SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

SALINAS DIVISION

HON. JENNIFER J. O'KEEFE, JUDGE DEPARTMENT 4

CERTIFIED COPY

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs. Case No. 22CR003712

PAUL FLORES,

Defendants.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

OPENING STATEMENTS - PAUL FLORES CASE

July 18, 2022

APPEARANCES:

For the People: DAN DOW, DISTRICT ATTORNEY
COUNTY OF SAN LUIS OBISPO
BY: CHRISTOPHER PEUVRELLE
DEPUTY DISTRICT ATTORNEY

For the Defendant
Paul Flores: ROBERT M. SANGER
ATTORNEY AT LAW

STEFANI CORTOPASSI, C.S.R. 11993, Official Reporter

SALINAS, CALIFORNIA JULY 18, 2022

PROCEEDINGS

THE COURT: And do the People wish to give their opening statement at this same time?

MR. PEUVRELLE: Yes, your Honor.

THE COURT: Thank you.

MR. SANGER: Your Honor, before we start, I think we need to have a conference. Sorry, I wasn't aware of this until just now.

THE COURT: All right. Ladies and gentlemen, I'm going to step in the hallway with the attorneys for just a moment. If you would like to take a moment to stand and stretch, we'll be right back.

(A recess was taken.)

THE COURT: All right, ladies and gentlemen. I know you are eager to get this process started but we are going to actually take a 15-minute recess and then I promise you when we return we will get started.

I just want to remind you, please do not talk about the case or about any of the people or subject involved in it with anyone, including your other jurors.

Please do not make up your mind about any issue until after you've discussed the case with your fellow jurors in the deliberation room.

We will be back here in 15 minutes. And I'll give you -- why don't we come back at 9:35 and then we will begin our opening statements.

Thank you, everyone.

(The jury and alternate jurors exit the courtroom.)

THE COURT: We are still on the record in the case of People versus Paul Flores. Mr. Flores is present with his attorney, Mr. Sanger. Mr. Peuvrelle is present for the People.

We are outside of the presence of our prospective juror -- or not prospective -- our actual jurors and alternates.

And anything either side wishes to place on the record before I allow a brief recess?

MR. SANGER: Yes. My objection in the hallway was to the fact that I had not been shown the PowerPoint, number one, and anything that's going to follow in the PowerPoint, and that under the *Green* case, as I recall it, that is required.

Number two, on the very first frame, which has remained up during our conference until now, has the mantle of the District Attorney's Office, their seal up there, giving an imprimatur as to this case and it's improper use of the mantle of the District Attorney's Office to endorse argument or evidence.

And I think in the hallway the Court indicated that you would allow us to take a look at the rest of it and then make a record at that point

THE COURT: All right. So I'm going to -- anything you'd like to put on the record, Mr. Peuvrelle,

actually?

MR. PEUVRELLE: Yes, please, your Honor. I would like to note that I have mentioned several times over the course of the last few weeks that I would be using a PowerPoint and that items would be going in that PowerPoint.

What immediately comes to mind is the photograph of Paul Flores, which I, over e-mail and in chambers, repeatedly said I wanted to make sure I was crystal clear on the Judge's rulings so that I could put it in my PowerPoint so to wait this long and do it as I'm standing up is simply a cheap parlor trick meant to use as a tactical advantage.

I've never shown my -- had to show my PowerPoint ahead of time. I should not be forced to show my PowerPoint ahead of time, especially given the circumstances that this was waited until 9:20, at the time I was about to start.

I don't think the Court should stand for it given the -- given everything that's happened so far in this case.

THE COURT: All right. And I appreciate --

MR. SANGER: And, your Honor, if I may, I will try to ignore the ad hominem remarks.

The law says it must be shown. When he said he was going to do a PowerPoint I didn't know he meant for -- for the opening statement but if I missed that, it still doesn't excuse not showing the rest of it.

So it's not a cheap parlor trick, I'm here to represent my client.

THE COURT: All right. So what I had indicated in the hallway is that we would take a 15-minute recess so that you could have an opportunity to review the PowerPoint, Mr. Sanger, and then we will proceed.

MR. SANGER: Thank you.

THE COURT: So that is what will happen and we will be back here at 9:35 to begin opening statements.

(A recess is taken.)

THE COURT: We are back on the record in the case of People versus Paul Flores. Mr. Flores is present with his attorney, Mr. Sanger. Mr. Peuvrelle is present for the People.

We are outside of the presence of our jurors and our alternate jurors.

And the Court did want to put one thing on the record.

When we had our discussion regarding the PowerPoint in the hallway, the Court did indicate that I was aware that Mr. Peuvrelle wanted to use a PowerPoint and so perhaps there was a miscommunication on that issue, but hopefully you've had an opportunity to resolve it.

MR. SANGER: Yes. And I -- again, I was not aware he was going to use a PowerPoint in opening. I know that he had said he was going to try to show exhibits by PowerPoint and my -- my misunderstanding

evidently was that he -- for instance, the Paul Flores picture, he wanted to make sure that we had the right picture so that he could bring it up on the screen during evidence.

In any event -- and -- and I do believe the law says that it should be previewed. Whether or not that was done in Mr. Peuvrelle's experience in San Luis, I have requested that in San Luis and everywhere else every time and it's always occurred so -- in any event, having said that, I do object to this first screen, putting the DA's logo up on things. This is not the case of the Government being allowed to add weight to evidence by using their logo.

They can -- you know, opening statement, or anyplace else for that matter, they can show the evidence but not -- not attach weight to it based on using their logo.

Secondly, I did look at the rest of the slides. I believe that there is a good chance that they will be admitted and so therefore I am not going to object to the ones that show pictures and exhibits.

There are some slides that may or may not be argumentative depending on what Counsel says about them so --

THE COURT: All right.

MR. SANGER: -- that's -- I submit it. I do make the objection to the first slide, but other than that I'll submit.

THE COURT: All right. I appreciate that. And any further comment, Mr. Peuvrelle?

MR. PEUVRELLE: No, your Honor.

THE COURT: All right. So, I understand Counsel's thought. I'm going to allow the PowerPoint to be shown.

Of course, if there's any objections regarding the content of the opening statement, Mr. Sanger, you can feel free to make them at the time.

All right. Was there any other issue that we need to place on the record before we begin?

MR. PEUVRELLE: No, your Honor.

THE COURT: All right. Well, let's bring in the jury and we'll begin with our opening statements.

Thank you.

(The jury and alternate jurors enter the courtroom.)

THE COURT: We are back on the record in the case of People versus Paul Flores. Mr. Flores is present with his attorney, Mr. Sanger, and Mr. Peuvrelle is present for the People. We are in the presence of all of our jurors and alternate jurors.

And, Mr. Peuvrelle, would you like to give your opening statement?

MR. PEUVRELLE: Yes, please, your Honor.

Good morning. 1,359. 1,359 Sundays have passed since May 26th of 1996.

1996 was a long time ago. Ten years before the

iPhone. One year after an Explorer was invented. You could still walk up to the gates at the airport. Bill Clinton was president, gone through five presidents since then, a lot has changed.

And in 1995 Stan and Denise Smart sent their oldest daughter, Kristin, to college at Cal Poly San Luis Obispo.

During her freshman year, they looked forward every Sunday to a cheerful phone call from her. It was their ritual. But on May 26th of 1996, while the Smart family waited for that call, at 9:47 a.m. defendant Paul Flores was calling his dad, Ruben Flores, for help.

Now, a lot's changed since 1996. Law enforcement techniques have changed, investigative techniques have changed, but what hasn't changed is the dogged determination of detectives to pursue this case to this point.

You will hear that this case never went cold. This is a 25-year investigation, a case about persistence and perseverance, which led detectives ultimately, in 2021, to a burial site underneath the deck of Ruben Flores, because the evidence will show that Kristin was murdered by Paul Flores and that Paul and Ruben Flores buried her under Ruben Flores' deck.

And while the entire community banded together to search for Kristin desperately, both Paul and Ruben Flores did not join in that. Rather, you will hear that Ruben Flores would tear down missing posters of Kristin

showing her smiling, beautiful face, called her a dirty slut, all while her corpse was decomposing underneath his deck.

The Smart family consists of Stan Smart, Kristin's dad; Denise Smart, Kristin's mom; Matt Smart, her brother; and Lindsey, her sister. You will hear from all four of them, and they'll tell you just how special that Sunday phone call was because they were a very tight-knit family and they all looked forward to that phone call as kind of a reconvening of their family once Kristin left for college.

In fact, on May 5th of 1996 Denise wrote her daughter Kristin a letter and the first thing in that letter was thanking her for that cheerful Sunday conversation, and over that handwritten letter words of encouragement to Kristin to keep her head up during her freshman year.

The Smart family is not a family of means. Kristin did not have a car at college. She relied on the charity and friendship of others when she needed rides to go places.

The last thing Denise ever heard from her daughter, Kristin, was a voicemail on Friday, May 24th, 1996, and in that voicemail, which is unfortunately lost, Kristin was ecstatic and couldn't wait to share with her mom that Sunday good news. Stan and Denise will never know what that good news was.

Stan Smart spent hundreds of hours searching

virtually every corner of San Luis Obispo for his daughter and eventually made his way to 710 White Court in the city of Arroyo Grande, where Ruben Flores lives to this day. He never left that house.

And as Stan Smart, that summer of 1996, went in front of that house, desperately looking for his daughter, what did Ruben Flores tell him? Not, Let me help you; not, Whatever we can do; but, "You better get out of here or somebody might get shot."

Stan and Kristin were so close. Stan was an educator and he got a job her junior year of high school as a principal in Napa. They're from Stockton. And we all know the geography around here. That's not that close. Kristin moved to Stockton (sic) her junior year of high school, took herself away from her situation, so she could be with her dad. That's how close they were.

Matt Smart was younger than Kristin but a child at this time, but what he remembers, among other things, is a note that Kristin wrote him, an IOU if you will, where she promises to be there for him forever and to take care of him financially if she could. A promise for the future of their family.

Lindsey Smart was in eighth grade at the time that Kristin went missing and she'll tell you that Kristin was her biggest cheerleader and even once, which is remarkable for teenagers, baked her a cake to celebrate a successful swim event. And shortly after that Sunday where they didn't get that phone call she

had her eighth grade graduation and couldn't understand why Kristin wasn't there. She had another huge swim meet and couldn't understand why Kristin wasn't there.

Kristin made friends in college. One of them was a man named Steve Fleming. Steve Fleming was a tall basketball player for Cal Poly -- and you'll see many of these folks who were college students in 1996 are now in their 40's. A lot of life has gone by.

Steve Fleming was close with Kristin. They would talk about life, they would talk about struggles of first year in college. Steve Fleming spent two careers you'll hear about, one in law enforcement and one in the Army, and he knows what he saw before Memorial Day weekend.

He noticed Paul Flores, defendant Paul Flores, would randomly walk through the halls of the Muir dorm at Cal Poly. Paul Flores was not a resident of the Muir dorms. He was a resident of the Santa Lucia dorms. Those are two of several dorms called the "red brick dorms" because they're made of red brick.

Steve Fleming noticed that Paul Flores would try to get Kristin's attention, he would seek her out, and she was too nice, too kindhearted to tell him off. Remember, 1996 was before the Me Too movement. And he never once saw Kristin give Paul Flores attention back. And he recalls on at least one occasion he saw Paul Flores in Kristin's dorm room and he said, I knew her, she was uncomfortable, he was uninvited.

After Memorial Day weekend, he never saw Paul Flores back at the Muir dorms. Once Kristin was gone, his hunt was over.

MR. SANGER: Objection. Improper opening.

THE COURT: Overruled.

MR. PEUVRELLE: Vanessa Brinley was part of a close group of friends, along with Margarita Campos. She will also tell you that she observed Paul Flores to be unnaturally interested in Kristin. She would see him staring at their group often. He made their group uncomfortable but Kristin was too nice to tell him off.

On Friday, May 24th of 1996, there was a birthday party at a house at 135 Crandall Way in San Luis Obispo. This is a picture of that house. It is a small house, maybe three bedrooms, roughly 1100 square feet. It is not a large house. Over the course of this informal get-together there may be anywhere from 20 to 40 people who would come by on that Friday night, May 24th, 1996.

As with other things, it's different now. This is a picture taken in 2021 but the wall in the middle of that living room did not exist in 1996. Behind it was a bar area, one of those little tiki bars that some houses have, okay, in that location.

Now, I told you about Margarita Campos. Memorial Day weekend, it's kind of quiet on campus, a lot of people had gone home to visit their families. Kristin wanted to find a party or an event where she

could go out and be social. She just called her parents with good news. We don't know what that was but she went out.

Ms. Campos said that when she dropped Kristin off between 10:00 and 10:30 she was sober between 10:00 and 10:30. She wasn't dressed for the weather. Even though it was late May it was a cold night. It was a dewy and humid night, as we all know sometimes on the coast we get. Kristin was wearing red Puma shoes, black Roxy brand shorts, and a gray short-sleeve shirt.

As she watched Kristin walk up the street to Crandall Way, she would never see her again. And to this day she regrets leaving her friend to go off to this party by herself, because as you will hear, tragically, none of Kristin's friends were at this party.

Kendra Koed was a young woman at the time who attended this party. And she'll tell you that some time during the course of the party defendant Paul Flores forced himself on to her twice, trying to kiss her, and she had to forcefully push him off.

Matt Toomey was another partygoer, he was there with his friend, Ross Ketcham, and they talked with Kristin. They had a friendly, flirtatious conversation with Kristin and when that conversation ended who came up to them? Paul Flores. And Paul Flores came up to Matt Toomey and noticed how Kristin Smart was good looking and appeared interested in her.

And by this point in the party Toomey noticed that Kristin appeared heavily intoxicated, to the point where she was stumbling around. Margarita says dropped off sober, 10:00 to 10:30, Toomey sees her stumbling around.

But before Toomey sees that, Tim Davis and others saw Paul Flores and Kristin Smart talking together at the bar that was located in that corner for at least five minutes, and at one point Kristin fell down and Paul fell with her.

Toomey says he left the party around 12:00 or 12:30. By this point he saw Kristin Smart face-down, incapacitated, in the dirt, like that. He tried to talk to her, Hey, you can't stay here. It's midnight, it's cold, you're not dressed for this kind of weather. Barely unable to move she said, Just leave me here, facedown, in the dirt.

Trevor Boelter was another partygoer. This is a picture of the hallway into 135 Crandall Way. From the previous picture, as you're looking into that living room, this hallway goes down to the left, as you saw in the previous picture. Trevor Boelter states that at one point he began talking to Kristin and they actually kissed multiple times, and he says she appeared intoxicated but he didn't smell an odor of alcohol.

Then a funny thing happened. She was pulled into the bathroom with him -- or she pulled him into the bathroom with her and she started primping in the

mirror, asking if he thought she was pretty. Nothing happened, she left the bathroom, but when he came out he said another male partygoer came up and demanded to know what they were doing in there. And he'll tell you, without having seen Paul Flores in the flesh since 1996, that he is 95 percent certain that male was Paul Flores.

This is the house next to Crandall Way. The strip of dirt between the car to the right of that house is where she was facedown. She didn't make it far. Facedown in the dirt.

Tim Davis and Cheryl Anderson were two more partygoers. Tim Davis saw her earlier fall to the ground after talking with Paul Flores. And as he left the party at two o'clock he was actually sober because it was his role as an upperclassman to get a lot of the younger students home that night.

And he remembers going up to Kristin and seeing her at 2:00 to 2:30 -- so Toomey, 12:00 to 12:30; Tim Davis, 2:00 to 2:30, in the same spot, facedown, incapacitated, and he says, You can't stay here, you got to go. It's 2:00 in the morning. You can't fall asleep here.

So he and Cheryl Anderson help Kristin up. She leans up against him, puts her arm around him because she cannot walk on her own. He and Cheryl Anderson have control of Kristin. And Cheryl lives in the dorms, not the same one but nearby, so they're going in the same direction.

And Tim Davis says as they're walking up this sidewalk, towards the photographer in this one, Paul Flores comes out, in his words, from the darkness, right where that tree is, in plain view of where Kristin lay facedown in the dirt, incapacitated.

Tim Davis says those three walked about a hundred yards past the health center. Another spot of that location where Paul Flores came out of the darkness. It's about a 20-minute walk uphill, back towards the red brick dorms from Crandall Way. Tim Davis makes it maybe a hundred yards and says, I got to go back to the party because there are other people who need my help. I'm essentially the responsible upperclassman here. And Paul Flores says, Don't worry, I've got her. I'll take her from here. You don't have to worry at all. Paul Flores never asks Tim Davis where Kristin lived.

He said as he handed Kristin off to Paul Flores he confirmed she could still barely walk and she leaned heavily against him. Now Kristin just had Cheryl Anderson. And Cheryl Anderson at this point will confirm what Tim Davis said, Kristin was unable to walk on her own. She was incapacitated.

And as they walk back from that health center, towards the red brick dorms, Paul Flores kept telling Cheryl Anderson, I got this. You can go on ahead, I got Kristin. I will take her to her dorm room. Don't worry, I got this. She says, No, I'm going to stay a

little longer. So they keep going back up towards the red brick dorms and he keeps telling her, I got this, I got Kristin. You can move along now. Cheryl Anderson stays with them.

Then, at the intersection of Perimeter and Grand, it's essentially a square intersection where you can go off in two different directions, it's time for Cheryl Anderson to leave. Paul Flores asks her for a kiss, she refuses, and then a hug and she refuses. Creeped out, she makes a decision she's regretted ever since. She left. She was the last person, other than Paul Flores, to see Kristin Smart alive. And she sees Paul Flores taking Kristin Smart to the left of Perimeter and Grand, towards his dorm room.

From the location where she last sees them, Paul Flores' dorm goes to the left, Kristin's goes to the right. The path that Kristin would have had to take, yards and yards uphill from those yellow pylons, past that truck, up that sidewalk. She would then have to keep going uphill, towards her dorm room, and keep going uphill to her dorm room, which is the last one on the first floor, incapacitated Kristin.

This is a wide shot of Kristin's dorm, the Muir dorm, one of the red brick dorms. As you can see, three -- three floors with dozens and dozens of rooms. These red brick dorms are all largely the same. They're government buildings from the 60's and 70's. You can see it continues to be uphill as Kristin would have had

to go from left to right towards her dorm room. But we know Kristin never made it home that night.

She had a roommate, Crystal Calvin. Crystal's friend, Jana Schrock, was staying in their dorm room that night. She fell asleep after being out. She noticed Kristin's side of the room had lots of items about. It was noteworthy, she remembered it, because it was a little messy.

At about 2:00 in the morning, that Saturday morning, a man named Ted Munley comes knocking on the window. You needed keys and passes to get into these dorms so if you're out late and didn't have your stuff you needed help getting back in. Ted Munley and Jana Schrock ended up crashing in Kristin's dorm that night. Kristin never came home. All of her stuff was untouched on her side of that dorm room. Untouched. Jana woke up, left later that morning, never saw Kristin.

Kristin's roommate, Crystal Calvin, came back to the room later on Saturday and said that's odd. Kristin never came back. Her makeup bag is there, her hair brush is there, her backpack is there, all of the stuff that she would -- that Kristin would take if she was going away for the weekend was all there. All Kristin had on her was literally the clothes on her back.

Now, on the other side, in the Santa Lucia dorm, is Paul Flores' dorm room, first floor, third from the right. And if you notice, the sidewalk behind it is

such that you can drive a car right up to his dorm room window.

So here is a timeline of what the evidence will show some, but not all, of the events are that weekend, okay?

Sometime between 10:00 and 10:30 Kristin arrives at the Crandall Street house sober. She's with Paul Flores at the bar for at least five minutes and falls over.

Saturday, May 25th, 1996, between 12:00 and 12:30, Toomey finds her facedown, incapacitated, in the dirt outside the house.

2:00 to 2:30 a.m., Paul takes Kristin towards his dorm room and she's never seen again.

That Saturday night Paul Flores goes to the movies. He is unaccounted for between 2:30 a.m. and that Saturday night.

Another rough timeline that shows some of the expected facts that will be presented during the trial:

Sunday, May 26th, you will see phone records showing a phone call from Paul Flores to Ruben Flores at 9:47 a.m.. No phone calls that Saturday from his dorm room, no phone calls that Monday from Paul Flores' dorm room, just the one to Ruben Flores.

Jeromy Moon sees Paul Flores Sunday evening and notices a light bruise underneath his right eye -- a light bruise underneath the right eye of Paul Flores.

On Monday, May 27th, Paul Flores plays

basketball in Arroyo Grande, otherwise is unaccounted for on Monday and that portion of Sunday, and Ruben Flores is unaccounted for the entire day Sunday and Monday.

Now, Paul Flores had a roommate as well, a man named Derrick Tse, but he went out of town Memorial Day weekend 1996. And he made sure to tell Paul Flores, I am leaving on Friday to go out of town, I will not be back until Tuesday, so Paul Flores knew he had three full days in that dorm room.

Now, at this point Kristin's friends were just about in a panic on Monday, the 27th of May. You'll hear from several of them this is not like her, something is wrong, we called Cal Poly PD. Cal Poly PD comes out on Tuesday, May 28th.

Now, while Kristin's friends were doing everything they could to help law enforcement find Kristin, Paul Flores was lying through his teeth to law enforcement.

MR. SANGER: Objection. Argument, your Honor.

THE COURT: Overruled.

MR. PEUVRELLE: This Paul Flores, not that one. A strong, 19 year-old man, five-nine, 170. And with the DMV, he lives at 710 White Court.

This Ruben Flores, not that one. Five-seven, 165, stocky and strong, lived at 710 White Court in 1996.

This Paul Flores, with the bruise under his

right eye.

Now, as the crow flies, the distance from Santa Lucia Hall in San Luis Obispo to 710 White Court in Arroyo Grande is a little over 12 miles. Of the two main routes to get there, one taking the 101 and the other taking the 227, generally run from 20 to 30 minutes in duration. It is not that far from Paul Flores' dorm room to his house and Ruben Flores' house at 710 White Court.

Now, on -- pardon me. On May 28th of 1996, Officer Robert Cudworth goes and speaks with Paul Flores. Paul Flores told him that Kristin Smart was having trouble walking. That's what he told Officer Cudworth. He claims he told Cheryl Anderson, I will walk her back to her dorm. He tells Robert Cudworth, I was not interested in Kristin Smart. And he never tells him that he asked Cheryl Anderson for a hug or a kiss.

Now, later he spoke with Detective Mike Kennedy from Cal Poly PD on May 28th. The first thing the detective noticed, he said Paul Flores was nervous and his heart was beating out of his chest. Mike Kennedy saw the bruise on his eye.

And Paul says, I last saw Kristin near the Sequoia dorm, which is by those yellow pylons that you saw in that photograph, and she walked home just fine on her own, uphill, to her dorm.

He tells Mike Kennedy, I was drinking Sapporo at the dorms but I didn't bring Sapporo with me to this

party, I brought a separate bottle of Mickey's in my pocket.

He claimed to Mike Kennedy that he didn't even know her name and did not know Kristin Smart. He never explained to Mike Kennedy if he didn't know her how would he know where she lived to return her to her dorm room.

A couple of days later Kennedy circles back again and says, I need to talk to Paul Flores again. And this time Paul Flores claims that he didn't know how they ended up walking together, it just happened.

He claims there was no physical contact between himself and Kristin Smart at that party, even though multiple witnesses saw them fall down together.

Paul Flores slips and says, When "we" got back to the dorm. He tells Mike Kennedy, I did not find Kristin Smart attractive, not at all, zero interest in her.

He even claims he wasn't sure about the location of the Muir dorm. And he tells Mike Kennedy that his sister, Ermelinda, lives about a mile away, just off Cal Poly campus.

He again tells Mike Kennedy, I just don't know how I ended up walking with Kristin Smart. I just don't know. But now he tells Kennedy, She was walking just fine, I didn't have to hold her up at all, she was walking perfectly fine on the way back. He tells Kennedy, I was not helping her walk home.

And now he says, I got that bruise playing basketball on Monday.

And again, Paul Flores talks with a DA Investigator named Bill Hanley on May 31st of 1996, and on this occasion he claims, I did not contact Kristin, talk to her, or touch her at any time during the party. Again, doubling down.

He told Investigator Hanley, I'm not attracted to her. He says, I only said good-bye to Cheryl Anderson, I didn't try and get a hug and a kiss out of her. And he says when he got home to his dorm room he took a shower and he vomited a little bit in his mouth. Now that was on May 31st.

A couple of days later he is at a graduation party in the city of Arroyo Grande, which, as you saw on the map, is about one city south of San Luis Obispo. He was there with several other people, many of whom who were graduating Arroyo Grande High School. One of the mothers of these children happened to be filming and it shows Paul Flores laughing and having a good time. And she asks him, Hey, Paul, are you going to be standing up in a few years and walking at Cal Poly? And he goes, Ha, ha, ha, no way. He's laughing with his friends. Remember, this was just a week after she had gone missing.

And Ms. Hall asks him, Hey, Paul, what do you know about that missing girl? What did you do to her? And he goes, Nothing, and he hangs his head in shame,

looked back to his friends, and changes the subject.

(A video is played but audio is not taken down on the record.)

MR. PEUVRELLE: Now, Kristin's friends saw she left her critical items behind but as investigators looked through her stuff they found her identification card from Stenner Glenn, which is another residence, not in the dorms. They found her credit card, they found her checkbook, they found her Social Security card, they even found paperwork on how to find housing outside of the dorms because she planned to come back to Cal Poly and continue with her education. They also found bank receipts. If memory serves, she had maybe $70 in her account.

Middle of June, law enforcement came by Paul Flores' dorm room. That is Paul Flores' bed on the left. As you can see, a Sheriff's unit is behind, showing easy access outside that window.

Now, there's one last interview with Paul Flores by Chief DA Investigator Bill Hanley. This one was videotaped. You'll get to see it. And in this one Paul Flores again claims she wasn't stumbling, Kristin was walking just fine. And in this one he claims he wasn't even attracted to her. And in this one he claims he didn't ask for a good night kiss or a hug from Cheryl Anderson. And in this one he now says, The black eye is from working on my truck. And he's told other people different stories about his black eye.

In this interview he claims, We never fell to the floor, I had no contact with her. And then denies forcing a kiss on anybody, but when confronted said, Well, maybe I was a little aggressive. And when officers asked, Well, what are we supposed to think when somebody has lied as much as you, what does Paul Flores say? It's just a fib, just little white lies, no biggie.

Here's a phone record showing one call Sunday morning, 9:47 a.m..

Now, in this picture you can see, on Paul Flores' bed, at least underneath it, a canvas mattress frame cover with what appears to be a grommet on the side. We'll discuss this in a minute but law enforcement seized that item. And there's that item right there, ready to be tested.

Here's a clip of that video showing you strong 19 year-old Paul Flores talking to police.

(A video is played but audio is not taken down on the record.)

MR. PEUVRELLE: So what do you know about the crime scene? Paul Flores had his dorm room that entire three-day weekend. His roommate was gone and he was headed in the direction of his dorm room and he slipped and told Mike Kennedy, When "we" got back to my dorm.

Now, what happened in the privacy of his room that night? Only two people were there and only one walked out.

But detectives brought in cadaver dogs, four of them. The first dog to go through the entire dorm was named Cholla, C-h-o-l-l-a, handled by Adela Morris. Adela Morris has been a dog handler, specifically a human remains detection dog handler, for almost 35 years. She's the best of the best in California. She trains the trainers on cadaver dogs. She will testify that Cholla was the best dog she's ever had.

She will tell you that the dog handlers use what's call a blind procedure and law enforcement brought the dogs out the end of June 1996, okay? She was asked to send the dogs through the dorm, the entire Santa Lucia dorm. She didn't know anything else. She will tell you that that is how things were done in 1996, industry standard, and it has to be blind so that the handler doesn't influence the dog in any way, nor successive dogs or successive handlers.

So she said, I brought my dog into the dorm, I unleashed the dog, and I gave her the command to "go find human remains." And she said Cholla went screaming down the hallway and then made a U-turn, "irrr," and stopped right in front of the dorm room of Paul Flores and the dog gave an alert indicating the presence of human remains inside that room.

She asked law enforcement to open it up, Cholla went inside, took big dog smells, and gave an alert, what Adela Morris will tell you is one of the strongest alerts she'd ever seen Cholla give, and that alert was

on that corner of Paul Flores' mattress.

She had brought a second dog down, same procedure, blind procedure. Second dog does virtually the exact same thing. Goes through the entire dorm, not a single hit anywhere in that dorm. As you can see, dozens and dozens of dorm rooms, yet that second dog, using a blind procedure, just happens to hit on the exact same location on the mattress of Paul Flores.

We don't have just two dogs. Two more dogs, for a total of four, were brought in from handler Wayne Behrens and Gail LaRoque. Next dog went in, hit on the exact same location on Paul Flores' mattress.

These dogs are trained, certified, human remains detection cadaver dogs. They are giving alerts showing they smell the presence of human decomposition in this location and they all passed every other dorm room in there and hit on that location.

Now, the fourth dog was brought in but at this point the mattress had been taken out. And the dog sniffed and sniffed and ran its snout right along that metal bed frame, pouring it in, took a little more time, and then gave an alert as to the presence of human remains.

Now, as I mentioned earlier that canvas cover was seized by law enforcement and was tested by the Serological Lab in the bay area. There is a light brownish stain in the upper right hand portion of it. There are two types of tests for human blood,

presumptive and confirmatory. The analyst used a presumptive test on that stain for blood and the results were positive for human blood.

Now, at this point the analyst had to make a choice, do I do a full confirmatory test and possibly destroy the sample or do I run it for DNA? She chose DNA. And what she found was that Kristin Smart could not be included in this sample but could not be excluded from it either.

So this is the house at 710 White Court.

Another funny thing happened in 1996. Paul Flores went about his life. A woman named Jennifer Hudson was 17. San Luis Obispo's a smaller county. It's rural. You tend to run into each other quite a bit. She ran into Paul Flores twice that summer of 1996.

On one occasion she remembers him driving a blue truck, like a Ranger, and on the other occasion she remembers him driving a white foreign truck which was a 4x4. DMV records will show that Paul Flores had a blue Ford Ranger at the time and Ruben Flores had a white Nissan foreign pickup truck but it was a two-wheel drive, not a 4x4 four-wheel drive.

She was at essentially a social function and something came on the news about Kristin Smart and her disappearance. It was maybe a -- Paul Flores was there and one other person and he tells this other person, That bitch dick tease, I had enough of her shit and I

buried her under my place in Huasna. Huasna is a rural area just north of Arroyo Grande on that map. That bitch dick tease, I got sick of her shit and I buried her. Jennifer Hudson was 17 and terrified. She kept this to herself because she was 17.

She sees him again later that summer and realizes again what he said, becomes violently ill and leaves, never to see him again.

About eight years later she's hanging out with a friend named Justin Goodwin and they've had a few and she's been holding on to this secret for a long time. With a little bit of liquid courage she tells Justin Goodwin what she heard and Justin Goodwin submits an anonymous tip to the Sheriff's Department almost 18 years ago.

Around 2003-2004 Paul Flores is dating a woman named Angie Carrizel. Angie is brought back to Arroyo Grande, to the house at 710 White Court. This is the back of the house at 710 White Court. She says she went out back by the avocado trees, which are near the stairs off of the deck in that photograph, and as she went to go walk near those avocado trees, between those trees and the deck, which is covered by lattice, both Paul Flores and Ruben Flores immediately intervene and say, You've got to get out of here, you've got to move, redirected her away from that location, back to the front of the house, and stayed with her until she got up out of that location and went back to the front of the

house.

The evidence will show that under that deck, behind that avocado tree, is just about the perfect place to hide a body.

Predators are creatures of opportunity.

MR. SANGER: Objection. Argument, your Honor.

THE COURT: Sustained.

MR. PEUVRELLE: In Los Angeles County there are many, many bars. Many bars where at closing time presents opportunity if somebody is looking for it.

In 2007, at closing time, at the conclusion of a social function, Rachael Doe encounters Paul Flores. January 16th, 2007, she went to the BAC Street lounge in Redondo Beach. She was having drinks with her friends during the course of the night, playing pool, but she went outside to smoke a cigarette and left her drink unattended, came back in, finished the drink, and doesn't remember the rest of the night.

She wakes up in a strange house, completely naked. She knew something was put in her drink because she had never felt that way before. She knew something was wrong. She let her work know, I can't come in, something is wrong. She was taken to the hospital by a friend, where a sexual assault exam was performed and findings consistent with a sexual assault were made. And they took a DNA swab from her vagina, came back positive for Paul Flores. This is the inside of the BAC Street bar.

Now, in 2008, you go to the Thirsty Club. Ronda Doe was at the Thirsty Club near Lawndale. These bars are all a mile or two from each other, near where Paul Flores lived in San Pedro at this time. At closing time Ronda needed a ride home and Paul Flores tells her, I can get you home. But they make a stop at his place. Sound familiar?

MR. SANGER: Argument, your Honor. Move to strike.

THE COURT: Overruled.

MR. PEUVRELLE: At his place he gives her a glass of water. She barely remembers anything after that.

She remembers being raped, she remembers being sodomized, she remembers a red ball gag with black straps being forced into her mouth, said she would have never consented to any of this because she has ulcerative colitis.

She said he was about five-seven, five-eight, 160 pounds. And of the hazy memory that she does have, she remembers sobbing to herself with the ball gag in her mouth while she was sodomized.

Later, in her phone, she found a phone number to "Paul," Paul Flores. She was shown a six-pack line-up, which is a group of six photographs, and she identified the defendant, Paul Flores, but said she wasn't 100 percent certain. And then, when shown a photograph of his unique driveway to his residence at

the time, she said, That's it. That's where I was taken. I remember that driveway.

2011, Crimson Bar. Again, same general area, Lawndale, San Pedro, south Los Angeles County. At closing time Paul Flores invited Sarah back to his house. She drove herself and remembers the house being very, very cluttered, almost like a hoarder's house.

And her memory goes fuzzy. She says, I was either given something to drink or was given something. She can't remember because she was drugged. She went in and out of consciousness while Paul Flores was having sex with her without her consent, which is rape, said she was not drunk but felt tired and limp.

And the pain came more and more as Paul Flores became more and more aggressive with her. He reached into his dresser and pulled out a red ball gag with black straps. She got nervous. She was afraid of what he was going to do so he held her down and forced it in her mouth. She tried to move her head side to side to prevent it but she was having trouble breathing. She said it looked like he was enjoying her pain.

In the morning, as she left, she told him, When someone says "no," it means no. And, again, Paul Flores hung his head in shame.

You will hear from a roommate of Ruben Flores who overheard Ruben telling someone on the phone that Kristin Smart was a "dirty slut." He said he lived there for about ten years and the area underneath the

deck was more or less a no-go zone. There were some times he saw some dogs in there but otherwise Ruben Flores didn't even let the plumber go down there. At one point this roommate tried to store some 55-gallon drums down there and Ruben Flores ordered him to take them out.

Contractor Ed Chadwell built the house at 710 White Court in 1991 and he said he was there virtually every single day of the construction. No bodies were ever found, no primates or monkeys were ever found while digging the foundation for this house, no ferrets were ever found while digging for this house.

And he'll explain, and some of you may know, that if you're a contractor and you find a body you must report it and, likewise, there were no injuries reported during the construction of this house. Like I said, a 25-year investigation.

2019, law enforcement went up on what's called a wire and recorded a conversation between Susan Flores and Paul Flores wherein Susan Flores told him, You have to listen to the podcast. You have to listen to it so that you can poke holes in it, only you know. And Paul Flores doesn't respond. And out of all those statements that you've heard of Paul Flores, you'll never hear him say, I did not kill Kristin Smart.

(An audio recording is played but not taken down on the record.)

MR. PEUVRELLE: Tells him to poke holes in the

podcast and then laughs about it.

Law enforcement kept investigating and on February 5th of 2020 they went to 710 White Court to execute a search warrant. You'll notice a fence in place on February 5th, 2020. This is the side of White Court. Remember the previous photo where we saw the back of the house and the avocado trees? That's to the left of this photo as you get past this house, right next to that deck. February 5th, 2020.

At the back of the house you'll see essentially the perfect hiding spot tucked up the hill in the back, behind those avocado trees.

Five days later something unusual happened. Neighbor near 710 White Court sees a cargo trailer being backed in to that side of the house, in that location in that photograph, with the door to the cargo trailer pointed right towards that deck area and she took a picture of it. You can see the cargo trailer backed in right next to those eaves on the side of the house.

She said this stood out to her because Susan Flores was there and Susan Flores' boyfriend Mike McConville was there and that was very, very rare. And they were yelling and they were agitated, trying to get this cargo trailer back past that fence, into the backyard.

Now, here's a picture taken in 2021 showing that fence had been removed to enable the cargo trailer to get back in there.

Some fathers would do anything for their sons.

MR. SANGER: Argumentative -- argument, your Honor. Improper.

THE COURT: Overruled.

MR. PEUVRELLE: On February 5th, 2020, officers saw, in Ruben Flores' bedroom, a virtual smorgasbord of items pertaining to Kristin Smart. Missing posters, mail, letters from the Smart family begging for help to find her back. He kept everything over 24 years.

And in March of 2021 we find out the degree to which some fathers would do anything for their sons. This is a schematic put together by Ground Penetrating Radar Archaeologist Phil Hanes.

Ground penetrating radar is essentially where you roll a machine or a device over the land, it sends radar impulses down and then they bounce back up and just like radar it shows you a shape of what's underneath the soil. It shows anomalies, something different than other parts of the soil. And this gridded out the various areas that he ran his machine over because you have to pick and choose.

And he found an anomaly in Grid No. 1, which is right underneath the deck. The anomaly went as far up as his machine could go because as you went up, you get less and less headroom. That anomaly, four foot wide, four feet deep, and six feet long, it's the shape of a grave.

Cadaver dogs responded, this is 2021, to 710

White Court and addressed the entire area. When these two dogs went to this location of this anomaly, they did not come to a final alert. You will hear the handlers testified that the dogs sniffed and sniffed and sniffed and they observed a discernible change of behavior that did not lead to a final alert.

So based on this anomaly and the dogs, law enforcement dug. At about two feet down they began to find staining, dark staining, staining consistent with organic decomposition.

Now, you'll hear from Forensic Archaeologist Cindy Arrington, who has excavated thousands of graves. I think she said 500 to a thousand graves, somewhere in that vicinity. This is what she does, dozens and dozens and dozens of graves.

She saw that dark, dark, dark staining, says that's consistent with human decomposition, but the soil is all turned up. She looked at this. She said this place was excavated, something put in, leaked fluid, and then was dug back out because the fluid was left there.

Normally in a burial you would expect bones, hairs. There are over 200 bones in the human body. So with no bones found it would be consistent with a body being wrapped in a semi-permeable item, a tarp or something like that, with a little bit of seepage of decomposition fluid.

Now, as she dug down, dug all the way to the bottom where it's rocky, couldn't dig anymore, and the

staining went all the way down to the bottom, between two feet and four feet. But as you can see, it's intact in some places but it's not cohesive.

What she also saw was this:

She said when you have a body that decomposes and fluid slowly leaks, it will leak around the body in an oval or egg-shaped pattern as the body lies. This, in archaeology, is called a "cadaver soak stain," where the decomposition has stained the wall next to it, and it's in the shape of a prone human body, the approximate size of a human body, three to four -- about two to four feet down. And you can see from the intact nature of the cadaver soak stain, to the staining not being in the oval shape, that that shows, among other things, that the soil was turned and something was dug up.

So to recap the time lines for the search warrants in 2020 and 2021:

February 5th, search warrant at 710 White Court, the dozens and dozens of items pertaining to Kristin Smart.

February 9th into 10th, neighbor Holman sees Ruben Flores, Susan Flores, and Mike McConville at 710 White Court. She will testify that was highly unusual. And as you can see from the pictures, they had to take -- they were so determined to get that cargo trailer back there they had to remove that fence to get it back there.

March of 2020, another search warrant at White

Court. Cadaver dogs show a change in behavior but not an alert. The GPR finds a human-sized anomaly and the archaeologist finds staining consistent with human decomposition. The darkest stains in the darkest spot test positive for human blood in a confirmatory test, not just a presumptive but in a confirmatory test.

Now, the test will also test positive for primate blood and ferret blood but, just like Ed Chadwell said, when this hole was dug no ferret remains were found and no primate remains were found.

And on April 13th of 2021, more soils -- more soil samples tested positive for human blood. Approximately 12 soils from the darkest stains tested positive and about 24 tested negative, not counting the control samples.

Now, after hearing from Jamilyn Holman, law enforcement tested that cargo trailer to see what might be in it and they sprayed Bluestar in it, which is supposed to react with human blood, and it lit up like a Christmas tree. But when it was sent to the lab that tested negative for human blood, okay?

You will hear that one of the false positives for this test is a cleaning agent such as chlorine or bleach. And as you can see from part of this picture, only that section right behind the door to that cargo trailer did you find this positive reaction. The rest of the trailer remained dirty, because it's a work trailer.

And, in total, 12 samples of human blood, 24 negative, and the next step the lab did was try to get DNA. Again, 1996, a lot has changed and along with the passage of time DNA degrades. And she found, the criminalist, despite her best efforts, that these positive samples for human blood were too putrified to get any DNA results off of.

And at the end of this case I'm going to ask you to review all of the evidence, I'm going to ask you to review it all and come to a truthful verdict, a verdict that represents the truth as to what happened after, and I expect you to find the defendant, Paul Flores, guilty for murdering Kristin Smart and Ruben Flores guilty for being an accessory afterwards.

Thank you.

THE COURT: Thank you, Mr. Peuvrelle.

Mr. Sanger, does the Defense wish to give an opening statement at this time or reserve the right until the beginning of the Defense case?

MR. SANGER: I do wish to make an opening statement.

THE COURT: And the Court was planning on taking a ten-minute recess before the Defense opening statement.

MR. SANGER: Yes, that would be fine. I think there was a misstatement at the end, although it was not argument but -- I mean, it was not --

THE COURT: All right. Ladies and gentlemen --

MR. SANGER: -- opening but it was argument. It was a statement about what this jury's job is.

THE COURT: All right. Ladies and gentlemen, we are going to take a recess in just a minute.

I just want to remind everyone here, you are the jury, as you well know, for the Paul Flores case, not the Ruben Flores case.

And so, ladies and gentlemen, we are going to be back in about ten minutes. So we'll be back at -- let's do 11:00 -- let's do about 11:20, 11:25. Let's be back here at 11:25.

Ladies and gentlemen, do not talk about the case or any of the people or any subject involved in it with anyone, including the other jurors.

Do not make up your mind about the verdict or any issue until after you've discussed the case with the other jurors during deliberations.

Thank you.

(The jury and alternate jurors exit the courtroom.)

THE COURT: We are still on the record in the case of People versus Paul Flores. Mr. Flores is present with his attorney, Mr. Sanger. Mr. Peuvrelle is present for the People.

We are outside of the presence of our jurors and our alternates.

Anything either side would like to put on the record?

MR. SANGER: Two things. One, it doesn't have to be on the record but I can't hear the Court when you're ruling.

THE COURT: All right. I will speak more loudly, Mr. Sanger.

MR. SANGER: Well, it's probably me, not your Honor, but I just couldn't hear. Sometimes I could hear a "sustained" or "overruled," but other times I had no idea so I just went with it.

Anyway --

THE COURT: I'll do my best.

MR. SANGER: Thank you. The other thing is, obviously, we now have 50 minutes -- or we're going to have 45 minutes or less -- 35 minutes, 40 minutes. I'm going to need more time than that.

THE COURT: I understand and I anticipated that so this is what I suggest that we do. We'll have you begin, we'll take our normal lunch hour. You know, we had to start it a little late this morning because of a snafu I think with jury services, but we will have the Ruben Flores jury wait in the jury deliberation room until we finish the opening statements for the Paul Flores case and then, once we have, then we'll bring them in.

MR. SANGER: All right. Thank you, your Honor.

THE COURT: All right. Thank you very much.

(A recess is taken.)

THE COURT: We are back on the record in the

case of People versus Paul Flores. Mr. Flores is present with his attorney, Mr. Sanger. Mr. Peuvrelle is present for the People.

In just a minute we are going to proceed with the Defense opening statement. Before we do that, ladies and gentlemen, a couple of things.

It is the attorneys' opportunity to tell you what they anticipate the evidence is going to present --

DEPUTY SULLIVAN: Your Honor, one moment. You're muted and your camera is off.

THE COURT: Thank you. And so, we want to make sure the attorneys have sufficient time to do that.

It's about 11:35 right now and I anticipate that we will need you to return this afternoon for the concluding part of the opening statement.

I'm going to ask that everyone return here at 1:15. And I want to remind everyone that we cannot begin until we have everyone seated in the courtroom so please be on time at 1:15.

And with that, Mr. Sanger.

Thank you.

MR. SANGER: Thank you. So I'm going to remove my mask, if that's all right. And I'm going to try to stay a good distance for anybody, if anybody is sensitive for that. I don't want to be responsible for causing any problems. I checked with the court reporter. She said it's okay so -- all right.

So, first of all, this is my opportunity to

tell you what I believe the evidence will show. I don't have the luxury of the Prosecution to know exactly which witnesses he's going to call and in what order and have a PowerPoint for you.

I could also reserve my opening statement until the end of the People's case. At that point I'd probably have a pretty good idea of what we're going to do. This is going to be a long trial and that's not practical. I want to address you to -- at the beginning so that you can at least see that there will be additional evidence.

So, first of all, this obviously is a tragic situation in one sense or another. Kristin Smart has never returned home. It's believed, probably by now, that she is deceased, but there's no evidence of what happened to her. There's no evidence of what happened to her after Paul Flores left her at the dorms. And we'll talk about that.

Mr. Peuvrelle talked about the persistence of law enforcement and applauded their efforts. That's not what this is about. This is about the facts, but part of the facts will show that in the middle of this law enforcement was aware that they did not have a case and, in fact, they had a memo from the FBI --

MR. PEUVRELLE: Objection, your Honor. Not evidence.

MR. SANGER: It's going to be.

MR. PEUVRELLE: It's not.

THE COURT: Sustained.

MR. SANGER: I can't hear your Honor.

THE COURT: Sustained.

MR. SANGER: Okay. In any event, they're aware that they have no eyewitnesses --

MR. PEUVRELLE: Objection. Argument.

THE COURT: Overruled.

MR. SANGER: They were aware -- law enforcement was aware that they had no eyewitnesses, that a body was not recovered, that there was no physical evidence, and no forensic evidence, and they've been aware of that for some time.

The fact is that there's a lot of sort of evidence that has been referred to. And I say that because you'll see that while it sounds terrible the way it was presented, when you actually listen to how it comes out it's not what it seemed to be.

First of all, and this is a very difficult part, the -- Mr. Peuvrelle had no trouble talking about evidence he wants to introduce to show that my client has, in recent years, done things that are alleged not to be appropriate, and we'll hear about that, but whatever you think about Paul Flores' behavior in recent years, that does not supply actual facts of what happened back in the time.

The problem is though that you're going to hear evidence about Kristin Smart. It's not nice to talk about somebody who's not here to defend herself. On the

other hand, the People have indicated they wanted to present evidence that she was from a closely knit, tight-knit family, that everything was wonderful, and it wasn't, unfortunately.

Kristin Smart was engaged in at-risk behavior --

MR. PEUVRELLE: Objection. 402.

THE COURT: Overruled.

MR. SANGER: She was engaged in at-risk behavior. Mr. Peuvrelle mentioned she had a number of friends, she had a number of people that she interacted with, and you'll hear about that, that it was problematic. She also had -- we're talking about evidence as to what happened to her.

Mr. Peuvrelle indicated that she didn't come from a family of means so she didn't have a car. Her father was a principal at a school. That's fine. But I -- I think what you'll really hear is a number of witnesses said she was likely to get in a car with a guy and go off.

MR. PEUVRELLE: Objection. 402's.

THE COURT: Overruled.

MR. SANGER: So you need to hear the whole thing. She told people that she was a model; that she was -- worked for Roxy, the company that made the shorts that she was actually wearing that night, sort of short shorts. She had sort of a halter or a crop top of some sort. She did not. She had told people that she had

jobs. She did not. She had a history of going off with men, including older men.

MR. PEUVRELLE: Objection. 402's, your Honor.

THE COURT: Sustained.

MR. SANGER: Okay. Well, I think I need to be heard on that, your Honor. I think I need to be heard on that.

THE COURT: All right. Ladies and gentlemen, we're going to let everybody stretch for just a minute. We'll be right back. We're going to step into the hallway.

(A recess was taken.)

THE COURT: We are back on the record. Mr. Paul Flores is present with his attorney, Mr. Sanger. Mr. Peuvrelle is present for the People. We are in the presence of all of our jurors and alternate jurors.

Mr. Sanger.

MR. SANGER: Yes. And I think I was saying that Ms. Smart engaged in at-risk behavior. And, in fact, you'll hear evidence, I think from the same letter that Mr. Peuvrelle referred to, that her parents were at wits end with her because she had quit her jobs, she was flunking out, and so on. She had indicated to people that she wanted to leave and be a model someplace else.

MR. PEUVRELLE: Objection. Hearsay.

THE COURT: Overruled.

MR. SANGER: It would be nice to think that

that's what happened after all this time, probably is not the case.

Now, there are a few things -- and I was going to proceed to what I thought might be the order and I've got to talk about some of the evidence I think will come out based on what Mr. Peuvrelle said as well.

So one of the things referred to was Mr. Ruben Flores, the father, having at the White Court property articles, meaning articles, written newspaper articles and that sort of thing, relating to Kristin Smart, and they found some of this stuff in the house. He also had posters.

The evidence is going to show that there was a concerted media campaign in San Luis Obispo, in part through regular media and then in part through groups associated with Kristin Smart, people that didn't know her that just took up the cause, and they did things like issue a wanted poster and posted it all over the place that said, Wanted, Paul Flores. They didn't have any evidence but they decided that that was the case. Wanted, Paul Flores, and it listed his father's address, 710 White Court.

And the evidence is going to show that for the last 25 years Ruben Flores has been essentially assaulted at his own home. He's had people come around the property, people yell, people chant, people leave stones, and other things that have occurred. You'll hear about that.

Susan Flores, at some point -- Susan and Ruben Flores split up and she has a house in Arroyo Grande, somewhat nearby, and her friend, Mike McConville, is the one with the trailer. But Susan and Ruben are still friends and they do a lot of things together with -- including with Mike McConville.

You'll hear that by the time that Mr. Smart came by to go to Ruben Flores' house he was already being assailed by the media, billboards were being put up. There's a plaintiff's lawyer who's been suing this family. He's got a billboard in his own -- the front yard of his own office. There are billboards all over San Luis Obispo. That's one of the reasons that we're here. So there's been quite a lot of pressure on this family for 25 years.

You'll also hear, in the context of that phone call, that part that was played, it was a long phone call but you might wonder, Why is there a phone call? How was it tape-recorded? Well, you're going to hear evidence that law enforcement decided to get a wire tap warrant. You can't just go tap people's phones, you have to get a court order. And they got it from the federal court and they were allowed to listen in on the phone calls of the Flores', the whole Flores family, to try to get something.

You're going to hear evidence that before that Detective Cole specifically attempted to provoke discussion among people in the Flores family by putting

out information. Now, he said at the preliminary hearing, under oath, it was that he put out misinformation or disinformation. I've been advised that he wants to revise that testimony and say it was information, but one way or the other information was given out in order to provoke conversations.

Information was, in fact, given to a podcaster who has nothing to do with this case except he's now made his life's work into doing a podcast about the Kristin Smart disappearance and about why Paul Flores is guilty in his mind. He particularly was targeted by Detective Cole for misinformation, or information, we can talk about that, so that he would do a podcast and say provocative things and that would cause the family to get on the phone and talk to each other and go, Oh, my God, they know what happened or something like that, okay?

The fact of the matter is that in all those phone calls nothing of that sort happened, and their phones were tapped for quite some time. The best that the Prosecution can do is this one snippet. Now, it's a snippet from a 27-minute phone call where Susan Flores, who's here in the audience or was -- oh, there she is. Yeah, she's over there, next to Ruben Flores. Susan Flores, no offense to her, tends to talk a lot, okay? Now, I realize I could be criticized because I've been known to talk a lot myself but when she's on the phone with her son she sometimes just goes on and on. It's a

27-minute phone call. The attempt to get them to talk I guess worked in the sense that she says, Well, you ought to listen to the podcast because, you know, if you're going to poke holes in it.

And the interesting thing about that in particular is that that occurred on January 26 -- I can't read my handwriting -- 26 or 24th. Anyway, January of 2020 and January 2020 is when this was all heating up, when they were doing the wire taps, when the podcaster was very active. There are also some national television shows, 48 Hours and some other things, so there was a lot of pressure, a lot of -- a lot of pressure on this family for 25 years.

Never did anybody say, Paul did it, we've got to cover it up; or, Paul, why did you do it? Or, Paul saying, Well, I did it, I'm sorry to get you involved or anything like that. Nothing at all like that.

So the best they have is this one snippet where Susan Flores, in the middle of all this, is saying to her son, who virtually says nothing for 27 minutes, by the way, he just listens, he goes, Mother, and then at the end he goes, Well, got to go. But she says, Well, you got to listen to the podcast to poke holes in it. Why not? I mean, what would any mother say under those circumstances after being under suspicion for 25 years?

And Mrs. Flores, in her house, was also subject to vigils, bullhorns, people yelling, honking just continually. She made many complaints to the Arroyo

Grande Police Department, nothing much they could do about it, those things just kept going on and on and on. So take that in context.

And then you hear a laugh at the end. And for some reason Mr. Peuvrelle just decided to leave that laugh in there to try to make everybody look heartless. This is after 20 -- at that point 20 years of this constant pressure.

And she talked about all sorts of things in the call and she talked about something right after that. She said -- I think you heard the beginning of it, words to the effect, Oh, you should have heard something, and she was changing the subject and that's why she laughed.

So you also have to look at the other evidence that came in. Mr. Peuvrelle ties things together but you have to look at the evidence, and part of the evidence is this phone -- I'm sorry, this video of the graduation get-together. Mr. Peuvrelle says that Mr. Flores hung his head in shame. You look at it. That's the evidence. That's not what I see there. You can look at it.

Okay. There is also some other things that I just want to hit on briefly. And I'm apologizing because I'm in part the reason you've got to come back, but, obviously, I'm starting with very little time here before lunch so let me say a couple things real quickly.

You're going to hear about the archaeologist. You heard about this archaeologist Arrington and her

partner, and they're actually partners -- in partnership, Mr. Hanes and Ms. Arrington. They're both -- they both have master's degrees, not Ph.D.'s, and they have a gig. They are generally available when people are doing construction to go out and see if there's historic burial grounds or something else like that. That's what they do for the most part. They worked on, I think the testimony will be, two or three forensic cases.

They're generally looking for remains that are hundreds of years -- and I think Ms. Arrington even said it, the -- I always forgot the name of the island there but, anyway, in San Francisco. She was there on the island, they were doing some construction, and she found some burial remains that were 2500 years-old. And that's with bones. So they go and they find a burial site with bones.

She also goes to actual cemeteries where they know they're marked as cemeteries and they use their -- Hanes uses his ground penetrating radar, it looks like a little lawn mower, and then she'll participate in digging if that's even appropriate. A lot of times they don't even dig because they can see that there's some remains of individuals there.

She is not -- the evidence will show she is not an expert on decompensation -- decomposition of bodies. And this bathtub ring that you saw, I'm not going to put pictures up, Mr. Peuvrelle already put that up, there

will be lots of other pictures, it's not a bathtub ring. It's -- and you can see it doesn't -- it's not a horizontal where something would -- would settle there. It also was tested and it turns out not to be blood.

You'll also see in the testimony, and I believe we will present evidence from a Ph.D. professor at Chaminade University in Honolulu but he teaches forensics, he works with the medical examiner, which is -- and therefore law enforcement as well on cases on a regular basis. He spent 20 years professionally looking at buried remains. He's -- he uses -- for his experimental work he uses pig carcasses for the most part but he's also very familiar with the Body Farm in Tennessee and other places where they bury actual bodies and he's been to those and he studies this and that's what he's -- that's what he does. Sounds like a fun guy, all right, but he does -- he's actually I think would be interested to hear from him.

And he'll explain that if you had a burial in a place like that -- anyplace like that in the ground that you would expect to find remnants of something. You'd find fibers, you'd find hair, you'd find bones. You would find also a big change in the soil composition because when bodies are decomposing there's a lot of biological activity going on with microbes or insects or other things, and there was no change in the soil at that point consistent with that.

So then Ms. Arrington, who has absolutely no

experience whatsoever with semi-permeable wrappings, and she's never read about it, studied it, seen it, et cetera, offers an opinion for the Prosecution. Well, there could have been a semi-permeable wrap that this body was in. There's also absolutely no evidence that there was any semi-permeable wrap anywhere. So the trick is semi-permeable, she's saying, Well, see, it could leak liquids but the wrap would keep everything else inside so you wouldn't get the bones, you wouldn't get anything else.

So you'll be deciding on the science as well and hopefully you'll have a bit of an education through the evidence that you can make an informed decision about that.

All right. As far as -- and I'll just -- I've got a two-minute subject here if that's all right and I'll --

THE COURT: Mr. Sanger, I think this is a good place for you to stop. We can do that and we'll pick up.

MR. SANGER: If you want to do that, that will be fine.

THE COURT: All right. All right, ladies and gentlemen. I am going to release you for the lunch hour. I'm going to have you come back at 1:15.

Please remember, do not talk about the case or about any of the people or any subject involved in it with anyone, including the other jurors.

Do not make up your mind about the verdict or any issue until after you've discussed the case with the other jurors during deliberations.

We'll see you back here at 1:15. Thank you.

(The jury and alternate jurors exit the courtroom.)

THE COURT: We are back on the record in the case of People versus Ruben -- excuse me, Paul Flores. Mr. Paul Flores is present with his attorney, Mr. Sanger. Mr. Peuvrelle is present for the People.

We are outside of the presence of all of our jurors and alternate jurors.

There was just a couple of things I wanted to place on the record before we break for lunch.

The first, I received a note from Juror No. 285 when we took our -- our brief recess and met in the hallway. Juror No. 285's note said, "What was the Prosecution saying when he objected?"

I did let the parties know that I did not intend to address that question since we were in opening statement and I didn't feel it was appropriate.

Anything either side would like to place on the record regarding that?

MR. SANGER: Do we know the --

THE REPORTER: I'm sorry. I can't hear you, Mr. Sanger.

MR. SANGER: Do we know the juror's seat number?

THE COURT: It's Juror No. 285. I'm not sure of the seat number.

DEPUTY SULLIVAN: I believe it's Alternate 1.

MR. SANGER: Oh, Alternate 1.

THE COURT: All right. And anything else?

MR. SANGER: No, your Honor. Just want to know, you want us back at 1:15?

THE COURT: Yes. I would like everybody -- if we can get started early, I'd like to do that.

MR. SANGER: Perfectly all right. I just didn't know if you --

THE COURT: The only thing I would like to put on the record since, Mr. Peuvrelle and Mr. Sanger, there was an objection to your PowerPoint, it may make sense to make that a court exhibit as well for the record.

What I was going to propose is to make this note from Alternate 285 as Court Exhibit 4.

And, Mr. Peuvrelle, when you are finished with your PowerPoint we can make it Court Exhibit No. 5.

MR. PEUVRELLE: Thank you, your Honor.

THE COURT: Thank you.

(The lunch recess was taken.)

THE COURT: We are back on the record in the case of People versus Paul Flores. Mr. Flores is present with his attorney, Mr. Sanger. Mr. Peuvrelle is present for the People.

And, Mr. Sanger, would you like to complete your opening statement?

MR. SANGER: Thank you. Okay. So I'm going to hit just a few more areas of evidence, let us say.

It's going to be a long trial, unfortunately. You're going to hear a lot of things and your job is to consider the evidence, not what the lawyers say. Obviously, if you form an opinion based on the original opening statement of the Prosecution, that wouldn't be fair, so you've got to keep your -- an open mind until the whole trial is over and the matter is submitted to you.

So I'm just going to hit a few points here. Excuse me.

One of the things that I started to talk about were statements of Paul Flores. So Mr. Peuvrelle has taken some statements that Mr. Flores made, some were recorded, some weren't, for the most part they weren't, to law enforcement, and the law enforcement officers wrote things down, summaries. They may or may not have gotten things exactly right but -- it's been a long time, but in any event, they did that. You have the statements that Mr. Peuvrelle referred to.

But you'll also hear that there were statements that were made to other people and there was, in fact, an effort on the part of the Prosecution -- the law enforcement basically, to get Paul Flores to say something. And we talked about the wire taps, where they tapped the phones. Nothing other than what you've heard there, and you take that in context later, came

out of that.

But there were also sting operations. And it turns out that Paul Flores had a DUI and he was on probation. He was down in Los Angeles. He was on probation out of Santa Barbara of all places so -- another county farther down, but he was living in LA, and the detectives in this case were following him around. They would go to his place of work from time to time and do things.

And they saw him going in the area of a bar and they decided -- these are homicide detectives -- that he's probably in violation of his misdemeanor drunk driving probation because he's going near a bar and they got his probation revoked and so he ended up in the Santa Barbara County Jail for a probation revocation, okay? Now, obviously, Paul Flores is not a perfect individual, and none of us probably are, but, you know, he's had -- he's had these issues.

But he's in jail and the law enforcement, along with the FBI, plants an informant in the cell with him and tries to get him to say something and asks him about, Well, what happened and he said, every time, I don't know what happened. The last time I saw that woman -- who he knew as Roxy, by the way, because that was the name she was using at the party. But he said the last time he had seen the woman was when he went up to the dorms and she went her way and he went his, okay? Everything he -- every time he's been asked about it

that's what he said, okay? Whether he thought somebody was listening, paying attention or not, okay.

They didn't stop there. So they had their informant take him to Catalina Island for a fishing trip and go on a boat and stay over there and give him alcohol, see if they could get him to say something. What did he say? Exactly same thing.

When -- they took him to Las Vegas, went to a very fancy restaurant, took him there at their expense under the pretense of -- you'll hear about it but they were indicating they might offer him a job of some sort. But the point of the story is he's interviewed and every time -- not interviewed but every time he's talked to, casual situation, they went and spent a lot of money on alcohol before taking him to a real nice restaurant and when they bring it up that's what he said.

They took him to Oklahoma. And then one of the informants down in LA introduced him to Dennis Rodman of all people and he rode in Dennis Rodman's limousine, which was far above his pay grade as somebody might say. They were trying to get him to say something and he never said anything else. He said the very same thing every time.

And that -- that's the sum and substance of -- of his knowledge of what happened and what he's told to everybody is that they -- he went to this party. He wasn't invited. Very few people were invited. It was a frat party with the people that owned the house and it

was known in San Luis around the campus there that, you know, there were parties and people just walk in and join the party.

Paul, that particular night -- and whether he testifies or not, you know, it's -- you've heard that's not a requirement that a person testify. He may or may not but you'll already hear everything he has to say because it's been recorded, it's going to be repeated over and over again.

He was going to go to his sister's house that night. He had a drink in his dorm and he took a Mickey's, which is a bottle, alcohol bottle, a brand name. He put one in his coat and he was going to walk over to his sister's house, but as he was going in that direction he saw there was a party and, like other 19 year-olds in college, that had a certain attraction for him and so he went into the party. And he was there with a large number of other people and everybody was drinking.

Kristin Smart was at the party at some point and she was telling everybody her name was Roxy and she was asking about other males and whether they liked her and she was engaged in various activities at the party. The only evidence that she didn't -- that she wasn't under the influence when she was left off is one witness who says, Well, I don't think she was -- I don't think she was drunk when we left her there. But it doesn't take long for somebody to get drunk. Despite the fact,

the innuendo, there is no proof whatsoever that Paul Flores gave her any alcohol or anything else. He was at the -- he was on his way to his sister's house and stopped by there.

They were seen in the party, not together. She ended up in the bathroom with Ted (sic) Boelter and came out. The -- there was an incident where a witness says -- there's two witnesses.

One says, I saw Paul Flores -- I saw Kristin Smart fall to the floor somewhere in the middle of this and Paul Smart -- Paul Smart -- Paul Flores attempted to help her up.

Another witness says, Well, they fell down. I don't know how they fell down but I think they fell down together, but I'm not sure, I didn't see it.

What do you take of that? You have a bunch of drunken kids in a -- in a party. But for the most part she is dealing with other people and she is talking to other males about whether or not they like her or whether their friends like her and that sort of thing.

The evidence is going to show that if the witness is correct that at 12:30 or so she's out on the lawn -- I don't know that the -- besides the repeating of facedown, completely out, I'm not sure that that's what the witnesses say exactly, but she's out on the lawn at 12:30 and then 2:30 it's time for the party to break up.

Tim Davis was not a chaperone, he was just out

there making sure that everybody left and he found her out there, still on the lawn, or his -- he didn't see her before but he believes she's on the lawn there and he says, Oh, you have to go. And she didn't want to go and she gets up and she gets ready to go.

The -- Anderson is there and lives up in the dorm area and there's some discussion about going to the dorms and he's going to go with them. Now, here's an interesting fact. Mr. Peuvrelle told you this witness is going to say Paul Flores came out of the shadows. That witness did not say that at the time. That witness said Paul Flores apparently had gone to another party across the street where there was another party going on and he was leaving with some people from that party, coming up the street, and they were all going towards the dorms, okay?

He's now, after being questioned -- and you'll hear that a lot of these witnesses have been questioned, interrogated, talked to multiple times by the Prosecution and most of them have refused to talk to the Defense, but now he says, Well, yeah, it could have been that -- could have been from that area. I couldn't really see it. Yeah, I think maybe he was coming from sort of the side of the house, and all of a sudden the question is, Oh, you mean that shady part from the side of the house? And eventually he goes, Well, I guess it could have been. So now we have Paul Flores hiding in the bushes okay?

That's not the evidence that you're going to hear. The evidence is the witness at the time said he was walking up the street from the other side of the street with some people, they were all going to the dorms.

The business about the dorms -- and you'll see the maps so I'm not going to put one up, but it's pretty simple. From where the party is it's off campus at Cal Poly and you go up the hill, along this outer road, towards these dorms. And they're the red brick dorms because they're all made of red bricks but there's several of them, red brick and others. There's several dorms right up there. That's the dorm area where people go back to the dorms.

And Cheryl Anderson gets up to the top of the hill -- or the top of -- top of this road, going up towards the dorms. Her dorm is over to the right -- so I'll turn around -- if you're looking at the map, over to the right, and the Muir Hall and the Santa Lucia Halls are to the left.

So Cheryl Anderson, however she feels about it after the fact, felt everything was okay and she went to her dorm and Paul Flores and Kristin Smart went to the left, on that road. And what Paul Flores has said consistently is he took her up to where her dorm was, where she would peel off first to go to hers and then second you go to his. That's where he last saw her.

Now, they try to make things out of statements

that witnesses say. A police officer says, Well, I think he said he left her at her dorm, but you can evaluate that. Basically, he said the same thing to everybody, he's always said it, and he maintains that that's because that's what happened.

Now, you'll hear some other evidence. Mr. Peuvrelle referred to Jana Schrock and Ted Munley and that they ended up in Kristin Smart's dorm room. So she had a two-person dorm room and her roommate had gone to her boyfriend's dorm to spend the night so the room was empty, theoretically.

Now, Ted Munley was at the party and he doesn't have any particular good explanation as to where he was. He said he left somewhere around twelve o'clock or 12:30 or something like that but he doesn't get into this dorm room until 2:00 or 2:30, so he shows up roughly the time that -- that Kristin Smart was being left off by Paul Flores. He denies anything happening.

He says he just came in, this young woman Jana Schrock was there. And she was staying there because, if we follow this without a score card here, the roommate of Kristin Smart was in her room with -- was -- was -- yeah, was with her -- let me get that -- I'm getting lost. Where's my score card? Let me get this right.

She's -- Jana Schrock comes down because this bed is empty and in the other room they've got the -- Crystal and some other guy, who turns out to be the

roommate of Munley. So Munley comes down and he's looking for a place to stay, theoretically, but he knocks on the window and tries to get Jana Schrock's attention and at that point one thing or another happens. He says, Oh, nothing happened and he left and there's nothing to see here. And by the third interview, after lying to the police officers pretty blatantly, he admits that yeah, he stayed in the room with Jana Schrock and they did hook up a little bit and they woke up in the morning.

So the significance of this is that originally Jana Schrock was asked, Did Kristin Smart come to the room that night? Remember, it's not her room but she's there in the roommate's bed. And she said -- what she actually said was something like, Well, I don't know. If she came in and turned on the lights I probably would have known. It turns out that she was so drunk herself that she didn't realize that Ted Munley had had sex with her.

MR. PEUVRELLE: Objection, your Honor. Argument.

THE COURT: Overruled.

MR. SANGER: So -- so we don't know if Kristin Smart came back to the room and found Ted Munley in bed with Jana Schrock or if she came back to the room and Ted Munley was in the process of trying to get into the room.

What's even more significant is you'll hear

evidence that she would stay in somebody else's room if there was a man in the room when she came back. So there's evidence the night before she stayed with a fella in another dorm, one dorm even farther up just the night before, because when she got to the room her roommate had a -- had a man in the room, okay?

So you'll hear evidence that if she came to that room and then tried to go to another room such as that one it would have been -- meant leaving the dorm and walking outside and going to -- to that dorm or something -- someplace else.

There's also a reference -- well, let's leave it at that for just a moment.

So there's -- I'm trying to respond to some of the things that Mr. Peuvrelle said and then just finish up with my own remarks here. But he said that he's -- let's put it this way. It's charged that this offense, this murder, of which there's no evidence, was -- occurred in the commission of a rape or an attempted rape for which there is -- as far as I know, there is no evidence.

MR. PEUVRELLE: Objection. Argument.

THE COURT: Overruled.

MR. SANGER: So -- all right. So let's talk about some of the other things.

Mr. Peuvrelle mentioned Steve Fleming and said Mr. Fleming was in law enforcement and he was in the Army and he has said that he saw Paul Flores in this --

in his dorm room, hanging around Kristin Smart all the time. There's not a single other witness that says that, including the close friends of Kristin Smart. Nobody says Paul Flores was hanging around or was in the dorm room except Steve Fleming.

And you'll hear -- probably hear his recorded statement when he's being interviewed -- first of all, he wasn't interviewed for several years. He came forward several years later. Like people do in a high profile case with a lot of attention to it, he came forward and he said, Yeah, he feels real guilty because he should have been there for her; right?

They were close friends. Except it turns out that she didn't move into the dorm until the first of the year, around that time, because she had been living at this other place off campus. He was on the basketball team and he was out of the dorm during this -- the early part of 1996 because he had a dispute with his roommate. So despite this whole thing about their being close, there's evidence that -- that they weren't in the same place at the same time for the most part.

But, furthermore, he has a whole story about the -- this person who he thinks, but he's not a hundred percent sure, is Paul Flores. But he really wants -- you'll hear, he really wants to get Paul Flores. He really wants to help the -- help the law enforcement get Paul Flores because he thinks that's what he needs to do. That's his mission.

But when he's asked, Are you a hundred percent sure? Well, I'm not a hundred percent sure it's him but I know that he, whoever this was, harassed her and it got reported to the residence assistant. So they have an RA, a residence assistant, for the dorm, usually an upperclassperson of some sort who is supposed to watch over everybody and take reports.

There is another friend of Kristin Smart who says that there was someone stalking her. She -- Kristin had said someone was stalking her in the dorms and that she had made a report to the residence assistant. Turns out that while this wasn't investigated originally, in Kristin Smart's paperwork there is a complaint against her from --

MR. PEUVRELLE: Objection. 402's, your Honor.

THE COURT: Sustained.

MR. SANGER: Okay. I apologize. Anyway -- I may need a moment, your Honor, because I'm not understanding the 402 ruling on that, not third party, but --

THE COURT: All right. Ladies and gentlemen, go ahead and, if you wish, you can have a stretch. We're going to step into the hallway just for a moment. We'll be right back.

(A recess was taken.)

THE COURT: We are back on the record in the case of People versus Paul Flores. Mr. Flores is present with his attorney, Mr. Sanger. Mr. Peuvrelle is

present for the people. And we are still in the presence of all of our jurors and all of our alternates.

Mr. Sanger.

MR. SANGER: Thank you. So what I was saying is there is evidence that -- that the -- there was a complaint to the residence assistant and it pertained to another person, and that person has the same name that the friend of Kristin Smart said was stalking her. And I don't care if it's true or not one way or the other but the one thing that was reported to the residence director was this person Yanish.

And so, now we have Fleming saying, I know Paul Flores, I'm pretty sure it was him, was stalking Kristin Smart in the dorm, was there all the time, and it was reported to the residence director. That's the evidence you're going to have.

Okay. Let's move on from that. Okay. Let's talk about the dog evidence quickly. And I'm going to do it quickly, not because I don't think it's important but people are going to have limited attention spans after lunch listening to all this probably.

And you're going to hear the evidence. So the idea is that what I say or what Mr. Peuvrelle say doesn't matter, it's when you actually see the evidence is what counts. But just so you have a little preview of that.

First of all, we will have an actual scientist, a Ph.D. professor in dog behavior. He's worked with dog

behavior for a long time, he trains trainers and he's read all the literature and everything else. He's also had a very substantial career. He's done a lot of other things. He's studied birds, he's studied other things, but he's primarily dealt with behavior over the last, I don't know, 20 or 30 years in dogs and cats. And he'll talk about this as well.

First of all, the people who are -- are being called on by the Prosecution, you know, everybody's a lot older now. You know, obviously, they were much younger then. These dog handlers are all volunteers. They're not -- they're not government employees, they're not deputized or anything else. They may testify that they have some sort of connections with law enforcement, they're called upon by law enforcement. That's true they're called upon, but it's a private club.

They're volunteers. They don't get paid at all. In fact, they started their own club, CARDA, and they all certify each other. So certification is not a, you know, national test or, you know, a bunch of scientists out there, it's these dog handlers saying that this person has done pretty well with their dog and we'll give them a certification.

They don't have false positive rates. In other words, how many times does their dog alert on something that turns out not to be human remains? They don't have that. How many times does a dog alert on something and nothing is there? Apparently, that happens quite often.

So what they're good at -- and I don't want to demean these people. They're volunteers and it's very nice that they do this, and they're still doing this apparently to this day, all these years later. Where they're particularly helpful is that they're going out and there's a disaster or somebody is lost in the woods or there's something like that and they can find a body. And that's what they're good at. And you'll hear from these various witnesses that that -- they've done that once or twice or three or four times, where they've actually alerted on something, but that's what they're good at. And, you know, bless their hearts. They're out there doing that -- doing that work to help people.

From a forensic standpoint, a forensic science standpoint, you'll hear that a dog alert is nothing other than a clue. So dogs --

MR. PEUVRELLE: Objection, your Honor. Argument.

MR. SANGER: No, it's evidence.

THE COURT: Overruled.

MR. SANGER: Yeah. There is -- it's nothing other than a clue. There is study, actually, that CARDA participated in and that was the conclusion of the study in 2015, I think it is, that a dog -- when a dog alerts, it's a clue. It's a clue because then you look for something, and if you find it, then that's the evidence. If you don't find it, there's no evidence. That's a dog alert. A change in behavior is not even that. And in

this case Mr. Peuvrelle is going for not only a dog alerts but changes in behavior without physical evidence. So I won't go into all the details there but you'll -- you'll have plenty of information on dog alerts and the science behind it.

What I'll also point out is that there were multiple dog alerts, including by some of the dogs that are mentioned here, in the San Luis campus and that -- at the Performing Arts Center, in a dumpster, and dogs alerted all over the campus at different places, up by the Cal Poly logo on the hill. And then, when they took them out in Huasna, which we'll talk about in a bit, they alerted all over the place there.

And this resulted in the law enforcement digging up tons of dirt all over the place in San Luis Obispo and they never -- they never found a body. They did find a pig carcass on one occasion where a dog alerted.

So you'll also hear the evidence that -- and I think you heard some of it here if you thought about it, that Paul Flores was interviewed in his dorm room and he was interviewed by Detective -- let's see. Get the right dates here. Well, anyway, you'll have the evidence and I've -- I wrote the dates down so I'd have it. It did me a lot of good. All right. Yeah, there we go. Yeah.

He was interviewed in his room May 28th of 1996 because he was one of the people that was identified as

being at the party and maybe seeing Kristin Smart. That interview is not recorded, but the point of the story for the dog search is that Cudworth is in this dorm room. That's May 28th.

And May 28th, later, Mike Kennedy comes back, I believe with Cudworth, but Mike Kennedy comes back, another detective police officer. They're not preserving a scene or wearing booties or doing anything, they're just walking into his -- his room.

And then we have I believe at least one other -- I'm not finding dates but you'll hear all about this, one other occasion where the officers go into -- into his room.

Now, you have already seen a picture but you'll have the evidence here that by the time the sheriff gets around to sending a crime scene investigator out there already something like two-and-a-half weeks have passed from the date of the disappearance, and during that period of time we have these various police officers walking in there.

But more importantly, if you saw the picture, and you'll see it again, the room is completely cleaned out because the cleaning custodial crew came in. There was a refrigerator in the room that was removed. Everything else -- the bedding was removed. The mattress was there but apparently this box spring cover, which is the thing under the mattress, was still there.

And Neufeld, who's also a police officer, now

he's in there. He's not wearing booties but he's in there looking to see if he can find crime scene evidence. Somewhere after that -- and it's not clear what happened, but some time after that they taped up the door and called it officially a crime scene.

By the time they brought the police dogs out it's unknown how many police officers had been in and out of that room as opposed to all the other rooms. There's no evidence they were going in anybody else's room, just in that room.

And the original dog handler, Adela Morris, originally said, Oh, there was no tape. She didn't remember any. But it turns out that the other dog handlers said, Oh, no, there was tape on the door and, you know, they opened it up for us and there were police officers there. There's a lot of reasons why a dog would -- would alert to that room as opposed to some other room.

And again, these -- some of these same dogs alerted at other times that same day to other locations, including a dumpster and a -- and a performing arts center.

The dogs then were brought back -- oh, I'm sorry. Let me just finish that one point. The dog handlers came down together, at least two of them, maybe three. But two of them came down in the same car together and Adela Morris and at least one of the other ones went back to Santa Clara, because they've got their

little group in Santa Clara, little club there, and they went back to Santa Clara and talked about the results.

So forensic people don't talk about results, they write an objective report and let it go, but instead they decided they should call a person who they regarded as a -- as sort of a guru, somebody that they had worked with. And he was up in the state of Washington, Oregon, one of the two, and they called him to ask him about what he thought they should put in the report and it wasn't until after all that they wrote the report, which was a very short report, and you'll see -- you'll see that at some point.

Now, the same dogs were brought out to the house -- well, I don't know if it was the same dogs or not, but the dogs were brought out to the house. At this point I'm losing track of that myself. The dogs are brought out to the house later in 20 -- weren't the same dogs, the same handlers, but I'm not sure that's right. The -- the dog handlers were called to come out to the house on White Court, which is Ruben Flores' house, and they were asked to look around and particularly go under the deck.

And they didn't even alert that time, they just had a change in behavior. And again, even a alert, a little change in behavior is not evidence. It's a clue and you have to decide from that whether -- you have to see if you find evidence; and if you do, then that's the evidence.

All right. So let's talk then a little bit about the search at White Court. So they have Mr. Hanes, who's the ground penetrating radar guy and we talked about it a little bit before the lunch hour. And they do this mostly for contracting with other -- for other things, not forensics.

But he had been brought out earlier to determine if there were anomalies. So an anomaly is just something that doesn't look the same as other stuff and he'll tell you that, that he can't tell you what the anomaly is. It can be a different kind of soil, it can be compacted differently, it can be any number of things, but it just shows up differently on his radar, okay?

And he saw anomalies several places at White Court, but he had also gone out to Susan Flores' house earlier and he found anomalies there, because somebody had a theory that Kristin Smart was buried under the concrete there.

And law enforcement I think will admit that they had several -- they had psychics who were giving them information and they dug up various places based on what psychics said and then they sent them all over the place -- psychics sent them all over the place.

But they had somebody saying, Oh, she must be buried under this concrete. Turns out the concrete covers the whole backyard there and it's not been disturbed since the 80's when it was put in, before

Ms. Flores bought the house. So they give up on that. But according to the ground penetrating radar there are anomalies because there are anomalies in soil.

All right. So what do they find here? You saw that Grid 1. There were several grids. And they did some digging in various places but they've centered on Grid 1 under the -- under the deck. You'll see from the evidence that this deck has been there since the house was built. And law enforcement officers that was out there while the deck was being cut off said there was no indication this deck had ever been disturbed. And up in the area where they're talking about a body being buried, the deck is very low. It's so low you can't get in there. They had to cut the top of the deck off to dig there, okay?

They also -- they got no DNA. They have some test results, which you will hear from a Ph.D., a nationally respected expert in serology and DNA, that the tests that they used was not an appropriate test for soils; that the manufacturer itself says you can't use this test in soils because that can create false results, false positives and false negatives, but they used it in soil anyway and said, Well, you know, we do that so it's okay.

Oddly, they found negatives, a bunch of negatives, and they found some weak positives and some positives on this little test. I think it was put up on the -- it looks like a COVID test. We all know now

that, you know, you put the thing in the little hole and then it -- there's a line that shows the control is working and then if another line shows up you're positive so you don't want to see another line. Here they had some weak positives and some positives. You'll see the pictures. Even the positives are very weak but that's -- you'll -- you'll have evidence that that's not a valid test.

And you have evidence, in fact, that if blood is exposed to the elements for more than three or four weeks it will not test positive on this HemDirect -- it's called HemDirect test. It won't test positive. So where did they get positive tests from and what's causing that? So you'll have the scientific evidence on that.

On a more sort of common sense level, right above this area which they called A, B, C, and D, where they dug this six by four foot thing, is a sewage clean-out valve which they did not investigate. Sewage clean-out valve comes out under the house or where the plumbing is for the -- for the toilet and the -- the bathroom and the sewage clean-out valve there was not investigated.

The other issue that you'll hear about, and I've alluded to it in part before lunch, is that there's nothing here to suggest there's a burial site. And so, we have Ms. Arrington coming back after the fact saying, Oh, there must be -- must be a semi-permeable wrap with

no evidence whatsoever.

When she was first interviewed, Detective Cole was recording most of his interviews without the knowledge of people, which is legal, it's law enforcement, and he recorded a telephone conversation with Ms. Arrington where she expressed real doubt that this was a burial site because there was no bones or anything or any other evidence that a person had been there, had been buried there. And also she pointed out that bodies stop bleeding when the heart stops pumping so she had some real concerns about this. She didn't mention anything about semi-permeable wraps back then.

MR. PEUVRELLE: Objection. Argument, misstates the transcript.

MR. SANGER: Well, she said it.

THE COURT: Overruled.

MR. SANGER: You'll be informed when you see the actual evidence. But the point is there's no evidence of any semi-permeable anything. If there is a tarp or there is something there you would expect at least part of the tarp or part of the wrap would be evident from fibers and something else, and we don't have that.

Now, you all -- all this sort of comes together in a very strange way. You heard about Jennifer Hudson, who was a terrified 17 year-old. Well, I think she was 18 to start with but that doesn't matter. Whether she was terrified or not, her story makes -- does not fit

the other evidence.

Jennifer Hudson says that she's in San Luis Obispo, in the city. Oh, by the way, it's not a small county. It's about 250,000 at the time, it's getting close to 300,000 now. Mr. Peuvrelle said it was a small county and everybody knows everybody. That's -- well, the evidence you're going to have is that's not the case.

But she says she's at a skateboard place. Now, remember, she doesn't say anything about this until 2002 when -- so that's years later she's having a drunken conversation with her friend, Justin Goodwin, and in the middle of that she says something to him that suggests that she knows that Paul Flores did it.

Now, understand at that time the evidence will show you that Paul Flores' face was all over the news, had been since 1996, and was on these wanted posters that were phony wanted posters. It was in the press, there's people writing about it, talking about it.

So in 2002 she says, Yeah, I think I -- I can -- I think I know who did this and so she tells a story. We don't know exactly what she said at the time. Eventually, Justin Goodwin decides to send in a tip because there's a $75,000 reward.

MR. PEUVRELLE: Objection. Argument.

THE COURT: Overruled.

MR. SANGER: And he says he can't -- it's anonymous and he can't say who can crack this case open

but he knows who it is. Nothing happens on that. Justin Goodwin eventually coincidentally becomes the co-moderator of the Kristin Smart Facebook page, so he's very much involved in the crusade, and that page is dedicated to prosecuting Paul Flores.

And he eventually talks to Jennifer Hudson and says, you know, You got to come forward because this is a tip that's going to crack this whole thing wide open. And we do have some text messages back and forth between them showing some of this.

So Jennifer Hudson was -- Mr. Peuvrelle said she was -- she was a frightened young woman. She grew up in a Hells Angels household --

MR. PEUVRELLE: Objection. Argument, 402's.

MR. SANGER: No.

THE COURT: Sustained.

MR. SANGER: Well, we could say that, not the latter? Did I miss something?

THE COURT: You can continue, Mr. Sanger.

MR. SANGER: Oh, okay. All right. In any event, she was not a shrinking violet at all. But the point of the story is it's not until 2019 that she finally -- that Justin Goodwin tells her, you know, You got to come forward because our tip is the big tip that's going to -- that's going to win this case.

And he's not a shrinking violet. He posts -- once he says -- he starts telling people in the Facebook that he's got the person that's going to come forward,

he posts a meme directed to Paul Flores saying, "Tick tock, motherfucker." Excuse my language. So this is not -- this is not an objective piece of evidence.

So Jennifer Hudson is interviewed by the police. Well, that's fine, but before she does that she comes to -- she tries to get her story together.

MR. PEUVRELLE: Objection. Argument.

THE COURT: Overruled.

MR. SANGER: No.

THE COURT: You may continue.

MR. SANGER: Okay. She tries to get her story together. She's -- so her story was -- by 2019 her story is that Paul Flores said this very cocky, swaggering statement that was read to you by Mr. Peuvrelle using the B word and saying, I buried her out there at my place in Huasna. That's what she eventually comes up with, okay?

That Paul Flores came in to -- in 2000 -- I'm sorry, in 1996, right after his name started to be put up on the television as a person of interest, she claims she's sitting in the skateboard place and this skateboarder, Paul Flores, comes in and sits down with a swagger and says, I killed the B and buried her in my place at Huasna. That's what she said in 2019 happened in 1996.

All right. But before she makes that statement she goes to Huasna. Now, it turns out she lives in Huasna. And Huasna is 45 minutes out in the country

from downtown San Luis Obispo. She lives there in a house with her boyfriend Moon. There's two Moons in this case. I'm going to get them mixed up. She lives there with her boyfriend off and on and they moved around, went to Las Vegas, came back. They were together in '96. And she says that she went to the skateboard house in San Luis Obispo, in the city. She went there because her boyfriend was a skater and there were a bunch of skaters there and the skater, Paul Flores, comes in.

And then she says later, and we don't know if it's months or years later but sometime -- say months later if you kind of put together what she's saying, she takes a couple of other skateboarder guys who lived next door to her out in the boonies there in Huasna where she lives and they go up the road a mile or two, she's giving them a ride to a skateboard thing, and they say to her something like, Oh, we're going to see Paul Flores, he's going to be here.

And then she says up comes Paul Flores in a 4x4 white pickup truck. And she makes a big deal, I know my pickup trucks, I know a 4x4. It's definitely -- I can't tell you anything else about this, she was asked, but it's a 4x4, it's a four-wheel drive pickup truck.

And then she also says -- so she also says that when he drove up in San Luis Obispo where she's hanging out at this skateboard place there that he drove up in another truck that looks something like the truck that

Paul Flores had back in the day. Well, that's interesting.

But before she told the police this she went out to Huasna with Goodwin and they got maps and aerial views of the -- from Google of the -- of the area and they found something that looked like a skateboard place and so they decided that must be where the skateboard ramp was out in Huasna. So two skateboard things; right? She sees -- allegedly sees him here and a few months later sees him out there because he's a skater.

And then before she talks to police she meets with the podcaster, who's obsessed with this case and he just does this on his own and he's issued podcast. He's got -- he gets a lot of attention for his podcast about this case and about how Paul Flores is guilty.

She meets with him and he -- not only do they talk about where it's at, he tells her about the trucks and he says, I have drone footage and I think I found the truck. And, by the way, this is -- this property belongs to Paul Flores' family so -- and then he does -- shows her the drone footage and there's a white truck that's abandoned back in the back 40.

And he tells her, Well, okay. Go to the police. Now, you can go to the police and tell them your story but don't tell them that you talked to me, okay? So she goes to the police and she says, Yeah, he said all this and he had this truck back then and then I saw this white 4x4.

What's also happening at exactly the same time is Detective Cole is using the podcaster to try to provoke a statement from the family with the -- over the wire taps or some other way; right?

And he specifically tells her -- it's in his notes. He tells her -- sorry, tells him, tells the podcaster, about the trucks. Because what they've done is now 20-some years later they track down where these trucks were. They belonged to other people. One actually got taken to Mexico or something. They tracked down the trucks. The white truck was not a 4x4, it was a two-wheel drive and that was Ruben Flores' truck, and then they had the little blue truck.

So he tells the podcaster, We've got some evidence, we got the trucks, so the podcaster -- that's why the podcaster knows about the trucks. So he tells Jennifer Hudson about the trucks and she turns around -- but he adds the part about, I believe this property belongs to the Flores family and there's a white 4x4, you can see it in the drone.

So she adds that to her story now and comes back and says that, He buried the body at a skate ramp out by my place in Huasna. The evidence will show the Flores family had absolutely nothing to do with that property or any property there, okay.

The evidence will show that the trucks, including whatever truck that was that was -- the 4x4 wasn't the truck that belonged to Ruben Flores because

they found it, it was actually still operable, and I think they brought that one back from Mexico. And they got the other one, I think, from Oregon. So they actually had the trucks. And there's a big difference between a 4x4 and a two-wheel drive, especially when somebody makes such a big point about knowing a -- the difference. So that's Jennifer Hudson's testimony.

Now, she -- so she doesn't actually tell law enforcement about this until 2019 and after having all those influences. Nevertheless, the Prosecution presents that to you.

Then they have the woman across the street who is irritated at being across the street from Ruben Flores because Ruben Flores is constantly getting traffic. You'll hear that he lives up a little hill and there's a cul-de-sac off to the side, I think there's a dead-end up at the top, so it should be a very quiet street. And, you know, it's one of those things you buy a house, you never know what you're going to get, but she apparently is very distressed that Ruben Flores is, you know, attracting all of this attention not by doing anything other than living in his house; right?

So she comes up with this story in 2020 and she goes out and she takes pictures, okay? Takes pictures of his -- to show where the trailer was put to the side of the house. Mike McConville's trailer; right?

So Mike McConville is, in fact, Susan Flores' friend and he's worked in the trades and he has a

construction trailer and it was, Mr. Peuvrelle said, I think -- I don't know what he said. I think he said it was dirty or messy but it was a construction trailer; right.

So she says when the FBI was out there -- and how she knew or thought it was the FBI -- searching the place right after that -- so this is not the -- not where they dug it up but this was in 2020, when they went out and they just searched the area, she said right after that they brought a truck out and I think they're -- they're taking a body out, okay?

Now, where does -- who does she tell? She goes to the Plaintiff's lawyer. So there's a lawyer, Jim Murphy, with the billboard sign in his front yard who's been suing the Flores family for 25 years on behalf of the Smart family. She goes to him and says, I've got good information for your case.

She didn't go to law enforcement. Law enforcement eventually talks to her as a result of that and she says, Yeah, this is -- this is it. I could tell, you know, they must have been taking a body out because they turned the trailer around and all that.

Well, the evidence will show that Mike McConville has cancer, he's seriously ill, and he was finding a place to put his trailer because he wasn't going to be using it in the near future.

But it doesn't matter. The people get the -- they get a warrant for the trailer and they look at the

bottom of the trailer and they go, Oh, look at this. There's something the size of a body, okay? Everything's the size of a body.

And they use luminol on it. And luminol can tell you that there's some reaction, it doesn't tell you it's blood, okay? That's like one of those presumptive things, all it tells you is, Yeah, it could be, That's what presumptive is, and then you can do go confirmatory tests.

When they do tests they find that it's not blood and furthermore they do DNA tests and they find that it -- the DNA of a portion of that comes back to Mike McConville, his trailer, his work trailer. They also have the DNA from Kristin Smart and from Paul Flores and Ruben Flores and they try to compare that and they say, No, they're excluded too. The only person that -- that left DNA in this trailer was Mike McConville.

And, by the way, it's not blood, it was luminol, all right? I mean, luminol showed something that wasn't blood. So today we hear, Well, that's suspicious because bleach or something else could have set it off; right?

Now, you want to look at the evidence of the moving of the body. And let's assume that -- of course, I'm not going to assume any of that is true but let's just say that some of that is true for some reason. You've got, if you're -- if you're going to believe the

People's evidence, Jennifer Hudson sees Paul Flores -- who, by the way, everybody will say is not a skateboarder, never been a skateboarder. There are skateboarders, there's a whole bunch of them in San Luis, he's not one of them, but she says that.

She says here a skateboarder comes in and, basically, in a swaggering way confesses. And you'll see that Paul Flores doesn't talk in a swaggering way, he actually has a -- a bit of a speech impairment, a little bit of a stutter that he tries to fight off by sort of speaking in staccato fashion. You'll hear some of that, not sitting there swaggering.

But let's assume that that is true that somebody, whoever she's talking to, really was the person that -- that buried a body out in Huasna in June of 1996; right? So the body's out there for a while because she says months later, and she can't pin down when, she's out there with these other two skateboarding guys that she gives a ride and they say, Oh, this is Paul Flores and now she's got him in a 4x4, again reporting this in 2019 so the body theoretically is still out there based on what she's saying.

So then what happens? Paul Flores goes out to Huasna and takes the body and puts the body back under his father's porch? Okay. And then it's there apparently. I mean, I suppose you could spin this a number of different ways but as I'm hearing the evidence here it's there until 2020 when the so-called FBI

search, the search occurs -- not the digging search but before the digging, and Mike McConville's trailer is used to somehow take the body out, which now leaves a body mark like a live human being or recently deceased human being, somebody who's bleeding after 24 years? And then they excavate and they say, Oh, somebody moved the soil here so that must be it.

But even if you -- even if you take all of those it must be's and speculate, I'd ask you to look at the evidence as to what the theory is. Where did this body go? It just doesn't make any sense.

And I don't mean to speak disrespectfully of Kristin Smart. Hopefully none of that had anything to do with her. But the theory that a body would still be bleeding and leaving marks on a trailer floor 20 years later is not supported by the evidence.

And just to -- just to be clear with regard to Jennifer Hudson, I mentioned her boyfriend was Brent Moon. There's also another Moon there, not related but you might hear about in this case. This is a friend of Paul Flores, totally different people. Brent Moon doesn't know Paul Flores, never saw Paul Flores. He's the boyfriend of -- of Jennifer Hudson, or was for those years.

So you then heard evidence of Paul Flores' propensity, which is what they're going to say, propensity to commit sex offenses based on these allegations many years later after, you know, this case

has had all this publicity. Whether or not you believe those things to be true, the question is whether or not the evidence shows that there was a rape, attempted rape, or a murder and I'd submit to you that there is no evidence of any of those things, all the innuendo not withstanding.

And at the end of this, we'll hear all the evidence. You're the ones that are going to be the judges but I'm going to ask you to find Paul Flores not guilty.

Thank you.

(The opening statements were concluded.)

STATE OF CALIFORNIA)
)ss.
COUNTY OF MONTEREY)

I, STEFANI CORTOPASSI, Official Reporter of the County of Monterey, State of California, do hereby certify that the foregoing pages, 1 - 92, comprise a full, true, and correct transcription of my stenographic notes in the aforementioned case of the opening statements held on July 18, 2022.

Dated November 22, 2022.

Stefani Cortopassi
STEFANI CORTOPASSI, C.S.R. 11993