35

36 CRAIG OMURA, DDA: Uh-huh.
37

38 CHERI DUBUQUE: So -- but, it's -- it -- yeah. I
39 got to get a babysitter, make sure that's all arranged,
40 and stuff, so I have to know, like, you know, like, at
41 least a week or something beforehand, you know, like,

1 what I have to do.

2
3 CRAIG OMURA, DDA: I will have a subpoena mailed
4 to your house --

5
6 CHERI DUBUQUE: Uh-huh.

7
8 CRAIG OMURA, DDA: -- so you will get notice. The
9 notice should be at your house at least two --

10
11 CHERI DUBUQUE: Okay.

12
13 CRAIG OMURA, DDA: -- weeks before --

14
15 CHERI DUBUQUE: Okay.

16
17 CRAIG OMURA, DDA: -- the trial.

18
19 CHERI DUBUQUE: All right.

20
21 CRAIG OMURA, DDA: If not more.

22
23 CHERI DUBUQUE: I just got to make sure
24 everybody's schedule's right and stuff, because it's,
25 like, there's no way I could take a baby in there or
26 nothing, you know.

27
28 CRAIG OMURA, DDA: Right. And we have
29 victim-witness who might be able to help. I -- you
30 know, they don't supply babysitter services, but they
31 -- we might be able to arrange something so that
32 there's somebody responsible and trustworthy who would
33 be watching your baby.

34
35 CHERI DUBUQUE: Okay.

36
37 CRAIG OMURA, DDA: Even if it's -- they go to
38 court with you -- they sit out in the hallway until
39 you're -- you're done testifying, and they'll, you
40 know, be with the baby. I -- I don't know if they can
41 do that. I'll find out, but we'll have at least two

1 months to figure that out, because on the 17th, if
2 Robert's found okay for trial, we'll set trial dates.

3
4 CHERI DUBUQUE: Okay.

5
6 CRAIG OMURA, DDA: It'll be two to four months
7 from then, so we might be looking at the middle of
8 June.

9
10 CHERI DUBUQUE: She'll at least get -- get to go
11 swimming with him and stuff. That's good.

12
13 CRAIG OMURA, DDA: And if he's not found
14 competent, then he'll be sent to a state hospital until
15 he is recovered enough so that he can help the lawyer
16 and -- and understand what's going on.

17
18 CHERI DUBUQUE: Okay.

19
20 CRAIG OMURA, DDA: Any other questions?

21
22 CHERI DUBUQUE: He did talk to a lawyer, but that
23 man was just full of it.

24
25 CRAIG OMURA, DDA: Cota?

26
27 CHERI DUBUQUE: He didn't like him.

28
29 CRAIG OMURA, DDA: Or the other one?

30
31 CHERI DUBUQUE: No. He talked to --

32
33 CRAIG OMURA, DDA: Oh, somebody else?

34
35 CHERI DUBUQUE: -- a paid lawyer across the
36 street, and it was just, like --

37
38 CRAIG OMURA, DDA: I don't want to know his name.

39
40 CHERI DUBUQUE: Yeah.

1 (laughter)

2
3 CRAIG OMURA, DDA: Do you have any other
4 questions?

5
6 CHERI DUBUQUE: Huh-uh.

7
8 CRAIG OMURA, DDA: I don't want you making that
9 long, old drive and then have a question come up, so --

10
11 CHERI DUBUQUE: I couldn't really think if I
12 wanted to. Honestly, I'm just, kind of -- I really
13 tried to -- try -- tried to make sure that I really was
14 trying to remember what I wanted to say, so if I
15 didn't, then I don't know, but I mean --

16
17 CRAIG OMURA, DDA: You --

18
19 CHERI DUBUQUE: -- I could call; right?

20
21 CRAIG OMURA, DDA: You have my number. Go ahead,
22 and give me a call.

23
24 CHERI DUBUQUE: Okay.

25
26 CRAIG OMURA, DDA: But I wanted to make sure, one,
27 that we met, and two, that you -- you had an
28 opportunity to tell us everything you wanted to.

29
30 CHERI DUBUQUE: Okay. Well, I'm -- I'm -- I'm
31 hoping, you know, that people can just be human in this
32 situation, you know, and -- and I -- I know, like, it
33 seems like I'm trying to just, like, save the day, and
34 keep him out of trouble, and stuff, and -- and, maybe,
35 I am, but, you know, you can't blame me, you know.

36
37 CRAIG OMURA, DDA: I don't.

38
39 CHERI DUBUQUE: It's just my baby's --

40
41 INVESTIGATOR MC CALLISTER: No, not at all.

1 CHERI DUBUQUE: -- father and stuff, and I just
2 need her to have him around, because he really is
3 helpful, because I'm not -- never had a baby before and
4 stuff, and he's just really loving being a dad and
5 stuff. It's really beautiful, so I just hate to see
6 that stop for a while.

7
8 INVESTIGATOR MC CALLISTER: Understandable.

9
10 CHERI DUBUQUE: So -- I guess, it -- I don't know
11 if you have a card or something -- or --

12
13 CRAIG OMURA, DDA: Let me go get one, because I
14 did not bring one.

15
16 CHERI DUBUQUE: Okay.

17
18 CRAIG OMURA, DDA: You have anything else before I
19 run out?

20
21 INVESTIGATOR MC CALLISTER: You want to write it
22 on the back of this one?

23
24 CRAIG OMURA, DDA: Oh, I could. Thank you.

25
26 INVESTIGATOR MC CALLISTER: He's just going to
27 write it on the back of mine, okay.

28
29 CRAIG OMURA, DDA: That way, you'll have both of
30 us at the same time.

31
32 INVESTIGATOR MC CALLISTER: And if you forget --
33 you call me, that's okay too, because I'll help you
34 with whatever I can -- or get it relayed.

35
36 CHERI DUBUQUE: I've got poison oak, so it looks
37 terrible -- like I'm some kind of freak or something.

38
39 (laughter).

40
41 CRAIG OMURA, DDA: And you shook our hands?

1 CHERI DUBUQUE: No. Actually, it's not on the
2 hand. It's, like, way up here.

3
4 INVESTIGATOR MC CALLISTER: I hope not, because I
5 usually get that stuff just by looking at it.

6
7 CHERI DUBUQUE: Oh, God.

8
9 (laughter)

10
11 Okay. So you're Brett, and then --

12
13 INVESTIGATOR MC CALLISTER: Yeah.

14
15 CHERI DUBUQUE: -- you're Craig?

16
17 CRAIG OMURA, DDA: Yes.

18
19 CHERI DUBUQUE: Okay. Oh, my goodness.

20
21 INVESTIGATOR MC CALLISTER: All righty?

22
23 CHERI DUBUQUE: Okay.

24
25 INVESTIGATOR MC CALLISTER: Well, if you think of
26 anything, give us a call.

27
28 CHERI DUBUQUE: All right.

29
30 INVESTIGATOR MC CALLISTER: All right. Take care.

31
32 CHERI DUBUQUE: Thank you.

33
34 INVESTIGATOR MC CALLISTER: That way, actually, is
35 the easiest.

36
37 CRAIG OMURA, DDA: You can just go -- yeah.

38
39 CHERI DUBUQUE: Did we come in that door?

40
41 CRAIG OMURA, DDA: We did.

1 INVESTIGATOR MC CALLISTER: We're trying --

2
3 CHERI DUBUQUE: Okay.

4
5 INVESTIGATOR MC CALLISTER: -- to confuse you.

6
7 (recording ends)

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