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Electronically Filed
Sep 01 2022 09:16 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

7 IN THE SUPREME COURT OF THE STATE OF NEVADA

8 ANDREW YOUNG,
9 Appellant,

Case No. 84412

10 vs.

11 THE STATE OF NEVADA,
12 Respondent.

13
14 APPELLANT'S APPENDIX VOLUME II

15
16
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ATTORNEYS FOR RESPONDENT
THE STATE OF NEVADA

ALPHABETIC APPENDIX FOR APPELLANT'S APPENDIX

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Indictment filed September 10, 2020	I	AA 009-AA 011
Motion to Sever Counts filed February 28, 2021	I	AA 012-AA 022
Notice of Appeal filed March 15, 2022	I	AA 023-AA 024
Opposition to the State's Motion in Limine to Admit Evidence Under Res Gestae or Evidence Related to Other Crimes filed April 8, 2021	I	AA 025-AA 037
Order Granting Defendant's Motion to Sever Counts filed April 6, 2021	I	AA 038-AA 041
Order Granting State's Motion in Limine to Admit Evidence Under Res Gestae or Evidence Related to Other Crimes filed April 23, 2021	I	AA 042-AA 045
Recorder's Transcript of Jury Trial - Day 1 filed April 18, 2022	I	AA 046-AA 205
Recorder's Transcript of Jury Trial - Day 2 filed April 18, 2022	II	AA 206-AA 393
Recorder's Transcript of Jury Trial - Day 3 filed April 18, 2022	III	AA 394-AA 543
Recorder's Transcript of Proceeding: State's Motion in Limine to Admit Evidence Under Res Gestae or Evidence Related to Other Crimes filed August 15, 2022	III	AA 544-AA 549

1	Reporter's Transcript of Proceedings		
2	Superseding Indictment filed October 13, 2020	IV	AA 550-AA 657
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4	filed April 26, 2021	IV	AA 658-AA 663
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11	Superseding Indictment filed October 1, 2020	IV	AA 731-AA 738
12	Third Amended Superseding Indictment		
13	filed February 2, 2022	IV	AA 739-AA 747
14	Verdict filed February 10, 2022	IV	AA 748-AA 749

15 Video Excerpts: Trial Exhibits 1-34, 36, 37 and 44¹

27 ¹ Videos referenced herein are/were trial exhibits, and a Motion for an Order Directing Production
28 by the district court below is pending before this Court.

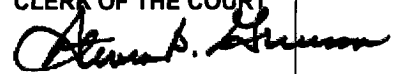
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State's Notice of Motion and Motion in Limine to Admit Evidence Under Res Gestae or Evidence Related to Other Crimes filed March 29, 2021	IV	AA 710-AA 730
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DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,
Plaintiff,

vs.

ANDREW YOUNG,
Defendant.

CASE#: C-20-350623-1
DEPT. VI

BEFORE THE HONORABLE JACQUELINE M. BLUTH
DISTRICT COURT JUDGE
WEDNESDAY, FEBRUARY 9, 2022

RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 2

APPEARANCES

For the Plaintiff:

PARKER BROOKS, ESQ.
SKYLER SULLIVAN, ESQ.

For the Defendant:

JASON MARGOLIS, ESQ.

RECORDED BY: DELORIS SCOTT, COURT RECORDER

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Las Vegas, Nevada, Wednesday, February 9, 2022

[Case called at 9:41 a.m.]

[Outside the presence of the jury]

THE COURT: Okay. Thank you. Good morning, everybody. We're on the record in State of Nevada v. Andrew Young, C-350623. Mr. Young is present in custody with Counsel Mr. Margolis. Both deputy district attorneys, Ms. Sullivan as well as Mr. Brooks are present on behalf of the State. We had a few jurors that were late this morning, so we have been waiting on them. We're getting a little bit of a later start than anticipated. Are there any housekeeping matters that needed to be taken up? Where we at with that Tavares instruction?

MR. MARGOLIS: The Tavares instruction.

MR. BROOKS: Let's see, first officer, no. Second officer, no. We would not touch that until Detective Liske this afternoon.

THE COURT: Is pre-lunch or post-lunch? Okay.

MR. BROOKS: So you do have some time.

MR. MARGOLIS: Okay.

THE COURT: All right. Let's go. Thank you.

MR. BROOKS: Unless you want it before opening? Because it is some of the --

THE COURT: It's really what Mr. Margolis wants.

MR. MARGOLIS: I mean, if you don't mind I'd like it before opening if we could?

THE COURT: Sure. Yeah. So let me -- were you okay with

1 the language that was proffered by Mr. Brooks?

2 MR. MARGOLIS: I am.

3 THE COURT: All right. Let me just put that on the record
4 then. All right. Okay. So the instruction proffered by the State was,
5 evidence such as video surveillance and photographs of the Defendant,
6 other than that for which he is on trial if believed, was not received and
7 may not be considered by you to prove that he is a person of bad
8 character or to prove that he has a disposition to commit crimes. Such
9 evidence was received and may be considered by you only for the
10 limited purpose of proving the Defendant's identity, appearance and/or
11 likeness during the summer of 2020. You must weigh this evidence in
12 the same manner as you do all other evidence in the case.

13 So I'll just -- it's a little -- it's past tense, so I'll make it about
14 to. But Mr. Margolis, is it your position that you'd like the Tavares
15 instruction read before openings?

16 MR. MARGOLIS: I would.

17 THE COURT: Okay.

18 MR. MARGOLIS: Because I think -- I assume a lot of it will
19 be --

20 MR. BROOKS: There will be some --

21 MR. MARGOLIS: Yeah.

22 MR. BROOKS: -- of that.

23 MR. MARGOLIS: Yeah.

24 THE COURT: Okay. Then that will be what I do.

25 MR. MARGOLIS: Thank you.

1 THE COURT: All right. Bring them in, Chris. Thank you.

2 THE MARSHAL: All rise.

3 [Jury in at 9:44 a.m.]

4 THE COURT: All right. Welcome back, everybody. Thank
5 you. Please be seated. We're on the record in State of Nevada v.
6 Andrew Young, C-350623. Mr. Young is present with Counsel Mr.
7 Margolis. And both deputy district attorneys, Ms. Sullivan as well as Mr.
8 Brooks are present on behalf of the State. Do the parties stipulate to the
9 presence of the jury?

10 MR. MARGOLIS: Yes, Your Honor.

11 MS. SULLIVAN: Yes, Your Honor.

12 THE COURT: Okay. Great. All right. Ladies and gentlemen,
13 I do need to have you sworn in as jurors, so if you could please stand
14 and raise your right hand and my clerk Ms. Brown will swear you in at
15 this point in time.

16 THE CLERK: You do solemnly swear that you will all and
17 truly answer such questions that might be put to you -- I'm sorry. Wrong
18 one.

19 THE COURT: It's okay.

20 [The jury was sworn]

21 THE CLERK: Please be seated.

22 THE COURT: All right. Thank you. In a moment the State is
23 going to stand up and give their opening statements, but before they do
24 so I need to read to you the following instruction.

25 Ladies and gentlemen of the jury, evidence such as video

1 surveillance and photographs of the Defendant, other than that for which
2 he is on trial if believed, are not to be received and may not be
3 considered by you to prove that he is a person of bad character or to
4 prove that he has a disposition to commit crimes. Such evidence will be
5 received and may be considered by you only for the limited purpose of
6 proving his identity, appearance and/or likeness during the summer of
7 2020. You must weigh this evidence in the same manner as you do all
8 other evidence in this case.

9 State, are you prepared at this point in time to give your
10 opening statement?

11 MR. BROOKS: Yes, Judge.

12 THE COURT: Okay. Whenever you're ready, Mr. Brooks.

13 PLAINTIFF'S OPENING STATEMENT

14 MR. BROOKS: State of Nevada verse Andrew Young. Now
15 as you heard from the indictment, this trial is going to be about events
16 that occurred on July 26th, 2020 around 12:40 a.m. However, the first
17 few slides of my opening are going to be various photographs and/or
18 videos of Andrew Young the Defendant during those summer months of
19 2020 from some various dates.

20 So here is a video kind of compilation of Andrew Young on
21 June 29th, 2020. Andrew Young is going to be that person at the bottom
22 of the screen in a gray collared shirt, white Jordan tennis shoes and
23 those black shorts.

24 Throughout the course of the trial you'll get a chance to see
25 video surveillance of the way Mr. Young walks, the clothing that he wore

1 during the summer of 2020, some of his mannerisms, the shoes and Mr.
2 Young keeps a black jacket with him during those summer months that
3 you'll see in a lot of the videos surveillance. This is later that night.

4 These are some still shots of Andrew Young on July 8th,
5 2020. Notice the gray collared shirt. Notice the fact that Mr. Young
6 typically will hang his sunglasses right here in front of him on his collar.
7 Notice the headphones that he will always have during those summer
8 months around his neck and those Jordan tennis shoes.

9 Now on this date on July 8th, 2020 Andrew Young even
10 confirms his identity that that is him in these photographs. So these
11 Andrew Young confirms are him that day.

12 [Whereupon, video recordings were played in open court at 9:48
13 a.m., not transcribed]

14 MR. BROOKS: This is later on that night on July 8th, 2020.
15 Caesar's Palace. You'll see he has jacket, same shoes, if you look closely
16 you'll be able to see the headphones around his neck, the black socks
17 and black shorts.

18 This is Andrew Young two little video compilations from July
19 29th, 2020. So this is after the event that we're here to discuss, which
20 was July 26th. Those other ones you saw were before.

21 Andrew Young getting in the elevator. As he kind of turns
22 around you'll be able to see briefly the headphones. And this is a clip of
23 him leaving Flamingo wearing the same shoes, same outfit, jacket in
24 hand.

25 Now on July 26th, 2020 right there in front of the Paris where

1 the Eiffel Tower is, there's a bus stop. It's a bus stop that's used by a lot
2 of people right out there. There's a bench right near the street of that
3 bus stop and that's where this incidents occurs. Robert Will the victim is
4 sitting there at that bus stop eating and he's right there on the far right.
5 There's going to be trash cans kind of book ending each side of the two
6 benches.

7 The video that I'm about to show your right now is from
8 12:34 a.m. Now Mr. Young has two different interactions that night with
9 the people at this bus stop. This one is not the interaction that
10 essentially leads you to be here. It's the first one that kind of starts and
11 kicks this off. So as you see, you're going to see Mr. Young -- and
12 admittedly this Paris surveillance of the actual incident is grainy and
13 that's one of the reasons we're going to show you so much.

14 I want you to focus right here where the edge of the Eiffel
15 Tower is. Mr. Young starts walking, you'll be able to see the jacket in his
16 hand. Walks toward that bus stop bench and comes to rest for a period
17 of time, right there by the street. That's at 12:34 a.m.

18 Now in this next slide I put this black squiggly line there.
19 Watch as Mr. Young's head kind of sort of traces that black squiggly line.
20 He leaves, he goes from when you just saw him right on the edge of that
21 street to behind the bus stop bench. You can see he's on the move right
22 now. Stops for a period of time right to the side of the bench. And right
23 there he kind of comes to rest behind the bus stop bench. So I want to
24 focus your eyes right inside that yellow circle because that's where the
25 bus stop bench is. We're at 12:36 a.m. And here in a second a yellow

1 arrow is going to appear. When that yellow arrow appears you'll see
2 some sort of interaction where Mr. Young pushes, or something occurs
3 with Robert Will there at the bench. Do you seem that man who just
4 stood up and turned around? Something happens here. Some sort of
5 interaction, discussion, we don't know what was said.

6 And then approaching now on the far left side is going to be
7 a bus. When the bus approaches around that same time whatever is
8 going on, whatever interaction occurs here with Mr. Young and the bus
9 stop bench, Mr. Young walks off. There's going to be an arrow that's
10 going to appear at the top of the screen kind of where Mr. Young's head
11 is. You can still see that gray figure with the black shorts, the white
12 tennis shoes. And right about now Mr. Young starts walking
13 southbound on Las Vegas Boulevard. So that's at 12:37 a.m. There he is
14 jacket in hand walking off.

15 Now Paris video surveillance loses Mr. Young for a period of
16 time. And at that point in time you won't have any video footage from
17 12:37 to roughly 12:44.

18 And at 12:44 Mr. Young is picked back up now north of this.
19 There's going to be a CDS right next to the entry of Paris's property on
20 the north side. You'll see Mr. Young right here at 12:44 and he's walking
21 southbound. Has his jacket in his jacket in his hand.

22 Now that camera of Paris loses him at this point, but at the
23 exact same time a different camera angle, no time is lost, picks him up
24 here. You're going to see a yellow arrow come on the screen. When the
25 yellow arrow comes on the screen Mr. Young's head is going to roughly

1 trace that as he walks. You'll see the jacket.

2 Now right off the screen there as the video switches camera
3 angles, Mr. Young approaches that bench again. Now I've frozen it right
4 there because right now as he approaches this bench for the second
5 time, we don't know what happened during that first time, but
6 something happened to cause him to come back. And when he comes
7 back right here you will see that Robert Will, who's the person whose
8 seated right there at the bench stop, he's sitting there and he's eating,
9 and Mr. Young has a large rock in his hand. He takes that rock, and
10 you'll see a downward striking motion by that figure, and he hits Robert
11 on the head with that rock two, three times. The first is once and then
12 there's some interaction that's going to occur. Mr. Young's going to
13 throw what appears to be Mr. Will's food in the trash can. Mr. Will is
14 going to try to go; he gets hit a couple more times.

15 Now you'll learn as you can see the officer who picks that
16 rock up with his gloves, he collects it properly with gloves, but then he
17 puts it in the patrol car. At that point in time that rock cannot or should
18 not be tested for DNA.

19 Now you'll learn could DNA have been found on that rock
20 other than the victim who was bleeding, probably not. But should it
21 have been done differently you'll learn? Yeah. It could have been
22 collected by a CSA and put in bag regardless of whether or not anything
23 could have been obtained or pulled off of that.

24 So you'll from Officer Shin who's the one who collects that,
25 and he was on the force about a year at that point in time. But in

1 hindsight or now would he have done it differently? Yes.

2 But then you'll also learn and hear from Detective Byrd one
3 of the reasons why after viewing video surveillance of this and seeing
4 that as that rock is left there, you'll learn that people are walking past,
5 standing over it. And at that point in time Detective Byrd might not have
6 submitted for DNA anyway given the condition of it and the fact that the
7 scene wasn't preserved. The fact that Paris security arrives first and
8 they're the first ones there.

9 Now I want to you to refocus back your eyes, right there.
10 And watch the downward striking motion that's about to occur as Mr.
11 Young just walks up. The victim falls forward, stands up, turns around.
12 Mr. Young approaches him, something occurs. Mr. Young goes around
13 the bench and grabs whatever it was, food, whatever that Will had. He
14 gets hit a couple more times. You can see Mr. Will kind of hunched over
15 and Andrew Young with his jacket in hand walking off.

16 Now that you've kind of seen that first strike and that's as
17 good as that camera angle gets. I'm going to play just that first strike
18 one more time for you. Put your eyes back up there. And there's the
19 downward motion with the feet you can kind of see scissor to the side.

20 Now I told you during voir dire, I asked you a question about,
21 hey, what if you didn't hear from the victim? You'll learn that Robert Will
22 is not going to come in here and testify to you. His mother's going to
23 come in here because she's going to come and identify the photos of
24 who it is. She's going to tell you about the fact that Mr. Will can't come
25 testify. He's no longer in a condition where essentially he can

1 communicate and doesn't really know what's going on. So at this --
2 when this initially happens you'll hear officers show up and they sort of
3 kind of think it's just a drunk -- like two drunks got into it and Mr. Will
4 sitting on the bench, he's kind of uncommunicative. He gives a little bit
5 of information, his name, but that has to be drug out him, you'll see in
6 the body cam. But just kind of deteriorates to the point where he never
7 is able to even articulate what occurred.

8 So Gloria Gruebling, his mother is going to come in. And
9 you'll see some photos of him at the hospital. But you'll learn that the
10 officers kind of just initially thought, oh maybe this isn't that bad, maybe
11 he's just drunk. It really was you'll learn, brain damage.

12 Now that's the Paris surveillance and as you can kind of see
13 this bus stop happens to be positioned in a spot that's rather far from the
14 building. As you can imagine most hotels have video surveillance right
15 around the hotel area. This happens to be a spot where the Eiffel Tower
16 leg makes it so it's not really close to the building. So some of the
17 camera angles you saw, one is kind of positioned on the Eiffel Tower leg.
18 That's the one where he's walking. And then the one that you saw the
19 incident on that's actually on that restaurant's wall where the umbrellas
20 are.

21 So after detectives end up getting involved, they contact
22 Fusion Watch. You're going to learn that Fusion Watch is essentially a
23 real time monitoring situation and something Metro has to have cameras
24 throughout the valley. You'll learn that there's about 400 cameras now.
25 At this point in time there were 300 cameras stationed throughout the

1 valley and they have certain capabilities. Now someone has to be
2 recording and looking for those and they are stationed primarily in high
3 crimes areas and the strip corridor. So this tourist strip corridor does
4 have like 200 of the 400 cameras you'll learn. There is none of the actual
5 incident because of where it is, but because of where Mr. Young starts
6 walking to, Fusion Watch is able to kind of trace where he goes.

7 So you're about to see an angle that picks Mr. Young up
8 right from the start of that yellow arrow and follows him south. So that's
9 that restaurant that I mentioned that had the camera that was focused on
10 the bus stop. You saw a circle come right there. This is 12:45. So you
11 saw that that incident had just occurred at 12:44 and there's Mr. Young
12 with his jacket.

13 Now we're going to see a different Fusion Watch angle. Do
14 you see that red arrow I put up at the top of the screen where the island
15 is? That island's kind of anchoring you about to where you're about to
16 see so you can orient yourself. And there's our bus stop. You're going
17 to see Mr. Young continue southbound and cross this intersection.
18 12:45:52 a.m. There he is off in the distance. And around here this
19 Fusion Watch camera loses him.

20 Now let's see that same walk but from the other angle. Now
21 this is going to kind of the best Fusion Watch angle that we have.
22 There's that red arrow is the island again. And as you can see up at the
23 top of the screen, that's where the restaurant is. So this is the same time
24 as the first video, roughly 12:45:09. Mr. Young's right there in the
25 distance, had just left the bus stop. You can see right here the yellow

1 circle is going to reappear and Mr. Young with the jacket is going to
2 enter the crosswalk. Right there is the same man who confirmed his
3 own identity on July 8th, 2020 having left the scene on July 26th, 2020
4 with his jacket. If you look close, you can see those headphones that are
5 under his mask right there.

6 So this is the next view of the Fusion Watch camera. You're
7 going to catch Mr. Young going up the escalator here at Miracle Mile. I
8 want you to focus your eyes initially when he appears at this sign on the
9 far left of your screen. Right here. You can see him approaching the
10 escalator. And as he got on the escalator you kind of saw that black
11 jacket again, which it's going to be kind of what you use sometime to
12 find him in those videos because it's July in Las Vegas and so he's going
13 to be only one with the jacket.

14 At this point in time, he's gone up the escalator. You're
15 going to see Mr. Young now cross westbound on that overpass. Here's
16 the view that you're going to see, it's essentially looking back down
17 north on the strip. There's Mr. Young.

18 And Amber Stringer the Fusion Watch person who
19 downloaded this and try to find him when she heard the description and
20 started looking for him the following day, she's going to tell you that at
21 this point in time, she saw him go towards Cosmo, cannot confirm
22 whether he entered Cosmo or not. But can confirm that he didn't go left,
23 which would be south on the other overpass. And he didn't go down.
24 So she can confirm he didn't go that way, left and didn't go down.

25 So Detective Byrd who ends up being the case agent for this

1 goes to Cosmo. So when they go to Cosmo they say, hey, roughly
2 around 12:52 there's going to be a man, gray shirt, black shorts. He's
3 going to enter Cosmo; do you have any video footage of this? And low
4 and behold at 12:52 a.m., Andrew Young enters Cosmo. Right here
5 you'll be able to see the headphones again.

6 Throughout the course of the trial a couple detectives and
7 officers will come in and tell you, who have familiarity with Mr. Young's
8 likeness and what he looked at this point in time, who that is in that
9 video surveillance. You'll also learn for yourself and be able to see he
10 has kind of a distinctive walk and this distinctive cadence to his walk that
11 appears in the various video surveillance.

12 Eventually -- and that's a photo of Mr. Young on the right
13 entering Cosmo on the night of the incident and that photo from July 8th
14 where him wearing the same shirt. You'll see him in that shirt at various
15 times in the summer months. You'll also find out that on August 19th
16 eventually when Defendant is arrested, he's wearing those same Jordan
17 shoes, and those were impounded, and he has his black jacket on him.

18 And as I mentioned this kind of distinctive walk, up at the top
19 you can kind of notice Mr. Young walking on June -- back in June of
20 2020. And roughly a month later, same clothing, same man, same
21 cadence.

22 [Video ended at 10:09 a.m.]

23 MR. BROOKS: During the course of the trial you will learn
24 that, look Officer Shin will come in here and Mr. Margolis will effectively
25 cross-examine, and you'll say, hey, I wish that rock had been handled

1 differently, just in case DNA could have been tested.

2 And you'll learn that Laresha Moore, the person who calls
3 911 gives a different description. She says blue and white shirt. And
4 then you'll hear someone else gray shirt and she points in the direction
5 that they're going. And you'll hear that Detective Byrd met with and did
6 a six pack line up with Laresha Moore.

7 And at the end of the trial by all of that you'll look at the
8 timeline and say, from that video Robert Will was hit at 12:44 a.m. 911
9 call comes out at roughly 12:47 a.m. And the video surveillance follows
10 the man who did the hit from 12:44, right from the hit, all the way until
11 12:55ish at the Cosmo and that person in those collection of videos with
12 Fusion Watch and Cosmo are the Defendant Andrew Young.

13 I'll stand up here tomorrow or the next day and I'll ask you to
14 find Defendant guilty of attempt murder with use of a deadly weapon
15 and battery with use of a deadly weapon resulting in substantial body
16 harm. Thank you.

17 THE COURT: Mr. Margolis, whenever you're ready, sir.

18 MR. MARGOLIS: Thank you, Your Honor.

19 DEFENDANT'S OPENING STATEMENT

20 MR. MARGOLIS: They have the wrong man. It's really that
21 simple, it's a simple case. They have the wrong man.

22 This is my client; this is Andrew Young. And I'll grant you he
23 is a black man and there are a couple other parts of that description that
24 are accurate. He does appear to be between 50 and 60 years old and
25 does appear to be between 5'8 and 6'1. Well, guess what? So am I. I'm

1 between 5'8 and 6'1, okay. I'm not black, so I guess I'm not the
2 Defendant, okay. They got the wrong man. It's a simple case.

3 I am not going to sit here and tell you that Robert Will wasn't
4 hit at that bus stop. He was. And he was hurt very badly and that is
5 shocking and it's scary and it's terrible for any of us that ever find
6 ourselves on Las Vegas Boulevard in the wee hours of the morning, to
7 think that we can be minding our business effectively and be assailed by
8 somebody, okay. I get it. But the fact that a crime was committed does
9 not mean that my client committed it.

10 And I'm here -- we're here to ask you for a fair shake. To ask
11 you not to take everyone's word for it, okay. I want you to be like the
12 KGB, okay. If they tell something, you trust but you verify. Doesn't
13 matter to me how many police officers come in here and tell you that
14 they're sure that that's Andrew Young based on their five minutes of
15 interaction with him. What matters to me is whether or not you look at
16 that and believe beyond a reasonable doubt that you have been
17 convinced by the back of a black guy's head at various locations on the
18 Las Vegas strip that that man is this man. And I don't believe that the
19 evidence will support that conclusion.

20 Now these are very serious charges, I said that at the outset.
21 Okay. Attempt murder, battery with a deadly weapon with substantial
22 bodily harm. We heard from Mr. Brooks about Mr. Will's unfortunate
23 condition today. This man was hurt, a crime was committed. That does
24 not mean that because the State has decided that Mr. Young is
25 responsible, that Mr. Young is responsible. Occasionally, the State gets

1 it wrong and I'm not even going to tell you that it's by any direct or
2 malicious intent, okay. I'm going to say that sometimes mere
3 inadvertence, mere happenstance, too many cooks in the kitchen, things
4 slip through the cracks and investigations uncover scant evidence.

5 When someone's hurt the way Mr. Will was hurt, especially
6 and I don't think this is insignificant, when they are hurt on the middle of
7 the Las Vegas strip, okay. That is a crime that needs to be solved. That
8 is a crime that needs to be solved because that effects all of our abilities
9 to feed our respective children, okay. To continue to live in our homes.
10 Our economy for better or for worse is very, very heavily dependent
11 upon the commerce that is conducted on that Las Vegas strip, on that
12 couple miles, okay. This crime was a very high profile crime for that
13 reason. Is a crime that need to be solved, someone needs to be held
14 responsible, okay. Someone needs to be held responsible and Mr.
15 Young certainly provided a perfect foil for the State's purposes.

16 A black man did it. Andrew Young is black, and he has
17 struggled with homelessness and addiction, so he is often on the street.
18 If I picked midnight on another day there's a pretty decent chance I might
19 find Andrew milling about, okay. I might find him going into and out of
20 casinos, and Target, and Walmart. Probably to seek shelter. Luckily I
21 haven't had the misfortune of dealing with homelessness and having to
22 endure it, okay. But I would imagine I'd go into the dirtiest, dingiest 99
23 cent store if it meant not being on the street. So the fact that you see Mr.
24 Young on various dates in various casinos and locations prior to July
25 26th does not mean ipso facto ergo there go that's him on July 26th.

1 That is something that needs to be proven beyond a reasonable doubt to
2 you by admissible evidence put forth by the State. And I'll submit that
3 were not going to get there, okay.

4 Initial reports on the scene, and you'll hear some of this, a
5 black man in black pants did it. A black man in a blue shirt did it. Maybe
6 he had shorts, maybe he was bald, maybe he had a beard, maybe he
7 didn't. Maybe he was in his 40's. No. I think he was in his 50s or 60s.
8 At any rate it wasn't a young guy, okay. I've got to be honest, that
9 wouldn't make me sleep soundly at night if that was all I had to go on,
10 but I'm not the finder of fact, you guys are, okay.

11 One of my favorite movies came out in the mid '90s, so I'm
12 probably dating myself and some of you won't know it. But it was called
13 the Usual Suspects, okay. And the general tenor and theme of the movie
14 is pretty simply this. There are certain folks that make for easy marks,
15 okay. They're generally visible, you know, at times and places where
16 you -- I mean, most of you have probably heard from your parents or
17 grandparents, nothing good happens after midnight, 2:00 o'clock in the
18 morning. Pick your time, doesn't really matter to me. Moral of the story
19 is, criminal activity is generally occurring at midnight more than it's
20 occurring at 12:00 noon, okay. That's an operating principle.

21 And when officers have occasion to come in to contact with
22 somebody because they're homeless and they're on the street, they tend
23 to take a certain familiarity. We talked a little bit about in voir dire black
24 justice, white justice, rich justice, poor justice, okay. There are
25 neighborhoods where police go around the block every 10 minutes and

1 there are neighborhoods where you won't see a police officer for a
2 month, and I am fortunate enough to live in one of those neighborhoods.
3 But I'm well aware of the fact that that's not always the case. I'm also
4 well aware of the fact that if your homeless good luck kicking it in that
5 neighborhood, right. Good luck coming to my neighborhood and
6 looking for a Walmart to hang out in, it's not going to happen, okay.

7 I bring up the usual suspects because when there's scant
8 evidence we kind of rely on what we know, okay. And if you're looking
9 for somebody who committed a crime on the street in the middle of the
10 night, it's probably good to start with folks that are generally going to be
11 on the street in the middle of the night, okay. And for better or for worse
12 Mr. Young fits that general description. He has struggled with addiction
13 and homelessness and he's around. He's going to be there, okay. But
14 he wasn't there July 26th. And I don't think no matter how many
15 pastiche images we put together that you're going to be able to feel
16 comfortable convicting a man based on grainy images, admittedly grainy
17 images. Many of them taken from a great distance of the back of his
18 head, okay.

19 Now one other thing I want to point out, and I wasn't
20 originally going to, but I feel like it's relevant. A lot is made of the fact
21 that on July 8th Mr. Young was wearing some clothing, on July 26th he
22 was wearing different clothing, on July 29th he was wearing the same
23 clothing he was wearing on July 28th. This is a short trial so you're not
24 going to see me in the same suit, thank god, okay. But if you encounter
25 me three weeks apart you just might, okay. And even though you might

1 see me in the same suit two times, okay. That doesn't mean that I'm the
2 only man that owns this suit. In fact I have it on good authority that I'm
3 not and I've run into another person in court wearing this suit and we
4 had a good laugh, okay. Kind of like girls at the prom, they're mortified
5 to see that they're wearing the same dress, okay.

6 The clothes that Mr. Young is wearing are not particularly
7 descriptive. They're not particularly unique. He's wearing white
8 Jordan's with a black swoosh. Well, that narrows it down, okay. I don't
9 know how much you really get from that. You know, I really don't.
10 When the evidence is scant we tend to look in familiar places, okay. The
11 State, they can't prove it here. They have the wrong man.

12 Mr. Young did not strike Mr. Will with that rock. I feel for Mr.
13 Will, I feel for his mother, okay. I feel for the people that had to witness
14 that, although it doesn't seem like anyone did or paid much attention
15 when it happened, okay. I can tell you this, had I been at that bus stop,
16 okay. And somebody bashed somebody in the head with a rock I think
17 I'd be acutely aware of what was going on, okay. And not even because
18 I'm some altruistic, save the world, hands around everyone kind of guy.
19 Self-perseveration at that point, okay. If some cat is wielding a big rock,
20 I'm going to be really aware of whom that person is, and I'm probably
21 going to make sure that I am not in the rock's path of destruction, if you
22 will, okay. The descriptions given of the man that struck Mr. Will run the
23 gamut. They're hard to rely on, and I don't think that you ought to rely
24 on them.

25 Now the State's theory of the crime is simple. Look, there he

1 is, right? There he is, okay. It's like a where's Waldo routine. There he
2 is. You know, if you're having trouble seeing him because it's grainy
3 video shot from, you know, a bird's eye view, that's okay take my word
4 for it. But don't just take my word for it, take the word of the half dozen
5 law enforcement officers. They're going to get up, they're going to take
6 the stand, they're going to tell, yeah. It's not the greatest video in the
7 world but trust me that's him. That's him. You know, he walks that way,
8 right. That's got to be him. Well, you know, that's got to be him and
9 close enough, that's not good enough, okay. And we're going to ask you
10 to hold them to their burden.

11 Every single element of both of those charges must be
12 proven beyond a reasonable doubt. Mr. Will was struck, a crime was
13 committed, serious bodily harm was endured by Mr. Will. Have we
14 proven the element that Mr. Young is actually the individual responsible
15 for Mr. Will's plight? That's the focus for me and I want that to be one of
16 the focuses for you.

17 Now Mr. Brooks alluded to one percipient witness, okay.
18 Amongst that coterie motley crew of sorts that had gathered at that bus
19 stop. One person, and I commend her for this, she took it upon herself
20 to call 911 and report what happened. And that person you'll learn was
21 Laresha Moore, okay.

22 And I don't know if Laresha Moore does good deeds every
23 day, but she did one that day. However, when she calls 911 she gives a
24 lukewarm at best description of whom she saw, and that description
25 actually changes. I'm also going to want you to pay special attention to

1 Ms. Moore's credibility, her reliability as an individual, okay. When she
2 calls 911 she gives someone else's name. She also tells responding
3 officers that she was there with her cousin. I wish I could tell you whom
4 that cousin was. I can't tell you if the cousin was male, I can't tell you if
5 the cousin was female, I can't tell you if they were old, I can't tell you if
6 they were young. I can't tell you if they like to hit white guys sitting on
7 bus benches with rocks. I'd sure like to know, but Ms. Moore didn't tell
8 us, okay.

9 What she did tell us is, a black guy hit Mr. Will with a rock
10 and he went that way. And initially he was wearing black pants and he
11 might have had a black jacket and maybe he was bald. Maybe he had a
12 beard, maybe he didn't.

13 You'll get to see her actual statement. You'll get to see her
14 lineup. You'll get to see her actual words and signature on that lineup. I
15 think I'm going to pick number two. I think I feel good enough that its
16 number two, okay.

17 Detective Byrd when he interviewed her along with I believe
18 it's Sergeant Baker [phonetic], and please don't hold it against me if I
19 misnamed one of them. They ask her about her descriptions, you know.
20 And they ask her, you know, how, why, you know. And you know, I think
21 my impression, okay. My opinion, nothing more. You can consider it as
22 you deem fit. My impression is that Detective Byrd tells Ms. Moore very
23 early on in her voluntary statement or interview, however you want to
24 call it, okay. Tells her that she's the only witness. She's it, okay. There's
25 a couple other guys there, they're drunk. They are absolutely blotto.

1 They couldn't tell you what day it was, let alone what happened. And
2 they were real up front about that. You know, a guy named Sergei's
3 there. It was dark, I'm drunk, I don't know. I think it was a black guy, I
4 think he went that way, okay. So Laresha's what we've got, okay. She's
5 what we've got. She's unreliable, she is not credible.

6 Once more, during her interview, during her voluntary
7 statement and I think this is, if nothing more it's food for thought, if
8 Moore is actual bias that should make you absolutely disbelieve her.
9 She says that earlier with her mysterious cousin's name, gender and
10 disposition unknown, that they were riding the deuce bus a couple hours
11 prior to this alleged incident where she say what she thinks was my
12 client hit Mr. Will. There was an incident on a Deuce bus and Mr. Young
13 who at the time was dating a black woman was on the bus with a white
14 woman. And --

15 MS. SULLIVAN: Judge.

16 THE COURT: Yes? Do you want to approach?

17 MR. BROOKS: Yeah.

18 [Sidebar begins at 10:25 a.m..]

19 MR. BROOKS: I've let some of it go, but there's no way in
20 hell that's coming in to [indiscernible] and how's that coming into
21 evidence, I don't know who [indiscernible] on the bus with. Who he was
22 dating at the time.

23 THE COURT: [Indiscernible] coming in?

24 MR. MARGOLIS: I was going to ask Laresha about it if she
25 took the stand.

1 THE COURT: You were going to ask Laresha?

2 MR. MARGOLIS: No, Laresha, the witness.

3 THE COURT: Oh, that's not the victim.

4 MR. MARGOLIS: No.

5 THE COURT: [Indiscernible]

6 MR. MARGOLIS: I'll move on, that's fine. I'll move on.

7 THE COURT: All right.

8 MR. BROOKS: How does she know who's even -- you know,.

9 THE COURT: Okay. That's fine.

10 MR. MARGOLIS: Fair enough. Fair enough.

11 THE COURT: I just want to make -- one more second, one
12 second, guys.

13 MR. MARGOLIS: I'll move on.

14 THE COURT: So I just want to make sure though, also, that
15 we're keeping it in the evidence [indiscernible] and the argument. All
16 right?

17 MR. MARGOLIS: Fair enough. I'll finish.

18 THE COURT: Thank you.

19 MR. MARGOLIS: I'll finish it.

20 [Sidebar ends at 10:25 a.m.]

21 MR. MARGOLIS: Suffice it to say, I don't trust Ms. Moore.

22 And I want you to look at her very, very closely. I want you to look at

23 what she says very closely. I want you to look at her demeanor on the

24 stand very closely. She is the one percipient witness, the one eye, ear,

25 otherwise witness who was on the scene, who was not looking at grainy

1 video compiled and edited after the fact. She is the one who was there.
2 And she is the one who is able to say that she believes the man that
3 assaulted Mr. Will was Mr. Young, and that the ferocity and the strength
4 with which she says it gives me pause. It leaves me wanting.

5 Now, obviously I'm the Defense that should make a lot of
6 sense. They have to prove it. Don't take anyone's word for it. Don't take
7 Laresha Moore's word for it. Don't take police witnesses that are
8 echoing one another's sentiments. Okay? And all of that stuff about
9 how it could have been handled better, it could have been investigated
10 better, the gaps that exist, we really need you to fill them in.

11 My understanding is, it's their obligation to prove the case
12 beyond a reasonable doubt, not your job to read between every line, fill
13 in every blank and make assumptions in order to arrive at a guilty
14 verdict. Okay?

15 When we are done, I am going to ask you to return a verdict
16 of not guilty. And I understand that when there's only one witness,
17 Laresha Moore, they want to make sure that Mr. Will gets justice. I
18 understand that you, based on the nature of these allegations, you want
19 to make sure that Mr. Will gets justice. And I want you to understand
20 that doing justice doesn't necessarily mean returning a conviction. It
21 means giving this man, giving us a fair shake, a fair trial, reserving
22 judgment until you've seen all of the evidence and being critical about
23 what that evidence does and does not mean, what it does and does not
24 prove, what it does and does not demonstrate beyond a reasonable
25 doubt.

1 And with that, I thank you for your attention.

2 THE COURT: Thank you.

3 State, are you prepared to call your first witness at this time?

4 MS. SULLIVAN: Yes, Your Honor, we Call Aric Shin.

5 THE COURT: Okay.

6 THE MARSHAL: Just remain standing and face the clerk so
7 she can swear you in.

8 ARIC SHIN, STATE'S WITNESS, SWORN

9 THE CLERK: Please be seated.

10 Will you please state your name and spell it for the record?

11 THE WITNESS: My name is Aric Shin, A-R-I-C S-H-I-N.

12 THE CLERK: thank you.

13 DIRECT EXAMINATION

14 BY MS. SULLIVAN:

15 Q And Officer, how are you employed?

16 A I'm employed by the LVMPD.

17 Q And can you please explain the LVMPD?

18 A Las Vegas Metropolitan Police Department.

19 Q And in what capacity are you employed with Metro?

20 A I'm going to be a police officer at the -- well, I'm currently in
21 traffic, but at the time I was in Convention Center Area Command.

22 Q Okay. And you say at the time. Can you just explain what
23 the Convention Center Area Command is?

24 A Well, Convention Center Area Command is a specific area
25 command for pretty much the Las Vegas Strip. Las Vegas is broken up

1 into sections by area commands to prevent like over convergence and all
2 that stuff. But Convention Center Area Command is a sectioned off by
3 Paradise to Dean Martin, I'd say and the Russell to Sahara.

4 Q And how long have you been employed with Metro?

5 A I've been employed with Last Vegas Metropolitan Police
6 Department for approximately three years.

7 Q So in July of 2020 how -- what area command were you a
8 part of?

9 A At that time I was a part of the Convention Center Area
10 Command.

11 Q And what were your duties at that time?

12 A I was a first responder, so I just conducted patrol on the Las
13 Vegas Strip. People call 911 or 311, we would assist on calls.

14 Q And how is that different than a job, say, of a detective?

15 A Well, like I said, we are the first responders. Calls come out,
16 we investigate the situation and go from there.

17 Q I want to draw your attention to July 26 of 2020, were you
18 working that day?

19 A Yes.

20 Q And approximately 12:47 a.m., did a 911 call come out that
21 caused you to be dispatched to the Paris Hotel and Casino?

22 A Yes.

23 Q Was that to a bus stop in front of the Paris Hotel and Casino?

24 A Correct.

25 Q And is the Paris within your area of command at the time?

1 A Yes.

2 Q And so based on your experience in the Convention Center
3 Area Command, are you familiar with the Las Vegas Strip?

4 A Yes.

5 Q And are you familiar with the Paris Hotel?

6 A Yes.

7 Q What are the cross streets approximately of the Paris?

8 A I would say between Harmon and Flamingo. And on the Las
9 Vegas Boulevard.

10 Q And is that here in Clark County, Nevada?

11 A Yes.

12 Q So where is the Planet Hollywood located in relation to the
13 Paris?

14 A Planet Hollywood's going to be south of the Las Vegas Strip
15 or south of the Paris on the Las Vegas Boulevard.

16 Q Okay. And how about the Bellagio in relation to the Paris?

17 A Bellagio is going to be directly across the street, just west of
18 the Planet Hollywood.

19 Q And then the Cosmopolitan?

20 A Cosmopolitan is also going to be south of the Paris on the
21 same side as the Bellagio on the Las Vegas Strip. So it's going to be
22 southwest of the strip.

23 MS. SULLIVAN: And, Your Honor, I'm showing Defense
24 Counsel what's been marked as State's Proposed Exhibits 1 through 8.
25 May I approach?

1 [State's Exhibit 1-8 marked for identification]

2 THE COURT: Yes.

3 BY MS. SULLIVAN:

4 Q Officer, I'm handing you what's been marked Sates
5 Proposed Exhibits 1 through 8. Can you just look through those and let
6 me know when you're finished.

7 [Witness reviews documents]

8 Q Officer, do you recognize what's in these photographs?

9 A Yes.

10 Q And what is that?

11 A It's going to be, looks like a Google images of the location of
12 where the incident happened. It's going to be Paris, Planet Hollywood
13 and Cosmopolitan area and Bellagio.

14 Q And you recognize these images through the course of your
15 employment with Metro?

16 A Yes.

17 MS. SULLIVAN: Your Honor, I move to admit State's Exhibits
18 1 through 8.

19 THE COURT: Mr. Margolis?

20 MR. MARGOLIS: No objection, Your Honor.

21 THE COURT: Okay. Those will be admitted, and you can
22 publish if need be.

23 [State's Exhibit 1-8 admitted into evidence]

24 MS. SULLIVAN: And Your Honor, permission to publish all
25 of the admitted exhibits?

1 THE COURT: Yes.

2 BY MS. SULLIVAN:

3 Q All right. Officer, I'm showing you what's been marked
4 State's Exhibit 1. Can you sort of orient me? Where are we in this
5 photo?

6 A Okay. Well, we're going to be an aerial view the bottom left
7 portion is going to be Bellagio with the fountains. Directly across the
8 street, which is going to be east, face -- or heading east is going to be the
9 Paris -- you're going to see the Paris balloon, the bus stop right there is
10 actually where the incident took place. To the right's going to be Planet
11 Hollywood, top right is going to be Planet Hollywood, and then bottom
12 right's going to be the Cosmopolitan. So okay.

13 Q And then I'm showing you State's Exhibit 2, what's in this
14 photograph?

15 A So it's going to be the same, pretty much the same
16 orientation as the previous image, just a little zoomed in. Looks like the
17 Paris bus stop is going to be where the bus stop is.

18 Q And then, Officer, there's a mouse in front of you. Do you
19 see it?

20 A Yes.

21 Q All right. And then would you turn it upside-down and make
22 sure it's on for me?

23 A Yes.

24 Q And then the little black arrows that just popped up on the
25 screen, would you tap those for me in the bottom right-hand corner?

1 A Yes, ma'am.

2 Q And then hit the red pen.

3 A Okay.

4 Q And that way the jury's going to be able to see what you're
5 talking about.

6 A Okay.

7 Q All right. Thank you. You mentioned you thought you see
8 the bus stop in State's Exhibit 2, would you please circle it with that
9 mouse?

10 MS. SULLIVAN: Your Honor, for the record, the officer has
11 circled the blue marking that is on the -- in the upper right-hand quadrant
12 of the photograph.

13 THE COURT: That's what the record will reflect. Thank you.

14 BY MS. SULLIVAN:

15 Q And so, Officer, this is where you were dispatched to on July
16 26th, 2020?

17 A Correct.

18 Q And was that in reference to Event No. 200700111103?

19 A Yes.

20 Q Can you explain to us what an event number is?

21 A Event number is a pretty much in the words, it's the
22 numbering sequence for calls. It's broken down into the first four is
23 going to be the year, the month and then the rest of the numbers is
24 going to be the sequence of the calls or the events. So for example, this
25 one will be 2007, which will be 2020, 07 is going to be July. And then the

1 rest of the numbers is just a sequence of events of the calls.

2 Q So then does each incident Metro responds to get a unique
3 event number?

4 A Yes. So they only get one per number and then if somebody
5 else calls 911 for a different event, it will be a completely different
6 number.

7 Q And so is everything related to an incident sort of
8 documented or preserved under that particular event number?

9 A Yes.

10 Q So back to July 26th. What was the nature of the call you
11 were dispatched to?

12 A It originally came out as a suspicious person and then came
13 out, I believe, to a assault battery with deadly weapon.

14 Q Now, when you responded to the bus stop in front of the
15 Paris, were you in a uniform like you are today or were you in plain
16 clothes?

17 A I was in uniform.

18 Q And when you responded, were you on foot or were you in a
19 vehicle?

20 A I was in a vehicle.

21 Q And is that a marked police vehicle or an undercover vehicle?

22 A It will be a marked police vehicle with lights and sirens

23 Q Okay. So that's the black and white care that we see driving
24 around.

25 A Correct.

1 Q Okay. And were your lights and sirens activated when you
2 responded to the scene?

3 A Yes.

4 Q So on July 26th were you riding alone, or did you have
5 another officer with you?

6 A I had a partner.

7 Q And who was that?

8 A That was Jessie.

9 Q Okay. So you both responded to the scene together?

10 A Correct.

11 Q And where you sort of together throughout your time at the
12 crime scene?

13 A Yes.

14 Q What's your normal procedure when arriving at a crime
15 scene?

16 A Originally when we arrive, we try to just assess the scene for
17 scene safety and try to preserve the scene as much as we can. And just
18 try to find out what happened.

19 Q And were you able to find out what happened when you
20 were at the scene?

21 A Yeah, sort of. Found out the victim, I believe it was Robert
22 Will, he was struck in the head by a rock.

23 Q Okay. So when you responded to the scene, did you actually
24 come into contact with the victim?

25 A Yes.

1 Q She's going to put another picture up, so toggle the mouse
2 for me.

3 A Okay.

4 Q And then double click the arrow that's two to the left with the
5 pen.

6 A Two to the left with the pen.

7 Q There, thank you. And now she can -- yes.

8 MS. SULLIVAN: And Your Honor, for the record, I've showed
9 Defense Counsel State's Proposed Exhibits 27, 28 and 44.

10 [State's Exhibit 27, 28, 44 marked for identification]

11 BY MS. SULLIVAN:

12 Q So you came into contact with the victim. Where was the
13 victim when you responded?

14 A The victim was on the bus bench.

15 MS. SULLIVAN: May I approach?

16 THE COURT: Yes.

17 BY MS. SULLIVAN:

18 Q And Officer, I'd just like you to look through State's Proposed
19 27, 28 and 44 and let me know when you're finished.

20 [Witness reviews documents]

21 A Yes.

22 Q Do you recognize what's in those photographs?

23 A Yes.

24 Q And what is that?

25 A It's going to be the bus bench and then the victim, Robert

1 Will.

2 Q Okay. And are these a fair and accurate depiction of the
3 scene and as you saw it that night?

4 A Yes.

5 Q And this a fair and -- is State's Exhibit 44 a fair and accurate
6 depiction of the victim that you encountered?

7 A Yes.

8 MS. SULLIVAN: And Your Honor, move to admit State's
9 Exhibits 27, 28, and 44.

10 THE COURT: Mr. Margolis?

11 MR. MARGOLIS: No objection, Your Honor.

12 THE COURT: Okay. Those will be admitted. You can
13 publish.

14 [State's Exhibit 27, 28, 44 admitted into evidence]

15 BY MS. SULLIVAN:

16 Q So officer what is in State Exhibit 27?

17 A Looks like it's going to be the bus bench where the victim
18 was sitting. Which he was sitting approximately right here.

19 Q Okay. And for the record you've circled the portion of the
20 bench in approximately the middle of the photograph.

21 A More to the, I guess, the top or the right of the bench if
22 you're looking at the bench.

23 Q Okay. And then if you hit the trash can, it will un-circle.

24 A Okay.

25 Q And then you have to hit the double arrows. Don't worry

1 about the trash yet. And now you should be able to put it up. And then
2 what's in State's Exhibit 22?

3 A It's going to be the victim.

4 Q And is that the victim as you encountered him when you
5 arrived at the scene?

6 A Yes.

7 Q We can see that he's sitting on the bench. Did you notice an
8 injuries when you encountered the victim?

9 A Yeah, looked like he was bleeding around this area.

10 Q Okay. And you circled --

11 A Wait a minute. This.

12 Q And you circled what would be the left side of the victim's
13 face.

14 A Appears so.

15 Q With the victim facing towards us, the right side of the
16 picture.

17 A Yes.

18 Q And Officer Shin, is this the person you encountered on that
19 bench?

20 A It appears to be, yes.

21 THE COURT: And what exhibit is that, sir?

22 MS. SULLIVAN: State's Exhibit 44.

23 THE COURT: Thank you.

24 BY MS. SULLIVAN:

25 Q So you previously testified that when you arrived the victim

1 waw injured. Were you aware how serious the victim's injury was when
2 you arrived?

3 A I didn't -- I wasn't aware how serious it became, because, you
4 know, we're on the Las Vegas Strip. You know everyone drinks, every
5 person we encounter, you know, everyone has like a delayed response
6 because everyone is usually intoxicated at that point.

7 But when I arrived on scene, it didn't seem as serious as it became.

8 Q Was the victim cooperative initially when you encountered
9 him?

10 A Well, I mean he wasn't, obviously, as responsive as we
11 wanted him to. But he was being as cooperative as he could. As much
12 as he could.

13 Q And you mentioned the name Robert Wells, did you also get
14 a date of birth?

15 A I believe so, yes.

16 Q Do you recall what that date was?

17 A I don't recall the date.

18 Q No problem. And at any point were you able to locate the --
19 what may have been used to hit Robert?

20 A Yes. There is a rock directly behind where he was sitting on
21 the bench, behind the bench.

22 Q Approximately how big would you say this rock was?

23 A I would say if you just take this top off, maybe like the size of
24 this

25 Q And for the record, you're pointing to the water pitcher

1 sitting on the witness stand?

2 A Correct.

3 Q And was that rock eventually impounded into evidence?

4 A Yes.

5 Q And how would that have been typically impounded?

6 A Evidence is typically impounded by, you know, we take it
7 down to the station and then we place it within like appropriate, you
8 know impounding procedures. A rock it's a little unique, I guess, but we
9 attach it to the event number that is provided.

10 Q So then the rock in this case would have been impounded
11 under that same event number, 200700111103?

12 A Correct.

13 Q Has there ever been an occasion where you had to call a CSA
14 out to the scene to collect and impound evidence?

15 A Yes.

16 Q What occasion would that be?

17 A Those would be like most commonly like shootings if there's
18 like cartridges, or scenes that we would probably need CSA to take
19 professional pictures of like a scene. Maybe not like this from at the time
20 we knew, but maybe little bigger scenes.

21 THE COURT: Officer, can you tell the jurors what the CSA is?

22 THE WITNESS: CSA is a -- it's going to be, I can't think of
23 the -- but a crime scene analyst, and what they do is they pretty much,
24 like, CSI, that's pretty much what they do. They take pictures, the swab
25 for evidence, take fingerprints and all that stuff.

1 BY MS. SULLIVAN:

2 Q Did you call a CSA out to the Paris bus stop?

3 A I did not.

4 Q And I think you may have touched on it a little bit, but why
5 wasn't a CSA called out to the scene?

6 A Well, at the time we weren't the first arriving officers. When
7 we got there, there was paramedics, there was other LVMPD officers that
8 were on scene. There's a bunch of tourists, and at the time, I mean, that
9 the area of where it happened, there's way too much foot traffic to get
10 any shoe prints. The bus -- the seating area, I mean thousands and
11 thousands of people sit on there every day. So fingerprinting I believed
12 wouldn't really help. She would have had to, you know, deny a bunch of
13 other fingerprints.

14 Q But is it fair to say, had you been aware at the time how
15 severe the victim's injuries were you would have called a CSA to the
16 scene?

17 A Yes.

18 Q But you still did impound the rock?

19 A Yes.

20 Q As a patrol officer, do you wear a body cam?

21 A Yes.

22 Q Can you explain what a body cam is?

23 A A body camera is pretty much what I'm wearing right now. It
24 only gets activated when we press the button twice. It does pre-record
25 approximately 30 seconds and pre-records back 30 seconds, but that 30

1 seconds has no audio and that's just to preserve the battery and the
2 storage.

3 Q Where do you typically wear your body-worn camera?

4 A I usually typically wear it just like this on my left shoulder.

5 Q And for the record, you're showing the jury the body-worn
6 camera you're wearing today.

7 A Correct.

8 Q Were you wearing body cam on July 26th when you
9 responded to the Paris?

10 A Yes.

11 Q And did you activate it at any point?

12 A Yes.

13 Q Did you have an opportunity to review all the body cam in
14 this case?

15 A Yes.

16 Q And did it fairly and accurately depict the events that
17 occurred on July 26th, 2020?

18 A Yes.

19 MS. SULLIVAN: Your Honor, moving to admit State's
20 Proposed Exhibit 37.

21 THE COURT: Mr. Margolis?

22 MR. MARGOLIS: No objection, Your Honor.

23 THE COURT: Okay. That will be admitted, and you can
24 publish when necessary.

25 [State's Exhibit 37 admitted into evidence]

1 MR. BROOKS: Judge, I'm trying to take it back to the stop.

2 THE COURT: That's okay. Are we good?

3 MR. BROOKS: It says I'm logged in, so it's just a matter of --

4 THE COURT: Are we on the right side?

5 THE RECORDER: Yes, we are on permanent side.

6 THE COURT: Okay. So if you wanted to play a video it
7 should be able to just click in?

8 THE RECORDER: Yes.

9 THE COURT: Okay.

10 MR. BROOKS: Your Honor, I'm going to disconnect and
11 connect.

12 THE COURT: Okay.

13 BY MS. SULLIVAN:

14 Q While we're waiting, while you were on the scene
15 investigating, were you able to determine if there was any video footage
16 of the incident?

17 A At the time, no. I requested video footage from
18 [indiscernible] Watch and also the Paris. But at that time they said they
19 had no security footage.

20 Q Did you later learn that there was security footage?

21 A Yes.

22 [Whereupon, a video recording, State Exhibit 37 was played in
23 open court at 10:50 a.m. to 10:58 a.m., and not transcribed]

24 BY MS. SULLIVAN:

25 Q I just want to take you through what we saw on the body-

1 cam. The other individual we saw in uniform with glasses, who was
2 that?

3 A That was Officer Jessie.

4 Q Okay. And then were you directing him at certain points to
5 document the crime scene?

6 A Yes.

7 Q And how was he documenting the crime scene?

8 A He's taking photos of the crime scene and the evidence that
9 was presented.

10 Q Okay. And later, in the later portion of State's Exhibit 37, the
11 video that we just watched, we see someone pick up the rock. Is that
12 you?

13 A Yes.

14 Q Okay. And that rock's in your hand. Were you wearing a
15 glove?

16 A I was wearing a glove, yes.

17 Q And is that standard procedure?

18 A yes.

19 Q And then at a certain point you put the rock into the police
20 vehicle?

21 A Yes.

22 Q And that's when you took the rock to be impounded.

23 A Yes.

24 Q Is placing the rock in the police vehicle, is that standard
25 procedure?

1 A Well, yeah, I mean we had to put it, we had to take it with us,
2 so --

3 Q Is that how you typically preserve evidence?

4 A Typically we would probably put in a bag, but knowing that
5 was a rock I didn't know what kind of evidence could really be preserved
6 from a rock.

7 Q And you testified previously you've been with Metro for
8 approximately three years at this point, correct?

9 A Yes.

10 Q And in July of 2020 approximately how long had you been
11 with Metro?

12 A About a year.

13 Q So after approximately a year you weren't sure exactly what
14 could have been preserved on this rock?

15 A Well, you can't get fingerprints off a rock. Based on like
16 talking to previous, you know, CSAs they said there's not much they can
17 really preserve except maybe possibly blood from a rock.

18 Q And we see you're speaking with the paramedic prior to
19 Robert being put into the ambulance. Was it your belief that the victim
20 was possibly drunk?

21 A Yes.

22 Q And again, had you known the severity of the injury the
23 victim had would you have called a CSA out to impound the rock?

24 A Yes.

25 MS. SULLIVAN: And Your Honor, I've shown State's

1 Proposed Exhibits 29 through 34 to Defense Counsel, may I approach?

2 [State's Exhibit 29-34 marked for identification]

3 THE COURT: Yes.

4 BY MS. SULLIVAN:

5 Q And Officer, I'm handing you some exhibits, could you just
6 look through them and let me know when you're done?

7 [Witness reviews documents]

8 A Yes.

9 Q And do you recognize what's in these photographs?

10 A Yes.

11 Q What is that?

12 A It's going to be photos of the victims, bystanders and the
13 rock.

14 Q Is it fair to say these are stills from the body-cam we just
15 watched?

16 A Yes.

17 Q And how do you know that?

18 A I can tell by the photographs the [indiscernible] on, the
19 letterings on the top right, I believe.

20 MS. SULLIVAN: And Your Honor, I move to admit State's
21 Proposed Exhibits 28 through 34.

22 THE COURT: Mr. Margolis?

23 MR. MARGOLIS: No objection, Your Honor.

24 THE COURT: Okay. They will be admitted, and you can
25 publish as needed.

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[State's Exhibit 29-34 admitted into evidence]

BY MS. SULLIVAN:

Q I'm showing you State's Exhibit 30, is this Robert Wells?

A Yes.

Q And is this the condition he was in when you came into contact with him on July 26th?

A Yes.

Q Showing you State's Exhibit 33, do you see the rock in this photograph?

A Yes.

Q Where is it?

A It's going to be right here.

MS. SULLIVAN: And for the record, this is -- the officer circled the bottom left-hand portion of the photograph more towards the middle.

THE COURT: Okay. Thank you.

BY MS. SULLIVAN:

Q And showing you State's Exhibit 34. Is this image of you holding the rock?

A Yes.

Q And that's the rock, again, that you estimated was approximately the size of the water pitcher?

A Approximately.

MS. SULLIVAN: And the officer has circled for the record the left-hand portion of the photograph.

1 THE COURT: Thank you.

2 MS. SULLIVAN: Court's indulgence. Pass witness.

3 THE COURT: All right.

4 Mr. Margolis, whenever you're ready, sir.

5 MR. MARGOLIS: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. MARGOLIS:

8 Q Good morning, Officer Shin.

9 A Good morning, sir.

10 Q My name is Jason Margolis, I represent Andrew Young. A
11 few questions about what we saw, we saw quite a bit. I believe you
12 testified that at the time of this incident on July 26th, you'd been on the
13 force about a year; is that right?

14 A Correct.

15 Q And you were the first officer on the scene.

16 A I was not the first officer.

17 Q You were the second officer on the scene, you came along
18 with Officer --

19 A Jessie.

20 Q -- Jessie. Officer Henry was the first officer on the scene?

21 A Yes, I believe he had a partner. I'm not too sure.

22 Q Okay. Fair enough. Fair to say that neither you nor Officer
23 Henry and his partner preceding you secured the scene, no crime scene
24 tape around the bench or the rock or any of that good stuff?

25 A No.

1 Q Okay. And no one ever actually bagged and tagged the rock.

2 A We didn't bag it.

3 Q You did tag it, but you didn't bag it?

4 A Correct.

5 Q Okay. And isn't it customary when you're obtaining evidence
6 from a crime scene to bag it and secure it so that it can't be
7 contaminated by other things in the environment, for lack of a better
8 word?

9 A Correct. But I believe there is -- could have been possibly
10 maybe blood and I believe that's probably just from the victim, and like I
11 said, there's not much you really preserve from a rock like fingerprints or
12 anything like that to track down who, you know whose fingerprints they
13 are.

14 Q I can appreciate the assumption, Officer Shin, I can. But my
15 question would be is that your play to call?

16 A No.

17 Q Okay. So fair to say that was a mistake?

18 A Sure.

19 Q And had that rock been bagged and tagged and preserved,
20 we might have been able to test it. We might not have gotten anything,
21 right, but we would have been able to test it without fear of
22 contamination had that been done, yes?

23 A Sure, yes.

24 Q Okay. Now, I want to talk to you a little bit about your
25 contact with Mr. Will, the victim and with the other individuals that were

1 there.

2 A Okay.

3 Q Okay. Now, when you came upon Mr. Will, you saw him
4 there and he's kind of hanging, slump dog over it, fairly he had a pretty
5 good gash on his head, right?

6 A Correct.

7 Q Everyone saw that.

8 A Uh-huh.

9 Q Okay. And you spoke to him.

10 A Right.

11 Q He didn't respond much?

12 A Not too much, no.

13 Q Okay. And at that moment when you spoke and he didn't
14 respond, you didn't suspect a traumatic brain injury, correct?

15 A No.

16 Q You suspected alcohol and drug impairment, right?

17 A Possibly.

18 Q Okay. I mean I think you are even heard on your body-cam
19 video saying that, you know, it appears like these people are inebriated
20 or you certainly said it on the stand during your testimony.

21 A Sure.

22 Q You talked to another bystander; a guy named Sergei
23 [phonetic]; is that right?

24 A Yes, I believe so.

25 Q And I think Sergei's depicted briefly, and he says it was dark,

1 a black guy did it, I couldn't really see that much, it happened really fast.

2 Is that a good fair paraphrasing of what he said?

3 A Yeah, about.

4 Q You didn't find him to be particularly credible, right?

5 A Well, at the time, maybe not.

6 Q I mean I think your exact words were that the description
7 given by Sergei and whomever his companion there was, wasn't
8 consistent with the CAD details you'd been given that brought you there.

9 A I believe it was just the clothing color. It's dark, so --

10 Q Okay. All right. So we had a consistent description of a
11 black man, fair to say?

12 A Yes.

13 Q What was consistent beyond that about the description given
14 to you by persons A, B, or C?

15 A Can you say that again?

16 Q What else was consistent about the various descriptions you
17 were given via CAD details or Sergei or Ms. Moore? What was
18 consistent beyond a black man in his 50s?

19 A Maybe his height, I believe. Six-foot.

20 Q Five-eight to six-one?

21 A Yeah. Six-foot.

22 Q Because I heard six-two, but that got walked back. That got
23 walked back to between five-eight and six-one and, you know, quite
24 frankly a lot of us are going to fit that description, fair to say?

25 A That's not me.

1 Q Five-eight, six-one grown men.

2 A Yes.

3 Q I mean you and I are probably not the tallest guys in the
4 world, but I think even we fit into that.

5 A Okay.

6 Q It's a wide swath. So you didn't get much from the witnesses
7 that were there, correct?

8 A Correct.

9 Q And in hindsight being twenty-twenty -- and I'm not going to
10 bang on you for this -- but hindsight probably should have secured the
11 scene?

12 A Okay.

13 Q To the degree able, right? I understand it's a busy
14 thoroughfare and it's a bus stop. And probably should have bagged and
15 tagged that rock, right?

16 A Correct.

17 Q Now, I understand fingerprints might have been tough. But
18 you heard of epithelial DNA?

19 A No.

20 Q Touch DNA? You're not familiar with it? All right. Often
21 times where fingerprints might not be available, epithelial cells or touch
22 DNA is sometimes available on an evidentiary item and it can be isolated
23 more easily because less genetic material is needed. You know, if you're
24 not aware, you're not aware, and I'm not going belabor the point. But
25 our ability to test that rock was inhibited by your conduct and others'

1 conduct that evening is that fair to say?

2 A Sure.

3 Q Okay.

4 MR. MARGOLIS: Brief indulgence.

5 THE COURT: Okay.

6 MR. MARGOLIS: I'll pass the witness. Thank you.

7 THE COURT: Okay. Redirect, anything?

8 MR. MARGOLIS: Court's indulgence. No further questions,

9 Your Honor.

10 THE COURT: Okay. Any members of the jury have any
11 questions for Officer Shin?

12 Officer, please don't share your testimony with anyone else
13 involved in the case, as it is ongoing. But you're excused and free to
14 leave. Thank you, sir.

15 THE WITNESS: Thank you.

16 THE COURT: All right. Ladies and gentlemen, we're going to
17 take our first morning recess.

18 During this recess you must not discuss or communicate
19 with anyone, including fellow jurors in any way regarding the case or its
20 merits either by voice, phone, email, fax, internet or other means of
21 communication or social media.

22 Please do not read, watch, or listen to any news or media
23 comments or commentary about the case. Please do not do any
24 research such as consulting a dictionary, using internet, using reference
25 materials. Please do not make any investigation, test the theory of the

1 case, or any aspect of the case or in any other way attempt to investigate
2 or learn about the case on your own. And please do not form or express
3 any opinion on the matter until it's formally submitted to you.

4 It is 11:10, so I will see you back in 15 minutes, 11:25. Thank
5 you.

6 THE MARSHAL: Please leave your notebooks on the chairs.
7 All rise.

8 [Jury out at 11:10 a.m.]

9 [Recess taken from 11:10 a.m. to 11:26 a.m.]

10 THE COURT: On the record.

11 THE MARSHAL: Bring them in, Your Honor?

12 THE COURT: Yes, please. Thank you, Chris.

13 THE MARSHAL: All rise.

14 [Jury in at 11:26 a.m.]

15 THE COURT: All right. Welcome back, everybody. Please be
16 seated.

17 We're back on the record in State of Nevada v. Andrew
18 Young. C-350623. Mr. Young is present with counsel, Mr. Margolis.
19 Both Deputy District Attorneys, Mr. Brooks, as well as Ms. Sullivan, are
20 present on behalf of the State.

21 Do the parties stipulate to the presence of the jury?

22 MS. SULLIVAN: Yes, Your Honor.

23 MR. MARGOLIS: Yes, Your Honor.

24 THE COURT: All right. Thank you. State, next witness,
25 please?

1 MR. BROOKS: State calls Officer Jeff Henry.

2 THE MARSHAL: Step in the box, stand and face the clerk so
3 she can swear you in.

4 JEFFREY HENRY, STATE'S WITNESS, SWORN

5 THE CLERK: Please be seated. Will you please state your
6 name and spell it for the record.

7 THE WITNESS: Jeffrey Henry, J-E-F-F-R-E-Y H-E-N-R-Y.

8 THE CLERK: Thank you.

9 THE WITNESS: Junior, by the way, I apologize.

10 DIRECT EXAMINATION

11 BY MR. BROOKS:

12 Q Ofc. Henry, how are you employed?

13 A I'm employed by Las Vegas Metropolitan Police Department.

14 Q And in what capacity are you employed?

15 A Currently a field training officer.

16 Q And now you're a field training officer. What were you prior
17 to that?

18 A I was assigned to a Flex unit.

19 Q What's a Flex unit?

20 A It's a bit of a bridge of the gap between patrol detective and
21 patrol and calls for service.

22 Q So it's kind of that hybrid something more than patrol, but
23 something less than detective?

24 A Yes.

25 Q What are your -- as a Flex officer what are some of the most

1 basic things that you do during the course of the day?

2 A Typically proactive work. We don't typically respond to calls
3 for service. We focus on area hot spots, high crime areas, and we can
4 work either in a black and white patrol car in uniform, or we also can
5 work in a plain clothes capacity, plain car capacity, do surveillance and
6 that sort of thing for higher crime areas, or to try to locate a felon or
7 anything that we're looking for.

8 Q So prior to being a Flex officer, what were you?

9 A Before Flex officer I was a bike unit, a bike officer on the Las
10 Vegas Strip.

11 Q And then prior to that -- is that a patrol officer?

12 A It was we were attached to stars at the time so, again, we
13 didn't do calls for service. I'd either mostly proactive, but not to the
14 point of Flex officer. We didn't do plain clothes, plain car, nothing. We
15 wore the -- I was on a bike stars unit so we wore the yellows and rode
16 bikes and proactive up and down Las Vegas Boulevard.

17 Q Okay. And then prior to that?

18 A Regular stars the same thing just without the bikes, and
19 regular tans, a lot of foot patrol and everything going to Las Vegas
20 Boulevard.

21 Q And then before that?

22 A I was in field training myself and the academy.

23 Q And so has most of your career been spent in the strip
24 corridor area?

25 A Yes, sir.

1 Q What is the area command that encompasses the strip
2 corridor?

3 A From -- our north boundary is Sahara; it goes south to
4 Russell. It's broken up into five sector beats, Mary 1 is from Russell to I
5 believe, Desert Inn -- excuse me, Sahara to Desert Inn; and Mary 2 is
6 Desert Inn to Flamingo; Mary 3's Flamingo to Tropicana; Mary 4 is
7 Tropicana to Russell; and then Mary 5 we picked up a little bit after
8 Allegiant was built we had Allegiant stadium, just west of the 15 there,
9 and then our eastern borders kind of jogs off, it's for the most part
10 Paradise, it jogs off a little bit east, but it's pretty much Paradise to Dean
11 Martin, Sahara to Russell.

12 Q So that just so the jury understands, you just kind of give a
13 geographic breakdown of how different units within your squad or your
14 area command would cover; is that fair?

15 A Yes.

16 Q And what's your area command called, the name?

17 A It's Convention Center Area Command.

18 Q Thank you. What's the one you kind of mentioned Paradise,
19 what's the one next to it that's adjacent?

20 A Adjacent to -- east of Paradise or--

21 Q Yes.

22 A -- would be South Central.

23 Q Okay. And so sometimes during the course of an
24 investigation, would something start in your area command and then
25 drift into another area command?

1 A Yes.

2 Q Now, I want to turn your attention back to July 26, 2020.

3 Were you working that day?

4 A Yes, sir.

5 Q Do you recall an incident that brings us here to court today?

6 A Yes, sir.

7 Q At that time we're here to talk about, what were your -- what
8 was your position?

9 A I was assigned to the Flex unit. We were in a patrol
10 capacity -- excuse me, I was patrol, we were in uniform that day, we
11 were in a patrol car and in our green uniforms.

12 Q So at that point in time the incident we're here, you were in
13 that hybrid between patrol and detective roles?

14 A Yes, sir.

15 Q You mentioned you don't respond; you wouldn't technically
16 respond to calls for service. Explain to us what that means, because that
17 phrase might not mean something to us. What's that mean?

18 A So calls for service is, for example, someone would call the
19 police for service, whether it be an emergency situation or any police
20 contact, really, it will go through dispatch. Dispatch will dispatch it to the
21 closest service unit, which is typically the graveyard, swings and days.
22 We typically wouldn't be dispatched to a call for service, but we're
23 allowed to self-dispatch if we'd like to be assigned to something or
24 something is a code, a hot call, violent car or something if we're nearby,
25 we're always -- usually going to try and jump on that to assist because

1 we're nearby. And we're -- we're clear more often.

2 Q And so is part of the reason so that you can have a saturated
3 given area and respond, like you said, prior?

4 A Yes, sir. Whether it's the hot spots we can be freed up in any
5 area.

6 Q Do you recall a 911 call coming out around d12:47 a.m. that
7 day?

8 A Yes, sir.

9 Q When a 911 call comes out, about how long until, like, CAD
10 initiates an actual event? Do you know what I mean by that?

11 A Yes. It's typically a few minutes --

12 Q Okay

13 A -- responding.

14 Q So it takes a couple of minutes to get entered?

15 A Yes.

16 Q In this case when was it -- is it fair to say that a call gets
17 initiated around 12:50 a.m.

18 A Yes, sir

19 Q When the all gets initiated, what do you do?

20 A As a proactive unit, I mean, we're listening to the radio
21 because we're still on the same radio channel as regular calls for service.
22 In general we're just monitoring while we're still doing our proactive
23 work.

24 Q Oh, I meant in this situation.

25 A In this one. Okay. I apologize. It came out as a -- we we're

1 just like not even a full block north of the location. I believe, if I
2 remember right, it came out as a subject striking another subject with a
3 rock. Details, if I remember correct, were black male adult, bald head,
4 blue and white shirt, black pants and we were -- I don't remember which
5 direction we were traveling, but I believe we were around Flamingo and
6 Las Vegas Boulevard, which is just like a few hundred feet away from
7 where that location was coming out.

8 Q So how quickly between the time the call is initiated do you
9 get to the scene?

10 A It was just a couple of minutes; two to four minutes, I believe.
11 When we heard that we're that close, we self-dispatched and tried to
12 assist.

13 Q Oh, so you self-dispatched, you don't get sent from dispatch
14 here?

15 A Right. She didn't assign us. I don't remember if we have the
16 ability to either hit on the computer or call over the radio and tell
17 dispatch. I don't remember how we did it, but we self-dispatched
18 because we were just so close to it.

19 Q Are you the first unit to arrive?

20 A Yes, sir.

21 Q Are you in a single unit or a two-man unit?

22 A Two-man unit.

23 Q Who was your partner that day?

24 A William Hutchings.

25 Q So when you arrive, tell me what you first do.

1 A We first arrive we -- well, when we initially arrive, we're kind
2 of looking for the descriptors of the subject to see if he's still standing
3 there. We didn't see him right away, it was still dark, and people weren't
4 really reacting in the way like pointing us, pointing at anybody flagging
5 us down, so what I did is try to locate our person responding. And
6 anybody else in the area in request, any updates on what our suspect
7 would look like so we could locate him and attempt to locate him, if he's
8 still in the area.

9 Q So you had -- you gave us kind of like a vague description --

10 A Yeah.

11 Q -- of the details on the 911 call. When you're on scene, is
12 there any other information you get?

13 A The information was, again, if I remember, the subject was
14 struck in the head with a rock, he was bleeding and our subject with the
15 description I gave was last seen, I believe, southbound toward Planet
16 Hollywood.

17 Q Was he on foot or in a car?

18 A I'm sorry, on foot.

19 Q Was -- were you ever provided a clothing description that
20 was different than the blue and white shirt?

21 A Once we got there and started talking to people, one of the
22 subjects said he believes he was wearing all gray.

23 Q And when you arrive, how long until the next unit arrives.

24 A It was in with -- within minutes. I was trying to talk to -- my
25 partner was talking to the victim, and I was trying to talk to anybody that

1 could give more description than what I already had. By the time I
2 turned around to talk to my partner and explain to him what was going
3 on, and he told me the victim wasn't really responding to him, the
4 primary unit that was assigned to it was showing up and I believe the
5 Fire Department for medical was showing up right behind them.

6 Q So fair to say this is within three, four minutes of the call
7 being initiated?

8 Q When that occurs, what do you, as a Flex officer then do
9 once that other patrol officer arrives?

10 A I try to update him with what we got, if we heard anything
11 different, what's going on. And try to update him with what we're going
12 to do, which was since it was such close timeframe try to locate our
13 suspect.

14 Q So explain that to us. You kind of said -- so explain what you
15 were thinking medical was there, a primary unit was there, they're
16 typically going to be responsible for the investigation from there on. I
17 tried to update them with what information we gathered, if anything
18 different, then attempt -- and then try to attempt to locate the suspect,
19 last known direction southbound, with the clothing description that we
20 were give last.

21 Q So although you kind of mentioned some of the different
22 clothing descriptions, did you have similar descriptions for where
23 someone went?

24 A Yes

25 Q Which way was that?

1 A Southbound towards Planet Hollywood.

2 Q What do you then do?

3 A Once we updated the primary units that were arriving, we
4 got in our vehicle and I think we had to head northbound because of the
5 median, do a U-turn, head south and try to locate the suspect
6 southbound or anybody matching that description anywhere south of
7 that location.

8 Q Okay. So I want to show you what's been previously
9 admitted as State's Exhibit 4. Do you recognize what's depicted on the
10 screen there?

11 A Yes, sir.

12 Q Could you -- if this marking over here were the Eiffel Tower;
13 do you see it?

14 A Yes, sir.

15 Q If that's the bus stop, take us with that mouse in front of you
16 where you were taking your car.

17 A WE had to go northbound initially just off the screen, it's
18 Flamingo, U-turn head south and begin to visually look over on this side
19 of the street. We were also looking on this side, but due to the
20 timeframe of being so close, we were fairly confident that he's probably
21 still on the east side of the street. We continued south. At this portion, I
22 believe is where the sidewalk kind of goes up, you can't down here on
23 the Boulevard, and you can't really see from the car down here, and I
24 believe we went down to at least Harmon here and looked a little bit
25 eastbound as well.

1 There's some pedestrian bridges here that go up over top, we did
2 our best to kind of look up on those areas, and down on street level east
3 on Harmon.

4 Q So you kind of told us that you had a description of tall, bald,
5 black guy and clothing. Are you just looking to stop anyone who fits
6 that? What exactly are you as an officer looking for?

7 A We're hoping to find maybe someone to flag us down,
8 possibly if someone did see it and whoever it that possibly didn't all in
9 were following him. We're looking for any other disturbances, for all we
10 knew at that time, it's just somebody going down the street and
11 assaulting, fighting people. Or anybody really just meeting that exact
12 description or possibly just looking over their shoulder and trying to get
13 out of the area in a hurry.

14 Q So you kind of reference this whole first, did you stop
15 anyone?

16 A No, sir.

17 Q You referenced someone following or flagging you down.
18 What is that, explain to us what that was -- would mean in you're
19 looking for, why you would be looking for that?

20 A Because everyone's not going to call 911. We already made
21 contact with the female that called us. But if somebody else, maybe
22 witnessed this, and was just following the person and -- from a distance
23 we have a lot of other like petty larceny and theft crime and batteries that
24 will happen down there, but they don't want to approach the suspect,
25 and they'll just follow along and then flag us down and say, hey, this is

1 the guy that beat them up or, you know, that assaulted or battered the
2 subject back at the bus stop.

3 So that's what we're primarily looking for, someone to just wave
4 us down and say, hey, we saw it and this guy's our guy.

5 Q Oh, so if we understand you, you were looking hoping
6 someone was following that guy and then wave or --

7 A Yes, sir.

8 Q Okay. Did that happen?

9 A No, sir.

10 Q Eventually, twenty or so minutes later, what do you learn
11 that fusion watch and other people have taken over the monitoring in
12 real time looking.

13 A Yes, sir. Fusion watch has quite a few cameras up and down
14 Last Vegas Boulevard, and once we heard them on channel we knew
15 they were also ATLing from -- excuse me -- attempting to locate from a
16 higher vantage that could see up on that sidewalk, see on the pedestrian
17 bridges and assist us in trying to locate him.

18 Q Additionally, as 20 minutes or so pass, what else causes you
19 not to be able to stop somebody if you, you know, saw someone
20 matching that description?

21 A Once that big of a time lapse, there's -- it's a little bit of a
22 vague description. We would be stopping multiple people with that
23 description, and not only just hindering our chances of finding the
24 subject, but with such a vague description we can't just stop everybody
25 with a bald head and dark clothes.

1 Q As a flex officer, at that point when you can't find someone,
2 would your involvement in the case be concluded?

3 A Yes, sir.

4 Q So you would of either been reassigned or just do something
5 else at that point?

6 A Yes, sir.

7 Q You don't go back to the primary scene?

8 A Not typically, no.

9 Q You could, but not typically.

10 A Right. There's not much we could assist with since they
11 were right on our heels as soon as we got there.

12 Q I want to show you a couple minutes of body-cam. Have you
13 previously had an opportunity to view your body-cam in this case?

14 A Yes, sir.

15 Q I want to show you what's been previously admitted as
16 Exhibit 37.

17 [Whereupon, a video recording, State Exhibit 37 was played in
18 open court at 11:45 a.m. to 11:45 a.m., and not transcribed]

19 BY MR. BROOKS:

20 Q And Officer Henry, before I continue, just to help us
21 understand, you said this was on July 26, 2020 around 12:50 a.m.; is that
22 right?

23 A Yes, sir.

24 Q Up here this timestamp with this Z designation, is it fair to
25 say that body cam is stored under a UTC time that is not Pacific Standard

1 Time that we're all familiar with?

2 A Yes, sir.

3 Q So that 7:53 is actually when you subtract seven you get to
4 12:53.

5 A Seven hours, yes.

6 Q Depending, I guess, whether you're Daylight Savings or not.

7 A Right.

8 Q Okay.

9 [Whereupon, a video recording, State Exhibit 37 was played in
10 open court at 11:45 a.m. to 11:47 a.m., and not transcribed]

11 BY MR. BROOKS:

12 Q So Officer Henry, you're starting to drive at what, 12:55?

13 A Yes, sir.

14 Q Within five minutes of the 911 call being issued.

15 A Yes, sir.

16 MR. BROOKS: Thank you. Nothing further, I'll pass the
17 witness, Your Honor.

18 THE COURT: Okay. Mr. Margolis, whenever you're ready.

19 MR. MARGOLIS: Thank you, Your Honor. Very briefly.

20 CROSS-EXAMINATION

21 BY MR. MARGOLIS:

22 Q Good morning, Officer Henry.

23 A Good morning, sir.

24 Q It's my role to represent Andrew Young.

25 A Yes, sir.

1 Q So you're the first to arrive, right?

2 A Yes, sir.

3 Q And you're there inside of five minutes. I mean you're on the
4 road almost five minutes after the call, which means you're on the scene
5 inside of like five minutes of the purported attack, right?

6 A Yes, sir.

7 Q And to quote you, the description was vague, correct?

8 A Yes, sir.

9 Q Fair to say you also got more than one description of the
10 clothing that was worn by the subject you were looking for?

11 A Yes, sir.

12 Q And I believe we heard blue and white, we heard all gray, we
13 heard black pants, black jacket, that about right?

14 A I don't remember the black jacket. I remember blue and
15 white shirt, black pants and then a second subject said possibly all gray.

16 Q Your recollection that night, those individuals that you spoke
17 to, one of them was Sergei, one of them I believe was Laresha Moore,
18 was everybody there intoxicated?

19 A I don't know about intoxicated. I know the females I was
20 talking to had beers in their hands. I don't know how much they had
21 before that --

22 Q Fair enough.

23 A -- or what their level of intoxication was.

24 Q Now, Sergei, the guy that said all gray -

25 A Yes, sir.

1 Q -- did he appear to you to be inebriated? He did to me.

2 A Not at that time to me.

3 MR. MARGOLIS: Okay. I'll pass the witness.

4 THE COURT: Anything else?

5 MR. BROOKS: No, Judge.

6 THE COURT: Anything from the ladies and gentlemen of the
7 jury? All right, ma'am, go ahead and write it down on a piece of paper.

8 All right. Parties approach, please.

9 [Sidebar at 11:50 a.m. ending at , not transcribed]

10 [Sidebar begins at 11:50 a.m.]

11 UNIDENTIFIED SPEAKER: [Indiscernible]

12 THE COURT: So you want me to ask the first part? What
13 does he know about the rock or he's not answering that?

14 UNIDENTIFIED SPEAKER: Other [indiscernible]. It would be
15 [indiscernible].

16 UNIDENTIFIED SPEAKER: I mean, if he doesn't know, he
17 doesn't know.

18 THE COURT: Sorry, there's two males to put on the record.

19 MR. MARGOLIS: As far as I'm concerned, you can ask the
20 first question; if he doesn't know the answer, he doesn't know the
21 answer.

22 THE COURT: Okay. So go ahead. So are you objecting?

23 MR. MARGOLIS: I'm not objecting to the first part.

24 THE COURT: What do you know about the route that he
25 took?

1 MR. MARGOLIS: He doesn't know anything; he doesn't know
2 anything and it's over.

3 THE COURT: Okay.

4 [Sidebar ends at 11:51 a.m.]

5 THE COURT: All right. Officer, what can you tell us or what
6 do you know about the rock?

7 THE WITNESS: Whenever I approached and from behind the
8 bench, I believe it was one of the Paris security guards pointed it out and
9 said I believe that's the rock that he struck him with.

10 I glanced down and saw it there, kind of behind the bench a
11 little under the bench, and it was probably, I think, a little bigger than a
12 baseball, close to a softball. I don't know if it was quite the size of a
13 softball. It was dark and it was on the ground below me.

14 THE COURT: Follow-up by State?

15 MR. BROOKS: No, Judge.

16 THE COURT: Follow-up by Mr. Margolis?

17 RECROSS-EXAMINATION

18 BY MR. MARGOLIS:

19 Q Officer Hunter, you didn't secure the rock, bag and tag it or
20 isolate it from the rest of the foot traffic at that time, did you?

21 A No, sir.

22 MR. MARGOLIS: Thank you.

23 THE COURT: All right. Officer, please don't share your
24 testimony with anyone else involved in the case as it is ongoing, but you
25 are free to leave and are excused. Thank you.

1 THE WITNESS: Thank you, Your Honor.

2 THE COURT: State's next witness.

3 MS. SULLIVAN: Your Honor, the State calls Francisco
4 Alemar.

5 THE MARSHAL: Please step in there, and remain standing
6 and face the clerk so she can swear you in.

7 FRANCISCO ALEMAR, STATE'S WITNESS, SWORN

8 THE CLERK: Thanks. Be seated. Will you please state your
9 name and spell it for the record?

10 THE WITNESS: Francisco Alemar, F-R-A-N-C-I-S-C-O A-L-E-
11 M-A-R.

12 THE CLERK: Thank you.

13 DIRECT EXAMINATION

14 BY MS. SULLIVAN:

15 Q Sir, how are you employed?

16 A I'm sorry?

17 Q How are you employed?

18 A Security.

19 Q And security where?

20 A I'm security supervisor for Paris Las Vegas.

21 Q And where is the Paris located?

22 A On Las Vegas Boulevard.

23 Q And is that here in Clark County, Nevada?

24 A That is correct.

25 Q Can you describe is the Planet Hollywood adjacent to the

1 Paris?

2 A Planet Hollywood is just south of Paris Las Vegas.

3 Q And where is the Cosmopolitan located in relation to the

4 Paris?

5 A It would be southwest of us.

6 Q Is it on the same side of the street or on the other side of the
7 street?

8 A It's on the west side of Las Vegas Boulevard, we are on the
9 east side of Las Vegas Boulevard.

10 Q And is the Paris owned by Caesars Entertainment?

11 A That is correct.

12 Q And is the Planet Hollywood also owned by Caesars
13 Entertainment?

14 A That is correct.

15 Q So you work at the Paris, but you're employed by Caesars?

16 A Yes.

17 Q And what are the job duties of a security supervisor?

18 A Our job anything from admin work, checking hours on
19 officers, to responding to calls, helping the police, helping law
20 enforcement, responding to calls with Clark County Fire Department,
21 EMS and everything in between.

22 Q And as part of helping Metro, would you at certain points be
23 asked to find video footage of incidents that occurred on your property?

24 A That is correct.

25 Q And can you describe the process of how you would collect

1 that video?

2 A Incidents like that happen sometimes, incidents happen on
3 Las Vegas Boulevard that we may or may not have coverage of.
4 Uniformed officers or detectives will come and make contact with us as
5 supervisors, tell us what happened and see if we can try to help them to
6 see if we have any coverage of the incident that occurs.

7 Q And access to that video footage, is that something that you
8 have in the normal course of your duties as a security supervisor?

9 A I do.

10 Q I want to direct your attention to July 25th, 2020, and the day
11 following. Were you approached by a detective and asked to pull video
12 footage of an incident that occurred around 12:47 a.m., at the Paris?

13 A I was approached the following day for a detective came in,
14 said there was an incident that occurred the night prior on graveyard,
15 and he wanted to know if we might be able to have some coverage of
16 the incident that occurred.

17 Q And is there a bus stop located on Las Vegas Boulevard in
18 front of the Paris property?

19 A There is.

20 Q And was it your understanding that the incident the detective
21 asked for the video footage occurred at this bus stop?

22 A Yeah, detective informed me that the incident did occur at
23 the bus stop directly in front of the Paris and he wanted to know if we
24 might have had coverage of said incident.

25 Q And what other information were you given?

1 A I was given an approximate time of what happened and a
2 description of the subject I might be looking for that was involved in said
3 incident.

4 Q And were you ever able to locate a suspect?

5 A With the assistance of the detective as we were going
6 through coverage, we started going back from the time of incident,
7 medical had responded, Gregor [phonetic] Security had responded, and
8 we started working back from there. And he was able to identify the
9 subject and I just continued to follow him on camera.

10 Q Okay. So to clarify, you started at the portion where you see
11 medical arrive at the bus stop.

12 A Correct.

13 Q And at that point you saw the -- you worked backwards to
14 find the suspect?

15 A Correct. He gave us the time frame at which Metro and
16 Medical were on property at the bus stop and we just started running
17 coverage backwards to see what event occurred that led us to having
18 Medical and Metro on property at the bus stop at that time.

19 Q And as an employee or a security supervisor with Caesars do
20 you also access the Planet Hollywood video footage?

21 A They're a separate department altogether, their surveillance
22 department. So me, I only have access to coverage over at Paris and
23 Bally's.

24 Q But are you able to pull security footage or get security
25 footage from Planet Hollywood?

1 A We can, yes.

2 Q And were you able to view video surveillance in this case?

3 A I was.

4 Q And was that a fair and accurate depiction of the video
5 surveillance you pulled for Metro regarding this July 26th incident?

6 A The coverage that I saw is the coverage that I pulled for the
7 detective on the day of incident.

8 MS. SULLIVAN: Your Honor, State moves to admit State's
9 Proposed Exhibit 9.

10 THE COURT: Okay. Mr. Margolis?

11 MR. MARGOLIS: No objection, Your Honor.

12 THE COURT: All right, that will be admitted, and you can
13 publish when necessary.

14 [State's Exhibit 9 admitted into evidence]

15 MS. SULLIVAN: Thank you.

16 BY MS. SULLIVAN:

17 Q So Mr. Alemar, I want to draw your attention, I know that you
18 sort of started from the time medical arrived and worked backwards, but
19 I want to direct your attention to the first time chronologically you can
20 see the suspect on your surveillance cameras.

21 [Whereupon, a video recording, State Exhibit 9 was played in open
22 court at 11:58 a.m., and not transcribed]

23 BY MS. SULLIVAN:

24 Q Mr. Alemar, where are we looking at right now?

25 A This would be in front of Planet Hollywood?

1 Q And where in front of Planet Hollywood, if you know?

2 A I'd say that's right in front of the Chick-fil-A, which is south
3 on Planet Hollywood, closest to Harmon.

4 Q Okay. And you can see on this video there's a timestamp.
5 Are Caesar's timestamps and date accurate?

6 A Yes.

7 Q Are you aware that other businesses may have date and
8 timestamps that are slightly off?

9 A I am aware of that.

10 Q And do you know why that might be?

11 A Software issues, everyone has different software and the
12 software that we use is on spot for the timeframe in which we're looking
13 for him.

14 Q And Mr. Alemar, where is this located?

15 A This looks like one of the front -- not front lobby, one of the
16 walk areas right in front of Planet Hollywood.

17 Q And is this north or south of the video we just saw?

18 A I think it's slightly north, but still south of Paris is where that
19 location is.

20 Q And then we see a camera change at this point. Where are
21 we looking at now?

22 A We are in front of one of the other entrances in the front of
23 Planet Hollywood, currently heading northbound towards Paris.

24 Q Mr. Alemar, where are we currently?

25 A We're still in front of Planet Hollywood, continuing to head

1 north on their plaza.

2 Q And do you notice any landmarks?

3 A Your marquee is in your bottom right, I believe it's in front of
4 one of the restaurants, there's a P.F. Chang's in that location.

5 Q And then where is this?

6 A It's a closer camera of the same plaza area.

7 Q And are we still moving north?

8 A We are still moving north on Las Vegas Boulevard.

9 Q And then is this location -- where is this location?

10 A This location is also the north end of Planet Hollywood's
11 plaza area, but before you get to the stairs that lead towards Paris.

12 Q And again can you tell us where this is located?

13 A This particular location is right near the Miracle Mile entrance
14 and the Planet Hollywood entrance, just before the stairs and escalators
15 that drop down in front of Bellagio, Paris and Planet Hollywood.

16 Q And now this view, what are we looking at?

17 A Your Miracle Mile entrance is the M on the wall over the red
18 marquee is Miracle Mile, and just underneath that entrance to the -- just
19 south of that location is Planet Hollywood main casino entrance, and you
20 have the escalators that go down towards Las Vegas Boulevard from the
21 Las Vegas Boulevard northbound on the far left of the screen and the
22 very top of the screen are the bushes just in front of Paris Las Vegas.

23 Q Okay. So we've been moving northbound --

24 A Correct.

25 Q -- from Planet Hollywood towards Paris.

1 A That is correct.

2 Q And the timestamp reflects approximately 12:12 a.m. Is this,
3 to your understanding from reviewing this surveillance footage, is this
4 prior to the incident you were looking for?

5 A This part is more -- yes.

6 Q And Mr. Alemar, if you'll notice the timestamp has now
7 moved to approximately 12:46 a.m. and 25 seconds. Is it your
8 understanding that this is the same camera that follows the incident?

9 A This is the exact same camera. We are about 20, 30 minutes
10 later, after said incident occurred.

11 Q Okay. But this is the same view where you were talking
12 about the Miracle Mile shops in relation to Las Vegas Boulevard and the
13 Paris?

14 A That is correct.

15 Q And what is this view?

16 A Looks like now we're heading back down south in front of
17 Planet Hollywood.

18 Q Okay. So this is a similar -- a same view that we've seen
19 previously, however --

20 A In a later timeframe.

21 Q A later timeframe.

22 And where is this?

23 A We're heading south again on Las Boulevard sidewalk, on
24 the plaza in front of Planet Hollywood.

25 Q So based on your review of the surveillance video, is it your

1 understanding we're essentially route tracing the same path as before,
2 except for southbound?

3 A That is correct. All the same shots in the reverse order
4 because one was going up towards the Paris and now this is coming
5 from Paris heading back down south towards Harmon.

6 Q And what is south of the Planet Hollywood?

7 A Las Vegas Boulevard and Harmon. The intersection of
8 Harmon and Las Vegas Boulevard is just south.

9 [Video ended at 12:05 p.m.]

10 BY MS. SULLIVAN:

11 Q Mr. Alemar, this video ends at 12:48 a.m. and 50 seconds. Is
12 that the last time frame that you actually see the suspect you are looking
13 for?

14 A On that particular shot, that is when he is out of shot of
15 anything else that Planet Hollywood has access to.

16 Q And where was that shot located?

17 A That would be the south end of Planet Hollywood, just past
18 Chick-Fil-A going towards Harmon.

19 Q And then now I want to direct your attention to the Paris
20 video surveillance.

21 [Whereupon, a video recording, was played in open court at 12:05
22 p.m., and not transcribed]

23 BY MS. SULLIVAN:

24 Q What are we looking at right now?

25 A So the top left of the screen you have Las Vegas Boulevard

1 northbound, the bus stop sidewalk, the trees are Paris property at the leg
2 of the Eiffel Tower at our West door's entrance.

3 Q And this time stamp it appears is about 12:35 a.m. Is this
4 prior to the incident you were investigating?

5 A That is correct.

6 Q Mr. Alemar, we're at approximately 12:37 a.m., on the
7 timestamp. Is this still the same view?

8 A That is correct.

9 Q And fast forwarding through the video, ending at about 12:37
10 a.m., what was your understanding of the time of the incident you were
11 looking for?

12 A It was approximately 15 minutes prior to 0100 hours near the
13 bus stop.

14 Q So somewhere around 12:45?

15 A Correct.

16 Q So now, moving to about 12:43 and 35 seconds, what view
17 are we looking at?

18 A The same view of this camera, Shot 1, is looking towards the
19 bus stop over the Eiffel Tower where our restaurant is located at our
20 west door's location.

21 Q And from your understanding we're viewing the video
22 surveillance. This was approximately the time of the incident you were
23 looking for?

24 A That is correct.

25 Q And Mr. Alemar, there's approximately a seven minute time

1 difference from the time where we fast forward from 12:37 a.m. to now.

2 Were you able to locate the suspect during that seven minutes?

3 A The subject walked off property, but never inside of our
4 building. So once he left the shots of our cameras in front of the
5 property we had no idea where he went from that timeframe.

6 Q But you did search through that timeframe for video scans?

7 A That is correct. To see if he came inside any point, which we
8 could not locate. So we did search, though

9 Q Okay. And can you tell me, Mr. Alemar, what's just north of
10 the Paris property?

11 A Just north of Paris, between us and Bally's, is a CVS.

12 Q Okay. And do you have access to any video surveillance
13 from that CVS ?

14 A I do not.

15 Q And it's fair to say that you wouldn't have any cameras
16 focused on the CVS?

17 A Specifically on CVS, no; but our north road is at their
18 location, so we have some cameras that face that road in particular to
19 watch traffic and people coming in and out of the location.

20 Q But those cameras are focused on incidents occurring at your
21 property --

22 A At our property --

23 Q -- exclusively?

24 A -- correct.

25 Q And fast forwarding to approximately 12:51 a.m., are we still

1 on that same view of the bus stop?

2 A We are.

3 Q And Mr. Alemar, you can see now approximately 12:52, that
4 the camera angle has changed. Is this a fixed camera that you have
5 here?

6 A This camera is pan-tilt zoom, which means it sits at one
7 particular location until someone needs that camera, then that camera
8 can be moved around the search to for something once we need it.

9 Q And that something that can be done later, or is that
10 something that has to be done live?

11 A It has to be done live.

12 Q So based on the movement of this camera, somebody is
13 actually manipulating it?

14 A That is correct.

15 Q And previously you testified that you had located when
16 security medical arrived. This is part of the you use to help orient
17 yourself?

18 A Correct. We were originally told that there was a -- the
19 incident happened at the bus stop. I went through our records to find
20 they had a medical around the time frame the detective was looking for.
21 I went and found the medical. It happened to be at the bus stop right in
22 front of our location, so we pulled coverage from the timeframe that
23 security responded to that medical incident and worked back from there.

24 Q And so then someone is actively manipulating this camera
25 angle.

1 A That is correct.

2 Q And that's not something that can be done at a later date.

3 A No.

4 Q And time stamp 12:54 a.m. and 20 seconds is this just a
5 zoomed-in shot of the bus stop?

6 A That is correct.

7 Q Now fast forwarding the video to approximately 12:59 a.m.
8 This is still just a zoomed-in portion of the bus stop; is that correct?

9 A That's correct. Same camera, just zoomed-into the -- what
10 was going on at the bus stop at that time.

11 Q And fast forward to approximately 1:01 a.m. and 12 seconds.
12 Again, we're just here on a zoomed-in portion of the bus stop?

13 A That is correct.

14 Q Mr. Alemar, where is this?

15 A This is the north part of Paris in front of Mon Ami Gabi
16 restaurant inside our property, just before getting to our north road
17 before you hit CVS.

18 Q So is -- what do we see in the bottom left portion of this
19 video?

20 A Bottom left is Mon Ami Gabi restaurant, bottom right is our
21 north drive heading north toward CVS with the top of the screen being
22 Las Vegas Boulevard northbound.

23 Q And this timestamp is approximately 12:44 a.m.?

24 A That is correct.

25 Q Mr. Alemar, where is this?

1 A This is our west door's location looking with the top right of
2 the screen being Mon Ami Gabi restaurant, far left of the screen being
3 Las Vegas Boulevard northbound, and our west door's location.

4 Q And is this -- where is this in relation to the last video we just
5 saw?

6 A This is just south of that location.

7 Q Okay. So it was one camera then, just directed to the west.

8 A And the sequential camera going the same direction, correct.

9 Q And now timestamp at approximately 12:44 and 30 seconds,
10 are we just at the same view of the bus stop?

11 A We are.

12 Q And does this appear to be the same video surveillance at
13 approximately 12:45 that we were viewing previously?

14 A That is correct.

15 Q And now, Mr. Alemar, where is this?

16 A This is south of the west door's location from Hexx
17 restaurant, heading south towards Planet Hollywood.

18 Q And where is this in relation to the bus stop?

19 A Just south of that location.

20 Q And where is this?

21 A This is our south entrance made a valet drive right in front of
22 Daiquiri Bar and Hexx restaurant and before you head south towards
23 Planet Hollywood.

24 Q And so in relation to the last video that we were discussing --

25 A It's just south of that location.

1 Q And the time stamp here is approximately 12:46 am and 4
2 seconds. Is this where you transitioned back to the Planet Hollywood
3 video we saw previously?

4 A That's right. That's when he leaves Paris property and Planet
5 Hollywood coverage picks up from there.

6 [Video ended at 12:17 p.m.]

7 MS. SULLIVAN: And Your Honor, I have shown Defense
8 States Proposed Exhibits 10 through 26, may I approach?

9 [State's Exhibits 10 through 26 marked for identification]

10 THE COURT: Yes.

11 BY MS. SULLIVAN:

12 Q Mr. Alemar, I'm handing you what's been marked as a
13 Proposed Exhibit 10 through 26. Can you just flip through those and let
14 me know when you're finished?

15 A Al right.

16 Q Mr. Alemar, what do those pictures depict?

17 A They're just old photos from the surveillance coverage that
18 we provided to you.

19 Q And this was surveillance that you pulled yourself?
20 The Paris coverage, yes.

21 Q And then you've also previously looked at the Planet
22 Hollywood photos?

23 A I have.

24 Q And do these fairly and accurately depict the surveillance
25 video we just watched?

1 A Yes.

2 MS. SULLIVAN: I'm going to move to admit State's
3 Proposed Exhibit 10 through 26.

4 THE COURT: Mr. Margolis?

5 MR. MARGOLIS: No objection.

6 THE COURT: All right. Those will be admitted, and you can
7 publish when necessary.

8 [State's Exhibit 10-26 admitted into evidence]

9 BY MS. SULLIVAN:

10 Q Mr. Alemar, showing you State's Exhibit 11, what is this
11 depicting?

12 A Plaza area in front of Planet Hollywood.

13 Q This is in front of the Planet Hollywood?

14 A Correct.

15 Q And where does the suspect in this photograph appear to be
16 walking?

17 A Northbound towards Paris.

18 Q And State's Proposed Exhibit 12 what is -- where is this?

19 A Farther north on the plaza of Planet Hollywood.

20 Q So this is the only stop from the Planet Hollywood?

21 A That is correct.

22 Q And State's Proposed Exhibit 17, where is this?

23 A North end of the property in front of Paris Las Vegas, before
24 the CVS.

25 Q And finally State's Exhibit 22, where is this?

1 A Planet Hollywood plaza area.

2 Q Where is the suspect appear to be heading in this
3 photograph?

4 A Southbound.

5 Q Is that towards or away from the Paris?

6 A Away from the Paris.

7 MS. SULLIVAN: Pass the witness.

8 THE COURT: Mr. Margolis, whenever you're ready.

9 MR. MARGOLIS: Thank you.

10 CROSS-EXAMINATION

11 BY MR. MARGOLIS:

12 Q Good afternoon, Mr. Alemar.

13 A How are you?

14 Q How long have you been the security aficionado, if you will,
15 at your current occupation?

16 A I've been employed with Paris the last ten years, and in
17 security the last five years being a security supervisor.

18 Q So five past, half of the time as the supervisor, right?

19 A Correct.

20 Q Fair to say you spend a lot of hours reviewing surveillance
21 video from the various properties.

22 A That is correct.

23 Q Various views. Yes. And you isolated the best images you
24 were able to get of the subject that you were looking for, correct?

25 A Correct.

1 Q You found no better images in all of the hours of scouring
2 that you have, correct?

3 A That is correct.

4 MR. MARGOLIS: Thanks. No further questions.

5 THE COURT: Anything else, State?

6 MS. SULLIVAN: No further questions, Your Honor.

7 THE COURT: Anything from the jurors?

8 All right, sir. Thank you so much for coming today. Please
9 don't share your testimony with anyone else involved in the trial since it
10 is ongoing, but you are excused.

11 THE WITNESS: Absolutely. Thank you.

12 THE COURT: Thank you. State?

13 MR.. BROOKS: We have one more we think we can do,
14 Judge, before --

15 THE COURT: Okay. That sounds great. Let's do it.

16 MS. SULLIVAN: State calls Gloria Gruebling.

17 THE MARSHAL: If you would just step up and raise your
18 right hand and face the clerk so she can swear you in.

19 GLORIA GRUEBLING, STATE'S WITNESS, SWORN

20 THE CLERK: Please be seated.

21 Will you please state your name and spell it for the record?

22 THE WITNESS: Gloria Gruebling, G-L-O-R-I-A, last name is
23 G-R-U-E-B as in boy L-I-N-G.

24 THE CLERK: Thank you.

25 DIRECT EXAMINATION

1 BY MS. SULLIVAN:

2 Q Ms. Gruebling, do you know a person by the name of Robert
3 Will?

4 A Yes, he's my son.

5 Q And do you know when his birthday is?

6 A July 19th.

7 Q Of what year?

8 A '67.

9 Q I'm showing you what's been previously admitted as State's
10 Exhibit 44.

11 Ms. Gruebling, do you know who this is?

12 A Yes. That's my son.

13 Q Your son Robert?

14 A Yes.

15 Q And showing you what's been previously admitted as State's
16 Exhibit 30. Can you see who that is?

17 A It looks like him.

18 Q By him you mean Robert?

19 A Robert.

20 Q Ms. Gruebling, where do you live?

21 A Evansville, Wisconsin.

22 Q And does Robert live with you?

23 A No, he lives here.

24 Q And where was he living in July of 2020?

25 A In Las Vegas, where I don't know.

1 Q Where is Robert living now. You said Las Vegas, but
2 specifically where?

3 A Now, he's in College Park Rehab facility.

4 Q And what type of a facility is that?

5 A After you've gotten out of the hospital, you go to a rehab to
6 see if they can give you physical therapy and help you get your life back.

7 Q I want to direct your attention to July 26, 2020. Were you
8 notified at some point by Las Vegas Metropolitan Police Department that
9 an incident had occurred regarding Robert?

10 A My son called me on two days later.

11 Q So approximately the 28th?

12 A 27th I think it was.

13 Q On the 27th?

14 A Yes.

15 Q Did you learn that he was in the hospital?

16 A I found out then that he was.

17 Q And which hospital was that?

18 A I can't tell you; I don't know.

19 Q Did you ever come to Las Vegas to visit Robert in the
20 hospital?

21 A I did when I was here for the grand jury, yes.

22 Q So in visiting Robert in the hospital, were you able to see his
23 condition?

24 A Yes, I was.

25 Q And what was his condition like when you saw him?

1 A He was very dense. I mean he wouldn't focus on who was
2 there. He couldn't speak. He couldn't walk.

3 Q And are you aware was that his condition prior to July 26th?

4 A No, I don't know. I don't believe it was.

5 Q As far as you're aware on July 26th could Robert speak?

6 A Yes, he was able to speak and walk and talk.

7 Q And currently what's his condition?

8 A Right now he has -- he's able to walk a bit. He has a severe
9 limp. He can't use his right hand because his fingers are atrophied. He
10 can't see out of his right eye. He still has a feeding tube in his stomach.
11 And he'll say, hi mom, only because they've told him over, and over, and
12 over I'm mom. But if you ask him who is mommy, he doesn't know.

13 Q Ms. Gruebling, in interacting with Robert, do you know if he
14 has any scarring?

15 A Yes, on the left side.

16 Q And you're indicating towards your head, is that right?

17 A When he shows me his hair. He won't let me touch it. He
18 shows me where the hair has grown in, and he'll touch the side of his
19 head.

20 MS. SULLIVAN: And Your Honor, I have shown Defense
21 State's Proposed Exhibits 38 and 39. May I approach?

22 THE COURT: Yes.

23 BY MS. SULLIVAN:

24 Q Ms. Gruebling, I'm going to show you some photographs I
25 just want you to take a look at them and let me know when you're

1 finished. Okay? Have you had a chance to view the photographs?

2 A No.

3 Q I mean right now have you had a chance to view the
4 photographs?

5 A These? Yes.

6 Q May I have them back?

7 A Yes, you may.

8 Q Do you recognize the individual in these photographs?

9 A Yes, it's my son Robert.

10 Q And fair to say you've known him his whole life?

11 A Yes.

12 MS. SULLIVAN: I move to admit State's Exhibits 38 and 39.

13 THE COURT: Mr. Margolis?

14 MR. MARGOLIS: No objection, Your Honor.

15 THE COURT: Okay. Those will be admitted. You can publish
16 when necessary.

17 [State's Exhibits 38 and 39 admitted into evidence]

18 MS. SULLIVAN: And this is State's Exhibit 38.

19 BY MS. SULLIVAN:

20 Q Is this Robert?

21 A Yes, that's Robert.

22 Q Where is he in this photograph?

23 A In a hospital bed.

24 Q And State's Exhibit 39.

25 A Yeah, he's in the hospital.

1 Q And this is Robert?

2 A Yes, it is.

3 Q Do you notice scarring to his head in this photograph?

4 A Yes, I do.

5 MS. SULLIVAN: Court's indulgence. Pass the witness.

6 THE COURT: Mr. Margolis?

7 MR. MARGOLIS: No questions, Your Honor.

8 THE COURT: All right. Do any members of the jury have any
9 questions?

10 Okay. Go ahead and write it down, one question per page,
11 sign and juror number, please. Thank you.

12 Parties approach, please.

13 [Sidebar begins at 12:29 p.m.]

14 UNIDENTIFIED SPEAKER: [Indiscernible]

15 MR. MARGOLIS: Yeah, I got no problem with that one.

16 THE COURT: No [indiscernible] question [indiscernible]

17 MR. MARGOLIS: [Indiscernible] doesn't matter.

18 MR. BROOKS: I don't see [indiscernible]

19 MR. MARGOLIS: They can ask them.

20 THE COURT: [Indiscernible]

21 MR. MARGOLIS: No.

22 THE COURT: Thank you.

23 MR. MARGOLIS: No.

24 [Sidebar ends at 12:29 p.m.]

25 THE COURT: All right. Now, the questions from the jury are

1 as follows. Do you know if Mr. Young and Mr. Will knew each other
2 prior to this incident?

3 THE WITNESS: No, I don't know.

4 THE COURT: The answer is no, she doesn't.

5 The next question is, how long prior to the incident had it
6 been since you had visited Robert?

7 THE WITNESS: About a year and a half.

8 THE COURT: Year and a half.

9 Any follow-up on behalf of the State?

10 MS. SULLIVAN: Just briefly, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. SULLIVAN:

13 Q So Ms. Gruebling, is it your understanding that since this
14 incident with the rock is the reason your son is living in the rehab
15 facility?

16 A I'm sorry. Could you repeat that?

17 Q No problem. Is it your understanding that the incident that
18 occurred with the rock is the reason your son is in the rehab facility
19 currently?

20 A Yes, it is.

21 Q Is he able to live on his own?

22 A No.

23 MS. SULLIVAN: No further questions. Pass the witness.

24 THE COURT: Mr. Margolis?

25 MR. MARGOLIS: No questions.

1 THE COURT: All right. Ma'am, thank you so much for
2 coming and being here today.

3 All right. Parties approach, please.

4 [Sidebar begins at 12:31 p.m.]

5 MR.. BROOKS: I think the only reason, the only way that
6 would be relevant is if the cause of the injury is kind of [indiscernible]
7 based on my question is they stopped the alcohol and drug abuse and
8 that's not the fact at issue here. I mean --

9 MR. MARGOLIS: The injuries could be --

10 THE COURT: [Indiscernible]

11 MR.. BROOKS: Sure. I just think Mr. Margolis has been real
12 careful not to push this witness and stuff and so we didn't, you know,
13 throw out all his drooling and stuff on purpose. And I think that we all
14 know that that's not the -- SPH isn't the issue here. We start asking this,
15 then will we want to follow-up and go down those roads.

16 MR. MARGOLIS: Certainly don't want to [indiscernible].

17 THE COURT: [Indiscernible]

18 MR.. BROOKS: So we won't go down the road. We'll just
19 say no, not ask it. I mean no one's going to say he was insane without
20 drug use. That's --

21 THE COURT: [Indiscernible]

22 MR.. BROOKS: We're never going to hear from us that he
23 was never [indiscernible].

24 MR. MARGOLIS: And if she said that he abused drugs and
25 alcohol I'm not going to get up and ask her a bunch of questions about it.

1 You know what I mean. . I'll just leave it there.

2 MR.. BROOKS: No objection?

3 THE COURT: [Indiscernible]

4 MR.. BROOKS: Well, I was going to say not ask it because
5 then --

6 MR. MARGOLIS: Well, if you're not going to ask it, you're
7 not going to ask it, I'm not going to ask. And it just lays there and then
8 they can ask it and they can request it.

9 MR.. BROOKS: It's on this [indiscernible].

10 MR. MARGOLIS: Then okay, okay, that's it.

11 THE COURT: [Indiscernible]

12 [Sidebar ends at 12:33 p.m.]

13 THE COURT: All right. The question is, are you aware if your
14 son has a history with drugs and alcohol abuse?

15 THE WITNESS: No, I'm not aware.

16 THE COURT: You're not aware. Okay. Can some of these
17 mental issues be from that abuse if he had any?

18 THE WITNESS: I suppose it could be.

19 THE COURT: Okay. To your knowledge has your son
20 struggled with drug or alcohol dependency issues within the past five
21 years?

22 THE WITNESS: No.

23 THE COURT: No?

24 THE WITNESS: I don't believe so.

25 THE COURT: She doesn't believe so. Okay. Follow-up by

1 the State?

2 MS. SULLIVAN: No questions, Your Honor.

3 MR. MARGOLIS: No questions.

4 THE COURT: All right. Thank you --

5 THE MARSHAL: Sorry, Judge.

6 THE COURT: Okay.

7 THE MARSHAL: Sorry.

8 THE COURT: Parties approach, please.

9 [Sidebar begins at 12:35 a.m.]

10 THE COURT: [Indiscernible]

11 MR. MARGOLIS: I mean, I don't care. I don't see the point,
12 but I don't care.

13 MR. BROOKS: [Indiscernible]

14 MS. SULLIVAN: No objection.

15 [Sidebar ends at 12:35 p.m.]

16 THE COURT: Did your son receive surgery and was there
17 any malpractice?

18 THE WITNESS: You mean after the incident?

19 THE COURT: So let's start with -- yeah. Did he have surgery
20 after the head --

21 THE WITNESS: Yes, because his head swelled, and he had to
22 have surgery. Then he had to have a trach put in.

23 THE COURT: Okay.

24 THE WITNESS: And the tube in his stomach for feeding.

25 THE COURT: Did everybody hear that? So just because I'm

1 not getting all the nods. So yes, he did have to have surgery because
2 there was swelling in the brain. He also had to have a trach put in and
3 then he also had to have stomach tubes put in. And that was all because
4 of this incident?

5 THE WITNESS: Right. And he still has some tubes.

6 THE COURT: And he still has the stomach tube. I guess from
7 these questions I think what people are asking is so before this incident
8 when you spoke to your son was he talking normally --

9 THE WITNESS: Yes.

10 THE COURT: -- or communicating --

11 THE WITNESS: Yes.

12 THE COURT: -- with him --

13 THE WITNESS: Yes, he was normal.

14 THE COURT: He was normal?

15 THE WITNESS: Normal.

16 THE COURT: Normal. Okay. We have another question.

17 Anybody else? All right.

18 Parties approach.

19 [Sidebar at 12:36 p.m., ending at 12:37 p.m., not transcribed,
20 indiscernible]

21 THE COURT: All right. Do you know if your son was dating
22 someone at the time?

23 THE WITNESS: I don't believe so.

24 THE COURT: You don't believe so.

25 THE WITNESS: But I don't know. I hadn't talked to him.

1 THE COURT: Okay. State.

2 MS. SULLIVAN: No follow-up questions.

3 MR. MARGOLIS: Nothing, Your Honor.

4 THE COURT: All right. Thank you so much for being here.

5 Please don't share your testimony with anyone else involved in the case
6 because it is ongoing. But I appreciate you. You are excused. Thank
7 you.

8 THE WITNESS: Thank you. I can go?

9 THE COURT: Yeah. You can go.

10 All right. Ladies and gentlemen, at this point in time we're
11 going to take our lunch recess. All right.

12 During this recess you must not discuss or communicate
13 with anyone including fellow jurors in any way regarding the case
14 including its -- or excuse me, either by voice, phone, email, text, internet
15 or other means of communication or social media. Please do not read,
16 watch or listen to any news or reading comments about the case. Please
17 do not do any research such as consulting dictionaries, using the internet
18 or using other reference materials. Please do not make any
19 investigation, test a theory of the case, recreate any aspect of the case or
20 any other way investigate or learn about the case on your own. And
21 please do not form or express any opinion regarding the case until it's
22 submitted to you.

23 I will see you guys back here at 1:45. Have a nice lunch.

24 THE MARSHAL: All rise.

25 [Jury out at 12:39 p.m.]

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[Recess taken from 12:39 p.m. to 1:48 p.m.]

[Outside the presence of the jury]

THE COURT: Okay. We are on the record in State of Nevada v. Andrew Young C-350623. The attorneys are present, Mr. Young is being brought in.

We have a housekeeping matter. Go ahead, Mr. Margolis -- or Mr. Brooks.

MR. BROOKS: I just was going to say, Judge, this next witness is Laresha Moore. She's recently been sentenced to battery resulting in substantial bodily harm in front of Silva. The jail seizures hasn't been typed yet, so I told Mr. Margolis that, in my opinion, that's been adjudicated and fair game, just hasn't been filed yet.

THE COURT: Yes.

MR. BROOKS: So going to ask that and that's fine. I guess the only thing, there was a gross misdemeanor, though, that I think probably doesn't come in, it's a gross misdemeanor for child abuse. Child abuse or neglect from 2019.

I've made Mr. Margolis aware of it, obviously, but that one wouldn't -- because it was a gross I couldn't think of a way, unless Mr. Margolis does.

THE COURT: Yes. Gross, not a criminal moral turpitude, so I don't think it comes in.

MR. MARGOLIS: It doesn't, it doesn't. But I have a certified copy of the guilty plea agreement on the other felony we're talking about.

1 THE COURT: Okay. I'm sure if one of you asks she'll
2 probably admit to it, if she doesn't, then I can either take judicial notice
3 or however you guys want to do it is fine.

4 MR. BROOKS: Well, I'm just going to ask. She'll admit it,
5 she's in custody on it.

6 MR. MARGOLIS: I think she was going to admit it, so I don't
7 think I need to impeach, because she'll acknowledge it.

8 THE COURT: Okay.

9 MR. BROOKS: The only other thing is -- and I just want to
10 put this out there before Det. Liske testifies later today -- and I didn't
11 object to it in opening because Mr. Margolis wasn't trial counsel in that
12 case, so I know that it's not forefront in his mind. But when he said a
13 couple of comments like the detective only had five minutes of
14 interaction or to view or he only lives in a Walmart to seek shelter, I just
15 think we pushed Detective Liske's other detective too much on how they
16 have the ID. It's not just five minutes, and he doesn't go into Walmart for
17 shelters, I don't want to have to explain --

18 THE COURT: Argue it opens the door or --

19 MR. BROOKS: Yeah, I don't want to go there. So I mean I
20 get why he said it because it wasn't forefront in his mind, but if that -- if
21 they're pushed on how they know these other -- you know, how they
22 know his identification, as though they haven't watched hours and hours
23 of video and interacted with him, then I would maybe have to approach
24 and discuss that.

25 THE COURT: Okay.

1 MR. MARGOLIS: I suppose I won't broach.

2 THE COURT: So you're on notice I guess.

3 MR. MARGOLIS: Absolutely.

4 THE COURT: Sounds good. All right. And Chris --

5 THE MARSHAL: Bring them in?

6 THE COURT: Yes, please. How are we doing with our juror's
7 crisis here?

8 THE MARSHAL: They're all on time, I just have to line them
9 up.

10 [Pause]

11 THE MARSHAL: All rise.

12 THE COURT: All right. Welcome back everybody. We are on
13 the record in State of Nevada v. Andrew Young, C-350623. Mr. Young is
14 present with counsel, Mr. Margolis; both Deputy District Attorneys, Mr.
15 Brooks as well as Ms. Sullivan are present on behalf of the State.

16 Do the parties stipulate to the presence of the jury?

17 MS. SULLIVAN: Yes, Your Honor.

18 MR. MARGOLIS: Yes, Your Honor.

19 THE COURT: All right. Thank you. And the State's next
20 witness?

21 MR. BROOKS: The State calls Laresha Moore.

22 THE COURT: All right. Ms. Moore, would you please stand
23 and then just raise your right hand to the best of your ability, ma'am, so
24 my clerk can swear you in. Okay? Right here. Thank you.

25 LARESHA MOORE, STATE'S WITNESS, SWORN

1 THE CLERK: Please be seated.

2 THE WITNESS: Thank you.

3 THE CLERK: And will you please state your name and spell it
4 for the record.

5 THE WITNESS: Laresha Moore, L-A-R-E-S-H-A, last name
6 Moore, M-O-O-R-E.

7 THE CLERK: Thank you.

8 DIRECT EXAMINATION

9 BY MR. BROOKS:

10 Q Ms. Moore --

11 A Yes?

12 Q -- I want to turn your attention to July 26th, 2020, do you
13 recall an incident that brings us here to court today?

14 A Yes, I do.

15 Q And could you tell me a little bit about kind of the first few
16 things you remember about that incident?

17 A I remember hanging out at a bus stop with my cousin. It was
18 a homeless guy sitting on the bus stop benches. It was two benches,
19 and he had a tourist happened to give homeless people or anybody the
20 leftover food that they don't eat, and it was -- he had a whole bunch of
21 food all over the benches, just the bench that he was sitting on by his
22 self.

23 And the guy came up and he was -- I don't recall why he was
24 angry, but he started, him and the Native American guy started going
25 back and forth. And then it erupted into a fistfight and then the guy

1 picked up a rock and hit the Native American guy a few times, then took
2 off walking.

3 Q When that occurred, did you place a 911 call that night?

4 A Yes, I did.

5 Q I want to play you a little bit of the beginning of Exhibit 36 to
6 see if you recognize your voice, okay?

7 A Okay.

8 [Whereupon, an audio recording, State Exhibit 36 was played in
9 open court at 1:56 p.m. to 1:56 p.m. and not transcribed]

10 BY MR. BROOKS:

11 Q Ms. Moore, do you recognize the voice?

12 A Yes, I do.

13 Q Is this the 911 call you placed on July 26th, 2020 at 12:47 a.m.

14 A Yes.

15 MR. BROOKS: Your Honor, at this point in time the State
16 would move for admission of Exhibit 36.

17 THE COURT: Mr. Margolis?

18 MR. MARGOLIS: No objection, Your Honor.

19 THE COURT: All right. That will be admitted. You can
20 continue to publish.

21 [State's Exhibit 36 admitted into evidence]

22 BY MR. BROOKS:

23 Q So Ms. Moore, I want to listen to the 911 call here and then
24 ask you some questions after. Okay?

25 A Okay.

1 [Whereupon, an audio recording, State Exhibit 36 was played in
2 open court at 1:57 p.m. to 2:03 p.m. and not transcribed]

3 BY MR. BROOKS:

4 Q Ms. Moore, I just want to ask you a couple of questions so
5 that we can kind of review. So tell me the two different people involved.
6 What did the victim look like and what did the suspect look like?

7 A It was a while ago. The victim, I believe he had on a tan shirt,
8 beige color shirt. I think he had blond hair. He had a little bit of hair on
9 his head. He was Native American. Not overweight, but kind of chubby.
10 He looked like a older guy.

11 Q So in the 911 call when you say white guy now today you
12 had to remember appeared Native American, somewhere between
13 there?

14 A I just know he was white.

15 Q I want to show you Exhibit 27. I'll do it this way, it's okay.
16 Laresha, do you recognize Exhibit 27 there?

17 A I just see benches.

18 Q Okay. Let's -- I want to show you Exhibit 28. Do you
19 recognize the person depicted in Exhibit 28?

20 A Yes, I do.

21 Q Who is that?

22 A The victim.

23 Q Is that the guy who got hit?

24 A Yes. I can't see his face, but I see the shirt.

25 Q And showing you Exhibit 30 and 21, do you recognize that

1 person?

2 A Yes, I do.

3 Q And is that the guy that got hit?

4 A Yes, it is.

5 Q Lastly -- sorry, that was 29 and 30.

6 In Exhibit 31, I want to ask you about what's next to the man who
7 got hit. What did he have next to him that night?

8 A I remember a whole bunch of food. I can't really tell what
9 that is right there.

10 Q Okay. Where -- at some point does his food get moved?

11 A Yes.

12 Q How?

13 A Throw them into the trash can.

14 Q How does it get moved?

15 A The suspect removed his food.

16 Q Can you tell us kind of explain us how that occurred?

17 A Okay. So the victim was sitting there eating. Kind of like
18 picking at everything, looking through the stuff. I don't recall where the
19 suspect came from or which direction. I wasn't really paying attention
20 until I heard a commotion.

21 I was close by, maybe probably like two or three feet. And
22 watching and the suspect started picking up the guy's stuff and tossing it
23 around. And he got upset and kind of fended him off and then the
24 suspect swung on him which caused him to jump out his seat. The
25 suspect walked around the - behind the -- what do you call it -- benches

1 and the victim follow him behind there, and that's when he got clocked
2 maybe twice, two or three times, no more. And then the suspect took
3 off.

4 Q So if you could I want to show you exhibit, part of the video
5 on Exhibit 9 from the Paris. And if you kind of explain to us what we're
6 seeing here.

7 A Okay.

8 [Whereupon, a video recording, State Exhibit 9, was played in open
9 court from 2:07 p.m. to 2:14 p.m., and not transcribed]

10 BY MR. BROOKS:

11 Q Now, Laresha, this is roughly at 12:43: a.m., is this the bus
12 stop bench that we were just talking about?

13 A Yes, it is.

14 Q So Laresha, do you see this figure right here?

15 A Uh-huh.

16 Q I want you to keep your eyes on him and tell us what is
17 happening when that -- this person gets near right here.

18 A Okay. When he walked up to this guy, he socked him. That's
19 what caused him to jump out his seat like that.

20 Q When you say him jump out of his seat, is that the victim
21 jumped out of his seat?

22 A The victim, yes.

23 Q And the --

24 A The one that kind of like, not ran, but like fast motion walked
25 towards the street.

1 Q Yeah. So what happened right there?

2 A He threw his food in the trash, and he ran towards him like
3 he was going to swing, then the suspect hit him with the rock.

4 Q How many times did he get him with the rock?

5 A No more than three times, maybe twice. Then the guy goes
6 back and sit down and kind of bend and hold his head.

7 Q And is after this point when you called 911?

8 A I was standing there for maybe a minute. I didn't know that
9 he was bleeding like he was until he moved his hand from his head. And
10 that's when I called.

11 Q So I want to ask you, because I missed it here, so the person
12 there when he swings and the victim gets up, is that person, to the left of
13 the screen the person you just identified in the photographs?

14 A As the victim?

15 Q Yeah.

16 A Yes.

17 Q So right here, was that when the blows to the head with the
18 rock also occurred?

19 A Yes.

20 Q Now who is --

21 A Now he, that's the suspect, he didn't throw the food away
22 until after he socked the guy for having it all over the place already.

23 Q So this person right here --

24 A Uh-huh.

25 Q -- who is that?

1 A The suspect.

2 Q So that's the guy who had the rock?

3 A Yes.

4 Q In the 911 call, I think you said he was 50s, 60s bald head,
5 maybe black jeans, blue and white shirt.

6 A Uh-huh,

7 Q Now, whether it was blue and white, and that's what you
8 remember, is that the person in the video who did the action with the
9 rock?

10 A Yes, it is. It was kind of dark outside and I did see him. I
11 knew exactly who it was.

12 Not by name or nothing. But when I said older guy, I don't know
13 how old he was, but he looked older at nighttime.

14 Q Was there something else --

15 A And --

16 Q Sorry.

17 A Oh, go ahead.

18 Q Was there something else about this guy physically that you
19 remember?

20 A I knew exactly who it was because me and my cousin got
21 into it with his girlfriend on the bus on the way to the strip.

22 Q Was that earlier in the day?

23 A No, it was like maybe a hour or so before this incident. A
24 hour or two, maybe.

25 Q So when you saw him an hour or two earlier in the day he

1 had a girlfriend with him?

2 A Yes.

3 Q Did he have a girlfriend with him later on?

4 A No.

5 Q All right. And --

6 A I didn't see him again until when he came to this area right
7 here.

8 Q When the bus stop -- sorry. On the bus when you got into it
9 or the girlfriend got into it, were you able to get a view and see this
10 person?

11 A Yes.

12 Q What were some physical characteristics about him that you
13 remember?

14 A His mouth and his eyes.

15 Q Can you explain the mouth for me?

16 A He was missing teeth.

17 Q And so Laresha, see this person, I want you to tell me, as he
18 walks off screen here, and that's at 12:45, I want to go -- do you
19 recognize the person here at 12:44?

20 A Yes, I do.

21 Q Who is it?

22 A The suspect.

23 Q And I'm going to fast forward a little bit here.

24 So when this person leaves the screen, tell me if you could,
25 in this next view when you can see that person again.

1 A Okay. He's walking out now. Over here on the right side.

2 Q Can you describe --

3 A He just passed the man.

4 Q Okay. That guy?

5 A Uh-huh.

6 THE COURT: Was that a yes?

7 THE WITNESS: Yes. Sorry.

8 THE COURT: No, that's okay.

9 BY MR. BROOKS:

10 Q Laresha, I want to show you --

11 MR. BROOKS: Your Honor, at this point in time the State
12 would request to play a portion of Exhibit 35, just for conditional
13 relevancy purposes that will be admitted through a witness -- two
14 witnesses from now.

15 THE COURT: Defense?

16 MR. MARGOLIS: No problem. No objection.

17 THE COURT: All right. Thank you. So that will be you can
18 publish that portion.

19 BY MR. BROOKS:

20 Q So I'm going to show you a portion of Exhibit 35.

21 [Whereupon, a video recording, State Exhibit 35, was played in
22 open court at 2:15 p.m. and ending at 2:16 p.m., and not transcribed]

23 BY MR. BROOKS:

24 Q Tell me if at any point in this video you see the guy who had
25 the rock?

1 A Yeah, he's crossing the street.

2 Q Do you see that little mouse in front of you?

3 THE COURT: The computer mouse on the table.

4 THE WITNESS: Oh, yes. Right there.

5 BY MR. BROOKS:

6 Q So that's the same guy who was at the bus stop with the
7 rock?

8 A Yes.

9 Q Laresha, about a year after this event, in April of 2021, did a
10 detective come visit you or come meet up with you?

11 A Yes, it was a guy and a female as I recall.

12 Q And when they did, did they show you what's called a six-
13 pack or a group of photos.

14 A Uh-huh. Yes, sorry.

15 THE COURT: It's okay. It's hard to get used to, but I just
16 have to remind you for the record. It's no big deal.

17 THE WITNESS: Okay. Yes.

18 BY MR. BROOKS:

19 Q Did they read you some instructions and talk to you about
20 the instructions.

21 A No, it wasn't no instructions. It was just a few questions.

22 MR. BROOKS: Permission to approach, Your Honor.

23 THE COURT: Yep.

24 BY MR. BROOKS:

25 Q Then, Laresha, is it fair to say that this interaction happened

1 on tape, so like there's an audio of you talking with the detectives, right?

2 A Right.

3 Q I want to show you the first page of Exhibit 90. Do you
4 recognize the handwriting on here?

5 A Yes, I do

6 Q And do you see -- I guess what I meant by instructions here
7 that you signed after.

8 A es.

9 Q Were these read to you?

10 A Yes.

11 Q That say, hey, you don't have to pick anyone, it's just as
12 important to free innocent people as it is to pick a suspect, all that kind of
13 stuff?

14 A Yes.

15 Q And then you signed and dated that you understood that?

16 A Yes.

17 Q After those were read to you, were a group of photograph
18 shown to you?

19 A Yes.

20 Q When the photographs were shown to you did you make an
21 identification?

22 A Yes, I did.

23 Q Who -- what slot did you choose?

24 A I choose the top slot, the second, the middle photo.

25 Q So 2, photo 2?

1 A Yes.

2 Q And you put your initials by there?

3 A Yes, I did.

4 Q Circle it?

5 A Yes, I did.

6 MR. BROOKS: Your Honor, at this point in time the State
7 moves for admission of Exhibit 90.

8 THE COURT: Mr. Margolis?

9 MR. MARGOLIS: No objection.

10 THE COURT: Okay. That will be admitted and if you need to
11 publish go ahead when needed.

12 [State's Exhibit 90 admitted into evidence]

13 BY MR. BROOKS:

14 Q Laresha, if you could, could you kind of read to us, kind of,
15 your description after picking number 2?

16 A I said I'm going with the number 2 in the lineup because I
17 feel like I remember him from his eyes being cockeyed. But like I said
18 before, it's been a while, but I feel like I'm sure enough to say it's him.

19 Q Thank you. And additionally, when speaking with detectives,
20 did you tell them also about the teeth or grill, I think you referred to it as?

21 A Yes, I did.

22 Q And Laresha, with that mouse, could you put it on the person
23 you identified.

24 THE COURT: Do you mind zooming in a little bit close, Mr.
25 Brooks?

1 MR. BROOKS: Sure.

2 THE COURT: Sorry. On my screen everything's really small.

3 Thank you.

4 BY MR. BROOKS:

5 Q And that's number 2, Laresha?

6 A Yes, sir.

7 Q Can I show you Exhibit 33, and could you explain for us do
8 you see -- it's not very clear here --the victim and the rock in this photo?

9 A Yes. He's sitting on the bench with his head down.

10 Q Let me see if I can alter the lighting. Well, that didn't help
11 now, did it.

12 MR. MARGOLIS: Kryptonite.

13 BY MR. BROOKS:

14 Q Well, Laresha, I was going to ask you could you describe for
15 us how big, with your hands, the rock was?

16 A Maybe about this big.

17 THE COURT: It was like a softball?

18 BY MR. BROOKS:

19 Q Sorry, could you --

20 A Maybe -- it was kind of shaped like a, like a seashell. You
21 know how it's kind of like sharp, but it's like -- it was like you can hold it
22 with one hand. It wasn't like a --

23 THE COURT: So just for the record, I don't know, I would say
24 bigger than a baseball, but maybe smaller than a softball? But you said
25 it's --

1 THE WITNESS: It was big like a softball, but it wasn't as
2 round. It was like, kind of like --

3 THE COURT: Got it. So sharp edged?

4 THE WITNESS: Yes.

5 THE COURT: It wasn't perfectly round?

6 THE WITNESS: Yes.

7 THE COURT: Maybe the size of a softball, but it had rough
8 edges.

9 THE WITNESS: Uh-huh.

10 THE COURT: Okay.

11 Thank you.

12 BY MR. BROOKS:

13 Q Laresha, I'm going to show you a few photographs, Exhibit
14 85, Exhibit 89, 62 and 60. So State's proposed 60, 62, 89 and 85. Do you
15 recognize the person depicted in these photographs?

16 A Yes, I do.

17 Q Who is depicted in these photographs?

18 A The suspect.

19 Q When you say suspect you mean the person who hit the guy
20 with the rock?

21 A Yes, I do.

22 MR. BROOKS: Your Honor, the State moves for admission of
23 60, 62, 89, and 85.

24 THE COURT: Mr. Margolis?

25 MR. MARGOLIS: No objection, Your Honor.

1 THE COURT: Okay. Those will be admitted. Publish when
2 necessary.

3 [State's Exhibit 60, 62, 89, 85 admitted into evidence]

4 MR. BROOKS: Your Honor, I might try to publish
5 electronically to remove the glare.

6 THE COURT: Okay.

7 BY MR. BROOKS:

8 Q Laresha, showing you Exhibit 85, is there something about
9 this person that helps or that is why you identified?

10 A Yes.

11 Q What is it?

12 A His mouth. I would say the mouth and eyes, but his eyes is
13 closed in this photo, but I know who it is.

14 Q Okay. I want to show you Exhibit 89. Do you recognize the
15 person depicted in this photograph?

16 A Yes.

17 Q And is this a better photo of the eyes?

18 A Yes.

19 Q Laresha, showing you Exhibit 60, do you see this person in
20 the left part of the screen?

21 A Yes, I do.

22 Q Is that the person that you identified?

23 A Yes, it is.

24 Q And so this photo is from July 26 at roughly 12:55 a.m.

25 A Uh-huh. I mean yes.

1 Q Is the person in the photograph wearing the same clothing as
2 the person at the bench stop?

3 A Yes.

4 Q And Exhibit 62, what are we looking at there?

5 A The same guy.

6 Q Okay. Now, Laresha, do you remember in the 911 call when
7 you said I'm not a witness or anything, I'm just calling to get paramedics
8 involved?

9 A Uh-huh. Yes.

10 Q Fair to say that you didn't want to be involved?

11 A Right.

12 Q Fair to say you don't want to be here today.

13 A Right.

14 Q And that I subpoenaed you and made you come here?

15 A Okay.

16 Q Is it true that in 2022 you were adjudicated guilty of battery
17 with substantial bodily harm here in the 8th Judicial District Court and
18 that's why you're in the clothing that you are in?

19 A Yes.

20 Q All that being said, that you don't want to be here, was the
21 man in the photographs that I just showed you, the man who hit the guy
22 in the head with the rock?

23 A yes.

24 MR. BROOKS: Thank you. Pass the witness.

25 THE COURT: Mr. Margolis, cross?

1 MR. MARGOLIS: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. MARGOLIS:

4 Q Good afternoon, Laresha.

5 A Good afternoon.

6 Q My name's Jason Margolis representing Andrew Young.

7 Thank you for being here today.

8 A No problem.

9 Q Now, I believe you said that you had pled guilty to a felony,
10 battery with substantial bodily harm earlier this year?

11 A Uh-huh. I mean yes.

12 Q Thank you. I wanted to talk a little bit about the 911 call that
13 you made. When you made that 911 call did you identify yourself?

14 A Yes, I did.

15 Q Did you identify yourself as Laresha Moore?

16 A No, I did not.

17 Q What name did you give?

18 A Keana.

19 Q And is Keana a relative of yours?

20 A Yes.

21 Q Why did you give the police a fake name?

22 A Because I had a warrant out for my arrest under my name.

23 Q Okay. I wanted to talk a little bit about your interview with
24 Detective Byrd and Sergeant Baker, remember that? It was a while ago, I
25 know.

1 A Yes.

2 Q Do you recall Detective Byrd letting you know that you're the
3 only eyewitness to this event?

4 A Yes.

5 Q How did it make you feel to learn that you were the only
6 eyewitness to Mr. Will being attacked that night?

7 A I don't really have a response. I mean I don't feel no type of
8 way.

9 Q Did you feel an obligation to testify?

10 THE COURT: To testify today or to speak to the police?

11 MR. MARGOLIS: I'm sorry, to testify today.

12 THE COURT: Okay, thank you.

13 THE WITNESS: Not necessarily.

14 BY MR. MARGOLIS:

15 Q Okay. Did Det. Byrd make you feel like you were critical to
16 his investigation during that interview?

17 A No, it was just questions asked.

18 Q Questions asked. Okay. Do you recall him asking you which
19 hand the suspect struck Mr. Will with?

20 A Yes.

21 Q Which hand the rock was in?

22 A Yes.

23 Q And I guess before I ask another question about that, how --
24 about how far would you say you were from where Mr. Will was sitting
25 on the bus bench?

1 A I was maybe two or three feet from the incident.

2 Q So really close, closer than you and I are right now?

3 A Uh-huh.

4 Q Okay. And do you recall noticing which hand the assailant
5 used with the rock?

6 A Well, it has been some time. When they asked the questions
7 if the incident was recent. It wasn't years later.

8 Q Sure, sure. If I told you that you told Det. Byrd you didn't
9 remember would you agree with me?

10 A Probably so.

11 Q You'd say that's probably right. Okay. You were with
12 someone else that night as well, right?

13 A Uh-huh. I mean yes.

14 Q It's okay. Did that person witness the event as well?

15 A Yes.

16 Q Did detectives ever speak with her-- I believe it was a her?
17 Right?

18 A Yeah, it was a her.

19 Q Did detectives ever speak with her?

20 A No, they repeatedly asked me for her information. I failed to
21 give it. She didn't want any parts of it.

22 Q Okay. But she saw it, right?

23 A Uh-huh. Yes.

24 Q And theoretically at least her account could be used to
25 corroborate your account.

1 A Yes.

2 Q Because you were both eyewitnesses.

3 A Standing right next to each other.

4 Q Okay. Do you recall if there were any other people milling
5 about the bus that might have seen it?

6 A Yeah, was the Strip. There was a lot of people out there.

7 Q Do you think other people did see it? Were the people
8 talking about it?

9 A I know for a fact that a lot of people saw it. It was a crowd.

10 Q And how long after the -- we'll call it the initial strike. How
11 long after the initial strike would you say that officers arrived?

12 A Probably like, may five-ten minutes later. Took a little minute
13 for the paramedics to come. But the officers, I don't know, maybe five,
14 ten minutes.

15 Q Okay. Most of the people that were then when Mr. --

16 A Scattered.

17 Q Sure. Most of them scattered, most of them did not hang
18 around?

19 A Uh-huh.

20 Q It looked like there were a couple of guys sitting on the bench
21 next to Mr. Will, do you remember that?

22 A Waiting on the bus, yes.

23 Q Okay. They saw the event?

24 A Yes.

25 Q Do you know if officers spoke to them then?

1 A I have no idea.

2 Q Okay. How was the lighting? This was like 12:45 at night,
3 right?

4 A I mean it's' the Strip, it's bright down there, but it's
5 nighttime.

6 Q So if this were at 12:00 noon as opposed to 12:45 a.m., do
7 you think you would have seen it better?

8 A Yes, I would say.

9 Q Okay. Now, you saw him walking away in the direction of
10 the Cosmopolitan, right the man that struck Mr. Will?

11 A Yes.

12 Q Okay. And you said that -- do you remember what you
13 thought he was wearing?

14 A Yes.

15 Q Was it pants or shorts, but I realized they were shorts. I know
16 they were black for a fact.

17 Q Okay. And do you remember what shoes he had on?

18 A I do not recall what I said.

19 Q Okay. Now, you said you saw him a couple of hours earlier
20 or two hours earlier on the bus?

21 A Uh-huh. Yes.

22 Q If you remember, I don't know if you can. Was he wearing
23 the same thing on the bus that he was wearing at the bus stop later?

24 A I'm not going to say yes or no, but I know for a fact that he
25 got off on the strip and I wasn't really paying attention to what he had on

1 on the bus.

2 Q Okay.

3 A It was crowded. I mean everybody's trying to get to the
4 Strip.

5 Q Do you remember if you told Detective Byrd about his hair
6 style?

7 A I said it was -- he was bald headed.

8 Q Okay. How about his age?

9 A I said he was around 50, 60. Like I said, it was nighttime I
10 didn't know exactly how old he was. I didn't know the guy. But --

11 Q All right, now, I understand. Let me ask you this: Would you
12 bet money -- we're in Vegas -- so would you bet money on the
13 descriptions that you were giving to Detective Byrd at the time?

14 A When I first gave the description I probably would have, but
15 later on down the line, I realized that the shirt was not white and blue,
16 but it looked like it at nighttime.

17 Q Now, I want to talk a little bit about the lineup. You
18 remember doing this lineup, right?

19 A Yes, I do.

20 Q Okay. And did you talk to Detective Byrd -- you talked to
21 Detective Byrd prior to doing this lineup, right?

22 A Uh-huh.

23 Q And do you recall --

24 A Yes.

25 Q -- telling Detective Byrd something about my client's eye

1 perhaps being an identifying characteristic --

2 A Yes, I did.

3 Q -- suspect's eye? Okay.

4 In the lineup --

5 MR. MARGOLIS: May I approach?

6 THE COURT: Yes.

7 BY MR. MARGOLIS:

8 Q Of the six people in that lineup who have an eye that catches
9 attention? Do all six? Do four of six? Do three of six?

10 A I would say just the one that I picked, No. 2.

11 Q Only number 2, right. And you let Detective Byrd know that
12 you thought that two things that you found memorable about the person
13 that hit Mr. Wil were that he had something with his eye and not great
14 dental --

15 A Terrific.

16 Q -- is that right?

17 A Correct.

18 Q And do you feel like Detective Byrd was pretty heavily
19 invested in you identifying someone? Do you think he really wanted you
20 to identify someone? If you don't know, you can say no.

21 MR. BROOKS: Objection, Judge. Speculation as to what
22 Detective Byrd wanted.

23 THE COURT: Sustained.

24 BY MR. MARGOLIS:

25 Q Did you feel any pressure to identify someone?

1 A No. He told me if I didn't know who it was, then I could say I
2 don't know who it was.

3 Q Okay. Were you given any promises or offered any leniency
4 in return for your testimony here today?

5 A Absolutely not.

6 Q And you don't want to be here today?

7 A I didn't want to be involved. I just wanted to help the guy
8 with the paramedics, but I got subpoenaed, so that's why I'm here.

9 Q I'm sorry. I didn't catch the last part.

10 A I got subpoenaed right there --

11 Q Subpoenaed.

12 A Okay.

13 Q Okay.

14 MR. MARGOLIS: Brief indulgence.

15 THE COURT: Okay.

16 [Pause]

17 MR. MARGOLIS: Couple more questions, and I'll let you go.

18 I appreciate your help.

19 BY MR. MARGOLIS:

20 Q On the -- one of the videos we saw, it looks as if you and
21 your companion were drinking that night. Were you drinking that night?

22 A Absolutely.

23 Q Okay. You were having a good time on the Strip, right?

24 A Uh-huh.

25 Q And how long had you been there that night prior to the

1 attack occurring at like 12:45, if you remember?

2 A I made it there around 10-something.

3 Q All right. So probably going on three hours of partying by
4 the time this happened, fair?

5 A When the incident happened, I was at the bus stop getting
6 ready to leave, waiting on the bus.

7 Q So you were basically ready to go home? The evening was
8 basically done --

9 A Uh-huh. Yes.

10 Q -- for you and --

11 A Yes.

12 Q -- your friend?

13 MR. MARGOLIS: Okay. Thank you. Pass the witness.

14 THE COURT: Mr. Brooks.

15 REDIRECT EXAMINATION

16 BY MR. BROOKS:

17 Q Laresha, I just want -- I'm a little confused, I want to have you
18 explain to us some of the process here. When Mr. Margolis was just
19 asking you about you telling detective about the jacked up grill and the
20 eyes --

21 A Uh-huh -- I mean yes.

22 Q -- had he already shown you photographs, or do you call
23 and say, hey, he's got jacked up grill and eyes, bring me photos of
24 someone like that?

25 A No, I said it before I seen any photos. I only seen photos one

1 time, which is the time that I circled the number 2.

2 Q Okay. And Laresha, do you know which one you say first if
3 you say the bad dental or if you say the comment about his eyes first?
4 Do you remember?

5 A I would say the eyes.

6 Q That's what you think right now remembering?

7 A Uh-huh.

8 Q Would it refresh your recollection possibly take a look at the
9 voluntary statement or the recorded interview from that day?

10 A Okay.

11 Q Laresha, if I can have you read to yourself, I'll start at the
12 bottom of page 6. And then I'm going to turn to the top of page 7. And
13 then, Laresha, I'm going to go to the bottom of page 8, and then lastly,
14 the second last thing you say on page 8.

15 A Okay.

16 Q Now, having reviewed the transcript, which did you tell Det.
17 Byrd about first when looking at the photos?

18 A It was his mouth.

19 Q You told him about his mouth first?

20 A Yes.

21 Q And fair to say that you don't even mention the eyes until
22 after you've already selected number 2 on this transcript?

23 A Uh-huh.

24 Q Is that a yes?

25 A It's a yes.

1 Q So you've already picked number 2 and then you're telling
2 him why you're making the selection?

3 A Correct.

4 Q And then, Laresha, I'm just confused. I want to show you
5 Exhibit 90 again.

6 Which one of these people's teeth is showing?

7 A None of them.

8 Q So when you selected number 2, was it based on your
9 memory of the person that night and what his teeth looked like?

10 A It was more of the face like it wasn't blurry then. I clearly
11 knew what he looked like. I didn't pick number 2 because of his mouth, I
12 picked him because of his eyes. I mean they all have a bald head, but I
13 knew who I was looking for.

14 Q Sure. In the transcript you talk about his mouth when telling
15 Det. Byrd about the suspect, right?

16 A Correct.

17 Q And you've not been shown a photo of anyone with a mouth
18 or teeth --

19 A Correct.

20 Q -- on this day. So was that from your actual memory of the
21 event on July 26th, 2020?

22 A Absolutely.

23 MR. BROOKS: Thank you. Nothing further.

24 THE COURT: Follow-up?

25 MR. MARGOLIS: Nothing, Your Honor.

1 THE COURT: Questions from the jurors?

2 Parties approach, please.

3 [Sidebar at 2:41 p.m., ending at 2:43 p.m., not transcribed -
4 indiscernible]

5 THE COURT: Okay. Now, a few questions from the jury.

6 Okay.

7 Number one. Do you recall the suspect wearing a mask
8 earlier on the bus?

9 THE WITNESS: There I would have been able to say so,
10 trying now, I do not remember.

11 THE COURT: You don't remember whether or not. When did
12 you first notice that he was missing the teeth?

13 THE WITNESS: On the bus.

14 THE COURT: On the bus ?

15 THE WITNESS: Yes.

16 THE COURT: Okay. Did you see the suspect pick up the
17 rock?

18 THE WITNESS: Yes, I did.

19 THE COURT: And if you did, where was it from?

20 THE WITNESS: It was just on the ground. It wasn't like a
21 thing of rocks; it was just there.

22 THE COURT: Okay. The question was did he already have it
23 with him, but it sounds like, no, he was on the ground.

24 THE WITNESS: No, he didn't. It was on the ground.

25 THE COURT: Did the victim seem intoxicated at all?

1 THE WITNESS: Probably so. I mean he's homeless, he
2 probably gets high.

3 THE COURT: Okay.

4 THE WITNESS: He was just picking through the food. He
5 wasn't really socializing.

6 THE COURT: So could you tell one way or the other if he
7 was intoxicated?

8 THE WITNESS: I would say he probably had a few beers, but
9 I didn't see him with it.

10 THE COURT: Okay. Did you see the suspect pick up the
11 rock?

12 THE WITNESS: Yes, I did.

13 THE COURT: Was his mouth showing during this incident as
14 well, during the rock incident as well?

15 THE WITNESS: Then I would have been able to say, but not I
16 don't remember.

17 THE COURT: Okay. Was the rock used before or after the
18 food or the trash was thrown away?

19 THE WITNESS: It was after. Because when he tossed -- he
20 hit him with the rock when the guy -- when the victim came around to
21 the back of the benches.

22 THE COURT: Okay. And had the food already been thrown
23 out by that time?

24 THE WITNESS: When he hit him with the rock, he didn't
25 have the food in his hand. He threw the food before he hit him with the

1 rock.

2 THE COURT: The suspect?

3 THE WITNESS: That's what made the victim charge towards
4 him like he did.

5 THE COURT: Okay. Did the suspect use the rock once the
6 victim came toward him after responding to his food being thrown
7 away?

8 THE WITNESS: Yes.

9 THE COURT: Yes?

10 THE WITNESS: Yes.

11 THE COURT: Okay. At that point in time, when the victim
12 goes to have his food -- or excuse me, to go toward the suspect, does the
13 suspect already have the rock?

14 THE WITNESS: Okay. When he went behind the bench,
15 that's 'when he picked up the rock.

16 THE COURT: Sorry, when you say he, tell me which one
17 you're talking about?

18 THE WITNESS: The suspect.

19 THE COURT: When the suspect went behind the bench?

20 THE WITNESS: Yeah, in the video when he went down like
21 that, that's when he grabbed the rock.

22 THE COURT: Okay. All right. Follow-up by the State?

23 MR. BROOKS: No, Judge.

24 THE COURT: Mr. Margolis?

25 MR. MARGOLIS: Nothing now, thank you.

1 THE COURT: All right. Thank you so much for being here
2 today. I appreciate it. Please don't share your testimony with anyone
3 else involved in the case because it is ongoing. Okay?

4 THE WITNESS: Okay.

5 THE COURT: Thank you, ma'am. I appreciate it.

6 All right. So ladies and gentlemen for any follow-up
7 questions that you have for the witnesses, just make sure that it's only
8 one question per page because I actually have to make a note for each
9 question. So just one question per page. You can do as many questions
10 as you want, they just have to be on separate pages. Okay?

11 State, next witness, please.

12 MR. BROOKS: The State calls Amber Stringer.

13 THE MARSHAL: Step in there, and remain standing and face
14 the clerk so she can swear you in. Thank you.

15 AMBER STRINGER, STATE'S WITNESS, SWORN

16 THE CLERK: Please be seated. Will you please state your
17 name and spell it for the record?

18 THE WITNESS: Amber Stringer, A-M-B-E-R S-T-R-I-N-G-E-R.

19 THE CLERK: Thank you.

20 THE COURT: State?

21 DIRECT EXAMINATION

22 BY MR. BROOKS:

23 Q Ms. Stringer, how are you employed?

24 A I'm employed with Las Vegas Metropolitan Police
25 Department in our Fusion Watch section.

1 Q Can you explain to us what Fusion Watch is?

2 A Fusion Watch is a real time crime center. So I'm responsible
3 for most of the real time information that goes through the department,
4 including surveillance footage with our public safety cameras.

5 Q And so because we're not really familiar with real time,
6 explain the difference, I guess, between what a real time monitoring is
7 and then what would be the other type?

8 A So real time just means, as far as surveillance is concerned, I
9 can watch the cameras actively as they're recording. I can also go back
10 and play them after the fact as well.

11 Q Now, when you say you can go back after the fact, how far
12 back can you go?

13 A We -- as long as if a video hasn't be flagged for evidentiary
14 purposes, our retention policy is 14 days.

15 Q And then it would just be deleted?

16 A It would just disappear.

17 Q When you say you can go back, can you only go back to
18 watch whatever the camera was on, you can't go back and manipulate in
19 real time, right?

20 A That's correct. It would only be recording whatever the
21 camera is facing. If I was watching in real time I could move the camera
22 PTZ, pan-tilt zoom. But after the fact, I can only watch what the camera
23 was facing.

24 Q And forgive me, I kind of jumped ahead, so explain to us how
25 Fusion Watch came into be. Like when exactly did it become a real unit

1 within Metro?

2 A I think it was probably about ten years ago when we first
3 started receiving grant funding for surveillance cameras on tourist
4 border and since then it's grown into a full-blown, real time crime center.

5 So I have surveillance cameras, I also work on real time
6 intelligence, gathering information for defend cases that are working,
7 events that are actively working in the Vallely.

8 Q So ten years ago -- and just ballpark it for us -- how many
9 cameras did you guys start with?

10 A I think they started with four cameras on the Strip.

11 Q Okay. And today how many cameras total does Fusion
12 Watch have?

13 A Across the Valley I have more than 400 cameras.

14 Q And how many were present roughly in July of 2020 for the
15 incident that we're here to talk about?

16 A More than 300.

17 Q And then how many of the -- let's go back to the 400
18 currently are on the tourist corridor Strip area?

19 A At least half of our cameras. So roughly 200 or so.

20 Q And then the other 200 where are they? Are they facing my
21 house? The Judge's house? Or --

22 A No. Most of our cameras are going to be in grant funded
23 areas. They're usually grant funded because they're high crime areas.
24 So they have a specific crime problem, whatever it might be.

25 Q And so is there a difference -- because now I'm getting a little

1 concerned -- is there a difference between traffic cameras that are always
2 going and Fusion Watch cameras?

3 A A little bit. The Fusion Watch cameras are run through
4 Fusion Watch, traffic cameras are run through, I believe, it's the
5 Department of Transportation. Those cameras don't retain any
6 information, they just actively record they're more for looking at traffic
7 patterns and things like that, and those are all in real time, they can't go
8 back and look at them. Fusion Watch is specifically public safety
9 cameras. We do have a 14-day retention policy. Those are operated by
10 Fusion Watch specifically.

11 Q And so, just for example purposes, let's pretend -- okay, do
12 you see the camera in the back of the room there?

13 A Yes.

14 Q So let's just pretend it was right on the witness stand right
15 now.

16 A Uh-huh.

17 Q And that's the only place it was, what would we call that kind
18 of camera?

19 A Just a fixed camera.

20 Q Fixed. Okay. Now, if that camera could move to the jury or
21 move here and then expand and zoom in, what do you call that?

22 A A PTZ or a Pantel zoom camera.

23 Q Now, the Fusion Watch cameras, are all of them PTZ?

24 A The vast majority of them are.

25 Q Now, is the entire Strip corridor or tourist corridor

1 completely covered or do you have blind spots?

2 A No, there's going to be natural blind spots. Especially with
3 the different buildings, landscape, lighting conditions. We have quite a
4 few blind spots.

5 Q I want to turn your attention to July 26th, 2020 for an incident
6 that brings you here to court today. Do you remember that?

7 A I do.

8 Q At some point were you asked to go back and kind of trace
9 the path of someone?

10 A Yes. Yes, I was.

11 Q Was this like the next day after the incident, was that what it
12 was?

13 A It was the morning after the incident occurred.

14 Q So let's go to the actual incident. At that point in time when
15 Fusion Watch was contacted, what would they have been contacted to
16 look at that night?

17 A I believe that they were asked to see if they had any coverage
18 of the actual incident that occurred. Which, from what I understand, was
19 a battery. And that was our graveyard shift that was working at that
20 time. They told the responding officers that they didn't have any
21 coverage of the area where the incident occurred.

22 Q Now, is that accurate that at night in that area you wouldn't
23 have been able to see anything?

24 A That's correct.

25 Q Had this been during the day is there a possible camera that

1 might have been able to pick something up?

2 A We have a high camera that's on top of one of the casinos
3 that can see that area. It's very, very high up so the people come out
4 really, really small if you're not actively working the camera. So they
5 may have seen like a disturbance or a scuffle, but we don't have a
6 camera that faces default where the incident occurred. So during the
7 day it may have gotten a very far shot where you could see something
8 happen, but probably not much detail.

9 Q Okay. And then the following day do then detectives kind of
10 say, hey, we have a path, will you see if you have video for a given
11 description?

12 A Yeah, they specifically asked me if I could find anything
13 leading up to the incident or after the incident. If I could find anybody
14 that matched the description that they had been given.

15 Q And could you kind of like roughly like give us the
16 description that you were looking for?

17 A I believe I was given by the detective that I was looking for a
18 heavy -- a medium build to heavy set BMA, tall with a gray shirt, and I
19 apologize, I don't remember the rest of the description off the top of my
20 head. But I went back to the actual call for service and to the report that
21 the patrol officers had taken after the incident occurred, to make sure
22 that I had the correct description.

23 Q And although it wasn't given to you in the initial description,
24 when you start viewing video surveillance do you subsequently have
25 some other characteristic or feature that you use to kind of follow the

1 suspect?

2 A Yeah. The person that I identified that also matched the
3 description was in a hurry. A few different times they were looking
4 behind them. They just stood out. They weren't going with the normal
5 flow of foot traffic at the time.

6 Q Was there also a black jacket that you were using?

7 A He did have a black jacket in his hand.

8 Q And in July of 2020 was it -- was there a real strong cold
9 streak or anything in Las Vegas?

10 A No.

11 Q Okay. Did you provide one, two, three, four, five, six, seven
12 different views of Fusion Watch cameras to detectives?

13 A Yes, that's correct.

14 Q Did you pull that off what's called evidence.com?

15 A Evidence.com is where I uploaded the footage, I pulled it off
16 of our Milestone program.

17 Q Okay. So you --

18 A I'm the one who places it on the evidence.com.

19 Q Okay. Perfect. And have you had a chance to review those
20 video clips that you provided?

21 A I have.

22 Q Do they fairly and accurately depict the events of July 26,
23 2020?

24 A They showed a subject who matched the description that I
25 was given, yes.

1 Q Yeah, I should have asked that differently. Do they fairly and
2 accurately depict the video that you viewed that --

3 A Oh, yes. They're the same videos.

4 MR. BROOKS: Your Honor, at this point in time, the State
5 moves for admission of Exhibit 35.

6 THE COURT: Mr. Margolis?

7 MR. MARGOLIS: No objection.

8 THE COURT: Okay. That will be admitted you can publish.

9 [State's Exhibit 35 admitted into evidence]

10 BY MR. BROOKS:

11 Q Ms. Stringer, I'm going to kind of have you do two things.
12 First, I'm going to have you explain what we're going to look at in
13 Google map type format.

14 A Okay.

15 Q So the first kind of click in time is marked Bellagio Paris
16 North Center Median. What does that mean?

17 A That's where the camera's located. So it's located in front of
18 the median that's in front of Bellagio and Paris, it's on the north side of
19 the center median.

20 Q And the timestamp that it's saved under is 7-26-2020,
21 12:45:09 a.m. What is that time referencing in the video?

22 A The time that I started the video to record. So the time when
23 the video was recording, if that makes sense.

24 Q Okay. So are you familiar with body cam?

25 A Yes.

1 Q In body cam is it -- is a timestamp actively on the top right
2 corner of body cam?

3 A Right. The way that this was exported through the Milestone
4 program I didn't have a timestamp that uploads on to the video. When I
5 upload the video it tells me what time the recording started. The time
6 that the recording is starting when I'm saving the video.

7 Q Got it. So the very first, I guess, second of the video is the
8 12:45:09 a.m. --

9 A That's correct.

10 Q -- in the first -- okay. If you could look at Exhibit 5 for us.
11 Tell us what we're about to see in the first Fusion Watch video.

12 A So looking at this camera are you asking me what --

13 Q Take that mouse -- sorry -- if you could.

14 A Oh, okay.

15 Q And tell us where you understood the event to occur and
16 where the first fusion watch camera could pick up a suspect.

17 A When the -- it was described to me that the event had
18 occurred near the bus stop in front of the Paris, which is right in this area
19 right here.

20 Q Okay.

21 A And then the camera that I picked up, starts to pick up right
22 around here on the north side of the Hexx bar.

23 THE COURT: Can you put that all on the record for me, Mr.
24 Brooks, please?

25 MR. BROOKS: Yes

1 The bus stop that you're referring to is the base of the Eiffel
2 Tower leg, and then the fusion watch camera she's referring to starts to
3 pick up roughly at the third or fourth umbrella of Hexx on the third or
4 fourth from the left.

5 THE COURT: All right. That is what the witness stated and
6 that's what the record will reflect. Okay.

7 MR. BROOKS: Playing Exhibit -- the Fusion Watch Exhibit 35.

8 [Whereupon, a video recording, State Exhibit 35 was played in
9 open court at 2:58 a.m., and not transcribed]

10 BY MR. BROOKS:

11 Q Ms. Stringer, will you alert us and use that mouse, if you
12 could, the first time you see something we need to know about?

13 A From when I was initially reviewing the video, I probably
14 didn't pick it up until he was a little bit closer to the light where I could
15 see a good, accurate description on the subj ct. But he's -- the person
16 that caught my eye that matched the description is this gentleman that's
17 walking southbound on the Boulevard in front of Hexx's where I'm
18 pointing now.

19 So once I was able to identify that he did match the description, he
20 wasn't going along with the normal flow of foot traffic, I was able to play
21 it back a little bit further to see when he first came into the frame.

22 Q Fair to say if we take that timestamp and add roughly, I don't
23 know, 18 seconds or so from when it starts, that would put us at roughly
24 12:45:27 a.m.?

25 A That's correct.

1 Q What is Bellagio-Paris Northeast Center that we're looking at
2 here?

3 A I think it was Northeast Corner.

4 Q Oh.

5 A So that is going to be -- that's where the camera's located.
6 The name that's there is going to be where the camera's located. So it's
7 located on the southeast corner of Paris and Las Vegas Boulevard.

8 Q And did we --

9 A I'm sorry, that's actually going to be the northeast corner.

10 Q If you could use the mouse and I'll rewind it real quick, just
11 show us what are we looking for here?

12 A So this is where the next camera picks up after the other one
13 leaves off, so I'm able to see the same gentleman continuing
14 southbound in front of Paris Drive, towards Planet Hollywood. I think it
15 was in this video as well where the gentleman looks behind him to make
16 sure almost looks to me like nobody's following him, and he continues
17 southbound.

18 Q So that's roughly about 12:45:56?

19 A That's correct.

20 [Video ended at 3:00 p.m.]

21 BY MR. BROOKS:

22 Q I want to flip to Exhibit 6, if I could. Tell us does this exhibit
23 show what we were just looking at?

24 A Yes, that's correct. The crosswalk that he was just crossing
25 in that video is going to be this crosswalk right here. So this camera's

1 facing south.

2 Q So it's that crosswalk up at the top of the photo?

3 A That's correct. Right here, this is the crosswalk that the
4 camera observes him walking through.

5 Q And where would the bus stop be on this photo?

6 A The bus stop would be right around here.

7 Q Okay. And where would that -- is that third or fourth
8 umbrella that you referred to that the last angle picked up?

9 A Yeah, that would be right around here.

10 [Whereupon, a video recording, was played in open court at 3:01
11 p.m., and not transcribed]

12 BY MR. BROOKS:

13 Q Moving to the C clip, what is Paris Southeast?

14 A So this is on the southeast corner of Paris and Las Vegas
15 Boulevard. Paris Drive is straight in front of you, Las Vegas Boulevard is
16 the street that runs north and south right there.

17 Q And so what time did this video start at?

18 A It looks like at 12:45:09.

19 Q If other video showed the instant occurring, you know, the
20 12:44-some-odd-seconds in and that person started walking, would be
21 see them this video?

22 A That would be reasonable to assume, yes, if they walked
23 southbound from where the incident occurred about a minute or so prior
24 to that would be easy to walk.

25 Q I'm going to start it here. If you could take the mouse and

1 show us the first time you kind of see someone.

2 A So right now I can see the gentleman that had headed in a
3 fight earlier, so that matching description he's walking through that
4 crosswalk right now.

5 Q And is this kind of the front view of him as opposed to the
6 back view we just recently saw?

7 A That's correct. You can -- these cameras would essentially
8 be facing each other, the camera that we were previously watching and
9 this camera right now. And then this is the same individual that was
10 walking.

11 Q If this camera started at roughly 12:45:09 a.m. and the video
12 and when he walked out of it, was it the one minute 14 second mark,
13 would that be roughly 12:46:23 a.m.?

14 A I think so.

15 [Video ended at 3:04 p.m.]

16 BY MR. BROOKS:

17 Q Okay. I'm showing you Exhibit 7. What are we looking at
18 here?

19 A This would be a southbound view of the intersection of
20 Harmon and the Boulevard.

21 Q And do you have cameras that cover this area?

22 A Yes, I do.

23 Q Where are these cameras positioned?

24 A I have several cameras in the area. I have what's called a
25 high cam over here, roughly located on the top of Planet Hollywood that

1 looks down on this area. And it gets a little bit of the escalator. I have
2 some cameras that cover the pedestrian bridge, they face down the
3 pedestrian bridge. And then I have a few more cameras down here on
4 this pole that face the intersection.

5 Q Is that on the ground level?

6 A Yes

7 [Whereupon, a video recording, was played in open court at 3:04
8 p.m., and not transcribed]

9 BY MR. BROOKS:

10 Q Okay. I'm going to show you Harmon North, corner of
11 Harmon and see if you tell us when you kind of see the suspect here, the
12 person you're looking for.

13 A Sometimes it's easier once they come into the light and then
14 I can backtrack. But I believe it's this individual right here.

15 Q Is it fair to say this video started at 12:48:34 a.m.?

16 A It that's what the timestamp says. I can't see it, but yes, it
17 would be whatever the timestamp is listed. And so this gentleman just
18 got on to the escalator here and that is the same gentleman that I was
19 following previously. This video is not quite as clear as the previous
20 video, but I was able to confirm that this was the same individual
21 because I cross referenced it with another view of our cameras.

22 Q And that time stamp that I referred to, the 12:48:24 --

23 A That's the time that the video is covering. That's the time
24 video is covering, when it starts.

25 Q Now, when you looked at all these different clips, does the

1 time overlap make sense and match up --

2 A Yes.

3 Q -- as far as we'll start -- what was that?

4 A Yes.

5 Q Okay.

6 A So this is the camera I'm able to cross-reference that it's the
7 same individual. You can see that he's walking in the same manner. He
8 has the same outfit, and he's carrying the same black jacket.

9 Q You've got to cross reference the times that a person gets on
10 the first stair of the escalator first and they match up between the two
11 different views?

12 A Yes.

13 Q Tell me when you see the person on the bridge in which
14 direction.

15 A So the individual just got to the top of the pedestrian bridge
16 from that escalator, and he turns right. So he heads westbound towards
17 the Cosmopolitan Hotel.

18 And then he basically walks out of frame here. He walks
19 behind the palm tree; you can see him from just a quick second
20 continuing westbound.

21 [Video ended at 3:07 p.m.]

22 BY MR. BROOKS:

23 Q The next angle that I'm going to play for you did you
24 subsequently learn that a portion of the top of this file was corrupted?

25 A Yes. I did. When I was asked to review the footage, I was

1 unable to open the file from our personal hard drive -- I'm sorry, from the
2 work hard drive at Fusion Watch and then I also tried to review from
3 evidence.com. I was unable to pull the file.

4 Q So this could crash, this shot, but we're going to give it a
5 shot.

6 A Okay.

7 Q And Ms. Stringer, when I say, when we were talking about
8 corrupted, is it this top portion?

9 A No. Actually, that's a feature that's baked in by our TAZ unit.
10 The lights that come off of that building right there are very, very bright,
11 and so they block them off so that it doesn't interfere with the video
12 recording.

13 [Whereupon, a video recording, was played in open court at 3:08
14 p.m., and not transcribed]

15 BY MR. BROOKS:

16 Q Okay. And what's our time stamp on this angle.

17 A Looks like 12:49:40 a.m.

18 Q And this is the pedestrian Harmon north bridge facing east?

19 A Yes.

20 Q Tell me when you see the suspect here. Do you want me to
21 rewind it?

22 A Yes, please. So he's behind this individual in the white shirt
23 right here. It's really difficult to see him. But he's right here.

24 Q Do you have a camera angle that faces the other way on that
25 bridge?

1 A Yes.

2 Q Showing you the west facing angle. I'm going to fast
3 forward about a minute into it.

4 A I see the individual I was watching before right now. He's
5 walking right here. He has the black jacket in his hand, same T-shirt,
6 same bright white shoes. And he's continuing westbound across the
7 pedestrian bridge.

8 Q And fair to say that, based on the timing of the video and
9 when the time stamp starts, this is roughly when we see him 12:50:10
10 a.m.?

11 A That's correct.

12 Q Now, when viewing this, what are you looking for to confirm
13 one way or the other for the next step?

14 A So I'm obviously looking for the same clothing description.
15 This individual had a particular gait in the way that they walked. In the
16 beginning he was walking much faster than the rest of the flow of traffic
17 which made him stand out quite a bit to me. His shoes were very bright
18 white, and I was able to pick those up in each of the videos as well.

19 [Audio ended at 3:11 p.m.]

20 BY MR. BROOKS:

21 Q And at this point in time when it's kind of at the end of this
22 bridge, so let's go to Exhibit 8, is this kind of a Google Earth depiction of
23 what we just saw?

24 A Yes.

25 Q So use the mouse to say, to tell us when you can't see, you

1 know, on this bridge what is the next step you're looking for as far as the
2 next camera, and what do you do?

3 A So there's quite a bit of a glare in this area and I have a
4 difficult time picking up our suspect, or the individual that I was
5 following. He after the high cam -- so the high cam that we viewed
6 before this; I could see him pretty well up until he's blocked by these
7 palm trees right here.

8 I was able to zoom the video in and I checked on the staircase
9 down here to see if I had a subject matching the description come down
10 the staircase, and I did not see anyone matching that description go
11 down the staircase. I also am able to see this portion of the pedestrian
12 bridge that goes north-south between Cosmo and Crystals, and I did not
13 see anybody matching the description cross over this pedestrian bridge.

14 So it was reasonable to believe that he probably had walked into
15 the Cosmopolitan at that point.

16 Q Do you alert detectives to follow up with Cosmopolitan at
17 that point because that's where you would guess that the next path
18 would have led?

19 A Yes, I suggested that they follow up with the Cosmopolitan.

20 MR. BROOKS: Thank you. Nothing further. Pass the
21 witness.

22 THE COURT: Mr. Margolis, on behalf of Defense?

23 MR. MARGOLIS: Thank you.

24 CROSS-EXAMINATION

25 BY MR. MARGOLIS:

1 Q All right. Officer Stringer, you said Fusion Watch today is
2 about 400 cameras?

3 A Yes. I'm a specialist, I'm not an officer.

4 Q I'm sorry. I apologize.

5 A It's okay.

6 Q I didn't mean offense.

7 A No, you're fine.

8 Q At the time of this incident, the approximate number you
9 believe was in excess of 300?

10 A Yes.

11 Q And the vast majority of that 300, two out of three, 200-plus --
12 or you know what, I probably screwed the numbers up. Of the 400
13 that existed that you believe that 220 are on the Strip corridor; is that
14 correct?

15 A At least half are in our tourist corridor.

16 Q Fair to assume that that's the same in the summer of 2020?

17 A It was a little bit less back then, but yes.

18 Q But the percentage was?

19 A Yes.

20 Q Okay. And of all of those Fusion Watch videos that we just
21 reviewed with you, none of them showed the incident, correct

22 A That's correct.

23 Q Okay. And I know at one point we pick up, I want to say it's
24 the third pillar outside of that restaurant, Hexx, I believe it is.

25 Approximately, if you know, what is the distance from the bus stop

1 where the incident occurred to where we first pick up the person that you
2 were following on that video at that third pillar? Because it seems like
3 it's certainly more than my height, but I don't know what that distance is.

4 A I don't know exactly what the distance would be. You can
5 actually see far off in the distance in that video. There's a dark area, and
6 that's where the bus stop is located down there, but it's dark because it's
7 the lighting in the area and how far the camera is.

8 MR. MARGOLIS: Okay. Thank you.

9 THE WITNESS: You're welcome.

10 THE COURT: State, anything?

11 MR. BROOKS: No, Judge.

12 THE COURT: Any questions from jurors? Okay. Thank you.
13 Please approach, please.

14 [Sidebar at 3:15 p.m., ending at 3:16 p.m., not transcribed -
15 indiscernible]

16 THE COURT: All right. Was there anyone else that fit the
17 description you were given during your investigation?

18 THE WITNESS: I did not notice anybody else that fit the
19 description.

20 THE COURT: Follow up by the State?

21 MR. BROOKS: No, Judge.

22 THE COURT: Follow up, Mr. Margolis?

23 RE-CROSS-EXAMINATION

24 BY MR. MARGOLIS:

25 Q When you say description, I mean, I guess my question

1 would be -- and I know it's a juror's question -- you see any other bald
2 black men between five-eight and six-one on the various angles you
3 looked at?

4 A Not that was wearing the same clothing, no.

5 Q Okay. And by that clothing, what specific items of clothing
6 are we talking about? The black jacket that was being held and the
7 bluish, grayish shirt, the shorts, all of the above?

8 A The description that was given to me by the detectives and in
9 the report. Which included that he was holding a jacket, and that he had
10 on, I think it was gray is how it was described. I don't remember the
11 exact description off the top of my head.

12 Q And I'm not trying to be difficult. There have just been other
13 descriptions of both.

14 A Sure.

15 MR. MARGOLIS: Thank you.

16 THE WITNESS: Uh-huh.

17 THE COURT: All right. Thank you so much. Please don't --

18 MR. BROOKS: Judge, can I follow up on that?

19 THE COURT: Yeah, that's great.

20 MR. BROOKS: Sorry.

21 THE COURT: That's okay.

22 REDIRECT EXAMINATION

23 BY MR. BROOKS:

24 Q Ms. Stringer --

25 A Yes?

1 Q -- is it fair to say you've never seen any other video survey
2 once as far as from Paris or Cosmo or anything like that?

3 A I did not view any of their surveillance.

4 Q And to this day have you seen anything else about this case
5 other than your Fusion Watch video?

6 A No, only my video.

7 Q Ms. Stringer, I want to play a portion of Exhibit 9 for you.

8 A Okay.

9 Q It is video surveillance --

10 A And let me correct my last statement now that I'm thinking
11 about it. A detective did show me the picture -- after the fact he showed
12 me the picture of the subject that I was tracking walking into the
13 Cosmopolitan. Just to compare that the person that they had picked up
14 that was walking into the Cosmopolitan was the same person that I had
15 been following on surveillance. But I did not view any other surveillance
16 photos -- surveillance videos.

17 Q Okay. So you've seen some photo of a Cosmo video
18 surveillance, but nothing from Paris?

19 A Nothing from Paris, no. Only Cosmo, and that was after I
20 had already pulled the video that I had found.

21 Q Okay, I want to play a portion of Exhibit 9, and I want to
22 direct your attention to this person and ask you some questions about it.

23 [Whereupon, a video recording, State Exhibit 9 was played in open
24 court at 3:19 p.m., and not transcribed]

25 BY MR. MARGOLIS:

1 Q Ms. Stringer, fair to say you can't represent whether it's
2 accurate or not, but the timestamp here is roughly 12:44 a.m.?

3 A Yes.

4 Q I'm going to fast forward briefly here. We are now at
5 12:44:58 a.m. to 12:45 a.m. right now. See the person right here?

6 A Yes.

7 Q Do you recognize what restaurant or is --

8 A That appears to be the Hexx Bar.

9 Q With the --

10 A The umbrellas that I had pointed out in my previous video.

11 Q So right here at 12:45:37 do you see this person?

12 A Yes.

13 Q Do you believe that that is the same clothing and jacket at
14 least of the person you followed on your video surveillance?

15 A Yes.

16 Q And would the timestamps roughly match up also, as far as
17 12:45:37 a.m. with the first view that we saw with the umbrellas?

18 A I don't remember the exact timestamp of my video, but it
19 was around the same time.

20 Q Okay. Yours is just clearer footage.

21 A Yeah, I mean it's from a better quality camera.

22 Q Okay. Thank you.

23 A You're welcome.

24 MR. BROOKS: Nothing further.

25 [Audio ended at 3:21 p.m.]

1 THE COURT: Anything based on that, Mr. Margolis?

2 MR. MARGOLIS: Sure.

3 FURTHER RECROSS-EXAMINATION

4 BY MR. MARGOLIS:

5 Q What was the better quality camera that you were pointing
6 out there? Was that one of yours or that wasn't one of yours?

7 A The first videos that we viewed, those were Metro owned
8 cameras, those are my cameras.

9 Q Right.

10 A Yes.

11 Q And that last one that we just saw that was a better picture
12 and that wasn't yours?

13 A Those are worse pictures that we just saw. My cameras are
14 the better quality, so they were a bit more clear. But the ones that I just
15 watched, I've never seen those before. I'm assuming they're from the
16 Paris and those are a lower quality video.

17 Q And I'm sorry if you've already answered this, but I don't
18 know that I got the answer clearly in my own mind. Whom gave you the
19 description of what you were to look for in the Fusion?

20 A I was contacted by detectives that were following up. He
21 gave me the description. I verified the description, I looked at the
22 original call for service of the CAD details on the description that was
23 given by witnesses that were there at the event. And then I also
24 doublechecked and cross-referenced it with our -1 report which was the
25 report that was written by officers.

1 Q The responding officers at the scene?

2 A That's correct.

3 MR. MARGOLIS: All right. Thank you.

4 THE WITNESS: You're welcome.

5 THE COURT: We've had a little bit of Q and A since you guys
6 have had an opportunity to write questions. Was there any other
7 questions that you wanted to ask Amber?

8 All right. Did you have follow-up?

9 MR. BROOKS: Just one.

10 THE COURT: That's fine.

11 FURTHER REDIRECT EXAMINATION

12 BY MR. BROOKS:

13 Q P-1 officer reports aren't just officers at the scene, they would
14 be detective reports that were put into P-1, correct?

15 A They could be, yes. Detectives can update or change a report
16 past their investigation, yes.

17 FURTHER RECROSS-EXAMINATION

18 BY MR. MARGOLIS:

19 Q Okay. I'm not -- I promise I'm not trying to be difficult; it just
20 comes by me naturally. I don't think my question is terribly complicated.
21 But it might be because it seems like you reviewed more than I
22 necessarily thought you reviewed or there were more cooks in the
23 kitchen. I guess we've gone through a lot of evidence and there were
24 various descriptions given by various people on the scene. Some of
25 whom were under various levels of inebriation and maybe weren't the

1 most accurate authors. Okay?

2 So you know, one thing specifically, were you looking for a man in
3 pants or were you looking for a man in shorts? Were you focused on a
4 guy cruising about with a black jacket, because there are various
5 descriptions given by various people and I'm just trying to get a picture
6 of whom told you what to look for, because I'm pretty sure whomever
7 communicated it to you first --

8 THE COURT: Okay. Wait. So this has become a very long
9 question.

10 MR. MARGOLIS: You're right. You're right.

11 THE COURT: And very complex and layered. So I'd like to
12 have it just broken for her.

13 MR. MARGOLIS: You're right.

14 BY MR. MARGOLIS:

15 Q Mr. Brooks said it wasn't necessarily going to be solely
16 responding officers whom we've heard from in court today. Right? It
17 wasn't necessarily going to be solely that. There could also be
18 responding detectives that would have contributed to the information
19 that you received. And if you don't know, you don't know and at this
20 point I wouldn't blame you if you didn't. But --

21 MR. BROOKS: Judge can we approach for a minute?

22 [Sidebar at 3:24 p.m., ending at 3:25 p.m., not transcribed -
23 indiscernible]

24 BY MR. MARGOLIS:

25 Q I'll sum it up here. You received information from more than

1 just, say Officer Henry and Officer Shin, you received a compendium of
2 the description associated with the event?

3 A Yes.

4 MR. MARGOLIS: Fair enough. Thank you very much.

5 THE COURT: You can finish. Did you have further?

6 THE WITNESS: No. I just -- whenever I saw the information I
7 got from the detective I believe was after they reviewed footage from the
8 Paris, I believe. But any time I'm given a description by a detective, I'm
9 also going to go back to the original call and I'm also going to go back to
10 my P-1 report to make sure I have all of the information and then I can
11 look for things on my video based on the totality of facts. Not just what
12 I'm given by one area, if that make sense.

13 MR. MARGOLIS: It does. Thank you very much for
14 clarifying. I appreciate it.

15 THE COURT: All right. Please don't share your testimony
16 with anyone else that's involved in the case because the trial's still
17 ongoing, but you are excused. Thank you for being here.

18 THE WITNESS: Thank you.

19 MS. SULLIVAN: And Your Honor, the State calls William
20 Roed.

21 THE MARSHAL: Step in there, remain standing, raise your
22 right hand and face the clerk so she can swear you in.

23 WILLIAM ROED, STATE'S WITNESS, SWORN

24 THE CLERK: Thank you. Be seated. Will you please state
25 your name and spell it for the record?

1 THE WITNESS: William Norman Roed, W-I-L-L-I-A-M N-O-R-
2 M-A-N R-O-E-D.

3 THE CLERK: Thank you.

4 DIRECT EXAMINATION

5 BY MS. SULLIVAN:

6 Q Sir, how are you employed?

7 A Wonderful. How are you?

8 Q How are you employed. I'm sorry.

9 A Oh, I'm sorry. I am a security investigator at the
10 Cosmopolitan of Las Vegas.

11 Q And where exactly is the Cosmopolitan located?

12 A It's at 3708 Las Vegas Boulevard South.

13 Q Is that on Las Vegas Strip?

14 A On the Strip.

15 Q And is that in Clark County, Nevada?

16 A It is.

17 Q And so what are some of your job duties?

18 A I investigate all non-gaming interactions within the property.

19 And we assist LVMPD in any actions they may have outside of our
20 property that individuals may enter our property.

21 Q And directing your attention to July 26th, 2020 and the days
22 following, were you approached by a detective from Metro to see if you
23 had any video footage of a suspect from an attack at the Paris?

24 A I was.

25 Q And approximately when was that?

1 A About I believe it was around 0700 on the morning of the
2 26th.

3 Q And what information were you provided?

4 A I was given a description of a black male adult, about five-
5 foot-seven to five-foot-ten, wearing a gray shirt, black shorts, unknown
6 shoes and bald headed.

7 Q And were you able to locate him based on the description
8 you were given?

9 A I was able to find an individual entering my skybridge doors
10 which are located on the bridge adjacent to Planet Hollywood and to
11 Aria, but in our property. I sent a copy of that -- a snapshot of that
12 individual to Detective Mildebrandt from LVMPD, and he confirmed that
13 this was my individual, and asked me to save any and all video I could.

14 Q And so were you able to view video surveillance from this
15 case?

16 Q And did that fairly and accurately depict the video footage
17 that you provided to Metro in the case?

18 A It did.

19 MS. SULLIVAN: And Your Honor, I just have a statement in
20 State's Proposed Exhibit 46.

21 THE COURT: Okay.

22 MR. MARGOLIS: No objection.

23 THE COURT: Okay. That will be admitted, if you need to
24 publish, go ahead.

25 [State's Exhibit 46 admitted into evidence]

1 [Whereupon, a video recording, State Exhibit 46 was played in
2 open court at 3:30 p.m., and not transcribed]

3 BY MS. SULLIVAN:

4 Q Mr. Roed, what's this camera viewing?

5 A This is the entrance door to the skybridge, and the exit door
6 is the door where you can either come from Aria or you can come from
7 the Planet Hollywood side and enter my property.

8 Q Okay. We can see a timestamp imprinted on this video. Is
9 that timestamp accurate?

10 A It is.

11 Q And is the date accurate as well?

12 A It is.

13 Q And is it accurate for all the cameras in your system?

14 A Yes, it is.

15 Q And so it looks like at approximately 12:52 a.m., was that the
16 individual you were looking for entering the stores?

17 A That is the picture that I sent to LVMPD, Detective
18 Mildebrandt.

19 Q And then what is this camera viewing?

20 A This is the walkway just inside of the doorway which houses
21 our retail outlet on -- we call it Podium Level 2.

22 Q And how about this camera?

23 A This is a secondary view of the same Podium Level 2 retail
24 outlet walkway.

25 Q And is this the same individual that you were following?

1 A It is.

2 Q And what are we looking at now?

3 A This is the walkway in front of what we call Chandelier

4 Number 2. It is the Podium Level 2 walkway again, and it shows the

5 retail outlets, and it shows the escalator that goes from Podium Level 2

6 down to Podium Level 1.

7 Q And is this the escalator that you're talking about?

8 A That is.

9 Q And is that the same individual that --

10 A It is.

11 Q -- you're following? And where does this escalator lead

12 down to?

13 A It will lead down to the casino floor adjacent to Chandelier

14 Number 1 and then from there you can either exit out Las Vegas

15 Boulevard doors, or you can make a U-turn around the escalator, and it

16 will take you to what we call the northeast doors. The end of casino

17 floor.

18 Q And looking at the timestamp it looks like it's approximately

19 at best I can see [indiscernible] that you were previously talking about.

20 A This is.

21 Q And do you see the same individual?

22 A I do. He's exiting the escalator the present time.

23 Q All right. Where is he even going [indiscernible]?

24 A This individual is turning and making the U-turn and appears

25 to be headed towards my northeast doors.

1 Q And do you see that individual depicted in this video?

2 A He is. That is him -- that is the gentleman walking towards
3 the northeast exit doors.

4 Q And where do the northeast exit door take you?

5 A It will take you out to a road that we call North Road. It also,
6 if you cross over North Road, it will take you to the Bellagio. Or you can
7 go to the right and come all the way back down Las Vegas Boulevard
8 towards the skybridge again.

9 Q And where is this camera located?

10 A It is just on top of the doors, headed out northeast doors.

11 Q Okay. And so if someone were to exit the northeast doors
12 and go towards the Bellagio, would there also be a view of the Paris?

13 A There would be.

14 Q And now what are we looking at?

15 A This would be the top camera showing North Road, and the
16 exit out of northeast doors.

17 Q So those doors on the left, are they doors the we saw in the
18 previous --

19 A They are.

20 Q And what are we looking at now?

21 A This is the front view from a camera across North Road, and
22 it shows the northeast doors, and the adjacent areas to the northeast
23 doors

24 Q And Mr. Roed, I want to address your attention to the statue
25 on the left hand side of the video. If someone were standing at that

1 point, and facing across the street, which you referenced as the Bellagio,
2 would they be able to see the Paris?

3 A They would.

4 Q And would an individual be able to see the Paris from inside
5 the northeast doors on this side?

6 A It would be a little obstructed, but he still could see across
7 the street.

8 Q And just for clarification, these are those same northeast
9 doors that we were --

10 A They are.

11 Q -- previously talking about? And just a different view of
12 those same doors.

13 A Yes, this is the closeup view of the northeast door.

14 Q And does this appear to be the same individual you have
15 been following?

16 A It does.

17 Q Is it fair to say that the individual is now back inside the
18 Cosmopolitan?

19 A He is.

20 Q And is this the escalator we previously saw?

21 A Yes.

22 Q And then the camera goes back to the top of those
23 escalators.

24 A It is.

25 Q Now, is this the same individual you've been following?

1 A It is.

2 Q Where is he now?

3 A He's back on the Podium Level 2 walkway.

4 Q Is it fair to say this individual is just essentially retracing the
5 same path they took into the Cosmopolitan?

6 A He is.

7 Q And looking at the portion of the video, is this the same
8 doors by [indiscernible]?

9 A They are.

10 Q And based on the timestamp and the day, it looks as though
11 the individual leaves at approximately 12:58 a.m. Is this when you kind
12 of lose the individual?

13 A I lose direct coverage of the individual at this time. However,
14 there is this camera that just popped up where I can -- from a distance I
15 can see the individual still walking.

16 Q And what is this camera shot?

17 A This is up on the top of our Boulevard pool deck, and it is a
18 shot that was created so that we could see any interactions on the bridge
19 to a certain extent.

20 Q And so in this video we see sort of a V of the bridges, the
21 portion of the bridge that's in the left side of the video, where does that
22 lead do?

23 A That would lead back to Planet Hollywood and then you
24 could go northbound on to the strip.

25 Q And then the portion closer to us in sort of the bottom right-

1 hand portion of the video, where does that go?

2 A That would take you to Crystals and into Aria.

3 Q So Mr. Roed, they took a review of this surveillance video.

4 Does the individual who you were following appear to conduct any
5 business inside the Cosmopolitan?

6 A Not at all.

7 Q And are these cameras we've been looking at, are they fixed
8 cameras or PTZ cameras?

9 A They are fixed cameras.

10 Q And can you sort of explain what a fixed camera is?

11 A It's a camera that has a direct shot. During the shot you can
12 only -- you can't manipulate the camera to move in a right or left
13 direction. It can only show you the actual footage of what you're looking
14 at.

15 [Video ended at 3:40 p.m.]

16 BY MS. SULLIVAN:

17 Q And does the Cosmopolitan also have any 360 cameras?

18 A It does.

19 Q What is a 360 camera?

20 A A 360 degree camera can be utilized to do a complete 360
21 view of the casino floor. Or the area that the camera is located at. And
22 during review and during recording we can move that camera to find
23 anyone we're looking for.

24 Q Okay. But that can be done actually later on?

25 A Yes.

1 Q And did you provide any 360 camera footage to Metro in this
2 case?

3 A Yes, I did.

4 Q And looking at the screen does this appear to be the camera
5 footage you provided?

6 A It does.

7 Q And so, as you can see, the footage is being manipulated at
8 this time, not because you said that's something that can be done later?

9 A That is correct.

10 [Whereupon, a video recording, was played in open court at 3:41
11 p.m., and not transcribed]

12 BY MS. SULLIVAN:

13 Q We'll take the time stamp is approximately 12:55:47. Do you
14 see the individual that you were following?

15 A Yes, I do.

16 Q Which direction does he appear to be walking?

17 A He's coming from the Northeast doors and headed back into
18 the casino.

19 Q And Mr. Roed, is this that big camera, just with a different
20 timestamp?

21 A It is.

22 Q And this looks like it's approximately 12:54:07?

23 A Yes.

24 Q And do you see then the individual in this camera footage.

25 A Yes, he's on the left-hand side passing the trash cans.

1 Q Which direction does he appear to be walking?

2 A He's coming from the casino floor and is headed toward the
3 northeast doors.

4 [Video ended at 3:43 p.m.]

5 MS. SULLIVAN: Your Honor, I have shown Defense Counsel
6 what's been marked as State's Proposed Exhibits 47 through 59, 61, 63,
7 64, 65 through 71. May I approach?

8 [State's Exhibit 47-59, 61, 63, 64, 65-71 marked for identification]

9 THE COURT: Yes.

10 BY MS. SULLIVAN:

11 Q Sir, I'm handing you some photographs, if you could look
12 through them and let me know when you're finished. Thank you. Now,
13 do those appear to be stills from the surveillance video we just watched?

14 A They are.

15 Q And do they fairly and accurately depict the images in the
16 surveillance video we just watched?

17 A They do.

18 MS. SULLIVAN: Your Honor, at this point, I would move to
19 admit State's Proposed Exhibits 47 through 59, 61, 63 through 71.

20 THE COURT: Mr. Margolis?

21 MR. MARGOLIS: No objection, Your Honor.

22 THE COURT: Okay. Those will be admitted.

23 [State's Exhibit 47-59, 61, 63-71 admitted into evidence]

24 BY MS. SULLIVAN:

25 Q And Mr. Roed, I'm going to show you State's Exhibit 47. Is

1 this the individual you were following on the surveillance video?

2 A It was.

3 Q And State's Exhibit 54. Is this also -- show the individual you
4 were following?

5 A It does.

6 Q And State's Proposed 69 -- or, I'm sorry, State's Exhibit 69. Is
7 that also the individual you were following?

8 A It is.

9 MS. SULLIVAN: Pass the witness.

10 THE COURT: Mr. Margolis?

11 MR. MARGOLIS: No questions. Thank you.

12 THE COURT: Any questions from the jury?

13 Sir, thank you so much for coming in today. Please don't
14 share your testimony with anyone else involved in the trial as it is
15 ongoing. Thank you. You are released.

16 THE WITNESS: Thank you so very much.

17 MR. BROOKS: Your Honor, we have one more for today. Do
18 you want to do a bathroom break, or do you want us to just go right into
19 it?

20 THE COURT: Oh, I'll just risk it. Do you guys need a break?
21 You want to push through one more witness? Or -- okay. They want to
22 keep going.

23 MR. BROOKS: The State calls Detective Liske.

24 THE COURT: And then can the parties please approach while
25 Detective Liske is coming to the stand?

1 [Sidebar at 3:47 p.m., ending at 3:48 p.m., not transcribed -
2 indiscernible]

3 SANDEEP LISKE, STATE'S WITNESS, SWORN

4 THE CLERK: Please be seated. Will you please state your
5 name and spell it for the record?

6 THE WITNESS: Yes. Sandeep Liske, S-A-N-D-E-E-P Liske L-I-
7 S-K-E

8 THE CLERK: Thank you.

9 THE COURT: All right.

10 Ladies and gentlemen of the jury, before we hear testimony
11 from Detective Liske, I need to read you the following jury instruction.

12 Evidence such as video surveillance and photographs of the
13 Defendant, other than that for which he is on trial for, if believed, are not
14 to be received and may not be considered by you to be prove that he is a
15 person of bad character or to prove that he has a disposition to commit
16 crimes. Such evidence is received and may be considered by you only
17 to for the limited purpose of proving the Defendant's identity,
18 appearance or likeness during the summer of 2020. You must weigh this
19 evidence in the same manner as you do all other evidence in the case.

20 All right. State, whenever you're ready.

21 DIRECT EXAMINATION

22 BY MR. BROOKS:

23 Q Detective Liske, how are you employed?

24 A I'm a detective with LVMPD

25 Q And in what capacity, meaning -- sorry. What area

1 command?

2 A Southeast Area Command.

3 Q And what type of -- are you a patrol detective?

4 A Yes, sir.

5 Q So could you explain to us like what you did prior to being a
6 detective, what's the first step?

7 A Patrol officer.

8 Q And tell us the difference between kind of a patrol officer and
9 a detective.

10 A So a patrol officer, when there's a call for service, they're the
11 first ones on scene. They do the preliminary investigation, and then, if
12 there's no arrests made on scene, it gets handed off to a detective, and
13 the detective will follow up with that case.

14 Q And roughly, let's say three, four, years back, did -- or five
15 years, however long it's been, did Metro undergo a process of
16 decentralization?

17 A Yes, they did.

18 Q Explain to us what decentralization is and why that kind of
19 altered the detective bureaus.

20 A Sure. So when Sheriff Lombardo got elected, he chose to
21 decentralize the detective units. Whenever a case would get sent off, it
22 would go to headquarters and so he decentralized into area commands.
23 And the reason for that is he wanted the detectives to -- it's for
24 community building. He wanted the detectives to have more contact
25 with the community, be more familiar with the community, be more

1 familiar with business owners, victims, and suspects and witnesses.

2 Q And so, just so we understand, let's say murder or sexual
3 assault, are those still centralized?

4 A Yes, they are.

5 Q So if a murder occurs or sexual assault occurs they go to a
6 specific centralized detective bureau that works out of headquarters?

7 A Yes, they do.

8 Q And then other bureaus, detective bureaus, were
9 decentralized and put into area commands so that you would be doing
10 crimes in your various areas?

11 A That is correct.

12 Q You said southeast or south central?

13 A Southeast.

14 Q Southeast. What roughly in the geographic regions is that?

15 A So that the north border is Charleston, the south border is
16 Russell, the east border is the mountains, and the west border is Pecos.

17 Q And regardless of whether, you know, decentralization is
18 completely good, are there some benefits to it?

19 A Yes. Like I said before, you have more contact with the
20 community in which you serve. So for example, I work southeast, so I
21 speak with business owners, I have more contact with the victims as
22 opposed to if I was centralized, I have more contacts with suspects,
23 witnesses, et cetera.

24 Q So fair to say sometimes people are more forthcoming with
25 you because they've seen you whether that's witnesses or business

1 owners.

2 A That's correct.

3 Q Additionally, are you able to assist in identifications based
4 on, you know, being in interactions with people throughout the
5 community on a more regular basis in a confined area?

6 A Yes. Do you recall becoming part of an investigation during
7 the summer of 2020 that brings us here to court today?

8 A Yes.

9 Q And is it fair to say that your role within the investigation was
10 with regard to identification and some of your familiarities of likeness,
11 appearance and the depiction of a given suspect?

12 A Yes.

13 Q Do you see anyone here in court today that was relevant to
14 your investigation back in the summer of 2020?

15 A Yes.

16 Q Could you please point to that person and identify an article
17 of clothing they're wearing?

18 A Yes. White shirt.

19 MR. BROOKS: Your Honor, let the record reflect an
20 identification of the Defendant.

21 THE COURT: It shall.

22 BY MR. BROOKS:

23 Q So based on, you know, your involvement, are you familiar
24 with the appearance, likeness, stature, and movement of the Defendant,
25 Andrew Young?

1 A Yes.

2 Q I want to show you a few still shots of various video
3 surveillance showing you Exhibit -- Proposed Exhibit 88, 87, and 86. Do
4 you recognize the person depicted in those photographs?

5 A Yes, I do.

6 Q Who's depicted in those photographs?

7 A Andrew Young.

8 MR. BROOKS: Your Honor, State moves for admission of 86,
9 87 and 88.

10 THE COURT: Mr. Margolis?

11 MR. MARGOLIS: No objection.

12 THE COURT: Okay. Those will be admitted, and you can
13 publish if needed.

14 [State's Exhibit 86-88 admitted into evidence]

15 BY MR. MARGOLIS:

16 Q Detective, we've had some kind of issues with the glare, so
17 I'm going to publish 86 via computer here. Showing you Exhibit 86,
18 which is still photograph from July 8, 2020. Is that fair?

19 A Okay.

20 Q And Detective, who did you identify depicted in this photo?

21 A Andrew Young.

22 Q And then showing you 87, is that from July 29th, 2020?

23 A Yes.

24 Q And showing you what is from July 23rd, 2020, do you
25 recognize the person depicted there?

1 A Yes.

2 Q So now that we've looked at these three photographs, could
3 you please just briefly describe the people having looked at these
4 photographs or surveillance or interacted with Mr. Young like you have
5 and explain what it is you see?

6 A Yeah. So his body shape, build, his bald head, his teeth, he's
7 missing some teeth. He has a lazy eye or his eye -- lazy eye. And then
8 also he has -- looks like a Bluetooth headset or headphones around his
9 neck.

10 Q Fair to say those headphones are quite frequently depicted
11 on Mr. Young in the photos from the summer of 2020?

12 A Yes.

13 Q Do you see the outfit and clothing here on July 29, 2020?

14 A Yes.

15 Q With the shoes, are you familiar with this outfit and those
16 shoes?

17 A I am familiar with the shoes.

18 Q And have you seen Mr. Young wear those shoes frequently
19 in the summer of 2020?

20 A Yes.

21 Q And is the just be July 8th, 2020, photograph, can you see
22 the headphones here?

23 A Yes.

24 Q Would you use that mouse in front of you and who us?

25 Thank you.

1 MR. BROOKS: And now, the Court is -- I want to make sure
2 something's admitted before I show it. Is Exhibit 89 and 85, they were
3 admitted earlier?

4 THE COURT: 85 is, yes.

5 MR. BROOKS: Permission to publish, Your Honor.

6 THE COURT: Yes.

7 BY MR. BROOKS:

8 Q Detective, I'm going to take Exhibit 85 and zoom in a bit.
9 Would you use the mouse and escribe what you see here in this
10 photograph?

11 A Yeah. His teeth, the missing teeth; his bald head; looks like
12 those Bluetooth headphones or headset.

13 Q And who's depicted here?

14 A Andrew Young.

15 Q In Exhibit 89, also from July 8th, 2200, do you recognize the
16 person depicted here?

17 A Yes. Andrew Young.

18 Q Have you seen this outfit -- the headphones the glasses, and
19 cargo shorts?

20 A Yes.

21 Q Detective Liske, I'd like to approach so I can show you a
22 portion of video surveillance for authentication purposes. Detective
23 Liske, I'm going to show you a portion of video surveillance on Exhibit
24 79, marked July and August of 2020. Do you recognize the person
25 depicted in this video surveillance?

1 A Yes, sir.

2 Q Who is it?

3 A Andrew Young.

4 Q Does it fairly and accurately depict him in the summer
5 months of 2020?

6 A Yes, it does.

7 Q And the first clip was from July 23rd, second clip was from
8 August 1st, and this third clip from July 22nd, 2020, is that fair?

9 A Yes.

10 MR. BROOKS: Your Honor, at this point the State moves for
11 admission of this clip on Exhibit 79.

12 THE COURT: Mr. Margolis?

13 MR. MARGOLIS: No objection, Your Honor.

14 THE COURT: Okay. That will be admitted. You can publish.

15 [State's Exhibit 79 admitted into evidence]

16 [Whereupon, a video recording, State Exhibit 79 was played in
17 open court at 4:00 p.m., and not transcribed]

18 BY MR. BROOKS:

19 Q Detective Liske, did you see the headphones in that photo?

20 A Yes.

21 Q Or that video? Now, we've moved to August 1st, do you see
22 headphones again?

23 A Yes.

24 Q Showing you a clip from July 20, 2020, do you recognize
25 anything there?

1 A Yes. The shoes and the clothing.

2 Q And also from July 20, 2020, are the shoes depicted there?

3 A Yes.

4 [Audio ended at 4:01 p.m.]

5 BY MR. BROOKS:

6 Q Detective Liske, I want to show you a portion of Clip C from
7 Paris Southeast Camera on Exhibit 35. Let me know if you recognize the
8 person -- anyone in this video.

9 [Whereupon, a video recording, was played in open court at 4:02
10 p.m., and not transcribed]

11 A Yes. It's Andrew Young walking right --

12 Q Where your mouse is entering the crosswalk now at the one
13 minute mark or in the --

14 A Yes.

15 Q Or in the crosswalk instead of the one minute mark. Is
16 Andrew Young wearing the same or similar clothing as some of the
17 video surveillance we just saw?

18 A Yes.

19 Q With the same shoes?

20 A Yes.

21 [Video ended at 4:02 p.m.]

22 BY MR. BROOKS:

23 Q Lastly, I want to show you a portion of video surveillance
24 from Cosmopolitan on July 26, 2020.

25 [Whereupon, a video recording, State's Exhibit 46, was played in

1 open court at 4:03 p.m., and not transcribed]

2 BY MR. BROOKS:

3 Q I'm playing Exhibit 46. I want you to watch some of this
4 video and let me know if you can identify anyone in here.

5 A Andrew Young right where my mouse is.

6 Q That's the person come from the top of the screen walking
7 towards, I guess, the bottom of the screen?

8 A Yes.

9 Q And I'll just fast -- I'll leave it here. Is it fair to say you're
10 familiar with the cadence and kind of unique walk that Mr. Young has?

11 A Yes.

12 Q Do you see it in the video surveillance depicted here and
13 some of the other places we watched at?

14 A Yes.

15 Q Are the headphones in the video surveillance of Cosmo that
16 we just saw?

17 A I wasn't paying attention to that.

18 Q I'll rewind.

19 UNIDENTIFIED SPEAKER: I'm sorry, Your Honor, he said, I
20 wasn't?

21 THE WITNESS: I wasn't paying attention. Yeah, they appear
22 to be.

23 BY MR. BROOKS:

24 Q And were the shoes the same?

25 A Yes.

1 MR. BROOKS: Thank you. Nothing further, Your Honor.

2 [Video ended at 4:04 p.m.]

3 THE COURT: Mr. Margolis?

4 MR. MARGOLIS: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. MARGOLIS:

7 Q Detective Liske, you're familiar with Mr. Young?

8 A Yes.

9 Q You reviewed surveillance from the summer of 2020?

10 A Yes.

11 Q And you highlighted during your direct testimony that Mr.
12 Young commonly was wearing the same pair of Nike sneakers in those
13 surveillance tapes that you saw.

14 A Yes.

15 Q And he usually had headphones around his neck?

16 A Yes.

17 Q Did you know Mr. Young to have a permanent address?

18 A I did not.

19 Q Okay. So would you quarrel if I told you that Mr. Young was
20 homeless for periods of time, including sometime during the summer of
21 2020?

22 A It wouldn't shock me, no.

23 Q It wouldn't shock you. In your experience as a detective
24 encountering people that are living on the street, are -- if you know, and
25 if you don't you can say you don't -- are they more or less likely to be

1 wearing the same articles of clothing --

2 A Usually --

3 Q -- when you arrive?

4 A Usually the same.

5 Q Okay. And those Nike shoes, are they particularly rare?

6 A I would say, no, they're not rare.

7 Q Okay. And those headphones, are those some special, like
8 \$500 Dre beats Smile or anything like that?

9 A They don't appear to be.

10 MR. MARGOLIS: All right. Thank you.

11 THE COURT: Anything else?

12 MR. BROOKS: No, Judge.

13 THE COURT: Anything from the Jurors?

14 Parties approach, please.

15 [Sidebar at 4:06 p.m., ending at 4:07 p.m., not transcribed -
16 indiscernible]

17 THE COURT: All right. Detective Liske, thank you much for
18 being here. Please don't share your testimony with anyone else
19 involved in the trial. You are excused.

20 THE WITNESS: Oh, thank you.

21 THE COURT: Thank you. All right.

22 Ladies and gentlemen, that's it for witnesses today, right,
23 State?

24 MR. BROOKS: Yes, Judge.

25 THE COURT: Okay. All right.

1 Ladies and gentlemen, we will come back tomorrow morning
2 at 9:00 a.m. During this recess you must not discuss your or
3 communicate with anyone, including fellow jurors, in any way regarding
4 the case or its merits either by voice, phone, email, text, internet or other
5 means of communication or social media.

6 Please do not read, watch or listen to any news or media
7 accounts or comments about the case. Do any research, such as
8 consulting dictionaries, using the internet or using reference material.
9 Please do not make any investigations, test the theories of the case,
10 betray any aspect of the case or in any other way attempt to learn or
11 investigate the case on your own. And please do not form or express
12 any opinion on this matter until it's formally submitted to you.

13 See you tomorrow morning at 9:00 a.m. Thank you.

14 THE MARSHAL: Make sure we leave your notebooks here.

15 All rise.

16 [Jury out at 4:09 p.m.]

17 [Outside the presence of the jury]

18 THE COURT: So tomorrow we will do the State's remaining,
19 I believe they said three witnesses, and then we'll send them off to a
20 lunch. Did you tell me those three are quick or one small one or?

21 MR. BROOKS: Well, the CSA is really quick. One officer is
22 decently quick, it's just the incident at the Walmart for identification.
23 And then one is a detective who is longer, who is the case agent.

24 THE COURT: So could it get to me to somewhere near the
25 lunch hour, so we can settle jury instructions?

1 MR. BROOKS: Oh, yeah, yeah, yeah.

2 THE COURT: All right. All right. So we will do those
3 witnesses, and then we will settle jury instructions at lunch. So just
4 make sure that you have the opportunity to look through the jury
5 instructions tonight or get me yours, Mr. Margolis, just in case there's
6 any that we need to research or look at.

7 And then Mr. Young, I need to go over your waiver of right to
8 testify with you at this point in time, okay.

9 So, Mr. Young, under the Constitution of the United States
10 and under the Constitution of the State of Nevada, you cannot be
11 compelled to testify in this case. Do you understand that? You have to
12 just answer out loud.

13 THE DEFENDANT: Yes.

14 THE COURT: Thank you. You may, at your own request,
15 give up this right and take the witness stand and testify. If you do, you
16 will be subject to cross-examination by the Deputy District Attorney and
17 anything that you may say, be it on direct or cross-examination, will be
18 the subject of fair comment when the Deputy District Attorney speaks to
19 the jury in his and her final argument. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: If you choose not to testify, the Court will not
22 permit the Deputy District Attorney to make any comments to the jury
23 you have not testified. Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: If you elect not to testify, the Court will instruct

1 the jury, but only if your attorney specifically requests as follows: The
2 law does not compel a defendant in a criminal case to take the stand and
3 testify, and no presumption may be raised, and no inference of any kind
4 may be drawn from the failure of a Defendant to testify. Do you have
5 any questions about these rights?

6 THE DEFENDANT: No.

7 THE COURT: You are further advised that if you have a
8 felony conviction and more than ten years has not elapsed from the date
9 you have been convicted or discharged from prison, parole, or
10 probation, whichever is later, and the Defense has not sought to
11 preclude this from coming in before the jury, and you elect to take the
12 stand and testify, the Deputy District Attorney, in the presence of the
13 jury, will be permitted to ask you the following and only the following.

14 Number one, have you been convicted of a felony? Number
15 two, what was the felony? And, number three, when did it happen?
16 However, no further details may be gotten into. Do you understand all of
17 that, sir?

18 THE DEFENDANT: Yes. And do you have any questions for
19 the Court in regards to any of that?

20 THE DEFENDANT: No. Can I ask my attorney something
21 first?

22 THE COURT: Of course. Yeah.

23 [Defendant and his counsel confer]

24 MR. MARGOLIS: He understands.

25 THE DEFENDANT: Yeah. Yeah, I understand what you're

1 saying.

2 THE COURT: Okay.

3 THE DEFENDANT: Yeah.

4 THE COURT: Okay. Sounds good.

5 All right, guys. So I will see you tomorrow morning at 9:00
6 a.m. Mr. Margolis if there's any instructions you want to proffer, can you
7 email them to me tonight, so I can make sure and look.

8 MR. MARGOLIS: At the top of your head, do you know is
9 there a mere presence instruction out of Nevada or is it just the Ninth
10 Circuit mere presence instruction?

11 THE COURT: I thought that there was a Ninth Circuit mere
12 presence.

13 MR. BROOKS: The mere presence instruction usually
14 accompanies a [indiscernible] pleading with conspiracy liability,
15 obviously.

16 THE COURT: Or like a possession charge. Like possession of
17 drugs in a car, you know, or --

18 MR. BROOKS: Like a constructive possession?

19 THE COURT: Yeah, or we just had one in a homicide where
20 there were two people in the house that used it.

21 MR. MARGOLIS: That's the one that jumps to mind that I
22 would like included, if we can find it. I'll try to find it.

23 THE COURT: Okay.

24 MR. BROOKS: And, Judge, just so -- and, Mr. Margolis, the
25 reason I went into that decentralization thing was to try to head off, as

1 much as possible, the association with prior crimes. And that's kind of
2 why I said, oh, so you knew people in the community that didn't --

3 MR. MARGOLIS: It didn't work. But, yeah, no I appreciate it.


4 MR. BROOKS: That's what that -- that's what that whole line
5 of questioning was.

6 THE COURT: Okay. Got it. We can go off.

7 [Proceedings concluded at 4:14 p.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-visual recording of the proceeding in the above entitled case to the best of my ability.



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Jessica B. Cahill, Transcriber, CER/CET-708