

Guilt Innocence Phase  
August 21, 2017

1 (Court, counsel, jury, and defendant  
2 present.)

3 THE COURT: Good morning, ladies and  
4 gentlemen. I know you were not expecting Judge Johnson;  
5 she explained she would not be here today. I'm Judge  
6 Brown. Hopefully, we'll move along.

7 So Mr. Secrest, can I get your witness  
8 back up, please?

9 MR. SECREST: Yes, Your Honor. But it's  
10 Allison's witness.

11 THE COURT: Thank you. You may proceed.

12 **ROCIO RIEB,**  
13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 **BY MS. SECREST:**

16 Q. Good Morning, Rocio, how are you today?

17 A. Good. Good morning.

18 Q. I'm going to ask you: Have you ever been in  
19 Jim and Sandy's house?

20 A. Excuse me?

21 Q. Have you ever been to Jim and Sandy's house?

22 A. Yes.

23 Q. And have you ever been in Jim and Sandy's  
24 master bathroom?

25 A. Yes.

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1 Q. Rocio, when did you learn about all of this  
2 happening?

3 A. I was in Mexico City, and I got a phone call,  
4 and I had to catch the first flight back that was  
5 possible. It was a phone call, I believe, the 24th, and  
6 that's the first flight I could get.

7 Q. When did you first see Sandy?

8 A. The 26th, the very next day because I came  
9 late. And when I saw her, she was -- she was not in  
10 good shape. She was extremely pale. She was constantly  
11 shaking, she was sobbing, she was devastated.

12 Q. Did you notice anything on her face?

13 A. Yeah. She had a bruise on her right eye, and I  
14 noticed a bump on her head on the right-hand side.

15 Q. Were you able to see the bump, or did you feel  
16 it?

17 A. I felt it.

18 Q. Okay. And did it appear to hurt her?

19 A. Yeah. When I touched it, it seemed very  
20 tender.

21 Q. What did the two of you do the next day?

22 A. The 27th, I went to see her, again, every day  
23 to see how she was doing. And I took her to the doctor  
24 the 27th. I took her to see Dr. Brenda. I was worried  
25 about her injuries.

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1 Q. Were you with her when she was examined by the  
2 doctor?

3 A. Yes.

4 MS. SECREST: Pass the witness.

5 THE COURT: Ms. Barnett.

6 **CROSS-EXAMINATION**

7 **BY MS. BARNETT:**

8 Q. When -- how long have you known the couple, did  
9 you say?

10 A. At least 35 years.

11 Q. And did you know them before they got married?

12 A. No.

13 Q. You met them in the church?

14 A. Yes.

15 Q. And do you remember how old they were when they  
16 got married?

17 A. No.

18 Q. Okay. And you're a Jehovah Witness; is that  
19 right?

20 A. Correct.

21 Q. And do you normally socialize with people that  
22 are also Jehovah Witnesses?

23 A. Yes.

24 Q. And can you tell us how -- do they go to church  
25 every week?

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1           A.    Yes, they would go to church as a congregation.  
2   And we go, if you want, twice a week, two hours during  
3   the week and two hours on Sunday.

4           Q.    Okay.  And did they do that?

5           A.    Yes.

6           Q.    Were Sandy and Jaime devout Jehovah Witnesses?

7           A.    Yes.  As a matter of fact, he was an elder,  
8   which was a high position.

9           Q.    A high position.

10                   And you mentioned something last week that  
11   I didn't really catch:  That she had -- she was not able  
12   to do something because of her illness.  Was there  
13   something you said?

14           A.    Well, she wanted to be out and go out with us  
15   to go door-to-door.  That's what we do to teach people  
16   the Bible.

17           Q.    What is that called, the name for that?

18           A.    We call it in-service ministry.

19           Q.    And that's when people go door-to-door and try  
20   to convert people?

21           A.    We don't convert people, we ask them if they  
22   want to know more about the Bible.

23           Q.    I see.

24                   And is that something you do on a regular  
25   basis?

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1 A. Yes, ma'am.

2 Q. And some people that are devote Jehovah  
3 Witnesses do that on a regular basis?

4 A. Correct.

5 Q. And so would you say that you and the Melgars  
6 were devout enough that you really believed everything  
7 that Jehovah Witnesses teach?

8 A. Correct.

9 Q. So divorce is looked upon poorly?

10 A. Correct.

11 Q. If you don't mind, let me finish my question.

12 In fact, it's not allowed, right?

13 A. It is allowed. The Bible says that it is  
14 allowed if one of the spouses commits adultery.

15 Q. And you don't think Jim would have done that,  
16 right?

17 A. No.

18 Q. So if Sandy was unhappy in her marriage, she  
19 just has to stick it out, right?

20 A. No. To the best of my knowledge, every time I  
21 saw her --

22 Q. That's not my question, ma'am.

23 A. Okay. No. If she was unhappy, if -- if, I  
24 should mention, if she was unhappy, we have what we call  
25 elders. We have a support group. They are based --

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1 they're helped through the Bible, and they can get  
2 counsel through the Bible as to help themselves --

3 Q. Right.

4 A. -- what the problem is.

5 Q. Right. And that really wasn't my question. My  
6 question is that you can't get divorced because the  
7 church will, A, not allow you to remarry, right?

8 A. They will allow you to remarry if there's  
9 adultery and physical abuse.

10 Q. Listen to my question, ma'am. We've already  
11 established that if there is adultery in a marriage,  
12 that you a right to get divorced in most cases with  
13 Jehovah Witnesses?

14 A. Correct.

15 Q. And I believe you testified that you don't  
16 think that Jaime Melgar was cheating on his wife?

17 A. No.

18 Q. And it doesn't seem like anybody was thinking  
19 that, right?

20 A. No.

21 Q. So if she wanted to get a divorce because she  
22 was unhappy in her marriage, then A, the elders wouldn't  
23 approve it; and B, even if she got divorced, she's not  
24 allowed according to Jehovah Witnesses to remarry; isn't  
25 that right?

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1 A. No, it's not.

2 Q. Okay. So according to 1 Timothy 3:1, 5, and  
3 12: "Someone who chooses to divorce without scriptural  
4 grounds is not scripturally free to remarry." That's  
5 not what Jehovah Witnesses believe?

6 A. Yes. They --

7 Q. Thank you, ma'am.

8 And also, you're not allowed to celebrate  
9 birthdays, are you?

10 A. Correct, we're not.

11 Q. So if there was testimony earlier that she and  
12 Jaime were celebrating a birthday, would that be against  
13 church values?

14 A. That is left to their conscience.

15 Q. But the church doesn't allow it, right?

16 A. No.

17 Q. And that's also why we don't see any Christmas  
18 decorations in the house because Jehovah Witnesses don't  
19 respect or acknowledge Christmas, right?

20 A. Can you rephrase that question, again, please?

21 Q. Yes, I can.

22 In fact, let me -- give me just a second  
23 here.

24 Jehovah Witnesses don't celebrate  
25 Christmas, right?

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- 1 A. Right.
- 2 Q. You don't celebrate New Year's Eve?
- 3 A. Right.
- 4 Q. Don't celebrate Easter?
- 5 A. Yes.
- 6 Q. Don't celebrate Mother's Day?
- 7 A. Correct.
- 8 Q. Don't celebrate Father's Day?
- 9 A. Correct.
- 10 Q. Don't celebrate birthdays?
- 11 A. Correct.
- 12 Q. Thanksgiving?
- 13 A. Correct.
- 14 Q. Flag Day?
- 15 A. Excuse me?
- 16 Q. Flag Day?
- 17 A. Yes, we do.
- 18 Q. You do celebrate Flag Day?
- 19 A. No, we don't.
- 20 Q. Independence Day?
- 21 A. No.
- 22 Q. Saint Patrick's Day?
- 23 A. No.
- 24 Q. Valentine's Day?
- 25 A. No.



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1 Q. Halloween?

2 A. No.

3 Q. Hanukkah?

4 A. No.

5 Q. None of those things?

6 A. No.

7 Q. You also can't say anything negative about the  
8 organization, right?

9 A. Give me a second because it's not a black and  
10 white question.

11 Q. Well, Jehovah Witnesses must speak in agreement  
12 and be like-minded, correct?

13 A. Correct.

14 Q. You're not allowed to have best friends and  
15 activity buddies who are not Jehovah Witnesses; that's  
16 true, right?

17 A. Yes.

18 Q. And you're not allowed to live in a house of  
19 someone of the opposite sex unless you're married to  
20 them, right?

21 MS. SECREST: Your Honor, I'm going to  
22 object to relevance. And why it's relevant, I'm not  
23 sure.

24 MS. BARNETT: It's establishing a mindset  
25 of the defendant for one of the reasons why she did what

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1 she did.

2 MR. SECREST: Objection to speech by  
3 counsel that "She did what she did." That's why we're  
4 here. There's no evidence.

5 THE COURT: Overruled.

6 Q. (BY MS. BARNETT) You're not allowed to live in  
7 a house with someone of the opposite sex unless you're  
8 married to them, right?

9 A. Right.

10 Q. And you can't live in a house with someone that  
11 you're divorced from, true?

12 A. I'm sorry, can you repeat that.

13 Q. Yes. You can't live in a house with someone  
14 that you're divorced from?

15 A. Correct.

16 Q. What does it mean that you shall not eat foods  
17 that contain blood or its primary components? Is that  
18 meat?

19 A. What it means is, for example --

20 Q. Is it meat, ma'am?

21 MS. SECREST: Your Honor, I'm going to  
22 object. She's asking a question and not being given the  
23 opportunity to properly answer the question. She's  
24 cutting her off.

25 THE COURT: Please let her finish the

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1 answer before you ask your next question.

2 Q. (BY MS. BARNETT) You can't attend Alcoholics  
3 Anonymous, right?

4 A. I'm sorry, that question, I truthfully don't  
5 know.

6 Q. You cannot donate to any religious  
7 organizations other than Jehovah Witnesses?

8 A. Correct.

9 Q. You cannot join the Boy Scouts?

10 A. Correct.

11 Q. You can't join the Girl Scouts?

12 A. Correct.

13 Q. You can't determine -- elders are the only ones  
14 who can determine if a member is unrepentant, right?

15 A. Yes.

16 Q. Elders shall disfellowship anyone who breaks  
17 the rules; is that true?

18 A. It is true, but you need to know more about the  
19 Bible before the questions are asked. It's not black  
20 and white.

21 Q. Of course, and that's why elders determine  
22 that, don't they?

23 A. No. The elders get together, they pray, they  
24 talk to the person. It's a whole lot of investigation.  
25 And they notice if the person's heart condition is

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1 correct, if it's right. At the end, the person makes  
2 that decision and gives repentance. Then, yes, they get  
3 disfellowship or disassociate from the congregation for  
4 a period of time, but they are allowed to come back.

5 Q. "Disassociate from the congregation," what does  
6 that mean?

7 A. That means that they can come to the  
8 congregation, but we are not, as a congregation, allowed  
9 to talk to them because they did something wrong, they  
10 did something against the Bible.

11 Q. So if somebody breaks a rule, and they're  
12 disassociated from the congregation, that means that  
13 their friends cannot talk to them, right?

14 A. We can talk to them brief and encourage them to  
15 come back, yes. But we are not allowed to associate  
16 with them in parties or associate more than just  
17 encouraging them to come back, and say, I'm glad you're  
18 here.

19 Q. Which would be a lot different from the type of  
20 relationship that you have with the Melgars today,  
21 right -- or her, anyway?

22 A. Well, yeah. Rephrase that question, again.

23 Q. Yeah. Y'all are close friends, aren't you?

24 A. Correct, yes.

25 Q. You've been close friends for a long time?

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1 A. Correct.

2 Q. You're friends with the family for a long time?

3 A. Correct.

4 Q. So if she did something that the elders  
5 proclaim that she should be disassociated from the  
6 organization, you wouldn't be able to maintain a  
7 friendship with her, would you?

8 A. No. That's as close a relationship as I have.  
9 I'll see her in the congregation, and I will encourage  
10 her to keep coming, and that's about it.

11 Q. Thank you for being here, hope you're doing  
12 okay.

13 A. Thank you.

14 Q. All right. So you also believe that the dead  
15 are in a state of unconsciousness, right?

16 MS. SECREST: Your Honor, again, I'm going  
17 to object. I don't understand how all of this is  
18 relevant.

19 THE COURT: Come on up.

20 (Bench conference.)

21 MS. BARNETT: Motive for what she did,  
22 ostracized from her church to prove and establish she  
23 killed her husband and make it seem like somebody else  
24 did. In fact, if she divorced her husband and is  
25 allowed back, or disassociated, they don't allow

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1 divorce. So it goes to death as the motive as to why  
2 she killed him.

3 THE COURT: I'll give you a little leeway.

4 Q. (BY MS. BARNETT) Jehovah Witnesses believe that  
5 the dead are in a state of unconsciousness, right?

6 A. Correct, we can believe that.

7 Q. And you don't believe that the soul survives  
8 death; is that right?

9 A. Please repeat that question, again.

10 Q. Do you believe -- let me move on. Do you  
11 believe that only 144,000 -- is that 144,000?

12 A. Correct.

13 Q. Only 144,000 will go to heaven?

14 A. Correct. That's what Revelations says in the  
15 Bible.

16 Q. And that's from the beginning of time, and  
17 those people are chosen, and nobody knows who they are,  
18 right?

19 A. No.

20 Q. I mean except for --

21 A. For themselves.

22 Q. They know it?

23 A. Uh-uh.

24 Q. When they're walking around, they know they're  
25 the ones?

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1 A. Uh-huh.

2 Q. Do they not tell anybody, or do they keep it a  
3 secret?

4 A. No. We celebrate once a year the death of  
5 Christ. And we celebrate the dead because he asked us  
6 to commemorate his death, which is more important  
7 because he died for all of us and our sins. And when we  
8 do that, they are the ones that partake of the wine and  
9 the bread.

10 Q. So it's possible that Jaime Melgar could have  
11 been one of those 144,000 that went straight to heaven?

12 A. I don't know that. Only Jehovah God knows  
13 that.

14 Q. So the answer to my question is, no, you don't  
15 know?

16 A. No, I don't know.

17 Q. And is it true that Jehovah Witnesses shall not  
18 lie, but can refrain from telling the truth to those  
19 that Jehovah Witnesses deem don't deserve it?

20 A. No, that's not true.

21 Q. That is not true?

22 A. We are always -- can I just tell you something?  
23 The Bible says always say the truth.

24 Q. Well, it's just so strange that in here on the  
25 issue of morality, it says, you shall not lie, but you

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1 may refrain from telling the truth to those Jehovah  
2 Witnesses deemed do not deserve it?

3 A. And if you would allow me to explain, that will  
4 be clear.

5 Q. I think that's clear.

6 MS. SECREST: Your Honor, I object. May  
7 the witness answer the question? She cut her off.

8 THE COURT: Please wait, and do not talk  
9 over each other. It's hard for the court reporter.

10 MS. SECREST: Your Honor, I ask that the  
11 witness be allowed to answer the prosecutor's question?

12 THE COURT: Okay. Ask your question.

13 MS. BARNETT: She has answered it.

14 Q. And you can't vote, right?

15 A. Right.

16 Q. You can't pledge allegiance to your country or  
17 your flag?

18 A. Correct.

19 Q. And you can't report for jury duty?

20 A. Yes, we can report for jury duty. And if you  
21 allow me to tell you something because I think that your  
22 question is very good, but it also doesn't lead to a  
23 complete answer.

24 Q. And, ma'am, I'm sure you're going to be asked  
25 those questions again.



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1                   But, I guess that you can maybe report to  
2 be a juror, but you can't be a juror?

3           A.     No, we can be a juror. I've been a juror  
4 before.

5           Q.     Oh, you have?

6           A.     Yes.

7           Q.     Thank you very much.

8                   MS. BARNETT: I'll pass the witness.

9                   MS. SECREST: May I proceed?

10                  THE COURT: You may.

11                                 **REDIRECT EXAMINATION**

12 **BY MS. SECREST:**

13           Q.     What did you want to explain when the  
14 prosecutor cut you off the first time?

15           A.     It is hard to make a yes and no answers {sic}  
16 to people who are not familiar with the Bible. It is  
17 not cut and dry. I cannot, for example -- we --  
18 unfortunately, she asked me the questions, and now I  
19 can't remember exactly every question she asked me. But  
20 it's not cut and dry. And their situation, for example,  
21 it's very much encouraging they stayed together. The  
22 fact that --

23                   MS. BARNETT: Narrative, Your Honor.

24           A.     No, I'm sorry.

25                   THE COURT: Please keep it to a question

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1 and answer.

2 Q. (BY MS. SECREST) Do you have any reason to  
3 believe that Sandy and Jim had anything but a very  
4 loving, wonderful relationship?

5 MS. BARNETT: That was asked and answered  
6 on Friday.

7 THE COURT: Overruled.

8 Q. (BY MS. SECREST) You can answer the question.

9 A. Excuse me?

10 Q. You may answer the question.

11 A. No, I have no reason to believe any at all.  
12 There was no signs whatsoever.

13 And my last thing will be that Jehovah  
14 Witnesses have Bible-based reasons to do that. It's not  
15 cut and dry.

16 Q. Now, the prosecutor asked if you had any reason  
17 to think that Jim would have had an affair. Do you have  
18 any reason to think that Sandy would have had an affair?

19 A. No.

20 MS. SECREST: Your Honor, may I approach  
21 the witness?

22 THE COURT: You may.

23 Q. (BY MS. SECREST) Rocio, I'm going to show you  
24 what has been marked as Defense Exhibit No. 26. Do you  
25 recognize this photograph?

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1 A. Yes.

2 Q. And do you know when it was taken?

3 A. To be honest, it's been so long, I don't know.

4 Q. How about on the back of the photograph? Is  
5 there a stamp on it from Walgreens?

6 A. Yes. 2009, December 14, 2009.

7 Q. Does this fairly and accurately depict all the  
8 people in this photograph?

9 A. Yes, it does.

10 MS. SECREST: Your Honor, at this time I  
11 tender to opposing counsel Defense Exhibit No. 26.

12 MS. BARNETT: No objection.

13 MS. SECREST: May I publish, Your Honor?

14 THE COURT: Defense Exhibit No. 26 will be  
15 admitted.

16 MS. SECREST: May I publish?

17 THE COURT: You may.

18 Q. (BY MS. SECREST) Rocio, tell us, who do we see  
19 in this photograph?

20 A. I'm going to start from my left to my right.  
21 That's Chelsey Armstrong, daughter of Tom and Tammy  
22 Armstrong.

23 Q. I don't mean to cut you off. There's no point  
24 to point at the screen. Just describe to everyone what  
25 you see.

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1           A.     Okay.  I'm sorry.

2                     Chelsey Armstrong, Trisha Fry, myself,  
3 Sandy Melgar, Tammy Armstrong, Margo Tsoumbos, and  
4 Elizabeth Melgar.  And in the middle, you see Jaime  
5 Melgar.  And as you can see, we'll just hold -- touching  
6 him because we loved him very much.  He was -- he is to  
7 me -- he still is to me, he's asleep.

8           Q.     Yes, I'm very sorry for your loss.

9                     What was going on in this photograph in  
10 December of 2009?

11           A.     It was probably an anniversary, and I don't  
12 remember.  And you can see Sandy, she's smiling.  And I  
13 remember saying, "Can we just touch your husband,"  
14 because for us he was just a great man.

15           Q.     Thank you, Rocio.

16                     MS. SECREST:  Pass the witness, Your  
17 Honor.

18                     THE COURT:  Anything further?

19                     MS. BARNETT:  One other question.

20                                 **RECROSS-EXAMINATION**

21 **BY MS. BARNETT:**

22           Q.     I just want to make sure:  You consider him  
23 asleep; is that what you said?

24           A.     Uh-huh.

25                     MS. BARNETT:  Pass the witness.

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1 THE COURT: Anything further?  
2 MS. SECREST: Nothing further, Your Honor.  
3 THE COURT: May this witness be excused?  
4 MS. SECREST: Yes, Your Honor.  
5 MS. BARNETT: Yes.  
6 THE BAILIFF: This witness has not been  
7 sworn, Your Honor.  
8 **ELIZABETH ROSE,**  
9 having been first duly sworn, testified as follows:  
10 **DIRECT EXAMINATION**  
11 **BY MS. SECREST:**  
12 Q. Good morning, Elizabeth.  
13 A. Good morning.  
14 Q. How are you this morning?  
15 A. Okay.  
16 Q. Take a deep breath.  
17 Have you ever testified before?  
18 A. No.  
19 Q. Are you pretty nervous?  
20 A. Yes.  
21 Q. Elizabeth, tell us little bit about yourself.  
22 A. I'm originally from Houston, Texas. I'm living  
23 in Seattle, Washington, right now.  
24 Q. Are you married?  
25 A. Yes.