

**Description** STATE OF NEW MEXICO  
 COUNTY OF TAOS  
 EIGHTH JUDICIAL DISTRICT

FILED IN OFFICE OF CLERK OF  
 DISTRICT COURT, TAOS COUNTY,  
 NEW MEXICO, AT 4 O'CLOCK P.M.

AUG 14 2018

JUDGE: THE HONORABLE SARAH C. BACKUS  
 Court Monitor: Patricia Wagner

BERNABE P. STRUCK/CLERK  
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 The official record is the CD. The log is created to assist in  
 locating information on the CD and is NOT a verbatim record  
 of the proceedings.

**Date** 8/13/2018

**Location** LARGE COURTROOM

Time	Speaker	Note
<u>2:00:38 PM</u>	D-820-CR-2018-167 SNM vs SIRAJ IBN WAHHAJ D-820-CR-2018-168 SNM vs LUCAS ALLEN MORTEN D-820-CR-2018-169 SNM vs HUJRAH WAHHAJ D-820-CR-2018-170 SNM vs JANY LEVEILLE D-820-CR-2018-171 SNM vs SUBHANNAH WAHHAJ	Detention Hearing
<u>2:00:40 PM</u>	J	Welcomes all
<u>2:00:57 PM</u>	J	Comments regarding public access Refers to the Court's Order
<u>2:01:33 PM</u>	J	Introduces case
<u>2:02:39 PM</u>	Appearances	Timothy Hasson, Esq. John Lovelace, Esq. Thomas M. Clark, Esq. Siraj Ibn Wahhaj (In custody)

PAJ

		<p>Marie Legrand Miller, Esq.  Hujrah Wahhaj (In custody)  Megan Mitsunaga, Esq.  Subhannah Wahhaj (In custody)  Kelly Golightley, Esq.  Jany Leveille (In custody)  Aleksandar Kostich, Esq.  Gregory Dawkins, Esq.  Lucas Allen Morten (In custody)</p>
<u>2:03:14 PM</u>	J	We are convened for a hearing on the State's Motion for a Pre-Trial Detention Order
<u>2:03:21 PM</u>	P - Timothy Hasson, Esq.	Ready to proceed
<u>2:03:24 PM</u>	D - Aleksandar Kostich, Esq.	Stated that they need to have a discussion prior to the State's Motion regarding disclosures
<u>2:03:38 PM</u>	J	Allowed Mr. Kostich approaches the podium
<u>2:03:53 PM</u>	D - Mr. Kostich	<p>Addresses the Court regarding disclosures  Stated that the Defense attorneys are in receipt of Subpoenas for three individuals to testify at this hearing  Stated that the issue that he sees pursuant to 409, the State is absolutely required to make disclosure of all Discovery that is currently in their possession, and that goes as well for law enforcement, including the Taos County Sheriff and the FBI  Stated that they are in receipt of almost no Lapel Videos from this investigation, no Tape Recorded Interview with one or more of the children that was conducted by FBI personnel  The Rule is very clear that those items are to be provided  They do not have a fair opportunity under Rule 5-409 to examine these witnesses without these disclosures that exist and are in the possession of the State</p>
<u>2:05:44 PM</u>	D - Thomas Clark, Esq.	<p>Addresses the Court regarding State's No. 38, which was just handed to him - Several handwritten pages - It looks like a notebook  Stated that he can only assume that the State has had this in their possession based on some news reporting, and to dump this on him and his co-counsel at this 11th hour flies in the face of due process  To provide this to him and his co-counsel with this much media coverage is somewhat shocking  The handwritten pages beg the question - Where did this come from, whose handwriting is this...  Has problems with admissibility  How long have they had this and why was this not turned over right away with everything else</p>

2:07:23 PM P - Timothy Hasson, Esq.

**IPT**

Responds  
This is an extraordinary case with some extraordinary facts  
This District Attorney's Office first became involved in the ongoing procedures leading to this hearing on Thursday August 2nd when they reviewed the first set of Search Warrants  
Since that time, they have been working ceaselessly to process the events that have taken place and the evidence that has been produced  
They have made every effort to be as fair as possible and convey the evidence to all of the attorneys as soon as they possibly could  
Only 1 of these 5 Defendants actually had Counsel that they knew of, which was Mr. Kostich, until the Public Defender's Office was able to arrange for attorneys from other places to represent them...  
The State had it available to them on Friday  
Is referring to the Lapel Videos and Tape Recorded Interviews, with the exception of the FBI Interviews that Mr. Kostich mentioned

2:09:01 PM J

Clarification

2:09:06 PM

P

Stated that to his knowledge those Lapel Videos have been disclosed  
Everything that the District Attorney's Office has received by way of videos and photographs, etc., he believes have been disclosed on the thumb drives  
Refers to Rule 5-409 - Discovery  
There is a lot of evidence in this case, and it is being processed as fast as they can do it  
It's possible that some of that simply can't be made available on the short timeline that the Supreme Court has imposed for these hearings under Rule 5-409  
Has made every effort to be as fair and to disclose everything they possibly can  
The State just passed out Exhibit No. 38, which was handed to him approximately 25 minutes ago...

2:11:10 PM

D - Mr. Kostich

Responds  
Stated that they are receiving voluminous Discovery via disk as they enter the courtroom today  
Has personally reviewed the thumb drive that was distributed on Friday, as did their investigator  
Stated that neither of them see that there is anything other than what are characterized as two Saferoom Interviews with children, and 1 two-minute video that was from Sheriff Hogreffe...

2:12:01 PM

J



		These are very expedited proceedings What would you propose as a remedy for these supposed violations that you are claiming
<u>2:12:15 PM</u>	D - Mr. Kostich	Responds They have had plenty of lead time in order to give them the disclosures so that they have a fair opportunity to cross examine these witnesses
<u>2:13:14 PM</u>	J	Thanks Mr. Kostich
<u>2:13:19 PM</u>	D - Mr. Clark	Stated that his concern is much more practical Stated that it is his information and belief that at least the Sheriff's Department has had this document since the very beginning
<u>2:13:34 PM</u>	P	Stated that he just received it prior to coming upstairs Stated that it was taken as part of the evidence seized pursuant to the August 6th Search Warrant It was initially in the Sheriff's custody, and he believes that the Sheriff is being assisted by the DHS Addresses the Court regarding evidence Stated that they learn about it as evidence develops and continues to develop The facts and the evidence are shocking and alarming Refers to Rule 5-409
<u>2:15:52 PM</u>	J	The Court is not sure what remedy was being sought At this time, the hearing is going to go forward Refers to the Rule
<u>2:16:38 PM</u>	P	How the State would like to proceed... Mr. Lovelace will make an Opening Statement The State has made a Proffer There are a number of documents that have been distributed to the the Court and Counsel The State wants to call 3 Witnesses
<u>2:17:26 PM</u>	D - Mr. Kostich	Remedy Asks for the Testimony of Special Agent Taylor to be suppressed today They do not have a fair opportunity to cross examine him
<u>2:18:14 PM</u>	J	The Court will Deny that Request The purpose of today's hearing The Court understands the concern
<u>2:18:53 PM</u>	D - Mr. Kostich	Asks for the Rule to be Invoked and also for potential witnesses instructed not to discuss testimony
<u>2:19:03 PM</u>	J	The State's Witnesses will please leave the Courtroom and instructed not to discuss testimony
<u>2:19:20 PM</u>	P - John Lovelace, Esq.	Opening Statement
<u>2:29:54 PM</u>	D	All Defense Attorneys waive Opening Statement



<u>2:30:06 PM</u>	P - Mr. Hasson	Addresses the Court regarding what the Supreme Court has said these hearings are for
<u>2:31:15 PM</u>	P	Proffer regarding Exhibits
<u>2:38:30 PM</u>	P	Continues with Proffer regarding Exhibits
<u>2:44:32 PM</u>	J	Approach
<u>2:44:44 PM</u>		Bench Conference
<u>2:45:20 PM</u>		Mr. Morten needs the restroom
<u>2:45:28 PM</u>		Mr. Clark addresses the Court regarding the State's recitation of the exhibits Asks the Court to direct Counsel to move it along
<u>2:46:22 PM</u>		Mr. Hasson responds
<u>2:46:50 PM</u>		Mr. Clark responds
<u>2:47:30 PM</u>	J	There has been a request for a short recess We will take a 10-minute recess
<u>2:47:45 PM</u>	J	Recess
<u>3:02:45 PM</u>	J	Back on the Record
<u>3:02:55 PM</u>	P - Mr. Hasson	Continues with Proffer regarding Exhibits Exhibit No. 11 - Letter
<u>3:03:49 PM</u>	D - Mr. Kostich J	Objection - This way of presenting this potential evidence is improper Overruled Please summarize
<u>3:04:03 PM</u>	P	Continues to Proffer regarding Exhibits
<u>3:07:15 PM</u>	P	Continues to Proffer regarding Exhibits State's Exhibit No. 38 - Photograph of a notebook recovered at the compound in Amalia
<u>3:12:15 PM</u>	D - Ms. Miller Legrand	Objection - Has not had an opportunity to review this document with her Client
<u>3:12:36 PM</u>	D - Mr. Clark	Objection - Foundation and Relevance
<u>3:12:50 PM</u>	J	Is there going to be a witness testifying today who was among the people who recovered this document or who is able to say who did recover it and from where Mr. Hasson responded that he believes Sheriff Hogrefe can say that The Court will withhold ruling on that at this point
<u>3:13:12 PM</u>	D - Mr. Kostich	Joins in the objection
<u>3:13:15 PM</u>	D	All Defendants join in that objection
<u>3:13:28 PM</u>	P	Nothing further on documents
<u>3:13:34 PM</u>	P	*** Calls Sheriff Jerry Hogrefe ***
<u>3:14:05 PM</u>	J	Swears in the Witness

<u>3:14:22 PM</u>	DEX by Mr. Hasson	Witness testifies that he is the elected Sheriff of Taos County
<u>3:14:46 PM</u>	P	Witness testifies that his office executed a Search Warrant on August 3, 2018 in Costilla Meadows/Amalia, NM - Purpose of that Search Warrant
<u>3:15:34 PM</u>	P	Witness testifies regarding officers that were present for the execution of the Search Warrant
<u>3:16:17 PM</u>	P	Witness testifies regarding how they were dressed to execute the Warrant
<u>3:17:02 PM</u>	P	Witness testifies regarding who was taken into custody
<u>3:17:48 PM</u>	P	Witness testifies regarding weapons that were seized that day
<u>3:18:55 PM</u>	P	Witness testifies regarding body armour
<u>3:20:03 PM</u>	P	Witness testifies regarding when he encountered Defendant Siraj Ibn Wahhaj that day Witness testifies regarding what he observed/encountered
<u>3:27:50 PM</u>	P	Witness testifies that Suraj Wahhaj had the pistol in his pocket and believes he had the AR-15 Witness testifies regarding whether anyone else in the trailer was armed
<u>3:28:39 PM</u>	P	Witness testifies regarding second the Search Warrant executed on August 6th What was being sought by that Warrant
<u>3:29:34 PM</u>	P	Witness testifies regarding the underground tunnel that was found
<u>3:30:51 PM</u>	P	Witness testifies regarding weapons that were recovered from the main portion of the tunnel
<u>3:32:22 PM</u>	P	Witness testifies that he was wearing a body camera for the second Search Warrant
<u>3:32:34 PM</u>	D - Mr. Clark	Objection - Relevancy
<u>3:32:50 PM</u>	J	The Court understands the objection What is the relevance to this hearing
<u>3:33:01 PM</u>	P	At the very end of the video, it does show remains wrapped in two coverings Addresses the Court regarding the purpose of the video
<u>3:33:19 PM</u>	J	The Court feels she understands
<u>3:33:26 PM</u>	P	Will pass on the video
<u>3:33:39 PM</u>	DEX continued	Witness testifies regarding interaction with a Detective in Georgia in January of this year
<u>3:34:20 PM</u>	P	Witness testifies regarding what was requested of the Taos County Sheriff's Office
<u>3:35:04 PM</u>	P	Pass the Witness

<u>3:35:11 PM</u>	XEX by Mr. Clark	Witness testifies regarding the weapons that were recovered
<u>3:38:15 PM</u>	D	Witness testifies regarding the children holding ammunition
<u>3:39:21 PM</u>	D	Witness testifies regarding the remains of a child that were found
<u>3:40:19 PM</u>	D	Witness testifies regarding what Mr. Wahhaj stated when he was first encountered
<u>3:42:02 PM</u>	D	Pass the witness
<u>3:42:07 PM</u>	DEX by Ms. Miller Legrand	Witness testifies that he did not receive any information that Hujrah Wahhaj had actually possessed the weapons, ammunition
<u>3:43:31 PM</u>	D	Nothing further
<u>3:43:34 PM</u>	DEX by Megan Mitsunaga	Witness testifies regarding Subhannah Wahhaj Witness testifies that he had personal contact with Subhannah Wahhaj
<u>3:45:00 PM</u>	P J	Objection Rephrase
<u>3:45:07 PM</u>	DEX continued	Witness testifies regarding whether he is aware of the nature of the contact that Special Agent Chavez had with Subhannah Wahhaj
<u>3:45:44 PM</u>	D	Witness testifies regarding whether Subhannah Wahhaj was in possession of any of the firearms
<u>3:46:28 PM</u>	D	Witness testifies that he has not heard that Subhannah Wahhaj threatened any officers to his knowledge
<u>3:46:53 PM</u>	D	Nothing further
<u>3:46:56 PM</u>	DEX by Kelly Golightley	Witness testifies regarding what he was focused on at the trailer on August 3rd Witness testifies regarding Jany Leveille - Not holding weapons, ammunition
<u>3:48:25 PM</u>	D	Witness testifies that when he went back on the 6th, the women were already in custody Witness testifies that Ms. Leveille came out of the trailer as she was told and she had no weapons or ammunition The children came out also
<u>3:49:07 PM</u>	D	Nothing further
<u>3:49:09 PM</u>	DEX by Mr. Kostich	Witness testifies regarding the first Search Warrant Affidavit on August 2nd that he filled out
<u>3:50:04 PM</u>	D	Witness testifies regarding executing the Search Warrant They arrived at about 7:15 a.m.
<u>3:51:36 PM</u>	D	Witness testifies that no one exhibited any signs to do any violence against them Witness testifies that they were taken into custody largely



		without incident Witness testifies that the females were not taken into custody on the first Search Warrant
<u>3:53:22 PM</u>	D	Witness testifies that there was no direct threat to his officers to his knowledge Witness testifies that Mr. Morten did not comply right away
<u>3:54:11 PM</u>	D	Nothing further
<u>3:54:16 PM</u>	RDX by Mr. Hasson	Witness testifies that he and others approached the only door to the camper and knocked on the door and announced - Sheriff's Office Search Warrant or similar words The occupants did not come out in response to that for several moments Witness testifies that he opened the door Witness testifies that the occupants came out of the camper
<u>3:56:12 PM</u>	J	Witness testifies regarding whether Suraj Wahhaj complied with his commands Witness testifies regarding where the other individuals were - They were inside a very small camper trailer
<u>3:57:11 PM</u>	RDX continued	Witness testifies regarding when the others came out Witness testifies that no one immediately complied with commands to come out
<u>3:59:01 PM</u>	P	Witness testifies regarding where the box truck was in relation to the camper trailer
<u>3:59:34 PM</u>	P	Witness testifies regarding the shooting range that was found at the compound
<u>4:00:49 PM</u>	P	Witness testifies that it is his belief that they were living in the camper
<u>4:01:06 PM</u>	D - Mr. Kostich J	Objection - Outside the scope of cross Overruled
<u>4:01:15 PM</u>	RDX continued	Witness testifies that it is his belief that they were living in the camper
<u>4:02:02 PM</u>	P	No further questions
<u>4:02:06 PM</u>	J	Witness may step down
<u>4:02:12 PM</u>	P - Mr. Lovelace	*** Calls Undersheriff Steve Miera ***
<u>4:02:40 PM</u>	J	Swears in the Witness
<u>4:02:58 PM</u>	DEX by Mr. Lovelace	Witness testifies that he is the Undersheriff for the Taos County Sheriff's Office
<u>4:03:21 PM</u>	P	Witness testifies regarding the firearm training that he has received throughout the course of his career
<u>4:03:40 PM</u>	P	Witness testifies that he is a current member of the Special Response Team

<u>4:04:37 PM</u>	P	Witness testifies regarding his role on August 3, 2018 - He was the Sniper on this call
<u>4:05:05 PM</u>	P	Witness testifies regarding what he observed about the compound from his position
<u>4:05:42 PM</u>	P	Asks if Witness can illustrate on the white board what he observed at the Compound
<u>4:06:10 PM</u>	D - Mr. Kostich	Asks if the Witness can use Exhibit No. 16
<u>4:06:19 PM</u>	P	Responds
<u>4:06:50 PM</u>	J	Witness allowed to illustrate on the white board
<u>4:06:54 PM</u>	DEX continued	Witness draws the Compound on the Dry Erase Board
<u>4:09:16 PM</u>		Witness retakes the Witness Stand
<u>4:09:22 PM</u>	DEX continued	Witness testifies regarding the field of view the inhabitants of the compound would have on the surrounding area
<u>4:09:58 PM</u>	P	Witness testifies regarding why he described this as a Highly Defensible Fortified Compound in his Report Witness testifies that there were 8 members of his Special Response Team present that day including himself
<u>4:12:17 PM</u>	P	Witness testifies regarding why a nighttime execution of the Search Warrant was not conducted
<u>4:13:20 PM</u>	P	Witness testifies regarding State's Exhibit No. 21 - Tire wall Witness testifies regarding what a Shoot House is
<u>4:16:01 PM</u>	P	Witness testifies regarding a Switch Back
<u>4:16:47 PM</u>	P	Witness testifies regarding State's Exhibit No. 18 - Switch Back Wall
<u>4:18:30 PM</u>	D - Mr. Clark J P	Objection - Irrelevant - Argument What is the relevance Responds
<u>4:19:06 PM</u>	J J	Sustained Move on
<u>4:19:12 PM</u>	DEX continued	Witness testifies regarding the underground tunnel that was found on the premises
<u>4:19:38 PM</u>	P	Witness testifies regarding State's Exhibit No. 26 - Items located within the tunnel
<u>4:20:14 PM</u>	P	Witness testifies regarding State's Exhibit No. 27 - Item found in the tunnel - Sniper rifle - .308
<u>4:20:59 PM</u>	P	Witness testifies regarding State's Exhibit No. 28 - Item found in the tunnel - Marlin 30-30
<u>4:21:26 PM</u>	P	Witness testifies regarding State's Exhibit No. 29 - Photograph of the shooting range on the west side of the compound
<u>4:22:20 PM</u>	P	

		Witness testifies regarding State's Exhibit No. 30 - Does not recognize
<u>4:22:37 PM</u>	P	Witness testifies that he did not walk throughout the shooting range
<u>4:22:44 PM</u>	P	Pass the Witness
<u>4:22:49 PM</u>	XEX by Mr. Clark	Witness testifies that he was on the Special Response Team that arrived at the Compound Witness testifies regarding how they arrived to execute the Search Warrant
<u>4:24:53 PM</u>	D	Witness testifies regarding what old tires are used for
<u>4:25:25 PM</u>	P - Mr. Lovelace J	Objection Sustained
<u>4:25:29 PM</u>	XEX continued	Questions
<u>4:25:49 PM</u>	P - Mr. Lovelace	Compound question
<u>4:25:53 PM</u>	XEX continued	Witness testifies that the two men were taken into custody
<u>4:26:22 PM</u>	D	Witness testifies regarding the weapons that were recovered
<u>4:27:22 PM</u>	P - Mr. Lovelace J	Objection Sustained
<u>4:27:30 PM</u>	XEX continued	Witness testifies regarding the weapons that were recovered
<u>4:27:45 PM</u>	D	Nothing further
<u>4:27:49 PM</u>	All other Defense Attorneys	No questions
<u>4:28:05 PM</u>	P	No Redirect
<u>4:28:09 PM</u>	J	Witness is excused
<u>4:28:18 PM</u>	J	Let's take a 10-minute recess
<u>4:28:27 PM</u>	J	Recess
<u>4:40:32 PM</u>	J	Back on the record
<u>4:40:39 PM</u>	P	*** Calls Travis Taylor ***
<u>4:40:46 PM</u>	D - Mr. Kostich	Renews objection on this next witness testifying for the reasons stated in the beginning
<u>4:40:57 PM</u>	J	Overruled
<u>4:40:59 PM</u>	D - Ms. Golightley	All Defense Attorneys enter into that objection
<u>4:41:09 PM</u>	J	Swears in the Witness
<u>4:41:16 PM</u>	DEX by Mr. Hasson	Witness testifies that he is a Special Agent with the Federal Bureau of Investigation
<u>4:41:55 PM</u>	P	Witness testifies regarding his interview of 2 children



<u>4:42:21 PM</u>	P	Witness testifies regarding interview of F.L. on August 7th Mother is Jany Leveille - F.L. is 15 years old - What F.L. told him
<u>4:45:34 PM</u>	P	Witness testifies regarding the family relationships between the Defendants
<u>4:46:27 PM</u>	P	Witness testifies regarding what he learned from F.L. about rituals to expel demons
<u>4:47:11 PM</u>	D - Mr. Clark J	Objection - Relevance Overruled
<u>4:47:18 PM</u>	DEX continued	Witness testifies regarding what he learned from F.L. about rituals to expel demons
<u>4:48:28 PM</u>	P	Witness testifies regarding rituals
<u>4:49:00 PM</u>	P	Witness testifies that he was told by F.L. that the Child passed away in approximately February of 2018 The only person he knows to be there was Siraj
<u>4:49:53 PM</u>	P	Witness testifies regarding what else was discussed with F.L.
<u>4:50:56 PM</u>	P	Witness testifies regarding what F.L. told him about firearm training they were undergoing
<u>4:52:46 PM</u>	P	Witness testifies regarding his interview with J.L.
<u>4:54:06 PM</u>	P	Witness testifies regarding what else F.L. told him on August 7th - Different messages that Jany would talk about
<u>4:55:04 PM</u>	P	Witness testifies that he conducted a second interview with F.L. on August 9th - What he learned on that date
<u>4:56:06 PM</u>	P	Witness testifies regarding the second interview with J.L. on August 9th
<u>4:57:42 PM</u>	P	Witness testifies regarding what the children told him about A.G. during the rituals
<u>4:58:15 PM</u>	P	Witness testifies regarding what he was told about A.G.'s condition
<u>4:58:38 PM</u>	P	Witness testifies regarding what J.L. said about firearms training
<u>4:59:46 PM</u>	P	Witness testifies regarding what happened to A.G. after he died
<u>5:00:42 PM</u>	P	Pass the Witness
<u>5:00:47 PM</u>	DEX by Mr. Clark	Witness testifies that the children, F.L. and J.L. are 13 and 15 Witness testifies that CYFD were the guardians at the time Witness testifies that nobody from their biological families were present during interviews

<u>5:01:48 PM</u>	D	Witness testifies regarding interview of F.L. - Ritual - Messages mother was receiving from Gabriel - Ritual was to rid Abdul of demons
<u>5:04:40 PM</u>	D	Witness testifies regarding the tactical training that F.L. talked about
<u>5:06:45 PM</u>	D	Witness testifies regarding the description that F.L. and J.L. gave about what happened with the body of A.G.
<u>5:07:42 PM</u>	D	Pass the Witness
<u>5:07:46 PM</u>	D - Ms. Legrand Miller and Ms. Mitsunaga	No questions
<u>5:08:07 PM</u>	XEX by Ms. Golightley	Witness testifies that he was told that Jany was the one who told everyone to disarm
<u>5:09:31 PM</u>	D	Witness testifies regarding Speedloading Witness testifies being told that Jany said to disarm
<u>5:10:10 PM</u>	D	Witness testifies regarding rituals
<u>5:10:52 PM</u>	D	No further questions
<u>5:10:55 PM</u>	D - Mr. Kostich	No questions
<u>5:11:07 PM</u>	RDX by Mr. Hasson	Witness testifies regarding what F.L. and J.L. said about who was armed
<u>5:11:57 PM</u>	P	No further questions
<u>5:12:02 PM</u>	J	Witness may step down
<u>5:12:15 PM</u>	P	No further witnesses
<u>5:12:22 PM</u>	D - All Defense Attorneys	No witnesses
<u>5:12:31 PM</u>	J	Question regarding State's Exhibit No. 38
<u>5:12:47 PM</u>	P - Mr. Hasson	The State did not give the Court any foundation for Exhibit No. 38
<u>5:13:01 PM</u>	J	The Court's Ruling is that it hasn't been appropriately Proffered
<u>5:13:15 PM</u>	P - Mr. Hasson	Closing Argument
<u>5:19:12 PM</u>	D - Mr. Kostich	Stated that he thinks there does need to be Findings in terms of which of these exhibits are coming into evidence
<u>5:19:27 PM</u>	J	The Court has Admitted them into evidence
<u>5:19:39 PM</u>	P	Continues with Closing Argument
<u>5:23:52 PM</u>	D - Mr. Kostich P	Objection - Mischaracterizes the evidence that has actually been presented Responds
<u>5:24:16 PM</u>	P	Continues with Closing Argument
<u>5:24:36 PM</u>	D - Mr. Kostich	

		<p>Objection</p> <p>The Court told Mr. Kostich that he will have a chance to argue</p> <p>Mr. Kostich stated that he thinks it is disingenuous to mischaracterize the evidence repeatedly</p>
<u>5:24:57 PM</u>	P	Continues with Closing Argument
<u>5:28:19 PM</u>	J	<p>The State has a burden of presenting evidence of dangerousness, and that is what has been argued so far</p> <p>The State has not argued anything about how there are no conditions of release that would reasonably protect the community</p> <p>The Court does not know very much from the evidence provided today</p> <p>The Court did not hear anything about the condition of the children</p>
<u>5:29:00 PM</u>	P	<p>Continues with Closing Argument</p> <p>Not aware of any criminal history</p>
<u>5:32:08 PM</u>	P	Asks the Court to Grant the Motion and keep the Defendants Detained
<u>5:32:19 PM</u>	D - Mr. Clark	OBO Siraj Ibn Wahhaj Closing Argument
<u>5:33:23 PM</u>	J	What about the child that was taken from the parent and died
<u>5:33:33 PM</u>	D	Responds
<u>5:33:51 PM</u>	J	The evidence before the Court is...
<u>5:34:19 PM</u>	D	<p>Responds</p> <p>Continues with Closing Argument</p>
<u>5:36:29 PM</u>	J	Question regarding resources
<u>5:36:50 PM</u>	D	Anticipates that there is a general lack of resources...
<u>5:37:06 PM</u>	D - Ms. Legrand Miller	<p>OBO Hujrah Wahhaj</p> <p>Closing Argument</p> <p>There is a couple present in Court and they are willing to assist Ms. Wahhaj</p>
<u>5:42:25 PM</u>	D - Ms. Mitsunaga	OBO Subhannah Wahhaj Closing Argument
<u>5:45:44 PM</u>	D - Ms. Golightley	OBO Jany Leveille Closing Argument
<u>5:48:44 PM</u>	D - Mr. Kostich	OBO Lucas Allen Morten Closing Argument
<u>5:55:20 PM</u>	P - Mr. Lovelace	Closing Argument Rebuttal
<u>5:56:58 PM</u>	J	What is the State saying that they were planning
<u>5:57:07 PM</u>	P	Responds



<u>5:57:38 PM</u>	J	The Court will take a Recess and consider the evidence Will return with Ruling shortly
<u>5:58:01 PM</u>	J	Recess
<u>6:12:15 PM</u>	J	Back on the record
<u>6:12:23 PM</u>	J	The State of New Mexico has Amended its Constitution in the past two years, and actually the Constitution has always read that Defendants are innocent until proven guilty...
<u>6:13:50 PM</u>	J	What the Court has heard here today is troubling, definitely, troubling facts about numerous children in far from ideal circumstances, and individuals who are living in a very unconventional way... The most troubling aspect of this case to this Court is the fact of the young child who apparently died in the compound The Court does not have any evidence before her about any conditions with respect to the other children that were there The Court does know now that they are all in State custody. They are all in Foster Homes, and they are no longer in the location where they were located
<u>6:15:06 PM</u>	J	The State alleged that there was a big plan afoot, but the State has not shown to this Court's satisfaction by clear and convincing evidence what in fact that plan was
<u>6:15:24 PM</u>	J	None of these Defendants have a criminal history that the Court has been made aware of, except for Siraj Wahhaj, and he has an allegation against him of interference with custody of the young child The Defendants are in their mid 30s to 40s...
<u>6:15:55 PM</u>	J	There is no reason for the Court to believe that these Defendants have in the past shown themselves to be a danger to the community
<u>6:16:14 PM</u>	J	The State wants the Court to make a leap, and it's a large leap, and this would be to hold people in jail without bond...
<u>6:16:34 PM</u>	J	The Court will Deny the Petition for Pre-Trial Detention pending Trial The Court believes that there are reasonable conditions of release that can be fashioned to protect the community
<u>6:16:53 PM</u>	J	Recites Conditions Each Defendant will be required to post a \$20,000 Unsecured Appearance Bond Until stable housing is acquired, each Defendant will be fitted with a GPS Ankle Monitor Each of the Defendants will be required to cooperate with CYFD who currently has custody of these children



# IPT

They are to obtain stable housing  
They are to maintain weekly contact with their attorneys  
They are to attend all future hearings in this case  
They are not to consume alcohol or illegal drugs  
They are not to have any firearms or dangerous weapons in their possession  
Nobody is to leave the County without permission of the Court  
They are only to have supervised contact with the children that are in State's custody  
At such time as the Defendants do acquire stable housing, they may request a release from the GPS Monitor  
The State also has the option at any time to renew their Motion if additional facts indicating a more substantial threat come to light

<u>6:18:57 PM</u>	P - Mr. Hasson	Would ask the Court to Order that the Defendants not discuss these cases with their children or with each other
<u>6:19:13 PM</u>	J	The Court thinks that that is appropriate The Defendants are not to discuss any of the facts of this case with any of the children, and they are not to discuss it among themselves
<u>6:19:27 PM</u>	D - Mr. Clark	Asks if the Court will prepare the Conditions of Release
<u>6:19:33 PM</u>	J	The Court will do it
<u>6:19:48 PM</u>	D - Mr. Kostich	Has one additional matter The matter of the GPS and the House Arrest condition to ensure that it is paid for
<u>6:20:08 PM</u>	J	Mr. Kostich is requesting House Arrest with the GPS because that would require the County to provide the GPS
<u>6:20:18 PM</u>	D - All Defense Attorneys	No objection
<u>6:20:22 PM</u>	J	So House Arrest will be Ordered The exceptions would be to meet with attorneys, attend any medical appointments and appointments with their children
<u>6:20:42 PM</u>	P - Mr. Hasson	Stated that to their knowledge, the compound in question is really not fit to live in Asks the Court to find that it does not qualify for stable housing
<u>6:20:57 PM</u>	J	That would not qualify, because at this point, as the Court understands, there is no electricity for the monitors You can revisit that question if you need to
<u>6:21:19 PM</u>	J	Thanks all
<u>6:21:21 PM</u>	J	Recess