

STATE OF NEW MEXICO

VERSUS

CHRISTOPHER TAPE

Date of Proceeding: 08/20/2002

Albuquerque Police Department (APD) file number
01-82140

Albuquerque Metro Criminal Court case number CR-
9959-01

District Attorney file number DA-2001-2870-01

New Mexico Second Judicial District Court case
number CR-02-02716

1 AUDIO FILE #1:

2 MS. BERENSON:

3 My name is Rachel Berenson. I am
4 also an ADA with CACU, Crimes Against
5 Children. Today's date is August 20th.
6 It is about 1:55 in the afternoon and
7 we're here on the matter of DA-2001-2870-
8 01. Target's name is Christopher Tape.

9 First instruction I need to repeat to
10 you is the probable cause found on page
11 14. For you to return an indictment, you
12 must find probable cause. Probable cause
13 means the evidence presented would cause
14 a reasonable person to believe that an
15 offense has been committed and that the
16 accused committed the offense.

17 Probable cause does not require proof
18 beyond a reasonable doubt. General
19 criminal intent, in addition to the other
20 elements of the crime or crimes, you must
21 find probable cause to believe that the
22 target acted intentionally when he
23 committed the crime.

24 A person acts intentionally when he
25 purposefully does an act which the law

1 declares to be a crime, even though me
2 may not know that his act is unlawful.
3 Whether the target intentionally may be
4 inferred from all the surrounding
5 circumstances, such as the manner in
6 which he acts, the means used, his
7 conduct and any statements made by him.

8 In the indictment, we have suggested
9 six counts of criminal sexual contact of
10 a minor and that instruction is page --
11 on page 63. Criminal sexual contact with
12 a minor, child under 13, for you to
13 return a true bill of a charge of
14 criminal sexual contact of a minor under
15 the age of 13, you must find probable
16 cause as to each of the following
17 elements.

18 (1) The target unlawfully and
19 intentionally touched or applied force to
20 the -- and in this case, I will use --
21 the victim's name is [REDACTED], so
22 I'll be using her initials of V.L. --
23 V.L. The victim was -- the intimate
24 parts of V.L. The victim was 12 years of
25 age or younger.

1 This happened in New Mexico on or
2 about May 16th of 2001 and May 23rd of
3 2001. And those are six counts and
4 they're all involving the exact same
5 intimate part, which is her buttocks.
6 Does anybody have any questions on the
7 instructions?

8 You will be hearing from -- about
9 [REDACTED] who's seven years old.
10 Does anybody recognize that name? (No
11 verbal response.) Her mother's name is
12 [REDACTED] does anybody
13 recognize that name?

14 FEMALE 1:

15 No.

16 MS. BERENSON:

17 The detective who will be presented
18 to you is Detective Michelle Garcia.
19 She's with APD Crimes Against Children.
20 Does anybody know her?

21 FEMALE 1:

22 No.

23 MS. BERENSON:

24 Does anybody have any questions
25 before I --

1 FEMALE 1:
2 Yes.
3 MALE 1:
4 You said all six charges are the
5 same?
6 MS. BERENSON:
7 Yes, they're all --
8 MALE 1:
9 Okay.
10 MS. BERENSON:
11 -- criminal sexual contact.
12 MALE 1:
13 Okay.
14 MS. BERENSON:
15 Any other questions? No. Okay, I'll
16 call in Michelle.
17 MALE 2:
18 Do you swear or affirm that the
19 testimony in which you're about to give
20 will be the truth, the whole truth and
21 nothing but the truth under penalty of
22 law?
23 DETECTIVE GARCIA:
24 I do.
25 MS. BERENSON:

1 Detective, please introduce yourself
2 to the Grand Jury.

3 DETECTIVE GARCIA:

4 Hi, my name's Michelle Garcia. I'm a
5 detective with the Albuquerque Police
6 Department Crimes Against Children Unit.

7 MS. BERENSON:

8 Did you become familiar with a
9 Christopher Tape?

10 DETECTIVE GARCIA:

11 Yes, I did. On May 24th of 2001,
12 Officer D. Sanchez was dispatched to 801
13 Kentucky Southeast in reference to a
14 sexual molestation call. At that time,
15 he made contact with the calling party,
16 which was [REDACTED] and the
17 suspect who was Christopher Tape.

18 The relationship between Christopher
19 Tape and [REDACTED] was they were
20 living together and in a relationship.

21 [REDACTED] had a seven-year-old daughter
22 at the time named [REDACTED], who
23 also resided with them at that location.

24 Officer Sanchez initiated a police
25 report on the allegations and then he

1 also called me and notified me what was
2 going on. He had indicated that he had
3 spoken with [REDACTED] who advised
4 that she had felt that there was
5 something going on between Christopher
6 Tape and her daughter where he was
7 molesting her.

8 She indicated that she had been
9 taking a kayaking class and on two
10 different occasions she attended that
11 class and on each separate occasion
12 Christopher Tape had spanked her daughter
13 in an unusual fashion. She had went on
14 to elaborate that apparently Christopher
15 Tape was into a fetish of spanking and
16 caning.

17 She had explained all this to the
18 officer. The officer then spoke with
19 [REDACTED] daughter, [REDACTED]
20 [REDACTED] had indicated to the officer
21 that she had basically been spanked for
22 no reason. She didn't understand why.

23 I'd like to just refer to my report
24 on a couple of excerpts of what she had
25 indicated to the officer. She had

1 indicated that she had been staying with
2 Christopher while her mom went attended a
3 class. She indicated that Chris had her
4 take off her underwear and he would spank
5 her.

6 After he would spank her, he would
7 rub her butt. She also advised that
8 Chris, and how she referred to him was
9 Chris, after he would spank her he would
10 make her pose in several positions. She
11 had indicated to the officer one of the
12 positions would be to place her hands on
13 the dresser with her feet spread apart.

14 He also had her lay down on the bed
15 with her feet and legs in the air. She
16 indicated she didn't have underwear on on
17 that time either. She initially had
18 disclosed this information to her mom and
19 then her mom related to the officer and
20 then the officer also spoke to the child.

21 The officers also -- well, let me go
22 back and advise you a little bit more
23 information about what [REDACTED] was,
24 [REDACTED] mother, was telling us. She
25 had indicated that she was upset about

1 this whole incident because when she and
2 Chris are sexually active, Chris spansks
3 her in the same type of fashion to -- in
4 order to get excited or get an erection.

5 She had confronted Chris about the
6 spanking of her daughter and asked him if
7 it had turned him on and he said "Not
8 really." She indicated also that
9 Christopher Tape was always on the
10 internet. He had been downloading
11 pornographic pictures, especially
12 pictures of women dressed as little
13 girls.

14 She indicated also that he had had
15 pornographic videos and pornographic
16 magazines depicting women like little
17 girls as well. The officers at the scene
18 advised Christopher Tape of his Miranda
19 warning and he spoke with them a little
20 bit and he also filled out a handwritten
21 statement for them.

22 He indicated that [REDACTED] had been
23 acting up and he also admitted that he
24 did have her take off her underwear and
25 then he did spank her with the belt. On

1 the first occasion, which had occurred on
2 May 16th, he spanked her a total of six
3 times with the belt.

4 On the second occasion, which
5 occurred on Wednesday, May 23rd, and all
6 these in 2001, he had spanked her a total
7 of 12 times with the belt. Both times he
8 had her underwear pulled down. He
9 indicated he did rub her butt in a
10 rubbing type fashion, he said to check
11 for whelps.

12 He indicated that was why he did
13 that. There was one other thing I wanted
14 to -- oh, there was -- what I wanted to
15 tell you as well is we did what's called
16 a Safehouse interview wit [REDACTED] A
17 Safehouse interview is an interview
18 that's done with a forensic interviewer.

19 She's not a police officer. She's
20 actually a trained interviewer where they
21 speak to the children and ask questions
22 of -- to try and determine exactly what
23 had happened. We did a forensic
24 interview with [REDACTED] on May 25th.

25 And at this interview, she had

1 indicated basically the same information
2 that I told you that she had told the
3 officer. However, she did not indicate
4 that he had rubbed her after he had
5 spanked her. She just didn't state that
6 in the interview. But she did advise a
7 little bit more information.

8 She indicated that Chris called what
9 he was doing to her punishment for
10 nothing. She also indicated she did not
11 do anything wrong for him to be spanking
12 her. She was very adamant about that.
13 She indicated that he spanked her with
14 the belt and with his hand and then when
15 he would finish he would say
16 "Punishment's over" quote unquote.

17 She also had reiterated that he made
18 her lay on the bed with her legs in the
19 air. She also talked about being in the
20 position with her hands on the dresser
21 and she advised, when she did this with
22 her hands on the dresser and her
23 underwear down, that he would just look
24 at her.

25 She also indicated that Chris would,

1 when he would spank her, he would make
2 her change positions and he would make
3 her count and she remembers counting to
4 five or six. The second time it
5 happened, she decided to tell her mom and
6 then that's when all this information
7 came out.

8 And that's basically the information
9 that was given at the Safehouse
10 interview. Like I said, I talked to Ms.
11 [REDACTED] again at the Safehouse when she
12 had brought her daughter in for the
13 interview and she indicated to me that
14 she had some items that she had
15 confiscated from the household.

16 These items included pornographic
17 videos, magazines, books, photos, things
18 that had been uploaded from the internet
19 and she gave these items to me. I had
20 never asked her for these items. She
21 just voluntarily gave these to me
22 indicating that she did believe that if
23 she didn't have these items as proof that
24 nobody would believe what had happened to
25 her daughter.

1 As I looked at the items, I noticed
2 numerous items pertaining -- numerous
3 items portraying women in child-like
4 pornography type positions. There were
5 many magazines in there. A lot of
6 magazines were entitled Barely Legal,
7 which depict young teenage girls in
8 pornographic photos.

9 There were also a large selection of
10 Kane Magazine, which was also -- it's a
11 discipline magazine and a fetish related
12 to disciplining and spanking and caning
13 along these same lines of what had
14 happened to ██████████

15 There were also pornographic videos
16 of the same nature and the videos
17 contained the same type of positions that
18 ██████████ had been put in. Women in the
19 videos were made to stand in the same
20 type of position that ██████████ was made
21 to stand in and they were also, in the
22 videos, women were depicted counting each
23 spanking as ██████████ had also described
24 she had to count.

25 There was also a video, a home

1 videotape, of Christopher Tape and an
2 unidentified female and in that video he
3 was also spanking the female. She was
4 also made to count in that same fashion
5 as well and also put in various positions
6 and spanked and struck with a cane-like
7 instrument by Christopher Tape.

8 The one aspect in that specific
9 videotape, he struck the female across
10 the buttock area over 15 times and each
11 time he struck the buttock area he would
12 rub with the palm of his hand, which was
13 also described by [REDACTED] initially to
14 the initial police officer who had spoken
15 with her as well as her mom who she
16 initially disclosed to.

17 [REDACTED]
18 [REDACTED] mother, also had indicated to
19 me that she had confronted Christopher
20 Tape a second time. When she confronted
21 him a second time, he initially denied
22 any wrongdoing but later he did tell her
23 that he did need some help.

24 He didn't elaborate or anything else
25 on that. On July 5th, I obtained an

1 arrest warrant for Christopher Tape and
2 took him into custody.

3 MS. BERENSON:

4 Just for clarification purposes, do
5 you know the date of birth of [REDACTED]

6

7 DETECTIVE GARCIA:

8 Yes, I do. It is -- [REDACTED] date
9 of birth is [REDACTED]

10 MS. BERENSON:

11 And [REDACTED] what is her last
12 name?

13 DETECTIVE GARCIA:

14 I'm sorry, I probably got it wrong,
15 didn't I? Let me check my notes. Her
16 last name is [REDACTED] It's not Lobato,
17 I'm sorry about that.

18 MS. BERENSON:

19 Does anybody have any questions?

20 MALE 1:

21 This all happened in Bernalillo
22 County?

23 DETECTIVE GARCIA:

24 Yes, it did.

25 MS. BERENSON:

1 Thanks. We'll leave you to
2 deliberate.

3

4 AUDIO FILE #2:

5 MALE 1:

6 Do I need to read each one
7 individually or can I just do them all at
8 once?

9 MS. BERENSON:

10 You can all do whatever you'd like.

11 MALE 1:

12 The State of New Mexico versus
13 Christopher Tape, DA number 2001-2870-01,
14 counts one through six, criminal sexual
15 contact of a minor in the 3rd degree,
16 child under 13, (inaudible).

17 MS. BERENSON:

18 I don't know if we're waiting for the
19 next one.

20 MALE 1:

21 We're going to take a few minute
22 break.

23

24 (The two audio files were concluded.)

25

1 R E P O R T E R ' S P A G E

2

3 I, Angela T. Bulloch, Certified Court
4 Reporter in and for the State of Louisiana, the
5 officer before whom this sworn testimony was
6 taken, do hereby state:

7 That due to the spontaneous discourse of this
8 proceeding, where necessary, dashes (--) have been
9 used to indicate pauses, changes in thought,
10 and/or talkovers; that same is the proper methods
11 for Court Reporter's transcription of a
12 proceeding, and that dashes (--) do not indicate
13 that words or phrases have been left out of this
14 transcript;

15 That any words and/or names which could not
16 be verified through reference materials have been
17 denoted with the phrase "(phonetically spelled)."

18

19

20

21

22

23

24

25

1 REPORTER'S TRANSCRIPTION CERTIFICATE

2 Wednesday, November 29, 2023

3 I, Angela T. Bulloch, court reporter for the
4 State of Louisiana, certify that the above
5 transcription of the audio file that was provided to
6 me by the St. Tammany Parish Coroner's Office, was
7 prepared or transcribed by me or under my personal
8 direction and supervision, and is a true and correct
9 transcript to the best of my ability and
10 understanding.

11 Due to the spontaneous nature of the
12 interaction and discourse of the proceeding,
13 double-dashes (--) have been used to indicate
14 pauses, changes of thought and/or talkovers;
15 that such is the universally accepted method for
16 a court reporter's transcription of a
17 proceeding; that double-dashes (--) do not
18 indicate that words or phrases have been left
19 out of the transcript.

20 And that the spelling of any words and/or
21 names which could not be verified through
22 reference resources have been denoted with the
23 parenthetical phrase "(spelled phonetically)."

24

25 ANGELA T. BULLOCH, CCR

Page 18