

1 YAMPOLSKY & MARGOLIS
2 MACE J. YAMPOLSKY, ESQ.
3 Nevada Bar No. 001945
4 JASON R. MARGOLIS, ESQ.
5 Nevada Bar No. 012439
6 625 South Sixth Street
7 Las Vegas, Nevada 89101
8 (702) 385-9777; Fax: (702) 385-3001
9 Attorney for Appellant

Electronically Filed
Sep 01 2022 09:18 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 IV

15
16
17 **JASON R. MARGOLIS, ESQ.**
18 625 South Sixth Street
19 Las Vegas, Nevada

ALEXANDER CHEN
District Attorney

20 **AARON FORD**
21 Attorney General for the State of Nevada

22
23 ATTORNEY FOR APPELLANT
24 **ANDREW YOUNG**

ATTORNEYS FOR RESPONDENT
THE STATE OF NEVADA

ALPHABETIC APPENDIX FOR APPELLANT'S APPENDIX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>DOCUMENT</u>	<u>VOLUME</u>	<u>PAGE NOS.</u>
Amended Judgment of Conviction (Jury Trial) filed March 8, 2022	I	AA 001-AA 008
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
3	Second Superseding Indictment		
4	filed April 26, 2021	IV	AA 658-AA 663
5	State's Opposition to Defendant's Motion to Sever		
6	filed March 11, 2021	IV	AA 664-AA 709
7	State's Notice of Motion and Motion in		
8	Limine to Admit Evidence Under Res Gestae or		
9	Evidence Related to Other Crimes		
10	filed March 29, 2021	IV	AA 710-AA 730
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 44 ¹		

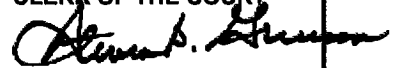
1 Videos referenced herein are/were trial exhibits, and a Motion for an Order Directing Production by the district court below is pending before this Court.

INDEX FOR APPELLANT'S APPENDIX

<u>DOCUMENT</u>	<u>VOLUME</u>	<u>PAGE NOS.</u>
Indictment filed September 10, 2020	I	AA 009-AA 011
Superseding Indictment filed October 1, 2020	IV	AA 731-AA 738
Reporter's Transcript of Proceedings Superseding Indictment filed October 13, 2020	IV	AA 550-AA 657
Motion to Sever Counts filed February 28, 2021	I	AA 012-AA 022
State's Opposition to Defendant's Motion to Sever filed March 11, 2021	IV	AA 664-AA 709
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
Order Granting Defendant's Motion to Sever Counts filed April 6, 2021	I	AA 038-AA 041
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 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
Second Superseding Indictment filed April 26, 2021	IV	AA 658-AA 663
Third Amended Superseding Indictment filed February 2, 2022	IV	AA 739-AA 747
Verdict filed February 10, 2022	IV	AA 748-AA749
Amended Judgment of Conviction (Jury Trial) filed March 8, 2022	I	AA 001-AA 008
Notice of Appeal filed March 15, 2022	I	AA 023-AA 024

1	Recorder's Transcript of Jury Trial - Day 1 filed April 18, 2022	I	AA 046-AA 205
2			
3	Recorder's Transcript of Jury Trial - Day 2 filed April 18, 2022	II	AA 206-AA 393
4			
5	Recorder's Transcript of Jury Trial - Day 3 filed April 18, 2022	III	AA 394-AA 543
6			
7	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
8			
9			
10	Video Excerpts: Trial Exhibits 1-34, 36, 37 and 44 ²		
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			

² Videos referenced herein are/were trial exhibits, and a Motion for an Order Directing Production by the district court below is pending before this Court.



12:00

1

EIGHTH JUDICIAL DISTRICT COURT

2

CLARK COUNTY, NEVADA

3

4

12:00

5

THE STATE OF NEVADA,)

6

Plaintiff,)

7

vs.)

GJ No. 19BGJ189X

8

ANDREW YOUNG,)

DC No. C350623

9

Defendant.)

12:00

10

11

12

Taken at Las Vegas, Nevada

13

Wednesday, September 30, 2020

14

8:48 a.m.

12:00

15

16

17

18

REPORTER'S TRANSCRIPT OF PROCEEDINGS

19

12:00

20

SUPERSEDING INDICTMENT

21

22

23

24

12:00

25

Reported by: Danette L. Antonacci, C.C.R. No. 222

12:00 1 GRAND JURORS PRESENT ON SEPTEMBER 30, 2020
2
3 STEVE LURVEY, FOREPERSON
4 TIARA COSENTINO, Deputy Foreperson
12:00 5 NOEL WELLMAN SMITH, Secretary
6 DANIEL STACK, Assistant Secretary
7 JOHN FINKOWSKI
8 PAUL GILLENWATER
9 MARK GOODMAN
12:00 10 JEFFREY GRUBER
11 DAVID HACKETT
12 JEFF HILL
13 CRISTAL HINOJOSH CRUZ
14 TAMMY KRAUS
12:00 15 JOHN PELKEY
16 GERALD REID
17 MANOLO SAENZ
18 SUSAN ZEMAN
19
12:00 20 Also present at the request of the Grand Jury:
21 Noreen DeMonte, Chief Deputy District Attorney
22
23
24
25

12:00	1	<u>INDEX OF WITNESSES</u>	
	2		<u>Examined</u>
	3		
	4	RHONDA KAY HATCHER	8
12:00	5	MARY CAMPO	15
	6	JOYCE MALONE	25
	7	MARCIA MARTINEZ	28
	8	LYDIA HEFNER	33
	9	VIANCA ESKILDSEN	37
12:00	10	JOANNE FRANK	44
	11	MARKEE DANIEL	49
	12	BARBARA BOWEN	53
	13	KRISTEN TROCK	59
	14	JANELLE PHUNG	65
12:00	15	SERRY MELLO	71
	16	MONTHO BOONE	78
	17	TINA LEIGH	84
	18	BARBARA ANGERSBACH	90
	19	ROBERT BURKHOLDER	95
12:00	20	TRENT BYRD	100
	21		
	22		
	23		
	24		
	25		

		<u>INDEX OF EXHIBITS</u>	
12:00	1		
	2		
	3	<u>Grand Jury Exhibits</u>	<u>Identified</u>
	4	1A - PROPOSED SUPERSEDING INDICTMENT	6
12:00	5	2 - INSTRUCTIONS	7
	6	3 - PHOTOGRAPH	103
	7	4 - SURVEILLANCE VIDEO	25
	8	5 - PHOTOGRAPHS	17
	9	6 - BANK OF AMERICA EMAIL	20
12:00	10	7 - 7-ELEVEN RECEIPT	29
	11	8 - SURVEILLANCE VIDEO	30
	12	9 - PHOTOGRAPHS	30
	13	10 - SURVEILLANCE VIDEO	39
	14	11 - PHOTOGRAPHS	34
12:00	15	12 - SURVEILLANCE VIDEO	12
	16	13 - PHOTOGRAPHS	10
	17	14 - SURVEILLANCE VIDEO	50
	18	15 - PHOTOGRAPHS	45
	19	16 - RECEIPT	60
12:00	20	17 - SURVEILLANCE VIDEO	61
	21	18 - PHOTOGRAPHS	61
	22	19 - TRANSACTION RECORD FOR VISA CARD PURCHASE	66
	23	20 - SURVEILLANCE VIDEO	67
	24	21 - PHOTOGRAPHS	67
12:00	25	22 - SURVEILLANCE VIDEO	74

12:00	1	23 - PHOTOGRAPHS	75
	2	24 - RECEIPT	62
	3	25 - SURVEILLANCE VIDEO	62
	4	26 - PHOTOGRAPHS	63
12:00	5	27 - TRANSACTION RECORD FOR VISA CARD	68
	6	28 - SURVEILLANCE VIDEO	68
	7	29 - PHOTOGRAPHS	68
	8	30 - SURVEILLANCE VIDEO	86
	9	31 - PHOTOGRAPH	88
12:00	10	32 - SURVEILLANCE VIDEO	96
	11	33 - PHOTOGRAPHS	97
	12	34 - TRANSCRIPT	6
	13		
	14		
	15		
	16		
	17		
	18		
	19		
	20		
	21		
	22		
	23		
	24		
	25		

12:00

1

LAS VEGAS, NEVADA, SEPTEMBER 30, 2020

2

* * * * *

3

4

DANETTE L. ANTONACCI,

12:00

5

having been first duly sworn to faithfully

6

and accurately transcribe the following

7

proceedings to the best of her ability.

8

9

MS. DEMONTE: Good morning ladies and

08:48

10

gentlemen. My name is Noreen DeMonte, chief deputy

11

district attorney, here on a superseding Indictment on

12

19BGJ189X charging defendant Andrew Young with burglary,

13

larceny from the person-victim 60 years of age or older,

14

grand larceny, fraudulent use of a credit card, battery

08:49

15

with use of a deadly weapon resulting in substantial

16

bodily harm, and attempt murder with use of a deadly

17

weapon, committed between June 29th and August 9th of

18

this year. May the record reflect that a copy of the

19

superseding Indictment has been marked as Grand Jury

08:49

20

Exhibit Number 1A. Also a copy of the transcript from

21

our previous proceedings has been marked as Grand Jury

22

Exhibit Number, we'll call the transcript 1B. No?

23

Transcript will be marked Grand Jury Exhibit Number 34.

24

For the record the instructions on all the

08:50

25

offenses have been marked as Grand Jury Exhibit

08:50 1 Number 2. I will pass those around for you guys to read
2 throughout the presentation. Does anyone wish for me to
3 read those aloud to you before we get started?

4 Hearing no response. We're going to go
08:50 5 ahead and get started. The first witness we're going to
6 take out of order cause she's on the video and this is
7 regarding Count 7 and 8 for the members of the Grand
8 Jury. Her name is Rhonda Kay Hatcher.

9 Rhonda, do we have you? Hold on.

08:51 10 IT TECH BALGAME: Hold on for a second.

11 Rhonda, are you there?

12 THE WITNESS: Yes, ma'am.

13 IT TECH BALGAME: Okay. Cool.

14 MS. DEMONTE: All right.

08:51 15 THE FOREPERSON: Please raise your right
16 hand.

17 You do solemnly swear the testimony you are
18 about to give upon the investigation now pending before
19 this Grand Jury shall be the truth, the whole truth, and
08:51 20 nothing but the truth, so help you God?

21 THE WITNESS: Yes.

22 THE FOREPERSON: Is that a dog?

23 THE WITNESS: Yeah, we're going to put her,
24 I've already told her to stop and my daughter is taking
08:52 25 her out of the room.

08:52 1 THE FOREPERSON: Thank you.

2 THE WITNESS: You're welcome.

3 THE FOREPERSON: You are advised that you

4 are here today to give testimony in the investigation --

08:52 5 THE WITNESS: One moment.

6 Problem solved.

7 THE FOREPERSON: Okay.

8 You are advised that you are here today to

9 give testimony in the investigation pertaining to the

08:52 10 offenses of burglary, burglary, larceny from a

11 person-victim over 60 years of age, grand larceny,

12 fraudulent use of credit or debit card, battery with use

13 of a deadly weapon resulting in substantial bodily harm,

14 attempt murder with use of a deadly weapon, involving

08:53 15 Andrew Young.

16 Do you understand this advisement?

17 THE WITNESS: Yes, sir.

18 THE FOREPERSON: Please state your first

19 and last name, spell both for the record.

08:53 20 THE WITNESS: Rhonda R-H-O-N-D-A, Hatcher,

21 H-A-T-C-H-E-R.

22 THE FOREPERSON: Thank you.

23 RHONDA KAY HATCHER,

24 having been first duly sworn by the Foreperson of the

08:53 25 Grand Jury to testify to the truth, the whole truth,

08:53 1 and nothing but the truth, testified as follows:

2 EXAMINATION

3

4 BY MS. DEMONTE:

08:53 5 Q. And Rhonda, is your middle name Kay?

6 A. Yes.

7 Q. Now Rhonda, I want to direct your attention
8 to July 8th of this year. Were you here in Las Vegas,
9 Clark County, Nevada?

08:53 10 A. Yes, ma'am.

11 Q. And was it for a vacation?

12 A. Yes, ma'am.

13 Q. And where were you staying?

14 A. (Unintelligible.)

08:53 15 Q. Can you repeat which casino you were
16 staying at?

17 A. Caesars casino.

18 Q. Caesars Palace?

19 A. Yes, ma'am.

08:54 20 Q. And when you were checking into the hotel,
21 did something unusual happen?

22 A. Uhm, not when I was checking in. It was my
23 last night there.

24 Q. Okay. And what happened on your last night

08:54 25 there? And your last night there was July 8th; correct?

08:54 1 A. Yes, ma'am. Uhm, I got on the elevator
2 with my mom who was a little slow because she was using
3 her walker and she was tired and two gentlemen got in
4 with us. And when they got in one stood on one of the
08:54 5 spots near the buttons and the other one stood on the
6 other side with the buttons and the one on the right of
7 me kept saying he couldn't see, he couldn't see, did I
8 push the 31st floor, and I moved up and told him yes,
9 and he kept saying well, I can't see, I can't see. The
08:55 10 one on the left in front of me just stood perfectly
11 still, didn't help him with his question or anything.
12 When I got off the elevator, my mom got off, uhm, I was
13 more interested in her, making sure she got off
14 correctly, and I was bumped by the one on the right.

08:55 15 Q. You just said I was something by the one on
16 the right.

17 A. I was bumped by the one on the right when I
18 was getting off the elevator.

19 Q. Now Rhonda, can you actually see me on your
08:55 20 video screen right now?

21 A. Yes, ma'am.

22 Q. Okay. Showing you the first page of Grand
23 Jury Exhibit Number 13. Do you recognize yourself in
24 that?

08:56 25 A. Yes, ma'am. I'm right behind the gentleman

08:56 1 who mostly stood quiet.

2 Q. Is this the gentleman that you had said
3 bumped you?

4 A. Can you move -- the one, the one right here
08:56 5 bumped me on my way out, the one on the right. My mom
6 is on the elevator also.

7 Q. I'm going to show you the second page. The
8 man standing next to you, that's the same person that
9 was kind of in front of you?

08:56 10 A. Yes.

11 Q. Okay. The third page of that one? And is
12 that the point where he bumped into you?

13 A. This is the point -- okay, yeah, this is
14 the point where I was getting off and the gentleman in
08:57 15 the doorway bumped into me a little. This gentleman I
16 didn't realize he was that close, I was mostly watching
17 the gentleman in front of me.

18 Q. But can you see from this exhibit that he's
19 kind of reaching towards you?

08:57 20 A. Yes, that was the side my purse was on
21 because I was holding my mom's drink in my other hand.

22 Q. And this fourth page, is that you, your mom
23 getting off the elevator and you holding her drink?

24 A. Yes, ma'am.

08:57 25 Q. Now this final page of that exhibit, you're

08:57 1 no longer on the elevator; is that correct?

2 A. Correct.

3 Q. Okay. But there's something in the man's
4 hands. Do you recognize that item?

08:57 5 A. It looks like my blue wallet.

6 Q. And did you notice this man take your
7 wallet?

8 A. No, ma'am.

9 Q. Okay. And would you agree with me that
08:58 10 those were still photographs of surveillance footage
11 inside the elevator when you were there?

12 A. Yes, ma'am.

13 Q. And for members of the Grand Jury, the
14 actual surveillance footage is marked as Grand Jury

08:58 15 Exhibit Number 12.

16 Now Rhonda, I hate to ask this question but
17 it's sort of relevant for my charge. How old are you?

18 A. Sixty-three.

19 Q. And were you 63 back on July 8th as well?

08:58 20 A. Yes, ma'am.

21 Q. Okay. Did you give this man permission to
22 have your wallet?

23 A. No, ma'am.

24 MS. DEMONTE: Okay. I have no further
08:58 25 questions of this witness. Do members of the Grand Jury

08:58 1 have any questions?

2 THE FOREPERSON: By law, these proceedings
3 are secret and you are prohibited from disclosing to
4 anyone anything that has transpired before us, including
08:58 5 evidence and statements presented to the Grand Jury, any
6 event occurring or statement made in the presence of the
7 Grand Jury, and information obtained by the Grand Jury.

8 Failure to comply with this admonition is a
9 gross misdemeanor punishable by up to 364 days in the
08:58 10 Clark County Detention Center and a \$2,000 fine. In
11 addition, you may be held in contempt of court
12 punishable by an additional \$500 fine and 25 days in the
13 Clark County Detention Center.

14 Do you understand this admonition?

08:59 15 THE WITNESS: Yes, sir.

16 THE FOREPERSON: Thank you and you're
17 excused.

18 THE WITNESS: Thank you.

19 MS. DEMONTE: All right. Ladies and
08:59 20 gentlemen, the rest of the witnesses are actually live
21 so we'll take it from the top starting with Counts 1
22 through 5. Next witness will be Mary Campo.

23 THE FOREPERSON: Please raise your right
24 hand.

09:00 25 You do solemnly swear the testimony you are

09:00 1 about to give upon the investigation now pending before
2 this Grand Jury shall be the truth, the whole truth, and
3 nothing but the truth, so help you God?

4 THE WITNESS: I do.

09:01 5 THE FOREPERSON: You are advised that you
6 are here today to give testimony in the investigation
7 pertaining to the offenses of burglary, burglary,
8 larceny from the person-victim over 60 years of age,
9 grand larceny, fraudulent use of a credit or debit card,
09:01 10 battery with use of a deadly weapon resulting in
11 substantial bodily harm, attempt murder with a deadly
12 weapon, involving Andrew Young.

13 Do you understand this advisement?

14 THE WITNESS: You went too fast for me. I
09:01 15 did not get everything.

16 THE FOREPERSON: No problem.

17 THE WITNESS: I came here to witness about
18 somebody who mugged me, who steal from me, who mugged
19 me.

09:01 20 THE FOREPERSON: Okay. I'm going to read
21 this over again and what it is, I'm advising you to give
22 testimony, I'm telling you what the offenses were.
23 Okay?

24 You are advised that you are here today to
09:02 25 give testimony in the investigation pertaining to the

09:02 1 offenses of burglary, larceny from a person-victim over
2 60 years of age, grand larceny, fraudulent use of credit
3 or debit card, battery with use of a deadly weapon
4 resulting in substantial bodily harm, attempted murder
09:02 5 with use of a deadly weapon, involving Andrew Young.

6 Do you understand this advisement?

7 THE WITNESS: Yes.

8 THE FOREPERSON: Yes?

9 THE WITNESS: Yes.

09:02 10 THE FOREPERSON: Please state your first
11 and last name and spell both for the record.

12 Talk in the mic if you don't mind.

13 THE WITNESS: Mary, M-A-R-Y, Campo,
14 C-A-M-P-O.

09:02 15 THE FOREPERSON: Thank you.

16 MARY CAMPO,

17 having been first duly sworn by the Foreperson of the
18 Grand Jury to testify to the truth, the whole truth,
19 and nothing but the truth, testified as follows:

09:02 20

21 EXAMINATION

22

23 BY MS. DEMONTE:

24 Q. Ma'am, while I hate to ask this question,

09:03 25 it is relevant to the charges I have. How old are you?

09:03 1 A. I'm 72.

2 Q. And I want to direct your attention to
3 June 30th of this year. Were you 72 at that time as
4 well?

09:03 5 A. Yes.

6 Q. On June 30th were you at the Rampart Hotel
7 and Casino?

8 A. Yes.

9 Q. And is that located here in Las Vegas,
09:03 10 Clark County, Nevada?

11 A. Yes.

12 Q. Now I want to show you -- first of all,
13 what were you doing at the Rampart?

14 A. I was gambling.

09:03 15 Q. That's okay. Did you have your purse with
16 you?

17 A. Yes.

18 Q. And where was your purse?

19 A. On my left because they don't let people
09:03 20 sit near each other. I was sitting on this chair and my
21 purse was beside me on the left chair. I pulled the
22 chair and put it exactly near me and I put my purse.

23 Q. So your purse was touching your body right
24 next to you?

09:04 25 A. Actually not touching my body because, you

09:04 1 know, there's a space between the chair.

2 Q. A little bit of space?

3 A. Yes.

4 Q. But you pulled the chair to bring your

09:04 5 purse close to you?

6 A. Yes. Yes.

7 Q. And as you were gambling did something

8 unusual happen?

9 A. Yeah. A guy --

09:04 10 Q. Go ahead.

11 A. It's okay if I mention the color?

12 Q. You can.

13 A. A black guy came on my right and he bent

14 over and showed me a paper. So he distract me from the

09:04 15 other guy who was behind me. So he asked me can you

16 tell me where is this, I said no. And that minute I

17 turned my face the guy took my wallet from my purse.

18 Q. A second man took your wallet?

19 A. Instantly. And then when they walk, they

09:04 20 walk as if nothing happened. I saw the other guy from

21 behind, I did not see his face.

22 Q. I'm going to put up on the screen, and

23 there's one right over there, Grand Jury Exhibit

24 Number 5. Do you see yourself?

09:05 25 A. Yes, there in the red, pink.

09:05 1 Q. So you're sitting right there?

2 A. And my hair, yeah.

3 Q. And there's a man here.

4 A. That's the guy who snatched the purse.

09:05 5 Q. Okay. And did he take your whole purse or
6 just the wallet out of the purse?

7 A. No, the wallet. Not the purse, sorry. The
8 wallet from the purse.

9 Q. Okay. And in this picture that looks like
09:05 10 you might have it in your lap?

11 A. No, it wasn't.

12 Q. No? You had it next to you?

13 A. Yeah. If it was on my lap he wouldn't dare
14 touch.

09:06 15 Q. You actually saw him reach over; correct?

16 A. I can't say that.

17 Q. Okay. But you saw something?

18 A. Yeah. I felt him behind me, you know, you
19 feel there's something behind you.

09:06 20 Q. Did you give either of these men permission
21 to take your wallet?

22 A. No.

23 Q. Okay. Did you notify hotel security when
24 this happened?

09:06 25 A. Sure, immediately.

09:06 1 Q. At some point -- first of all, did you have
2 your credit cards inside that wallet that was taken?

3 A. Thank God. My ATM card was there.

4 Q. Your ATM card?

09:06 5 A. My driver's license. My AAA. My Medicare.
6 My health insurance. What else? And I went to hell and
7 back to get them back.

8 Q. Understood. Was one of the cards you had
9 in there a Bank of America credit or debit card?

09:07 10 A. Yeah. And mind you, it's not enough the
11 1400 in hundreds and the rest in change, he went and
12 used my debit card.

13 Q. Okay. There was also cash in your wallet;
14 correct?

09:07 15 A. Yeah. Oh yeah.

16 Q. How much cash?

17 A. Cash, 1400 in hundreds.

18 Q. \$1400?

19 A. In hundreds.

09:07 20 Q. In 100-dollar bills?

21 A. Yeah. And the rest in twenties, maybe I
22 have twenties and ones and fives, maybe I have another
23 150 or 200. But the hundreds I know it's 1400.

24 Q. And you say that your card was also used,
09:07 25 your bank card?

09:07 1 A. Yes.

2 Q. Showing you Grand Jury Exhibit Number 6.

3 Is this an email you got from Bank of America?

4 A. Yeah.

09:07 5 Q. That you forwarded to the police?

6 A. Yeah.

7 Q. And is this informing you that your card

8 had been used at a 7-Eleven?

9 A. Was it 7-Eleven or Circle K? I don't know.

09:08 10 But yeah, I received it.

11 Q. And did you make any purchases with that

12 card at 7-Eleven?

13 A. I don't know where the area is.

14 Q. Did you buy cigarettes at 7-Eleven on the

09:08 15 same day?

16 A. Oh no, no, no, no, no.

17 Q. Okay. So after --

18 A. You know the card, the bank sent me an

19 office immediately because I never ever use my ATM card

09:08 20 unless I'm inside the bank to get some money. I never

21 use it out. But they get suspicious.

22 Q. So was this shortly after your wallet was

23 taken?

24 A. Yeah.

09:08 25 Q. About how long after?

09:08 1 A. Maybe 15 minutes because when I called the
2 bank they already know that. I called the bank while I
3 was in the casino to stop my card.

4 Q. Did you give anyone permission to take your
09:08 5 wallet containing your cash and your cards?

6 A. What.

7 Q. Did you give anyone permission to take
8 your --

9 A. No way. No way.

09:09 10 Q. I know it sounds like a stupid question.
11 Did you give anyone permission to use your Bank of
12 America card --

13 A. No.

14 Q. -- to purchase anything at 7-Eleven?

09:09 15 A. No.

16 Q. Okay. Do you know a person by the name of
17 Andrew Young?

18 A. No.

19 Q. Okay.

09:09 20 A. Who is Andrew Young?

21 Q. That answers the question.

22 I have no further questions of this
23 witness.

24 THE FOREPERSON: Yes.

25

09:09 1 BY A JUROR:

2 Q. How did you get your pin number?

3 A. What pin number?

4 Q. For the ATM card.

09:09 5 A. When the bank gave it to me.

6 THE FOREPERSON: No, no. What he's asking
7 is normally if you use a debit card you have to put a
8 pin in there.

9 THE WITNESS: Yeah, yeah, yeah. I don't
09:09 10 know how he --

11 BY THE FOREPERSON:

12 Q. I guess the question is maybe was your pin
13 in your billfold as well?

14 A. No, no, no. I think they tried for,
09:09 15 because the bank told me the story, they tried for
16 \$18.80, they were refused. So they tried for \$80.80,
17 the bank accepted. I don't know why. But the bank will
18 give it back to me but now it's corona, you have to wait
19 in line, it's not worth it.

09:10 20 A JUROR: You can use your debit card for
21 credit. You don't have to use it as a debit card.

22 MS. DEMONTE: Ladies and gentlemen, there
23 is another witness that can kind of explain this.

24 THE FOREPERSON: Any other questions?

09:10 25 By law, these proceedings are secret and

09:10 1 you are prohibited from disclosing to anyone anything
2 that has transpired before us, including evidence and
3 statements presented to the Grand Jury, any event
4 occurring or statement made in the presence of the Grand
09:10 5 Jury, and information obtained by the Grand Jury.

6 Failure to comply with this admonition is a
7 gross misdemeanor punishable by up to 364 days in the
8 Clark County Detention Center and a \$2,000 fine. In
9 addition, you may be held in contempt of court
09:10 10 punishable by an additional \$500 fine and 25 days in the
11 Clark County Detention Center.

12 Do you understand this admonition?

13 THE WITNESS: No.

14 THE FOREPERSON: You don't? Okay.

09:11 15 THE WITNESS: First time I've been in
16 court.

17 MS. DEMONTE: Mary, you understand you
18 can't talk about what happened in here today?

19 THE WITNESS: No.

09:11 20 MS. DEMONTE: Okay. You understand that?

21 THE WITNESS: Yeah.

22 MS. DEMONTE: Okay.

23 THE FOREPERSON: This is what I'm saying.

24 THE WITNESS: Yeah, that's an easier way to
09:11 25 say it.

09:11 1 THE FOREPERSON: Thank you. You're
2 excused.

3 MS. DEMONTE: Thank you.

4 Next witness will be Joyce Malone.

09:11 5 THE WITNESS: I'm done?

6 MS. DEMONTE: You're done.

7 THE WITNESS: Okay. Thank you very much.

8 THE FOREPERSON: You do solemnly swear the
9 testimony you are about to give upon the investigation
09:12 10 now pending before this Grand Jury shall be the truth,
11 the whole truth, and nothing but the truth, so help you
12 God?

13 THE WITNESS: Yes.

14 THE FOREPERSON: You are advised that you
09:12 15 are here today to give testimony in the investigation
16 pertaining to the offenses of burglary, burglary,
17 larceny from the person-victim 60 years of age or older,
18 grand larceny, fraudulent use of credit or debit card,
19 battery with use of a deadly weapon resulting in
09:12 20 substantial bodily harm, attempt murder with use of a
21 deadly weapon, involving Andrew Young.

22 Do you understand this advisement?

23 THE WITNESS: Uhm, yes.

24 THE FOREPERSON: Please state your first
09:13 25 and last name and spell both for the record.

09:13 1 THE WITNESS: Joyce, J-O-Y-C-E, Malone,
2 M-A-L-O-N-E.

3 THE FOREPERSON: Thank you.

4 JOYCE MALONE,

09:13 5 having been first duly sworn by the Foreperson of the
6 Grand Jury to testify to the truth, the whole truth,
7 and nothing but the truth, testified as follows:

8

9

EXAMINATION

09:13 10

11 BY MS. DEMONTE:

12 Q. Joyce, how are you employed?

13 A. I'm the surveillance manager at Rampart
14 casino.

09:13 15 Q. Is that located at 221 North Rampart here
16 in Las Vegas, Clark County, Nevada?

17 A. Yes.

18 Q. Were you asked by detectives to compile
19 video for a, or sorry, were you asked to pull video for
09:13 20 a wallet snatching involving one Mary Campo?

21 A. Yes.

22 Q. Okay. Showing you Grand Jury Exhibit
23 Number 4. Were you able to obtain video surveillance of
24 this?

09:13 25 A. Yes.

09:14 1 Q. And when you pulled the video were you able
2 to see the incident itself?

3 A. Yes.

4 Q. And is that what's on the second page here
09:14 5 of Grand Jury Exhibit Number 5?

6 A. Yes.

7 Q. Is that the victim kind of seated there?

8 A. Yes.

9 Q. And so one man distracts her while the
09:14 10 other reaches downs?

11 A. And grabs her wallet.

12 Q. And grabs her wallet. Okay. And were you
13 also able to obtain footage of the two men entering and
14 exiting the casino?

09:14 15 A. Yes.

16 Q. Is that her on the first page of Grand Jury
17 Exhibit Number 5?

18 A. Yes.

19 Q. Okay. In particular this man here, is this
09:14 20 the one that actually snatched the wallet?

21 A. Yes.

22 Q. Was this person a known hotel guest to your
23 knowledge?

24 A. Not that I'm aware of.

09:14 25 Q. And in fact during the course of the

09:14 1 incident they entered, snatched the wallet and then
2 left?

3 A. Yes.

4 MS. DEMONTE: I have no further questions
09:15 5 of this witness.

6 THE FOREPERSON: Any questions?

7 By law, these proceedings are secret and
8 you are prohibited from disclosing to anyone anything
9 that has transpired before us, including evidence and
09:15 10 statements presented to the Grand Jury, any event
11 occurring or statement made in the presence of the Grand
12 Jury, and information obtained by the Grand Jury.

13 Failure to comply with this admonition is a
14 gross misdemeanor punishable by up to 364 days in the
09:15 15 Clark County Detention Center and a \$2,000 fine. In
16 addition, you may be held in contempt of court
17 punishable by an additional \$500 fine and 25 days in the
18 Clark County Detention Center.

19 Do you understand this admonition?

09:15 20 THE WITNESS: Yes.

21 THE FOREPERSON: Thank you and you're
22 excused.

23 MS. DEMONTE: Next witness is Marcia
24 Martinez.

09:16 25 THE FOREPERSON: You do solemnly swear the

09:16 1 testimony you are about to give upon the investigation
2 now pending before this Grand Jury shall be the truth,
3 the whole truth, and nothing but the truth, so help you
4 God?

09:16 5 THE WITNESS: I do.

6 THE FOREPERSON: You are advised that you
7 are here today to give testimony in the investigation
8 pertaining to the offenses of burglary, burglary,
9 larceny from a person-victim over 60 years of age, grand
09:16 10 larceny, fraudulent use of a credit or debit card,
11 battery with use of a deadly weapon resulting in
12 substantial bodily harm, attempted murder with use of a
13 deadly weapon, involving Andrew Young.

14 Do you understand this advisement?

09:16 15 THE WITNESS: Yes, I do.

16 THE FOREPERSON: Please state your first
17 and last name, spell both for the record.

18 THE WITNESS: Marcia, M-A-R-C-I-A,
19 Martinez, M-A-R-T-I-N-E-Z.

09:17 20 THE FOREPERSON: Thank you.

21 MARCIA MARTINEZ,

22 having been first duly sworn by the Foreperson of the
23 Grand Jury to testify to the truth, the whole truth,
24 and nothing but the truth, testified as follows:

09:17 25

EXAMINATION

09:17

1

2

3

BY MS. DEMONTE:

4

Q. Ma'am, how are you employed?

09:17

5

A. I'm a manager at 7-Eleven.

6

Q. And are you a manager at the 7-Eleven

7

located at 5110 South Maryland Parkway?

8

A. Yes, ma'am.

9

Q. Is that here in Las Vegas, Clark County,

09:17

10

Nevada?

11

A. Yes, ma'am.

12

Q. Were you contacted by detectives of the Las

13

Vegas Metropolitan Police Department regarding some

14

credit or debit card transactions taking place on

09:17

15

June 29th of this year?

16

A. Yes, I was.

17

Q. And were you able to pull both a register

18

receipt and some video for the detectives?

19

A. Yes, I was.

09:17

20

Q. Showing you Grand Jury Exhibit Number 7 up

21

on the screen there. Is that the receipt you were able

22

to pull? And let me know if you need me to bring it to

23

you.

24

A. It is.

09:17

25

Q. And this involved a credit card

09:18 1 transaction, what appears to be for some cigarettes?

2 A. Yes.

3 Q. And showing you Grand Jury Exhibit

4 Number 8. Is this the corresponding video of that?

09:18 5 A. Yes, it is.

6 Q. And ladies and gentlemen of the Grand Jury

7 once again, in the interest of time, with the video

8 players taking some time, we do have still photographs.

9 Putting up on the screen Grand Jury Exhibit

09:18 10 Number 9, are these still photographs from that video

11 you were able to obtain?

12 A. Yes, they are.

13 Q. And was this transaction done with actually

14 two gentlemen?

09:18 15 A. The gentleman in the black vest is the one

16 that did run the card.

17 Q. And the second page of that, is this the

18 other gentleman that entered with him?

19 A. Yes.

09:19 20 Q. Were they together the entire time?

21 A. Yes, they were.

22 Q. And this occurred on June 29th; correct?

23 A. Correct.

24 Q. Okay. And up on the screen here, the

09:19 25 actual time of that transaction?

09:19 1 A. Should be on the top. It was 22:42.

2 Q. 22:42. Thank you.

3 A. 11:42, yes.

4 MS. DEMONTE: I have no further questions

09:19 5 of this witness.

6 THE WITNESS: All right.

7 THE FOREPERSON: Any questions?

8 By law, these proceedings are secret and

9 you are prohibited from disclosing to anyone anything

09:19 10 that has transpired before us, including evidence and

11 statements presented to the Grand Jury, any event

12 occurring or statement made in the presence of the Grand

13 Jury, and information obtained by the Grand Jury.

14 Failure to comply with this admonition is a

09:19 15 gross misdemeanor punishable by up to 364 days in the

16 Clark County Detention Center and a \$2,000 fine. In

17 addition, you may be held in contempt of court

18 punishable by an additional \$500 fine and 25 days in the

19 Clark County Detention Center.

09:19 20 Do you understand this admonition?

21 THE WITNESS: Yes, sir.

22 THE FOREPERSON: Thank you. You're

23 excused.

24 THE WITNESS: Thank you.

09:20 25 MS. DEMONTE: Next witness will be Lydia

09:20 1 Hefner regarding Count 6. However before we move on,
2 ladies and gentlemen, there's one amendment that I'll
3 get out of the way right now. Count 3, line 13, should
4 be \$1400 United States currency to conform with the
09:20 5 testimony.

6 THE FOREPERSON: Raise your right hand
7 please.

8 You do solemnly swear the testimony you are
9 about to give upon the investigation now pending before
09:21 10 this Grand Jury shall be the truth, the whole truth, and
11 nothing but the truth, so help you God?

12 THE WITNESS: I do.

13 THE FOREPERSON: You are advised that you
14 are here today to give testimony in the investigation
09:21 15 pertaining to the offenses of burglary, burglary,
16 larceny from a person-victim over 60 years of age, grand
17 larceny, fraudulent use of credit or debit card, battery
18 with use of a deadly weapon resulting in substantial
19 bodily harm, and attempt murder with use of a deadly
09:21 20 weapon, involving Andrew Young.

21 Do you understand this advisement?

22 THE WITNESS: Yes.

23 THE FOREPERSON: Please state your first
24 and last name, spell both for the record.

09:22 25 THE WITNESS: Lydia Hefner. L-Y-D-I-A,

09:22 1 HEFNER.

2 THE FOREPERSON: Thank you.

3 LYDIA HEFNER,

4 having been first duly sworn by the Foreperson of the
09:22 5 Grand Jury to testify to the truth, the whole truth,
6 and nothing but the truth, testified as follows:

7

8 EXAMINATION

9

09:22 10 BY MS. DEMONTE:

11 Q. Ma'am, I want to direct your attention to
12 July 8th of this year. Were you at the Walmart at 2310
13 East Serene in the afternoon?

14 A. Yes, I was.

09:22 15 Q. Did something unusual happen while you were
16 at Walmart?

17 A. Yes. While I was shopping, as I was
18 approaching the checkout stand, Walmart security person
19 came up to me and said, she had, my wallet had been

09:22 20 stolen. I looked in my purse --

21 Q. Where was your wallet?

22 A. In my purse, this purse right here.

23 Q. Where was the purse?

24 A. In the cart.

09:22 25 Q. Okay.

09:22 1 A. Not on me.
2 Q. That's all right.
3 And did you notice anyone taking it at any
4 point in time?
09:22 5 A. No, I did not.
6 Q. Did you give permission for anyone to take
7 it at any point in time?
8 A. No, I did not.
9 Q. Showing you the third page of Grand Jury
09:23 10 Exhibit Number 11. Is that you at the Walmart there?
11 A. Yes.
12 Q. You're actually wearing the same shirt?
13 A. I think so.
14 Q. And the next page in that, can you actually
09:23 15 see your shirt sticking out here?
16 A. Okay.
17 Q. Were you reaching into one of the coolers?
18 A. I must have been, yes.
19 Q. Was this your shopping cart here?
09:23 20 A. Yes.
21 Q. Okay. And is that now you having come out
22 of that in front of the shopping cart?
23 A. Yes.
24 Q. Now was your wallet returned to you at the
09:23 25 scene?

09:23 1 A. The security, store security took me in
2 their security room and after awhile Metro officers
3 brought my wallet back in, asked me if that was my
4 wallet and returned it to me.

09:24 5 Q. But no one ever asked you to write any
6 statements out or anything like that?

7 A. No.

8 Q. Did you give permission for anyone to take
9 your wallet?

09:24 10 A. No, never.

11 Q. Do you know a person by the name of Andrew
12 Young?

13 A. No.

14 Q. Okay. Can you think of any reason why he
09:24 15 would take or have your wallet?

16 A. No.

17 MS. DEMONTE: Okay. I have no further
18 questions of this witness.

19 THE FOREPERSON: Any questions?

09:24 20 By law, these proceedings are secret and
21 you are prohibited from disclosing to anyone anything
22 that has transpired before us, including evidence and
23 statements presented to the Grand Jury, any event
24 occurring or statement made in the presence of the Grand
09:24 25 Jury, and information obtained by the Grand Jury.

09:24 1 Failure to comply with this admonition is a
2 gross misdemeanor punishable by up to 364 days in the
3 Clark County Detention Center and a \$2,000 fine. In
4 addition, you may be held in contempt of court

09:24 5 punishable by an additional \$500 fine and 25 days in the
6 Clark County Detention Center.

7 Do you understand this admonition?

8 THE WITNESS: Yes.

9 THE FOREPERSON: Thank you. You're
09:25 10 excused.

11 MS. DEMONTE: Next witness will be Vianca
12 Eskildsen.

13 THE FOREPERSON: Remain standing please,
14 raise your right hand.

09:26 15 You do solemnly swear the testimony you are
16 about to give upon the investigation now pending before
17 this Grand Jury shall be the truth, the whole truth, and
18 nothing but the truth, so help you God?

19 THE WITNESS: I swear.

09:26 20 THE FOREPERSON: Go ahead and sit down.

21 You are advised that you are here today to
22 give testimony in the investigation pertaining to the
23 offenses of burglary, burglary, larceny from a
24 person-victim over 60 years of age, grand larceny,
09:26 25 fraudulent use of a credit or debit card, battery with

09:26 1 use of a deadly weapon resulting in substantial bodily
2 harm, attempt murder with use of a deadly weapon,
3 involving Andrew Young.

4 Do you understand this advisement?

09:26 5 THE WITNESS: Yes.

6 THE FOREPERSON: Please state your first
7 and last name and spell both for the record.

8 THE WITNESS: Vianca Eskildsen.

9 V-I-A-N-C-A, E-S-K-I-L-D-S-E-N.

09:27 10 THE FOREPERSON: Thank you.

11 VIANCA ESKILDSEN,

12 having been first duly sworn by the Foreperson of the
13 Grand Jury to testify to the truth, the whole truth,
14 and nothing but the truth, testified as follows:

09:27 15

16 EXAMINATION

17

18 BY MS. DEMONTE:

19 Q. Ma'am, how are you employed?

09:27 20 A. Asset protection at Walmart.

21 Q. Are you employed at the Walmart located at
22 2310 East Serene?

23 A. I am.

24 Q. Is that located here in Las Vegas, Clark
09:27 25 County, Nevada?

09:27 1 A. Yes.

2 Q. I want to direct your attention to the
3 afternoon of July 8th. While you were working were you
4 manning the cameras?

09:27 5 A. I was.

6 Q. And did someone come into the store that
7 caused you concern?

8 A. Yes.

9 Q. And did you begin watching this person?

09:27 10 A. Yes.

11 Q. What did you observe as you were watching
12 this person?

13 A. The initial reason why I watched him was I
14 recognized him from previous incidents and I did notice
09:27 15 that he was carrying a leather jacket when it's July and
16 it's a hundred plus degrees so I didn't see the reason
17 for the jacket. I had a history with him of him
18 bothering customers, mainly women, in our store for
19 money so we've actually asked him to leave several
09:28 20 times.

21 Q. But did you know this person's name?

22 A. I did not. We only ask him to leave and
23 usually he gets belligerent. So at this point we were
24 getting ready to ask him to leave again until I noticed
09:28 25 his concerning behavior.

09:28 1 Q. What concerning behavior?

2 A. He began watching women while he shopped
3 and he eventually chose one victim or possible victim at
4 that point and I could notice based off his actions that
09:28 5 he was attempting to take her items.

6 Q. And did you actually observe him take items
7 from someone?

8 A. I did.

9 Q. Now there's a woman that just left the
09:29 10 Grand Jury room. Did you see her?

11 A. Yes, I did.

12 Q. Is that the woman you observed him with?

13 A. Yes. He chose somebody else before that.

14 Q. Okay. Now the surveillance that you were
09:29 15 watching live, it was recording in real time as well;
16 correct?

17 A. Yes.

18 Q. And you contacted police with what you were
19 observing?

09:29 20 A. With the initial attempt, at that point I
21 contacted police.

22 Q. Showing you Grand Jury Exhibit Number 10.
23 Did you bring a copy of that surveillance footage with
24 you today?

09:29 25 A. Yes.

09:29 1 Q. And is this the surveillance you were
2 watching on July 8th?

3 A. Yes.

4 Q. Showing you Grand Jury Exhibit Number 11.
09:29 5 Are these still photographs from the video you brought
6 with you?

7 A. Yes.

8 Q. Now the first page, is this the man you
9 were observing?

09:29 10 A. Yes.

11 Q. And this is the jacket you were referring
12 to draped over his arm?

13 A. Yes.

14 Q. And second page he's pushing a shopping
09:30 15 cart around; correct?

16 A. Yes.

17 Q. But did it appear to you that he was
18 actually there to shop?

19 A. No.

09:30 20 Q. Based on your previous interactions with
21 him, had he ever purchased items at your store?

22 A. No.

23 Q. The third page, is this the same man?

24 A. Yes.

09:30 25 Q. And is this the first attempt you were

09:30 1 talking about?

2 A. No.

3 Q. But there's a woman up here. Is this the
4 woman that you were speaking of --

09:30 5 A. Yes.

6 Q. -- that he actually took something from.

7 Fourth page, is this the same woman, it
8 appears that he's watching her?

9 A. Yes.

09:30 10 Q. And the fifth page, is this when you
11 observed him take her wallet?

12 A. Yes.

13 Q. And is he actually reaching down into the
14 shopping cart at that point?

09:30 15 A. Yes, he will be reaching in.

16 Q. And finally this is him walking off?

17 A. With her purse, yes.

18 Q. And shortly after he walked off is when
19 Metro Police arrived on scene; correct?

09:31 20 A. No, they actually arrived before.

21 Q. Oh, before. Okay. So when they arrived
22 did you then update him with wow, this is not just a
23 trespass, he actually took something?

24 A. No, they arrived after the attempt and they
09:31 25 watched him with me in the office.

09:31 1 Q. Oh, they came up to the office and watched
2 this happening with you?

3 A. Yes.

4 Q. So to your knowledge did they place him
09:31 5 under arrest at that time or was he cited and released?

6 A. He was cited and released.

7 MS. DEMONTE: I have no further questions
8 of this witness.

9 THE FOREPERSON: Any questions?

09:31 10 By law, these proceedings are secret and
11 you are prohibited from disclosing to anyone anything
12 that has transpired before us, including evidence and
13 statements presented to the Grand Jury, any event
14 occurring or statement made in the presence of the Grand
09:31 15 Jury, and information obtained by the Grand Jury.

16 Failure to comply with this admonition is a
17 gross misdemeanor punishable by up to 364 days in the
18 Clark County Detention Center and a \$2,000 fine. In
19 addition, you may be held in contempt of court
09:31 20 punishable by an additional \$500 fine and 25 days in the
21 Clark County Detention Center.

22 Do you understand this admonition?

23 THE WITNESS: Yes.

24 THE FOREPERSON: Thank you. You're
09:32 25 excused.

09:32 1 MS. DEMONTE: Next witness is Joanne Frank.
2 Ladies and gentlemen of the Grand Jury, this is
3 reference Counts 9 and 10.

4 THE FOREPERSON: Please raise your right
09:33 5 hand.

6 You do solemnly swear the testimony you are
7 about to give upon the investigation now pending before
8 this Grand Jury shall be the truth, the whole truth, and
9 nothing but the truth, so help you God?

09:33 10 THE WITNESS: Yes.

11 THE FOREPERSON: You are advised that you
12 are here today to give testimony in the investigation
13 pertaining to the offenses of burglary, burglary,
14 larceny from the person-victim over 60 years of age,
09:33 15 grand larceny, fraudulent use of credit or debit card,
16 battery with use of a deadly weapon resulting in
17 substantial bodily harm, attempt murder with use of a
18 deadly weapon, involving Andrew Young.

19 Do you understand this advisement?

09:34 20 THE WITNESS: Yes.

21 THE FOREPERSON: Please state your first
22 and last name and spell both for the record.

23 THE WITNESS: Joanne.

24 THE FOREPERSON: Talk into the microphone.

09:34 25 THE WITNESS: Sorry. Joanne Frank.

09:34 1 J-O-A-N-N-E, F-R-A-N-K.

2 THE FOREPERSON: Thank you.

3 JOANNE FRANK,

4 having been first duly sworn by the Foreperson of the
09:34 5 Grand Jury to testify to the truth, the whole truth,
6 and nothing but the truth, testified as follows:

7

8 EXAMINATION

9

09:34 10 BY MS. DEMONTE:

11 Q. Joanne, I hate to ask but it's relevant to
12 the charges I have. How old are you?

13 A. Seventy-seven.

14 Q. On July 22nd were you 77 also at that time?

09:34 15 A. Yes.

16 Q. Now directing your attention to July 22nd.

17 Were you at the Albertsons in the afternoon at 1001

18 South Rainbow?

19 A. Yes, but it wasn't afternoon, it was

09:34 20 evening.

21 Q. Oh, okay. Thank you. And were you
22 shopping there?

23 A. Yes.

24 Q. As you were shopping there did something

09:34 25 unusual happen?

09:34 1 A. Yes.

2 Q. What happened?

3 A. I was by the refrigeration section looking
4 at shrimp I think and someone hit a cart behind me and
09:35 5 started yelling and walked off. And then two other men
6 came to me and said don't worry, we'll help you. They
7 were talking to me, we were there for quite, maybe 15
8 minutes, and then I realized when I left the store that
9 my backpack was light and that's when I realized my
09:35 10 wallet was gone.

11 Q. Did you give anyone permission to take your
12 wallet?

13 A. No.

14 Q. Showing you Grand Jury Exhibit Number 15.
09:35 15 Do you see yourself in that photograph?

16 A. I can't see that far.

17 Q. That's okay, I'll bring it to you.
18 I get more bruises in this room.

19 A. That's what happens when you're old.

09:36 20 I don't really understand -- yeah, that --
21 oh, I see now, I'm looking at -- yeah, that's my
22 backpack. It's a purse, yeah.

23 Q. All right. So you have a backpack purse?

24 A. Yeah, I did.

09:36 25 Q. And you were wearing a hat that day?

09:36 1 A. Yeah.

2 Q. Now on the second page, is this the person,
3 are these the two men that kind of came up and said they
4 were going to help you?

09:36 5 A. Yeah, it looks that way.

6 Q. And then on this third page, one of those
7 men is now walking away; correct? But is your backpack
8 in a different condition than it was before?

9 A. It's open.

09:36 10 Q. I'm going to put them back on the screen so
11 the members of the Grand Jury can also see.

12 So this first picture is when you were kind
13 of looking at the shrimp; is that what you said?

14 A. Yes.

09:37 15 Q. And you mentioned somebody bumped your cart
16 and then two men came up to you?

17 A. Yes.

18 Q. Are these the two men?

19 A. I would assume so since I'm in the picture.

09:37 20 Q. That's fine. You don't independently
21 recall though; correct?

22 A. No.

23 Q. And this third photograph, one of the men
24 is now walking away from you and is your backpack in a

09:37 25 different condition than it was before?

09:37 1 A. Well, it's open.

2 Q. Okay. And it wasn't open in that first
3 photograph, was it?

4 A. No.

09:37 5 Q. Did you give anyone permission to take your
6 wallet?

7 A. No.

8 MS. DEMONTE: I have no further questions
9 of this witness.

09:37 10 THE FOREPERSON: Any questions?

11 By law, these proceedings are secret and
12 you are prohibited from disclosing to anyone anything
13 that has transpired before us, including evidence and
14 statements presented to the Grand Jury, any event

09:37 15 occurring or statement made in the presence of the Grand
16 Jury, and information obtained by the Grand Jury.

17 Failure to comply with this admonition is a
18 gross misdemeanor punishable by up to 364 days in the
19 Clark County Detention Center and a \$2,000 fine. In
09:37 20 addition, you may be held in contempt of court
21 punishable by an additional \$500 fine and 25 days in the
22 Clark County Detention Center.

23 Do you understand this admonition?

24 THE WITNESS: Yes.

09:38 25 THE FOREPERSON: Thank you. You're

09:38 1 excused.

2 MS. DEMONTE: The next witness will be

3 Markee Daniel.

4 THE FOREPERSON: Give us five minutes.

09:38 5 MS. DEMONTE: Okay.

6 (Recess.)

7 MS. DEMONTE: Next witness will be Markee

8 Daniel.

9 THE FOREPERSON: Raise your right hand

09:48 10 please.

11 You do solemnly swear the testimony you are

12 about to give upon the investigation now pending before

13 this Grand Jury shall be the truth, the whole truth, and

14 nothing but the truth, so help you God?

09:48 15 THE WITNESS: Yes.

16 THE FOREPERSON: You are advised that you

17 are here today to give testimony in the investigation

18 pertaining to the offenses of burglary, burglary,

19 larceny from a person-victim over 60 years of age, grand

09:48 20 larceny, fraudulent use of credit or debit card, battery

21 with use of a deadly weapon resulting in substantial

22 bodily harm, attempt murder with use of a deadly weapon,

23 involving Andrew Young.

24 Do you understand this advisement?

09:48 25 THE WITNESS: Yes.

09:48 1 THE FOREPERSON: Please state your first
2 and last name, spell both for the record.

3 THE WITNESS: Markee Daniel. M-A-R-K-E-E,
4 last name Daniel, D-A-N-I-E-L.

09:48 5 THE FOREPERSON: Thank you.

6 MARKEE DANIEL,
7 having been first duly sworn by the Foreperson of the
8 Grand Jury to testify to the truth, the whole truth,
9 and nothing but the truth, testified as follows:

09:48 10

11 EXAMINATION

12

13 BY MS. DEMONTE:

14 Q. Ma'am, how are you employed?

09:48 15 A. Through Albertsons.

16 Q. Thank you. Do you work out of the location
17 at 1001 South Rainbow?

18 A. Yes.

19 Q. Is that here in Las Vegas, Clark County,

09:48 20 Nevada?

21 A. Yes.

22 Q. I want to direct your attention to
23 July 22nd of this year. Were you notified of a wallet
24 theft that occurred inside the store?

09:49 25 A. Yes.

09:49 1 Q. And did you then call up the cameras to see
2 if you could find video footage of that?

3 A. Yes.

4 Q. Were you able to do that?

09:49 5 A. Yes.

6 Q. Showing you Grand Jury Exhibit Number 14.
7 Is that the video surveillance you were able to pull up?

8 A. Yes.

9 Q. And showing you Grand Jury Exhibit
09:49 10 Number 15. Are those still photographs of the
11 surveillance footage?

12 A. Yes.

13 Q. Okay. Thank you.

14 Now putting up on the screen Grand Jury
09:49 15 Exhibit Number 15. Is this the victim here, Miss Frank?

16 A. Yes.

17 Q. And she appears to be crouching down in
18 front of one of the refrigerator or freezer cabinets?

19 A. Yes.

09:49 20 Q. And the second page, there are now two men
21 who have approached her; correct?

22 A. Yes.

23 Q. Were those men of interest to you when you
24 were reviewing this footage?

09:50 25 A. Yes.

09:50 1 Q. What did you observe those men do?
2 A. Distract the victim and that gentleman
3 right there reach in her --
4 Q. The gentleman with the blue --
09:50 5 A. Sorry, the one with the white and blue hat
6 I guess.
7 Q. Okay.
8 A. Reach into her backpack with the jacket
9 covering his arm.
09:50 10 Q. And at this point that man is now walking
11 away; correct?
12 A. Yes.
13 Q. And you see that jacket draped over his
14 arm?
09:50 15 A. Yes.
16 Q. And the victim's purse, backpack purse,
17 that's --
18 A. Open.
19 Q. That's on her shoulder is now open;
09:50 20 correct?
21 A. Correct.
22 MS. DEMONTE: I have no further questions
23 of this witness.
24 THE FOREPERSON: Any questions?
09:50 25 By law, these proceedings are secret and

09:50 1 you are prohibited from disclosing to anyone anything
2 that has transpired before us, including evidence and
3 statements presented to the Grand Jury, any event
4 occurring or statement made in the presence of the Grand
09:50 5 Jury, and information obtained by the Grand Jury.

6 Failure to comply with this admonition is a
7 gross misdemeanor punishable by up to 364 days in the
8 Clark County Detention Center and a \$2,000 fine. In
9 addition, you may be held in contempt of court
09:50 10 punishable by an additional \$500 fine and 25 days in the
11 Clark County Detention Center.

12 Do you understand this admonition?

13 THE WITNESS: Yes.

14 THE FOREPERSON: Thank you. You're
09:51 15 excused.

16 THE WITNESS: Thank you.

17 MS. DEMONTE: Ladies and gentlemen, moving
18 onto Counts 11 through 14. First witness will be
19 Barbara Bowen.

09:52 20 THE FOREPERSON: Please raise your right
21 hand.

22 You do solemnly swear the testimony you are
23 about to give upon the investigation now pending before
24 this Grand Jury shall be the truth, the whole truth, and
09:52 25 nothing but the truth, so help you God?

09:52 1 THE WITNESS: I do.

2 THE FOREPERSON: Go ahead and sit down.

3 You are advised that you are here today to
4 give testimony in the investigation pertaining to the
09:52 5 offenses of burglary, burglary, larceny from the
6 person-victim over 60 years of age, grand larceny,
7 fraudulent use of credit or debit card, battery with use
8 of a deadly weapon resulting in substantial bodily harm,
9 attempt murder with use of a deadly weapon, involving
09:53 10 Andrew Young.

11 Do you understand this advisement?

12 THE WITNESS: Yes.

13 THE FOREPERSON: Please state your first
14 and last name and spell both for the record.

09:53 15 THE WITNESS: Barbara, B-A-R-B-A-R-A,
16 Bowen, B-O-W-E-N.

17 THE FOREPERSON: Thank you.

18 BARBARA BOWEN,

19 having been first duly sworn by the Foreperson of the
09:53 20 Grand Jury to testify to the truth, the whole truth,
21 and nothing but the truth, testified as follows:

22 EXAMINATION

23

24 BY MS. DEMONTE:

09:53 25 Q. Ma'am, I hate asking this but it is

09:53 1 relevant to what I've charged here. How old are you?
2 A. Eighty.
3 Q. I want to direct your attention to
4 July 23rd of this year. Were you also 80 at that time?
09:53 5 A. Yes, I was 80 in April.
6 Q. Now on July 23rd did you go to the Walmart
7 at 5198 Boulder Highway?
8 A. Yes.
9 Q. And while you were at that Walmart did
09:53 10 something unusual happen?
11 A. Yes.
12 Q. What happened?
13 A. I hadn't been in for about three months,
14 usually the kids don't want me to go in and I hadn't
09:54 15 been in a few months, but my daughter and I, I decided
16 to go in and went to pay for my stuff and my wallet was
17 gone.
18 Q. Okay. Now you had your wallet when you got
19 to Walmart; correct?
09:54 20 A. Yeah, we got there about 1 o'clock. We had
21 only been there a little bit and -- uh-huh.
22 Q. Now what was inside your wallet?
23 A. Everything. All of my cards. I had about
24 \$65, 70 cash, and I had my debit card and my credit card
09:54 25 and my Chevron card, everything, my health, everything.

09:54 1 Q. Okay. Did you report this to the police?

2 A. Yes, I did.

3 Q. Shortly after you noticed your wallet was
4 gone, did you receive notification that some of your
09:54 5 cards were being used?

6 A. Yeah. I told my -- well, I went up to pay
7 for my stuff, my daughter went to the restroom, and I
8 was picking up, I went around the corner, was getting
9 these little cups of peaches. I wasn't really around
09:55 10 anybody except this one gentleman, I call him a
11 gentleman, come walking towards me with his cart, I
12 asked if I was in his way, he said no, I just want some
13 of those peaches, I handed it to him, he seemed very
14 nice and he went on his way, I went on my way and I went
09:55 15 on down to pay for my stuff and I didn't have my wallet.

16 Q. Can you describe this gentleman for me?

17 A. The gentleman I remember, he was sort of
18 tall, he had a jacket on and a baseball cap, sort of
19 thin, he wasn't heavy, and he either was starting to
09:55 20 grow a beard or he hadn't shaved that morning. I don't
21 know, I was thinking, I told my kids, I said he was the
22 only one around me but I said oh, he couldn't have done
23 it, he seemed so nice, he told me God bless when he
24 walked away. After I handed --

09:56 25 Q. That's the only person you remember being

09:56 1 around you?

2 A. Yeah, he was the only one. There was
3 another lady before but those were the only two. And I
4 went to pay for what stuff I had and then my wallet was
09:56 5 gone. And how he did it I don't know. He didn't take
6 my purse, he took my wallet. I did not see him take it
7 but he had my cards. It wasn't but a few, I mean it
8 was, I was in there about 1 o'clock and the detective
9 asked me, we did go back to find out what time he was in
09:56 10 at the Game Stop store.

11 Q. That's what I'm getting to. Did you find
12 out that your cards were used shortly after?

13 A. Yes. He spent \$455 on my credit card at
14 the game place. And then he went to Walgreens and tried
09:56 15 to spend 422 but the manager was waiting on him and she
16 got him, but then by the time I got to the bank to stop
17 everything, my daughter had called me and said that,
18 cause she's on everything with me, my other daughter,
19 that they had been flagged, my cards had been flagged
09:56 20 and that's how this all started.

21 Q. So you yourself did not spend \$455.95 at
22 Game Stop?

23 A. No. I didn't even know that store was
24 there. I don't know anything about any of those things.

09:57 25 Q. And you yourself were not attempting to

09:57 1 purchase anything at Walgreens?

2 A. No. And he did spend \$19 on my debit card
3 at Walmart before he left.

4 Q. Okay. And none of those transactions were
09:57 5 done by you?

6 A. No.

7 Q. Were any of those transactions done with
8 your consent?

9 A. No.

09:57 10 Q. Did anyone besides yourself have your
11 consent to use your cards or have your cards in their
12 possession?

13 A. No.

14 Q. Okay. Do you know a person by the name of
09:57 15 Andrew Young?

16 A. Nope.

17 MS. DEMONTE: I have no further questions
18 for this witness.

19 THE FOREPERSON: Any questions?

09:57 20 By law, these proceedings are secret and
21 you are prohibited from disclosing to anyone anything
22 that has transpired before us, including evidence and
23 statements presented to the Grand Jury, any event
24 occurring or statement made in the presence of the Grand
09:57 25 Jury, and information obtained by the Grand Jury.

09:57 1 Failure to comply with this admonition is a
2 gross misdemeanor punishable by up to 364 days in the
3 Clark County Detention Center and a \$2,000 fine. In
4 addition, you may be held in contempt of court
09:57 5 punishable by an additional \$500 fine and 25 days in the
6 Clark County Detention Center.

7 Do you understand this admonition?

8 THE WITNESS: Yes.

9 THE FOREPERSON: Thank you. You're
09:58 10 excused.

11 MS. DEMONTE: Next witness will be Kristen
12 Trock.

13 THE FOREPERSON: Raise your right hand.

14 You do solemnly swear the testimony you are
09:59 15 about to give upon the investigation now pending before
16 this Grand Jury shall be the truth, the whole truth, and
17 nothing but the truth, so help you God?

18 THE WITNESS: Yes, I do.

19 THE FOREPERSON: You are advised that you
09:59 20 are here today to give testimony in the investigation
21 pertaining to the offenses of burglary, burglary,
22 larceny from the person-victim over 60 years of age,
23 grand larceny, fraudulent use of a credit or debit card,
24 battery with use of a deadly weapon resulting in
09:59 25 substantial bodily harm, attempt murder with use of a

09:59 1 deadly weapon, involving Andrew Young.

2 Do you understand this advisement?

3 THE WITNESS: Yes.

4 THE FOREPERSON: Please state your first
10:00 5 and last name and spell both for the record.

6 THE WITNESS: Kristen Trock.

7 K-R-I-S-T-E-N, Trock, T-R-O-C-K.

8 THE FOREPERSON: Thank you.

9 KRISTEN TROCK,

10:00 10 having been first duly sworn by the Foreperson of the
11 Grand Jury to testify to the truth, the whole truth,
12 and nothing but the truth, testified as follows:

13

14 EXAMINATION

10:00 15

16 BY MS. DEMONTE:

17 Q. Ma'am, how are you employed?

18 A. I work for Game Stop.

19 Q. Do you work at the location at 5060 Boulder
10:00 20 Highway?

21 A. Yes, I do.

22 Q. And is that near a Walmart?

23 A. Yes, it is.

24 Q. Is it sort of in the same shopping center?

10:00 25 A. Yes. We're actually right in front of the

10:00 1 Walmart inside that shopping center.

2 Q. Directing your attention to July 23rd. And

3 I'm sorry, did I ask you yet, is that located here in

4 Las Vegas, Clark County, Nevada?

10:00 5 A. Yes, it is.

6 Q. Okay. Directing your attention to

7 July 23rd, were you asked by police to investigate a

8 transaction occurring on that day regarding a credit

9 card in the name of Barbara Bowen?

10:00 10 A. Yes.

11 Q. Were you able to pull up that transaction

12 and some video footage?

13 A. Yes, I was.

14 Q. Showing you Grand Jury Exhibit Number 16.

10:01 15 Is that the receipt for that transaction?

16 A. Yes, it is.

17 Q. And what was purchased?

18 A. It's a Vanilla Visa card.

19 Q. And Vanilla Visa, that's a Visa gift card?

10:01 20 A. Yes.

21 Q. So it was a gift card in the amount of 450

22 and then there's a fee?

23 A. Yes, there's a fee of \$5.95.

24 Q. And is that reflected in the transaction

10:01 25 there?

10:01 1 A. Yes, it is.

2 Q. And Grand Jury Exhibit Number 17, is that
3 the corresponding video to that transaction?

4 A. Yes, it is.

10:01 5 Q. And Grand Jury Exhibit Number 18 are the
6 stills taken from that video?

7 A. Yes, they are.

8 Q. Okay. Now I'm going to pass around the
9 receipt for the members of the Grand Jury.

10:01 10 And then up on the screen I'm going to put
11 Grand Jury Exhibit Number 18. Is this the man that did
12 that transaction?

13 A. Yes, it is.

14 Q. The black gentleman in kind of the blue
10:02 15 camouflage shorts?

16 A. Yes, it is.

17 Q. And the second page of that, that's
18 actually the man entering or exiting the store; is that
19 correct?

10:02 20 A. Yes, he was exiting the store.

21 Q. And he's still got those blue camouflage
22 shorts, the white shoes with the diagonal stripe and
23 he's carrying kind of a black jacket over his arm?

24 A. Yes.

10:02 25 Q. Is this the only time you were asked by the

10:02 1 police to look into a suspicious transaction?

2 A. No, I believe there was also a date of
3 August 1st.

4 Q. And ladies and gentlemen of the Grand Jury,
10:02 5 we're going to fast forward since we've got the witness
6 up here already to Counts 19 through 22.

7 And ma'am, this time were you also asked to
8 look into a transaction occurring on August 1st
9 involving a credit card under the name Montho,

10:02 10 M-O-N-T-H-O, Boone, B-O-O-N-E?

11 A. Yes, I was.

12 Q. Showing you Grand Jury Exhibit Number 24.
13 Is that the receipt for that transaction?

14 A. Yes, it is.

10:03 15 Q. And what was purchased on that date?

16 A. Another Vanilla Visa card.

17 Q. And how much was the Vanilla Visa card
18 purchased for?

19 A. It would have been the 475 and then the \$5
10:03 20 fee, so \$480.95.

21 Q. And did you also, were you also able to
22 pull up the video surveillance of that transaction as
23 well?

24 A. Yes, I was.

10:03 25 Q. And is that Grand Jury Exhibit Number 25?

10:03 1 A. Yes, it is.

2 Q. And Grand Jury Exhibit Number 26, are those
3 video stills of that transaction?

4 A. Yes.

10:03 5 Q. Okay. Now I'm going to pass around this
6 receipt for the members of the Grand Jury. And then
7 I'll put Grand Jury Exhibit Number 26 up on the screen.

8 And is this the man that conducted that
9 transaction?

10:03 10 A. Yes, it is.

11 Q. Again wearing blue camouflage shorts and
12 carrying a jacket draped over his arm?

13 A. Yes.

14 Q. And the second page is him approaching the
10:04 15 counter as well; correct.

16 A. Yes.

17 Q. And in this one you can see his shoes with
18 the diagonal stripe down the side?

19 A. Yes.

10:04 20 MS. DEMONTE: I have no further questions
21 of this witness.

22 THE FOREPERSON: Any questions?

23 By law, these proceedings are secret and
24 you are prohibited from disclosing to anyone anything

10:04 25 that has transpired before us, including evidence and

10:04 1 statements presented to the Grand Jury, any event
2 occurring or statement made in the presence of the Grand
3 Jury, and information obtained by the Grand Jury.

4 Failure to comply with this admonition is a
10:04 5 gross misdemeanor punishable by up to 364 days in the
6 Clark County Detention Center and a \$2,000 fine. In
7 addition, you may be held in contempt of court
8 punishable by an additional \$500 fine and 25 days in the
9 Clark County Detention Center.

10:04 10 Do you understand this admonition?

11 THE WITNESS: Yes.

12 THE FOREPERSON: Thank you and you're
13 excused.

14 MS. DEMONTE: Next witness will be Janelle
10:05 15 Phung.

16 And ladies and gentlemen, we're going to go
17 back to Counts 11 through 14 as well.

18 THE FOREPERSON: Please raise your right
19 hand.

10:05 20 You do solemnly swear the testimony you are
21 about to give upon the investigation now pending before
22 this Grand Jury shall be the truth, the whole truth, and
23 nothing but the truth, so help you God?

24 THE WITNESS: Yes.

10:05 25 THE FOREPERSON: You are advised that you

10:05 1 are here today to give testimony in the investigation
2 pertaining to the offenses of burglary, burglary,
3 larceny from the person-victim over 60 years of age,
4 grand larceny, fraudulent use of credit or debit card,
10:06 5 battery with use of a deadly weapon resulting in
6 substantial bodily harm, attempt murder with use of a
7 deadly weapon, involving Andrew Young.

8 Do you understand this advisement?

9 THE WITNESS: Yes.

10:06 10 THE FOREPERSON: Please state your first
11 and last name, spell both for the record.

12 THE WITNESS: My name is Janelle Phung.

13 J-A-N-E-L-L-E, P-H-U-N-G.

14 THE FOREPERSON: Thank you.

10:06 15 JANELLE PHUNG,
16 having been first duly sworn by the Foreperson of the
17 Grand Jury to testify to the truth, the whole truth,
18 and nothing but the truth, testified as follows:

19

10:06 20 EXAMINATION

21

22 BY MS. DEMONTE:

23 Q. Ma'am, how are you employed?

24 A. Good.

10:06 25 Q. Sorry. How are you employed?

10:06 1 A. Oh. I'm the assistant store manager at
2 Walgreens.

3 Q. Are you the store manager at the Walgreens
4 at 4895 Boulder Highway here in Las Vegas, Clark County,
10:06 5 Nevada?

6 A. Yes.

7 Q. Is that located near a Walmart?

8 A. It's just down the street.

9 Q. Directing your attention to July 23rd, were
10:06 10 you asked to look into some credit card transactions
11 involving a card in the name of Barbara Bowen?

12 A. I was not personally but I was told about
13 it.

14 Q. Being the store manager, are you privy to
10:07 15 the surveillance video as well as the transaction
16 history?

17 A. Yes.

18 Q. Okay. Showing you Grand Jury Exhibit
19 Number 19. Is this a transaction record for an
10:07 20 attempted Visa card purchase?

21 A. Yes.

22 Q. And what was attempting to be purchased
23 there?

24 A. A Vanilla Visa card and a Vanilla -- oh,
10:07 25 no, it's the fee. Never mind.

10:07 1 Q. So a Vanilla Visa card with the
2 corresponding fee?
3 A. Yes.
4 Q. Did that transaction actually go through?
10:07 5 A. No.
6 Q. And showing you Grand Jury Exhibit
7 Number 20. Is that the corresponding video surveillance
8 of that transaction?
9 A. Yes.
10:08 10 Q. And Grand Jury Exhibit Number 21, are those
11 still photographs from the surveillance video from that
12 July 23rd transaction?
13 A. Yes.
14 Q. And putting up on the screen Grand Jury
10:08 15 Exhibit Number 21. Is this the person attempting to
16 make that transaction?
17 A. Yes.
18 Q. And it's a black male wearing like blue
19 camouflage shorts carrying a black jacket?
10:08 20 A. Yes.
21 Q. And this is just more footage of him here.
22 And is that actually the Visa card?
23 A. Yes.
24 Q. Okay.
10:08 25 A. On the counter.

10:08 1 Q. That's the gift card that's attempting to
2 be purchased?

3 A. Yes.

4 Q. And more footage there?

10:08 5 A. Uh-huh.

6 Q. And is this then the man exiting the store;
7 correct?

8 A. Yes.

9 Q. Now I want to fast forward to, for the
10:09 10 ladies and gentlemen of the Grand Jury we're going to
11 bounce back to Counts 19 through 22, another transaction
12 occurring on August 1st. And was this transaction also
13 attempted at your store on Boulder Highway?

14 A. Yes.

10:09 15 Q. Showing you Grand Jury Exhibit Number 27.
16 Is this the record of the transaction that was attempted
17 to purchase yet more Vanilla Visa cards but this time
18 for a card under the name of Montho Boone?

19 A. Yes.

10:09 20 Q. And Grand Jury Exhibit Number 28, is that
21 the video surveillance that corresponds to that
22 transaction?

23 A. Yes.

24 Q. And Grand Jury Exhibit Number 29, are those
10:09 25 stills of the person who conducted that transaction?

10:09 1 A. Yes.

2 Q. Okay. I'll pass that around and I'll put
3 up on the screen Grand Jury Exhibit Number 29.

4 Is this the man that attempted to make that
10:10 5 transaction with the credit card?

6 A. Yes, it is.

7 Q. And it appears to be the same man from the
8 previous transaction as well; correct?

9 A. Yes.

10:10 10 Q. And in fact he's still wearing the same
11 clothing?

12 A. Yeah.

13 Q. Okay. And the second page of that, it
14 shows the actual man himself attempting to swipe that
10:10 15 card; correct?

16 A. Yes.

17 MS. DEMONTE: I have no further questions
18 of this witness.

19 THE FOREPERSON: Any questions?

10:10 20 By law, these proceedings are secret and
21 you are prohibited from disclosing to anyone anything
22 that has transpired before us, including evidence and
23 statements presented to the Grand Jury, any event
24 occurring or statement made in the presence of the Grand
10:10 25 Jury, and information obtained by the Grand Jury.

10:10 1 Failure to comply with this admonition is a
2 gross misdemeanor punishable by up to 364 days in the
3 Clark County Detention Center and a \$2,000 fine. In
4 addition, you may be held in contempt of court
10:10 5 punishable by an additional \$500 fine and 25 days in the
6 Clark County Detention Center.

7 Do you understand this admonition?

8 THE WITNESS: Yes, I do.

9 THE FOREPERSON: Thank you. You're
10:11 10 excused.

11 MS. DEMONTE: Next witness is Serry Mello.
12 S-E-R-R-Y, M-E-L-L-O.

13 THE FOREPERSON: You do solemnly swear the
14 testimony you are about to give upon the investigation
10:11 15 now pending before this Grand Jury shall be the truth,
16 the whole truth, and nothing but the truth, so help you
17 God?

18 THE WITNESS: I do.

19 THE FOREPERSON: You are advised that you
10:11 20 are here today to give testimony in the investigation
21 pertaining to the offenses of burglary, burglary,
22 larceny from the person-victim over 60 years of age,
23 grand larceny, fraudulent use of credit or debit card,
24 battery with use of a deadly weapon resulting in
10:12 25 substantial bodily harm, attempt murder with use of a

10:12 1 deadly weapon, involving Andrew Young.

2 Do you understand this advisement?

3 THE WITNESS: Yes.

4 THE FOREPERSON: Please state your first
10:12 5 and last name, spell both for the record.

6 THE WITNESS: First name is Serry, last
7 name is Mellow.

8 THE FOREPERSON: Spell them please.

9 THE WITNESS: Spell? Oh. S-E-R-R-Y,
10:12 10 M-E-L-L-O.

11 THE FOREPERSON: Thank you.

12 SERRY MELLO,

13 having been first duly sworn by the Foreperson of the
14 Grand Jury to testify to the truth, the whole truth,
10:12 15 and nothing but the truth, testified as follows:

16

17 EXAMINATION

18

19 BY MS. DEMONTE:

10:12 20 Q. Sir, I hate to ask, but how old are you?

21 A. I'm sorry?

22 Q. How old are you?

23 A. I'm 69.

24 Q. Okay. I want to direct your attention to
10:12 25 July 29th of this year. Were you 69 at that time as

10:12 1 well?

2 A. I turned 69 on that day.

3 Q. That was your birthday?

4 A. Yes.

10:12 5 Q. On that date were you here in Las Vegas,
6 Nevada?

7 A. Yes, I was.

8 Q. And were you here on a trip?

9 A. No. I live locally so it was just a trip

10:13 10 to the hotel.

11 Q. And where were you staying?

12 A. Flamingo Hotel in Las Vegas.

13 Q. Is that at 3555 Flamingo Road to your
14 knowledge?

10:13 15 A. As best as I know, yes.

16 Q. And did something unusual happen when you
17 got to the Flamingo?

18 A. Yes.

19 Q. What happened?

10:13 20 A. After I checked in we went to the elevator
21 to go to our hotel room and at that point --

22 Q. I'm going to stop you just for a second.

23 When you went to the elevator did you have your wallet
24 with you?

10:13 25 A. To my knowledge I did.

10:13 1 Q. Where was your wallet?

2 A. In my left front pocket.

3 Q. And then what happened inside that

4 elevator?

10:14 5 A. Well, my wife and myself entered the

6 elevator, two other people came in and before the

7 elevator door closed one of those men asked if it was

8 okay to come in so we ended up with five people in that

9 elevator along with our luggage which made it for being

10:14 10 very crowded in that elevator. Our room was on the

11 fourth floor and when we got to the fourth floor it was

12 very difficult to get out of the elevator. I had one

13 person up near me, I'm trying to maneuver the luggage to

14 get out of the elevator, my wife was in the front so it

10:14 15 was easy for her to get out, but I was in the back. So

16 I found it difficult to get out. When I did get out,

17 one of the men said to me oh, I got you, but I just took

18 it to mean that he was trying to move to help me get out

19 of the elevator. So then we proceeded to our room. We

10:15 20 were in our room for about 15 or 20 minutes and then I

21 get a call on my cell phone and it's my bank, the fraud

22 department, telling me that there was some charges being

23 used against your card and they were verifying with me,

24 and I says well, it can't be, I just got here in my

10:15 25 room. Then I realized my wallet was missing. So I

10:15 1 explained that to the bank and we put a stop on the card
2 activity and then after that it was mainly calling on my
3 credit card, I was trying to get everything stopped, and
4 then I called security at Flamingo.

10:15 5 Q. Now up on the screen, if you can kind of
6 look up there, do you see yourself on that video?

7 A. Yeah, that's my back and I'm carrying the
8 two luggages.

9 Q. For the record this is Grand Jury Exhibit
10:16 10 Number 22.

11 Is that you walking towards the elevators
12 with your luggage?

13 A. Yes.

14 That's my wife coming up.

10:16 15 Q. And then this man here carrying the black
16 jacket, is that the man you were describing?

17 A. I can't be a hundred percent sure.

18 Q. That's okay. But he is now in the elevator
19 with you?

10:17 20 A. Yes.

21 Q. I'm going to switch to this footage. Is
22 this now inside the elevator?

23 A. Uh-huh.

24 Q. And that's you attempting to get out and
10:17 25 the man in the black jacket was kind of --

10:17 1 A. Yes.

2 Q. -- cozying up to you as you were exiting?

3 A. Yeah. Again I was just concerned about

4 getting out so I didn't realize, I found it difficult to

10:17 5 get out like I explained before but.

6 Q. And the man has now pushed the elevator to

7 go back down to the first floor.

8 Now do you know this person at all?

9 A. No. Although I can't get a good look at

10:18 10 the front of his face but, no.

11 Q. Okay. And can you think of, did you give

12 anyone permission to take your wallet?

13 A. No, I did not give permission.

14 Q. Okay. Now I'm just going to show you Grand

10:18 15 Jury Exhibit Number 23. Are these, do these appear to

16 be still photographs of the video we just watched?

17 A. Right there, I believe that's when he said

18 to me oh, I got you.

19 Q. Like he was helping you?

10:18 20 A. Like, yeah, I took it to mean he was

21 helping me out. Again I was focused on getting the

22 luggage, you know, just getting out.

23 Q. This is the third to the last page of Grand

24 Jury Exhibit Number 23.

10:19 25 There we go. So that portion there is when

10:19 1 you believe he was saying I got you, I got you, as if he
2 was helping you?

3 A. Yeah. He was like, yeah, I mean, at this
4 point, actually I wasn't feeling well at all and being
10:19 5 crowded, and then he said it to me so I just thought he
6 was just --

7 Q. Being nice?

8 A. Yeah. Again before that, like I explained,
9 it was five people that got on that elevator. My wife
10:19 10 said to me you're not supposed to, you know, but one of
11 the other guys called the other one in so it made five
12 of us in that elevator so it made for a more crowded
13 situation.

14 MS. DEMONTE: I have no more questions of
10:19 15 this witness.

16 THE FOREPERSON: Any questions?

17 By law, these proceedings are secret and
18 you are prohibited from disclosing to anyone anything
19 that has transpired before us, including evidence and
10:19 20 statements presented to the Grand Jury, any event
21 occurring or statement made in the presence of the Grand
22 Jury, and information obtained by the Grand Jury.

23 Failure to comply with this admonition is a
24 gross misdemeanor punishable by up to 364 days in the
10:19 25 Clark County Detention Center and a \$2,000 fine. In

10:19 1 addition, you may be held in contempt of court
2 punishable by an additional \$500 fine and 25 days in the
3 Clark County Detention Center.

4 Do you understand this admonition?

10:20 5 THE WITNESS: Yes.

6 THE FOREPERSON: Thank you and you're
7 excused.

8 MS. DEMONTE: Moving onto Counts 19 through
9 22. Next witness is Montho Boone.

10:21 10 THE FOREPERSON: Please raise your right
11 hand.

12 You do solemnly swear the testimony you are
13 about to give upon the investigation now pending before
14 this Grand Jury shall be the truth, the whole truth, and
10:21 15 nothing but the truth, so help you God?

16 THE WITNESS: Yes, I do.

17 THE FOREPERSON: You are advised that you
18 are here today to give testimony in the investigation
19 pertaining to the offenses of burglary, burglary,
10:21 20 larceny from the person-victim over 60 years of age,
21 grand larceny, fraudulent use of credit or debit card,
22 battery with use of a deadly weapon resulting in
23 substantial bodily harm, attempt murder with use of a
24 deadly weapon, involving Andrew Young.

10:22 25 Do you understand this advisement?

10:22 1 THE WITNESS: Yes.

2 THE FOREPERSON: Please state your first
3 and last name, spell both for the record.

4 THE WITNESS: My name is Montho, my last
10:22 5 name Boone.

6 THE FOREPERSON: Spell them.

7 MS. DEMONTE: Can you spell your name for
8 us?

9 THE FOREPERSON: Spell.

10:22 10 THE WITNESS: Spell my name? M-O-N-T-H-O,
11 my last name is B-O-O-N-E.

12 THE FOREPERSON: Thank you.

13 MS. DEMONTE: Thank you.

14 MONTHO BOONE,

10:22 15 having been first duly sworn by the Foreperson of the
16 Grand Jury to testify to the truth, the whole truth,
17 and nothing but the truth, testified as follows:

18

19 EXAMINATION

10:22 20

21 BY MS. DEMONTE:

22 Q. Ma'am, how old are you?

23 A. I'm 80 year old.

24 Q. On August 1st of this year were you also

10:22 25 80?

10:22 1 A. Yes.

2 Q. On that day did you go to the Walmart on
3 Boulder Highway?

4 A. Yes, ma'am.

10:23 5 Q. And when you were at that Walmart did
6 something unusual happen?

7 A. Yes.

8 Q. What happened?

9 A. I was in Walmart with the cart and I put my
10:23 10 purse in the cart.

11 Q. You had your purse in the cart?

12 A. Yeah. I tie a knot. I tie it to the cart
13 and then my zipper is closing, closing, and then walk
14 around and shopping. I come to vegetable side and I
10:23 15 look in the cantaloupe and then about three minutes and
16 I turn around and I see my purse zip open. I don't see
17 who doing that to me.

18 Q. Okay. Now after you noticed your purse
19 open, did you check inside to see if anything was
10:24 20 missing?

21 A. Yes, my wallet is missing. Big wallet, you
22 know, Michael Kors, my son buy me a birthday.

23 Q. So a Michael Kors wallet you got for your
24 birthday?

10:24 25 A. Yeah, (unintelligible) in front of me.

10:24 1 Inside the (unintelligible.)

2 Q. So inside the wallet, what was inside the

3 wallet?

4 A. Inside the wallet, yes.

10:24 5 Q. What was inside your wallet?

6 A. I have two, money and maybe give me my, I

7 have change and maybe ten, 11-dollar.

8 Q. Did you also have like credit cards inside

9 your wallet?

10:25 10 A. I have credit, two credit card and one ID

11 and one military ID.

12 Q. Military ID?

13 A. Yes. And then I have picture of my

14 grandkid, my family.

10:25 15 Q. Family pictures?

16 A. I keep with me.

17 Q. Now Montho, when you noticed your wallet

18 missing, did you report it to the police?

19 A. I call, I call, my daughter having me call

10:25 20 police and then they have to wait half hour, they're not

21 coming.

22 Q. After your wallet was missing --

23 A. I'm sorry.

24 Q. It's okay.

10:26 25 A. I never have that happen before like this.

10:26 1 Q. After your wallet went missing, did you
2 find out that some of your credit cards were used?

3 A. I hear the, my phone, it clicking about
4 half hour, and then I look, I never know that they use
10:26 5 my credit card.

6 Q. Let me ask you this. Did you yourself buy
7 anything after your wallet was missing?

8 A. No.

9 Q. Did you go to Game Stop to buy a gift card?

10:26 10 A. No.

11 Q. Did you go to Walgreens to buy a gift card?

12 A. No, ma'am.

13 Q. Okay. Did you give anyone permission to
14 use your card to do those things?

10:26 15 A. No.

16 MS. DEMONTE: Okay. I have no further
17 questions of this witness.

18 THE WITNESS: No, I cannot buy that day. I
19 have to come home to report to credit card missing and
10:27 20 call my daughter helping me.

21 MS. DEMONTE: Okay.

22 THE WITNESS: Bank, you know, and call
23 company credit card.

24 BY MS. DEMONTE:

10:27 25 Q. Your daughter helped you call the bank?

10:27 1 A. Yeah.

2 THE FOREPERSON: Any other questions?

3 THE WITNESS: I --

4 MS. DEMONTE: It's okay.

10:27 5 THE WITNESS: I'm sorry.

6 MS. DEMONTE: No, you're okay.

7 THE WITNESS: I'm so --

8 MS. DEMONTE: You don't have to talk

9 anymore. You're okay.

10:27 10 THE FOREPERSON: By law, these proceedings

11 are secret and you are prohibited from disclosing to

12 anyone anything that has transpired before us, including

13 evidence and statements presented to the Grand Jury, any

14 event occurring or statement made in the presence of the

10:27 15 Grand Jury, and information obtained by the Grand Jury.

16 Failure to comply with this admonition is a

17 gross misdemeanor punishable by up to 364 days in the

18 Clark County Detention Center and a \$2,000 fine. In

19 addition, you may be held in contempt of court

10:27 20 punishable by an additional \$500 fine and 25 days in the

21 Clark County Detention Center.

22 Do you understand this admonition?

23 THE WITNESS: Yes. Yes, sir.

24 THE FOREPERSON: Thank you. You're

10:28 25 excused.

10:28 1 THE WITNESS: Yes, sir.

2 THE FOREPERSON: You're excused. Thank

3 you.

4 MS. DEMONTE: You're done.

10:28 5 THE FOREPERSON: Thank you.

6 MS. DEMONTE: You can go.

7 THE WITNESS: Thank you.

8 MS. DEMONTE: Do you need help?

9 THE WITNESS: I'm so sad.

10:28 10 MS. DEMONTE: I know.

11 THE WITNESS: I'm done now?

12 MS. DEMONTE: You're done now.

13 THE FOREPERSON: Thank you.

14 THE WITNESS: Thank you. Thank you.

10:31 15 MS. DEMONTE: You're going to go to the

16 navy blue chair in front of the microphone.

17 THE FOREPERSON: Please raise your right

18 hand please.

19 You do solemnly swear the testimony you are

10:31 20 about to give upon the investigation now pending before

21 this Grand Jury shall be the truth, the whole truth, and

22 nothing but the truth, so help you God?

23 THE WITNESS: I do.

24 THE FOREPERSON: You are advised that you

10:31 25 are here today to give testimony in the investigation

10:31 1 pertaining to the offenses of burglary, burglary,
2 larceny from the person-victim over 60 years of age,
3 grand larceny, fraudulent use of credit or debit card,
4 battery with use of a deadly weapon resulting in
10:31 5 substantial bodily harm, attempt murder with use of a
6 deadly weapon, involving Andrew Young.

7 Do you understand this advisement?

8 THE WITNESS: Yes.

9 THE FOREPERSON: Please state your first
10:31 10 and last name and spell both for the record.

11 THE WITNESS: Tina, T-I-N-A, Leigh,
12 L-E-I-G-H.

13 THE FOREPERSON: Thank you.

14 TINA LEIGH,

10:32 15 having been first duly sworn by the Foreperson of the
16 Grand Jury to testify to the truth, the whole truth,
17 and nothing but the truth, testified as follows:

18

19 EXAMINATION

10:32 20

21 BY MS. DEMONTE:

22 Q. Ma'am, I want to direct your attention to
23 August 7th of this year. Were you at the Walmart at
24 5198 Boulder Highway?

10:32 25 A. Yes.

10:32 1 Q. Did something unusual happen while you were
2 inside that Walmart?

3 A. Yes.

4 Q. What happened?

10:32 5 A. I think it was aisle 21.

6 Q. Wow. Okay.

7 A. Because I was very angry and I, a very tall
8 African American man got my attention and said, and
9 asked me kind of a ridiculous question that should have
10:32 10 been my first clue. But I, you know, I had only been in
11 town like two weeks, I was just coming for a temporary
12 job and I thought oh, I'll help him. And then he got my
13 attention, but out of the corner of my eye I saw a much
14 shorter black man with a, like a dark sweatshirt,
10:33 15 sweater or something, and he dived his hand into my
16 purse like super fast.

17 Q. Where was your purse?

18 A. It was in the cart and it was tied in with
19 the child safety thing, but I guess the opening was
10:33 20 large enough that he just, and I thought I saw it and I
21 was like, it was so fast, and I turned around and I was
22 kind of in a state of shock and then I looked at the
23 tall man and I was like that man just pickpocketed me
24 and then the tall man ran off too. He, they both went
10:33 25 opposite directions and then I didn't know which way to

10:33 1 chase them. But I went and I found the security guard
2 and then I went looking for them myself in the store
3 because I was really mad.

4 Q. Up on the screen, if you can see it up
10:34 5 there, is Grand Jury Exhibit Number 30. Does that
6 appear to you to be footage from inside the Walmart?

7 A. Yeah.

8 Q. And over here where I'm kind of touching
9 with my finger, is that the aisle you were in?

10:34 10 A. I believe so.

11 Q. And is this you coming down the aisle?

12 A. I think so. It's kind of tiny from here.

13 Q. That's okay.

14 And you're wearing a black shirt, right?

10:35 15 A. Yeah.

16 Q. Is that the tall man you described that is
17 kind of leaning in toward you?

18 A. Yeah.

19 Q. And now there's a another man approaching
10:35 20 you as well; correct?

21 A. Yeah.

22 Q. And that second man just reached into your
23 cart and took something; is that correct?

24 A. Yeah. He was so fast. It's almost like I
10:35 25 was like wow.

10:35 1 Q. And for the record the man that reached in
2 was wearing like blue camouflage shorts and white tennis
3 shoes?

4 A. Well, the one thing I actually remember is
10:35 5 the thing over his arm.

6 Q. The jacket?

7 A. That sort of really -- yeah, that's what I
8 really focused on.

9 Q. Now did you give permission for anyone to
10:36 10 take your wallet?

11 A. No.

12 Q. I know it's a stupid question but I've got
13 to ask. Do you know a person by the name of Andrew
14 Young?

10:36 15 A. No.

16 MS. DEMONTE: I have no further questions
17 of this witness.

18 THE FOREPERSON: Any questions?

19 MS. DEMONTE: I'm sorry. Let me just ask
10:36 20 one. I can't remember if I did it.

21 Q. That Walmart at 5198 Boulder Highway,
22 that's here in Las Vegas, Clark County, Nevada?

23 A. Yes.

24 MS. DEMONTE: Now I'm done.

10:36 25 THE FOREPERSON: Any questions?

10:36 1 By law, these proceedings are secret and
2 you are prohibited from disclosing to anyone anything
3 that has transpired before us, including evidence and
4 statements presented to the Grand Jury, any event
10:36 5 occurring or statement made in the presence of the Grand
6 Jury, and information obtained by the Grand Jury.

7 Failure to comply with this admonition is a
8 gross misdemeanor punishable by up to 364 days in the
9 Clark County Detention Center and a \$2,000 fine. In
10:36 10 addition, you may be held in contempt of court
11 punishable by an additional \$500 fine and 25 days in the
12 Clark County Detention Center.

13 Do you understand this admonition?

14 THE WITNESS: Yes.

10:37 15 THE FOREPERSON: Thank you and you're
16 excused.

17 THE WITNESS: Thank you.

18 MS. DEMONTE: And ladies and gentlemen, for
19 the record I'm going to pass around Grand Jury
10:37 20 Exhibit 31 which are the still photographs from the
21 video you just watched so you guys can review those.

22 Next couple of witnesses relates to Count
23 24. That will be Barbara Angersbach.

24 Okay. Barbara, you're going to go straight
10:38 25 ahead to the navy blue chair that's in front of the

10:38 1 microphone. Stand first to get sworn in.
2 THE FOREPERSON: Please raise your right
3 hand.
4 Please raise your right hand.
10:38 5 You do solemnly swear the testimony you are
6 about to give upon the investigation now pending before
7 this Grand Jury shall be the truth, the whole truth, and
8 nothing but the truth, so help you God?
9 THE WITNESS: I do.
10:39 10 THE FOREPERSON: You are advised that you
11 are here today to give testimony in the investigation
12 pertaining to the offenses of burglary, burglary --
13 THE WITNESS: I cannot hear you.
14 THE FOREPERSON: I'll come closer.
10:39 15 THE WITNESS: Sorry. I lost my hearing.
16 THE FOREPERSON: That's okay.
17 You are advised that you are here today to
18 give testimony in the investigation pertaining to the
19 offenses of burglary, burglary, larceny from a
10:39 20 person-victim over 60 years of age, grand larceny,
21 fraudulent use of credit or debit card, battery with use
22 of a deadly weapon resulting in substantial bodily harm,
23 attempt murder with use of a deadly weapon, involving
24 Andrew Young.
10:39 25 Do you understand this advisement?

10:39 1 THE WITNESS: Yes.

2 THE FOREPERSON: Please state your first
3 and last name and spell both for the record.

4 THE WITNESS: Barbara Angersbach.

10:39 5 THE FOREPERSON: Can you talk into the
6 microphone?

7 THE WITNESS: Barbara Angersbach.

8 THE FOREPERSON: Spell your name.
9 Spell your name.

10:40 10 THE WITNESS: B-A-R-B-A-R-A,
11 A-N-G-E-R-S-B-A-C-H.

12 THE FOREPERSON: Can you spell your last
13 name again?

14 THE WITNESS: A-N-G-E-R-S-B-A-C-H.

10:40 15 THE FOREPERSON: Thank you.

16 BARBARA ANGERSBACH,
17 having been first duly sworn by the Foreperson of the
18 Grand Jury to testify to the truth, the whole truth,
19 and nothing but the truth, testified as follows:

10:40 20

21 EXAMINATION

22

23 BY MS. DEMONTE:

24 Q. Ma'am, how old are you?

10:40 25 A. I cannot hear you.

10:40 1 Q. Let me get close to you.
2 How old are you?
3 A. Pardon me?
4 Q. How old are you?
10:40 5 A. Eighty-three.
6 Q. Eighty-three?
7 A. Uh-huh.
8 Q. On August 9th of this year were you also 83
9 at that time?
10:40 10 A. Yeah.
11 Q. Yes? Okay. On that, on August 9th were
12 you at the Sun Coast Hotel and Casino?
13 A. Correct, yes.
14 Q. What were you doing there?
10:41 15 A. I went for a late dinner and then I had a
16 coupon to play so I was going to play that.
17 Q. Did you actually sit at one of the machines
18 to play?
19 A. Yes.
10:41 20 Q. Did you have your purse with you?
21 A. Yes.
22 Q. Where was your purse?
23 A. My purse was like this.
24 Q. Right next to you just like that?
10:41 25 A. Yes.

10:41 1 Q. Was it kind of up against your body like it
2 is today?

3 A. I had it open because I was just taking my
4 glasses out to see. Then those two gentlemen sat next
10:41 5 to me and I turned around, I said you cannot sit here,
6 you have to be six foot away. And he said oh. And I
7 said you can't sit here. And when I said this, this
8 happened already, but I was not aware of it. So I took
9 my glasses out, I played for a little bit, put them back
10:41 10 and I noticed no wallet. I thought I don't know what
11 happened, I must have left it at home maybe, but I know
12 I didn't. But on the way home, which I don't live far,
13 I saw on the cell phone that my --

14 Q. Cards had been used?

10:42 15 A. My credit card. So when I got home I
16 noticed this so I called and then I went the next day, I
17 went to the police station and then from there on I
18 called all the banks and everything and I went back to
19 Sun Coast and I also filed a claim there and they
10:42 20 checked the monitor and they could see two guys doing
21 it.

22 Q. Okay. Now these two guys that sat next to
23 you, had you ever seen them before?

24 A. Not that I know, no.

10:42 25 Q. Did you give them or anyone else permission

10:42 1 to take your wallet or use your cards?

2 A. No.

3 MS. DEMONTE: I have no further questions
4 of this witness.

10:42 5 THE FOREPERSON: Any questions?

6 By law, these proceedings are secret and
7 you are prohibited from disclosing to anyone anything
8 that has transpired before us, including evidence and
9 statements presented to the Grand Jury, any event
10 occurring or statement made in the presence of the Grand
11 Jury, and information obtained by the Grand Jury.

12 Failure to comply with this admonition is a
13 gross misdemeanor punishable by up to 364 days in the
14 Clark County Detention Center and a \$2,000 fine. In
10:42 15 addition, you may be held in contempt of court
16 punishable by an additional \$500 fine and 25 days in the
17 Clark County Detention Center.

18 Do you understand this admonition?

19 THE WITNESS: I have a question about the
10:43 20 time in jail. I don't understand.

21 MS. DEMONTE: Okay.

22 THE FOREPERSON: Okay. Basically what it
23 says is you're in here and what you say is supposed to
24 be kept secret.

10:43 25 THE WITNESS: All right.

10:43 1 THE FOREPERSON: And if you don't and they
2 find out then you can be fined.

3 THE WITNESS: Okay.

4 THE FOREPERSON: Do you understand this
10:44 5 admonition?

6 THE WITNESS: Yes.

7 THE FOREPERSON: Thank you and you're
8 excused.

9 THE WITNESS: Thank you.

10:44 10 THE FOREPERSON: You can go home.

11 THE WITNESS: That's it?

12 MS. DEMONTE: That's it.

13 Next witness is Robert Burkholder. But
14 I'll help you out. Come on out.

10:45 15 Robert, we're going to put you over here.
16 It's going to be that chair up there in the witness box.

17 THE FOREPERSON: Please raise your right
18 hand.

19 You do solemnly swear the testimony you are
10:45 20 about to give upon the investigation now pending before
21 this Grand Jury shall be the truth, the whole truth, and
22 nothing but the truth, so help you God?

23 THE WITNESS: Yes.

24 THE FOREPERSON: You are advised that you
10:45 25 are here today to give testimony in the investigation

10:45 1 pertaining to the offenses of burglary, burglary,
2 larceny from the person-victim over 60 years of age,
3 grand larceny, fraudulent use of credit or debit card,
4 battery with use of a deadly weapon resulting in
10:46 5 substantial bodily harm, attempt murder with use of a
6 deadly weapon, involving Andrew Young.

7 Do you understand this advisement?

8 THE WITNESS: Yes.

9 THE FOREPERSON: Please state your first
10:46 10 and last name and spell both for the record.

11 THE WITNESS: Robert Burkholder.

12 R-O-B-E-R-T, B-U-R-K-H-O-L-D-E-R.

13 THE FOREPERSON: Thank you.

14 ROBERT BURKHOLDER,

10:46 15 having been first duly sworn by the Foreperson of the
16 Grand Jury to testify to the truth, the whole truth,
17 and nothing but the truth, testified as follows:

18

19 EXAMINATION

10:46 20

21 BY MS. DEMONTE:

22 Q. Sir, how are you employed?

23 A. I'm a surveillance agent at the Sun Coast
24 Hotel and Casino.

10:46 25 Q. I want to direct your attention to

10:46 1 August 9th. Were you asked to look for video footage
2 involving a wallet theft involving a woman who just left
3 the Grand Jury room?

4 A. Yes.

10:46 5 Q. And did you guys assign like an internal
6 event number to that?

7 A. It, when I did the report it generated a
8 number. I don't know exactly what that number is
9 offhand.

10:47 10 Q. Okay. Now up on the screen, can you see
11 that screen from where you are or do I need to flip this
12 one around?

13 A. I can mostly see it.

14 Q. Is that the video surveillance you were
10:47 15 able to obtain from that wallet theft event?

16 A. May I stand up and take a closer look?

17 Q. Yeah. Or you can kind of peek over at this
18 one too. There's actually a screen right in front of
19 you. If I can turn it for you.

10:47 20 A. Yes.

21 Q. That's the one?

22 A. Yes.

23 Q. Okay. And to make life a little easier,
24 and ladies and gentlemen of the Grand Jury, the disk
10:47 25 that's in the machine is Grand Jury Exhibit Number 32

10:47 1 which he just identified as the video surveillance.

2 Showing you Grand Jury Exhibit Number 33.

3 Are these still photographs from that same video

4 surveillance footage?

10:48 5 A. Yes.

6 Q. Okay. Were you able to identify where the
7 victim was seated and what happened?

8 A. Yes.

9 Q. And showing you the third page of that
10 exhibit, was it right here in this area?

11 A. Yes.

12 Q. Okay. And the fourth page, there's two men
13 that appear to be on either side of her?

14 A. Yes.

10:48 15 Q. And were you able to kind of get better
16 footage of the two individuals that are seen in this
17 video surveillance?

18 A. Yes, coming out of Du-Par's, it's our cafe.

19 Q. And is one of the gentlemen here in the
10:48 20 blue camouflage shorts and the white tennis shoes sort
21 of coming through here?

22 A. Yes.

23 Q. And is this a better shot of him there?

24 A. Yes.

10:49 25 Q. And the Sun Coast, is that located at 9090

10:49 1 Alta Drive here in Las Vegas, Clark County, Nevada?

2 A. Yes.

3 Q. Did this incident happen on August 9th or
4 August 8th?

10:49 5 A. I believe it was August 9th.

6 MS. DEMONTE: Okay. I have no further
7 questions of this witness.

8 THE FOREPERSON: Any questions?

9 By law, these proceedings are secret and
10:49 10 you are prohibited from disclosing to anyone anything
11 that has transpired before us, including evidence and
12 statements presented to the Grand Jury, any event
13 occurring or statement made in the presence of the Grand
14 Jury, and information obtained by the Grand Jury.

10:49 15 Failure to comply with this admonition is a
16 gross misdemeanor punishable by up to 364 days in the
17 Clark County Detention Center and a \$2,000 fine. In
18 addition, you may be held in contempt of court
19 punishable by an additional \$500 fine and 25 days in the
10:49 20 Clark County Detention Center.

21 Do you understand this admonition?

22 THE WITNESS: Yes.

23 THE FOREPERSON: Thank you. You're
24 excused.

10:50 25 THE WITNESS: Thank you.

10:50 1 MS. DEMONTE: And final witness is Trent
2 Byrd.

3 THE FOREPERSON: Raise your right hand
4 please.

10:50 5 You do solemnly swear the testimony you are
6 about to give upon the investigation now pending before
7 this Grand Jury shall be the truth, the whole truth, and
8 nothing but the truth, so help you God?

9 THE WITNESS: I do.

10:51 10 THE FOREPERSON: You are advised that you
11 are here today to give testimony in the investigation
12 pertaining to the offenses of burglary, burglary,
13 larceny from the person-victim over 60 years of age,
14 grand larceny, fraudulent use of credit or debit card,
10:51 15 battery with use of a deadly weapon resulting in
16 substantial bodily harm, attempt murder with use of a
17 deadly weapon, involving Andrew Young.

18 Do you understand this advisement?

19 THE WITNESS: I do.

10:51 20 THE FOREPERSON: Please state your first
21 and last name, spell both for the record.

22 THE WITNESS: Trent Byrd. T-R-E-N-T,
23 B-Y-R-D.

24 THE FOREPERSON: Thank you.

10:51 25 ///

10:51 1 TRENT BYRD,
2 having been first duly sworn by the Foreperson of the
3 Grand Jury to testify to the truth, the whole truth,
4 and nothing but the truth, testified as follows:

10:51 5
6 EXAMINATION

7
8 BY MS. DEMONTE:

9 Q. Sir, how are you employed?

10:51 10 A. Detective with Las Vegas Metropolitan
11 Police Department.

12 Q. In what area command?

13 A. The Convention Center Area Command which
14 covers the Strip properties.

10:51 15 Q. Directing your attention to July 26th of
16 this year. Were you called and assigned to investigate
17 an attack that occurred in front of the Paris Hotel and
18 Casino?

19 A. Yes, I was.

10:52 20 Q. What happened during that event?

21 A. During that event video surveillance
22 captured an attack where the victim was sitting on a bus
23 bench in front of the Paris Hotel, suspect at the time
24 had grabbed an unknown object and smashed the back of
10:52 25 the victim's head while he's sitting at the back of the

10:52 1 bus bench. Suspect was tracked on video surveillance
2 from where the attack happened all the way over to the
3 Cosmopolitan Hotel.

4 Q. And throughout the surveillance footage
10:52 5 were there better angles which made it possible for you
6 to eventually make an identification?

7 A. Yes, there was.

8 Q. And how did you eventually wind up making
9 an identification?

10:52 10 A. Through previous investigation I recognized
11 the flier that was sent out from the video surveillance
12 as a subject by the name of Andrew Young.

13 Q. And is one of the things you compared that
14 video surveillance to a July 8th contact at the Walmart
10:53 15 on East Serene where he was cited by Metro Police
16 officers?

17 A. It was, yes.

18 Q. And was there something interesting about
19 that as far as the clothing?

10:53 20 A. Yes. It was the same exact clothing, the
21 body worn cameras that the officers were wearing
22 captured that interaction on the petty larceny and he
23 was wearing the same exact clothing, carrying the same
24 jacket over his left arm, appeared to have some kind of
10:53 25 limp with his right or left leg, I can't remember which

10:53 1 one, but it was a very distinct walk.

2 Q. And do you have a partner by the name of
3 Detective Jacobitz?

4 A. I do, yes.

10:53 5 Q. Did Detective Jacobitz then come to you
6 with a different case file?

7 A. Yes, he did.

8 Q. What did that involve?

9 A. I believe it was a larceny from person
10 case. I don't remember the exact details off of his
11 event.

12 Q. That's okay. Was it in the elevators at
13 Caesars Palace?

14 A. Yes, it was.

10:53 15 Q. Did you actually yourself also review video
16 surveillance from Caesars Palace to confirm with
17 Detective Jacobitz that it was the same person from your
18 event?

19 A. Yes, I did.

10:54 20 Q. And showing you Grand Jury Exhibit
21 Number 12. Is that the video?

22 A. Yes, it is.

23 Q. Okay. Now Detective, once you were able to
24 identify the suspect in your event as Andrew Young, were
10:54 25 other detectives also coming to you telling you they had

10:54 1 similar, or events involving similar clothing?

2 A. Yes, there were. There were several.

3 Q. Were they events similar also to the event
4 at the Walmart that you reviewed and the Caesars Palace
10:54 5 event?

6 A. Yes, the MO seemed to be, the motive, how
7 he was committing the crimes appeared to be the same.

8 Q. And did other detectives also wind up
9 showing you still photographs from their events?

10:54 10 A. Yes, they did.

11 Q. Now at some point Andrew Young was arrested
12 for your event; correct?

13 A. Yes, he was.

14 Q. Did you personally make contact with him?

10:54 15 A. Eventually, yes.

16 Q. Showing you Grand Jury Exhibit Number 3.
17 Is that Andrew Young?

18 A. Yes, it is.

19 Q. Now Detective, I'm going to run through
10:54 20 some of these events with you. Grand Jury Exhibit
21 Number 23, do you recognize the man, the black gentleman
22 in that elevator?

23 A. Yes, I do.

24 Q. Who is that?

10:55 25 A. That is Andrew Young.

10:55 1 Q. Grand Jury Exhibit Number 9, do you
2 recognize the second man in that photograph as well?

3 A. Yes, I do, as Andrew Young.

4 Q. Grand Jury Exhibit Number 11?

10:55 5 A. The same.

6 Q. Who is that?

7 A. Andrew Young.

8 Q. Grand Jury Exhibit Number 13?

9 A. Also Andrew Young.

10:55 10 Q. Grand Jury Exhibit Number 15?

11 A. That appears to be Andrew Young as well.

12 Q. Okay. Grand Jury Exhibit 18?

13 A. Andrew Young as well.

14 Q. Grand Jury Exhibit Number 21?

10:55 15 A. Andrew Young as well.

16 Q. Okay. Grand Jury Exhibit Number 29?

17 A. Andrew Young.

18 Q. Okay. And finally Grand Jury Exhibit

19 Number 5?

10:56 20 A. Andrew Young.

21 MS. DEMONTE: Okay. I have no further
22 questions of this witness.

23 THE FOREPERSON: Any questions?

24 By law, these proceedings are secret and

10:56 25 you are prohibited from disclosing to anyone anything

10:56 1 that has transpired before us, including evidence and
2 statements presented to the Grand Jury, any event
3 occurring or statement made in the presence of the Grand
4 Jury, and information obtained by the Grand Jury.

10:56 5 Failure to comply with this admonition is a
6 gross misdemeanor punishable by up to 364 days in the
7 Clark County Detention Center and a \$2,000 fine. In
8 addition, you may be held in contempt of court
9 punishable by an additional \$500 fine and 25 days in the
10:56 10 Clark County Detention Center.

11 Do you understand this admonition?

12 THE WITNESS: I do.

13 THE FOREPERSON: Thank you. You're
14 excused.

10:56 15 THE WITNESS: Thank you.

16 MS. DEMONTE: Ladies and gentlemen, that
17 concludes my presentation. I will remind you that you
18 do have to re-deliberate on the counts that you heard
19 evidence on previously. The transcript is available to
10:57 20 you for those as Grand Jury Exhibit Number 34. And if
21 there are no questions involving the instructions as to
22 the elements of the offenses?

23 Seeing none. I will leave you to your
24 deliberations.

10:57 25 ///

10:57 1 (At this time, all persons, other than
2 members of the Grand Jury, exit the room at 10:57 a.m.
3 and return at 11:00 a.m.)

4 THE FOREPERSON: Mrs. District Attorney, by
11:00 5 a vote of 12 or more grand jurors a true bill has been
6 returned against the defendant in all counts in Grand
7 Jury case number 19BGJ189X. We instruct you to prepare
8 an Indictment in conformance with the proposed
9 Indictment previously submitted to us.

11:00 10 MS. DEMONTE: Okay. And I do have that one
11 change on the dollar amount so I won't sign it today.
12 Thanks.

13 (Proceedings concluded.)

14 --oo0oo--
15
16
17
18
19
20
21
22
23
24
25

11:00

1

REPORTER'S CERTIFICATE

2

3

STATE OF NEVADA)

: ss

4

COUNTY OF CLARK)

11:00

5

6

I, Danette L. Antonacci, C.C.R. 222, do

7

hereby certify that I took down in Shorthand (Stenotype)

8

all of the proceedings had in the before-entitled matter

9

at the time and place indicated and thereafter said

11:00

10

shorthand notes were transcribed at and under my

11

direction and supervision and that the foregoing

12

transcript constitutes a full, true, and accurate record

13

of the proceedings had.

14

Dated at Las Vegas, Nevada,

11:00

15

October 13, 2020.

16

17

/s/ Danette L. Antonacci

18

Danette L. Antonacci, C.C.R. 222

19

11:00

20

21

22

23

24

25

11:00

1

AFFIRMATION

2

Pursuant to NRS 239B.030

3

4

The undersigned does hereby affirm that the preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER 19BGJ189X:

11:00

5

6

7

8

X Does not contain the social security number of any person,

9

11:00

10

-OR-

11

 Contains the social security number of a person as required by:

12

13

A. A specific state or federal law, to-wit: NRS 656.250.

14

-OR-

11:00

15

B. For the administration of a public program or for an application for a federal or state grant.

16

17

18

/s/ Danette L. Antonacci

19

Signature

10-13-20

Date

11:00

20

21

Danette L. Antonacci

Print Name

22

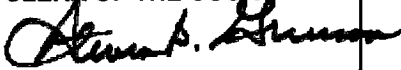
23

Official Court Reporter

Title

24

25



1 **AJND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 PARKER BROOKS
6 Deputy District Attorney
7 Nevada Bar #011927
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,
11 -vs-
12 ANDREW YOUNG, #1211422
13 Defendant.

CASE NO: C-20-350623-1
DEPT NO: VI

SECOND
SUPERSEDING
INDICTMENT

16 STATE OF NEVADA }
17 COUNTY OF CLARK } ss.

18 The Defendant above named, ANDREW YOUNG, accused by the Clark County Grand
19 Jury of the crime(s) of **BURGLARY (Category B Felony NRS 205.060 – NOC 50424),**
20 **BURGLARY (Category C Felony - NRS 205.060.1B - NOC 61938), LARCENY FROM**
21 **THE PERSON, VICTIM OVER 60 YEARS OF AGE (Category C Felony – NRS**
22 **205.270, 193.167 – NOC 56020), GRAND LARCENY (Category C Felony - NRS**
23 **205.222.2 – NOC 56004), FRAUDULENT USE OF CREDIT OR DEBIT CARD**
24 **(Category D Felony - NRS 205.760(1) - NOC 50796)** committed at and within the County
25 of Clark, State of Nevada, on or between the 29th day of June, 2020 and the 9th day of August,
26 2020, as follows:

27 ///
28 ///

1 COUNT 1 - BURGLARY

2 did on or about June 29, 2020 willfully, unlawfully, and feloniously enter RAMPART
3 HOTEL AND CASINO, located at 221 N. Rampart Blvd., Clark County, Nevada, with intent
4 to commit grand or petit larceny, and/or a felony.

5 COUNT 2 - LARCENY FROM THE PERSON, VICTIM 60 YEARS OF AGE OR OLDER

6 did on or about June 29, 2020 then and there willfully, unlawfully, and feloniously,
7 under circumstances not amounting to robbery, with intent to steal or appropriate to his own
8 use, take from the person of another, to wit: MARY CAMPO, a person 60 years of age or
9 older, without her consent, personal property, to wit: a wallet and contents.

10 COUNT 3 - GRAND LARCENY

11 did on or about June 29, 2020 then and there willfully, unlawfully, feloniously, and
12 intentionally, with intent to deprive the owner permanently thereof, steal, take and carry away
13 lawful money of the United States in an amount of \$650.00, or greater, to wit: \$1,400 United
14 State Currency, owned by another person, to wit: MARY CAMPO.

15 COUNT 4 - BURGLARY

16 did on or about June 29, 2020 willfully, unlawfully, and feloniously enter 7-11, located
17 at 5110 S. Maryland Parkway, Clark County, Nevada, with intent to commit grand or petit
18 larceny, and/or a felony.

19 COUNT 5 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

20 did on or about June 29, 2020 then and there willfully, unlawfully, feloniously, and
21 with intent to defraud, use a Bank of America card ending in 1020, issued in the name of
22 MARY CAMPO, the Defendant presenting the said debit or credit card to 7-11, located at
23 5110 S. Maryland Parkway, Clark County, Nevada, to obtain money, goods, property, services
24 or anything of value, to wit: cigarettes, the Defendant not being the cardholder, nor being
25 authorized by the cardholder to use said card or card number.

26 COUNT 6 - BURGLARY

27 did on or about July 8, 2020 willfully and feloniously unlawfully enter or unlawfully
28 remain in a business structure, owned or occupied by WAL-MART, located at 2310 E. Serene,

1 Clark County, Nevada, with the intent to commit grand or petit larceny, and/or a felony.

2 COUNT 7 - BURGLARY

3 did on or about July 8, 2020 willfully and feloniously unlawfully enter or unlawfully
4 remain in a business structure, owned or occupied by CAESAR'S PALACE, located at 3570
5 S. Las Vegas Blvd., Clark County, Nevada, with the intent to commit grand or petit larceny,
6 and/or a felony.

7 COUNT 8 - LARCENY FROM THE PERSON, VICTIM 60 YEARS OF AGE OR OLDER

8 did on or about July 8, 2020 then and there willfully, unlawfully, and feloniously, under
9 circumstances not amounting to robbery, with intent to steal or appropriate to his own use,
10 take from the person of another, to wit: RHONDA KAY HATCHER, a person 60 years of age
11 or older, without her consent, personal property, to wit: a wallet and contents.

12 COUNT 9 - BURGLARY

13 did on or about July 22, 2020 willfully and feloniously unlawfully enter or unlawfully
14 remain in a business structure, owned or occupied by ALBERTSON'S, located at 1001 S.
15 Rainbow Boulevard, Clark County, Nevada, with the intent to commit grand or petit larceny,
16 and/or a felony.

17 COUNT 10 - LARCENY FROM THE PERSON, VICTIM 60 YEARS OF AGE OR OLDER

18 did on or about July 22, 2020 then and there willfully, unlawfully, and feloniously,
19 under circumstances not amounting to robbery, with intent to steal or appropriate to her own
20 use, take from the person of another, to wit: JOANNE FRANK, a person 60 years of age or
21 older, without her consent, personal property, to wit: a wallet and contents and/or did conspire
22 and/or aid and abet another individual in committing the larceny from JOANNE FRANK.

23 COUNT 11 - BURGLARY

24 did on or about July 23, 2020 willfully and feloniously unlawfully enter or unlawfully
25 remain in a business structure, owned or occupied by GAMESTOP, located at 5060 Boulder
26 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny, and/or a
27 felony.

28 ///

1 COUNT 12 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

2 did on or about July 23, 2020 then and there willfully, unlawfully, feloniously, and with
3 intent to defraud, use a Visa card ending in 4527, issued in the name of BARBARA BOWEN,
4 the Defendant presenting the said debit or credit card to GAMESTOP, located at 5060 Boulder
5 Highway, Clark County, Nevada, to obtain money, goods, property, services or anything of
6 value, to wit: gift card, the Defendant not being the cardholder, nor being authorized by the
7 cardholder to use said card or card number.

8 COUNT 13 - BURGLARY

9 did on or about July 23, 2020 willfully and feloniously unlawfully enter or unlawfully
10 remain in a business structure, owned or occupied by WALGREENS, located at 4895 Boulder
11 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny and/or a
12 felony.

13 COUNT 14 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

14 did on or about July 23, 2020 then and there willfully, unlawfully, feloniously, and with
15 intent to defraud, use a Visa card ending in 4527, issued in the name of BARBARA BOWEN,
16 the Defendant presenting the said debit or credit card to WALGREENS, located at 4895
17 Boulder Highway, Clark County, Nevada, to obtain money, goods, property, services or
18 anything of value, to wit: gift card, the Defendant not being the cardholder, nor being
19 authorized by the cardholder to use said card or card number.

20 COUNT 15 - BURGLARY

21 did on or about July 29, 2020 willfully and feloniously unlawfully enter or unlawfully
22 remain in a business structure, owned or occupied by FLAMINGO HOTEL AND CASINO,
23 located at 3555 Flamingo Road, Clark County, Nevada, with the intent to commit grand or
24 petit larceny and/or a felony.

25 COUNT 16 - LARCENY FROM THE PERSON, VICTIM 60 YEARS OF AGE OR OLDER

26 did or or about July 29, 2020 willfully, unlawfully, and feloniously, under
27 circumstances not amounting to robbery, with intent to steal or appropriate to his own use,
28 take from the person of another, to wit: SERRY MELLO, a person 60 years of age or older,

1 without his consent, personal property, to wit: wallet and contents.

2 COUNT 17 – BURGLARY

3 did on or about August 1, 2020 willfully and feloniously unlawfully enter or unlawfully
4 remain in a business structure, owned or occupied by GAMESTOP, located at 5060 Boulder
5 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny and/or a
6 felony.

7 COUNT 18 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

8 did on or about August 1, 2020, then and there willfully, unlawfully, feloniously, and
9 with intent to defraud, use a credit card, issued in the name of MONTHO BOONE, the
10 Defendant presenting the said debit or credit card to GAMESTOP, located at 5060 Boulder
11 Highway, Las Vegas, Clark County, Nevada, to obtain money, goods, property, services or
12 anything of value, to wit: by attempting to make purchases with credit card, the Defendant
13 not being the cardholder, nor being authorized by the cardholder to use said card or card
14 number.

15 COUNT 19 – BURGLARY

16 did on or about August 1, 2020 willfully and feloniously unlawfully enter or unlawfully
17 remain in a business structure, owned or occupied by WALGREENS, located at 4895 Boulder
18 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny, and/or a
19 felony.

20 COUNT 20 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

21 did on or about August 1, 2020, then and there willfully, unlawfully, feloniously, and
22 with intent to defraud, use a credit card, issued in the name of MONTHO BOONE, the
23 Defendant presenting the said debit or credit card to WALGREENS, located at 4895 Boulder
24 Highway, Las Vegas, Clark County, Nevada, to obtain money, goods, property, services or
25 anything of value, to wit: by attempting to make purchases with credit card, the Defendant
26 not being the cardholder, nor being authorized by the cardholder to use said card or card
27 number.

28 ///

1 COUNT 21 - BURGLARY

2 did on or about August 7, 2020 willfully and feloniously unlawfully enter or unlawfully
3 remain in a business structure, owned or occupied by WALMART, located at 5198 Boulder
4 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny, and/or a
5 felony.

6 COUNT 22 - BURGLARY

7 did on or about August 9, 2020 willfully and feloniously unlawfully enter or unlawfully
8 remain in a business structure, owned or occupied by SUNCOAST HOTEL AND CASINO,
9 located at 9090 Alta Drive, Clark County, Nevada, with the intent to commit grand or petit
10 larceny, assault or battery, and/or a felony.

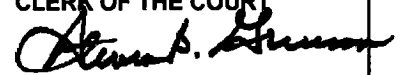
11 DATED this 26th day of April, 2021.

12 STEVEN B. WOLFSON
13 Clark County District Attorney
14 Nevada Bar #001565

15 BY /s/ PARKER BROOKS
16 PARKER BROOKS
17 Chief Deputy District Attorney
18 Nevada Bar #011927

19
20
21
22
23
24
25
26
27 19BGJ189X/20CR015829/jm/L2
28 LVMPD EV# 200700111103
(TK14)

AA 663



1 **OPPS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 NOREEN DEMONTE
6 Chief Deputy District Attorney
7 Nevada Bar #8213
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 ANDREW YOUNG,
13 #1211422

14 Defendant.

CASE NO: C-20-350623-1

DEPT NO: III

15 **STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SEVER**

16 DATE OF HEARING: 3/15/2021
17 TIME OF HEARING: 8:30 AM

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
19 District Attorney, through NOREEN DEMONTE, Chief Deputy District Attorney, and hereby
20 submits the attached Points and Authorities in Opposition to Defendant's Motion to Sever.

21 This Opposition is made and based upon all the papers and pleadings on file herein, the
22 attached points and authorities in support hereof, and oral argument at the time of hearing, if
23 deemed necessary by this Honorable Court.

24 //
25 //
26 //
27 //
28 //

AA 664

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 Andrew Young, hereinafter Defendant, was charged by way of Superseding Indictment
4 filed on October 1, 2020 with two (2) counts of Burglary (Category B Felony), ten (10) counts
5 Burglary (Category C Felony), four (4) counts Larceny from the Person, Victim 60 Years of
6 Age or Older, one (1) count Grand Larceny, five (5) counts Fraudulent Use of a Credit or Debit
7 Card, one (1) count Battery with Use of Deadly Weapon Resulting in Substantial Bodily Harm,
8 and one (1) count Attempt Murder with Use of a Deadly Weapon.

9 Defendant invoked speedy trial on October 7, 2020 and was originally given a trial date
10 of November 30, 2020. Due to continuing restrictions on jury trials by administrative orders
11 in response to COVID-19, the trial date was then moved to March 8, 2021. Defendant filed
12 the instant motion on February 28, 2021, resulting in the continuance of his jury trial. The
13 State's response follows.

14 **STATEMENT OF THE FACTS**

15 The instant case is the result of five separate investigations by several detectives
16 working out of different area commands in the Las Vegas Metropolitan Police Department.
17 Copies of the reports from these investigations are attached hereto as exhibits 1 through 6.
18 The State will summarize them as follows:

19 **ATTEMPT MURDER IN FRONT OF PARIS HOTEL (COUNTS 17-18)**

20 On July 26, 2020 Victim Robert Will was seated at a bus stop in front of the Paris Hotel
21 and Casino when he got into an altercation with a black male suspect wearing a gray shirt.
22 The suspect walked away from the bus stop and returned with a large rock and bludgeoned
23 Will over the head with the rock several times before walking south toward the Planet
24 Hollywood Hotel and Casino. Will suffered a skull fracture and severe brain bleed from the
25 attack.

26 //

27 //

28 //

1 Paris Hotel and Casino Surveillance Supervisor Francisco Alemar was able to locate
2 video surveillance of the attack, as well as surveillance footage just before and after the attack
3 and provided it to Detectives Jacobitz and Mildebrandt:



13
14 Detective Stringer of the Las Vegas Metropolitan Police Department Fusion Watch was able
15 to locate footage of the suspect as he left the area of the attack, got on the pedestrian bridge in
16 front of the Planet Hollywood Casino, crossed over Las Vegas Boulevard and entered the
17 Cosmopolitan Hotel and Casino:



1 William Roed, Security Investigator with the Cosmopolitan Las Vegas located surveillance
2 footage of the suspect inside the Cosmopolitan:



13 A critical reach flyer containing still photographs of the suspect was distributed by
14 Detective Jacobitz to all personnel of the Las Vegas Metropolitan Police Department in an
15 attempt to identify the suspect. Detective Trent Byrd viewed the flyer and recognized the
16 suspect as Andrew Young from a previous investigation. Byrd then located body cam footage
17 from an event a few weeks prior at Walmart on East Serene¹.

18 //
19 //
20 //
21 //
22 //
23 //
24 //
25 //
26 //
27
28

¹ This event is charged in the Superseding Indictment under count 6.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



In that body camera footage, Defendant is wearing the exact same clothing and carrying the exact same black jacket as he was in the Paris incident.

An Arrest Warrant was approved on August 5, 2020 for Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm and Attempt Murder with Use of a Deadly Weapon. The declaration of warrant authored by Detective Byrd cites the clothing of Defendant including the white tennis shoes with the “distinctive black stripe” as well as what could be observed on video regarding Defendant’s gait, “the suspect has a distinct walk and it appears something is wrong with one of his legs.” See exhibit 1.

On August 19, 2020, a bus driver recognized Defendant from a wanted poster for the attempt murder case. Defendant was arrested wearing the same shoes and in possession of the same jacket from the Paris incident. Officers also impounded Defendant’s personal belongings which included the distinctive white tennis shoes and numerous gift cards.

//
//
//
//

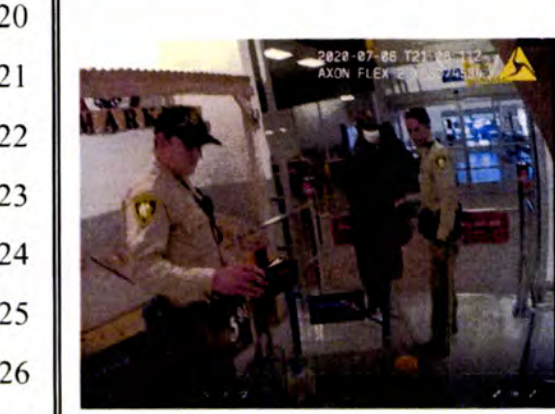
1 BURGLARY AT WALMART 2310 E SERENE (COUNT 6):

2 On July 8, 2020, Walmart asset protection Agent Vianca Eskildsen located a Defendant
3 whom she recognized from previous purse thefts of females inside the store and contacted
4 police. Eskildsen, followed Defendant on cameras as he "stalked" elderly females inside the
5 store, and notified police.



16 Police Officers contacted Defendant, who was in possession of a wallet belonging to a female
17 customer and escorted him out of the business.

18 As noted above, on the video surveillance and body cam, Defendant is wearing the
19 same clothing and carrying the same jacket as he is in the Paris incident:



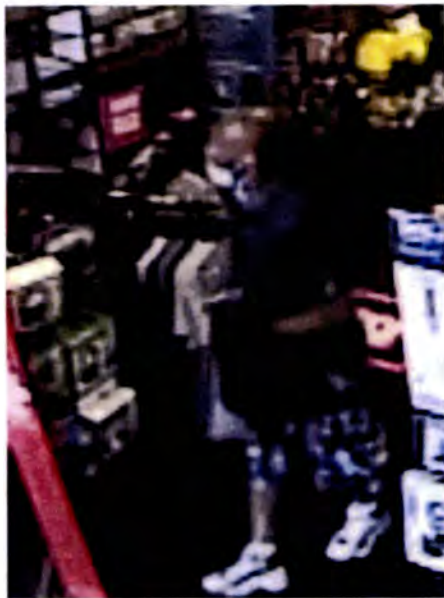
28 //

1 Detective Byrd noted in his declaration of warrant for the Paris incident that the body
2 worn camera matches the manner of walking that he observed from the Paris videos, "he has
3 the exact gait as he is walking toward the patrol vehicles."

4 DETECTIVE LISKE'S CASES (COUNTS 11-14, 19-22, and 23)

5 At the time of the July 26 attack at the Paris, Detective Sandeep Liske had been
6 investigating a series of wallet/purse thefts from elderly females occurring in the Southeast
7 Area between July 24, 2020 and August 7, 2020. A copy of Detective Liske's report is
8 attached as Exhibit 2.

9 On July 23, 2020, Barbara Bowen's wallet was taken while she was inside the Walmart
10 at 5198 Boulder Highway. Her credit cards were then Used at the GameStop at 5060 Boulder
11 Highway to purchase a Vanilla Visa Gift Card in the amount of \$450.00. Video surveillance
12 from the transaction shows the suspect wearing distinctive white tennis shoes with a black
13 stripe and carrying a black jacket:



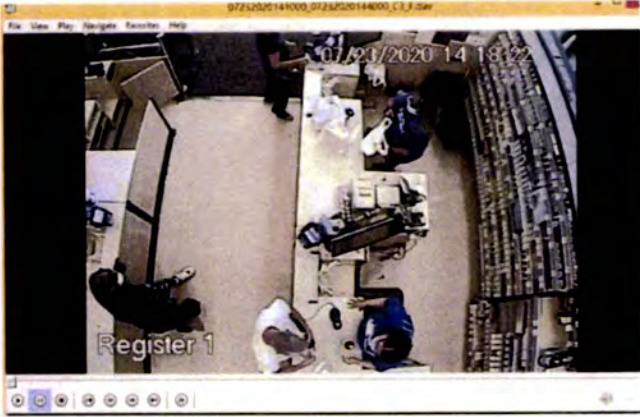
25 The same suspect then purchased another gift card at Walgreens 4895 Boulder Highway.

26 //

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



On August 1, 2020, Montho Boone's wallet was taken while she was shopping at the Wal-Mart located at 4895 Boulder Highway. The suspect then used her card at GameStop located at 5060 Boulder Highway to purchase a Vanilla Visa Gift card:



The suspect then attempts to purchase another gift card at Walgreens located at 4895 Boulder Highway, but the charge was declined:

//
//
//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



The suspect is wearing the exact same clothing as the July 23 incident, including the distinctive shoes and carrying the black jacket that are seen in the Paris videos.

On August 7, 2020, Tina Leigh was shopping at the Wal-Mart at 5198 Boulder Highway when a man asked her a question. While she was distracted, a suspect reached into her purse and took her wallet. Video surveillance reveals the suspect was wearing the exact same clothing as the July 24 and August 1 incidents – including the distinctive shoes and carrying a black jacket:



//
//

1 Detective Liske conducted a valley-wide search for common M.O.'s and came across
2 Defendant's July 8 incident and noted that it was the same suspect, right down to the shoes
3 and mannerisms.

4 Detective Liske also discovered Young had been arrested for the attempt murder at the
5 Paris, reviewed body camera from that arrest noticing the shoes and gift cards found in his
6 possession. Detective Liske then executed a search warrant on Young's property impounded
7 during the arrest and seized a number of gift cards including three Vanilla Visa gift cards - the
8 same type purchased during the fraudulent transactions at GameStop and Walgreens.

9 DETECTIVCE CIPRIANO'S CASE (COUNTS 15-16)

10 On July 29, 2020, Serry Mello had just checked into the Flamingo Hotel and was taking
11 his luggage to his room via the elevator. A black male wearing a gray shirt, white tennis shoes
12 with a distinctive black stripe and carrying a black jacket draped over his arm followed Mello
13 onto the elevator and crowded Mello into the corner. The suspect then used the black jacket
14 to conceal his hand while he removed Mello's wallet from his pocket. A copy of Detective
15 Cipriano's report is attached as Exhibit 3. Detective Cipriano obtained video
16 surveillance from inside the elevator:



25 Detective Cipriano, who works in the same area command as Detectives Byrd and
26 Jacobitz, then compared his video surveillance to the video surveillance from the Paris Hotel
27 and Casino as well as the July 8 Wal-Mart body cam, and determined that his suspect was
28 indeed Andrew Young, the same suspect as the Paris and July 8 Wal-Mart events. It should

1 be noted that Defendant is also wearing the exact same clothing as he is in the Paris and the
2 July 8th events.

3 DETECTIVE JACOBITZ'S CASE (COUNTS 7-8)

4 On July 8, 2020, Rhonda Kay Hatcher was in the elevator at Caesar's Palace, when she
5 was distracted by two men in the elevator. One of the men, a black male wearing a gray shirt
6 and white tennis shoes with a black stripe with a black jacket slung over his arm, bumps into
7 her, taking her wallet. A copy of Detective Jacobitz's arrest report is attached hereto as Exhibit
8 4.

9 Detective Jacobitz, who would also later investigate the July 26 Paris attack with Detective
10 Byrd, obtained video surveillance from inside the elevator:



21 After obtaining video surveillance from the Paris incident, and creating the flyer from
22 the Paris event, Jacobitz then determined he had the same suspect as the Paris, as well as the
23 Flamingo incident, and the July 8 Wal-Mart incident - noting that Defendant wore the exact
24 same clothing in all four incidents.

25 DETECTIVE GRIMES AND JANECEK'S CASES (COUNTS 1-5, 9-10, AND 24)

26 Detectives Grimes and Janecek were investigating a series of events out of the
27 Summerlin Area Command between June 30 and August 9, 2020. A copy of Detective
28 Grimes' report is attached as Exhibit 5.

1 On June 30, 2020, Mary Campo's wallet was taken from her purse as she gambled at
2 the Rampart Casino located at 221 N. Rampart.

3 She reported the theft to casino security who notified police. During the investigation,
4 Detective Ethan Grimes was able to obtain the surveillance footage from Rampart security
5 which included the incident itself as well as footage of the suspects entering the casino.



14
15 Campo also reported that her Bank of America Card had been used at the 7-11 located
16 at 5110 S. Maryland Parkway. Detective Grimes was also able to locate obtain the receipt and
17 video surveillance from that transaction which showed the same two suspects who took
18 Campo's wallet at the Rampart.



26
27 On July 21, 2020, JoAnne Frank reported that her wallet was taken from inside her
28 backpack as she shopped at the Albertsons located at 1001 S. Rainbow that day.

1 Detective Brad Janecek obtained video surveillance from inside the Albertson's
2 showing the theft.



8 On August 11, 2020, Barbara Angersbach reported her wallet was taken from her purse
9 while gambling at the Suncoast Hotel and Casino located at 9090 Alta Drive on August 9,
10 2020.

11 Detective Grimes obtained video surveillance from this event and noted that it was the
12 same two suspects as the June 30 event he was investigating from the Rampart.



20 On August 21, 2020, Detective Grimes received an email from Officer Vargas in the
21 facial recognition section of the Las Vegas Metropolitan Police Department notifying him that
22 Vargas had identified one of his suspects as Andrew Young based on other events Vargas had
23 been reviewing for Detective Liske and further informing Detective Grimes that Young had
24 recently been arrested for the Paris incident.

25 Detective Grimes then sent his video from the 7-11 to Detective Byrd (who had
26 investigated the Paris incident). Detective Byrd identified the shorter suspect in the 7-11 video
27 as Defendant.

28 //

1 Detective Grimes then informed Detective Janecek that the suspect in the Albertson's
2 video was Defendant.

3 ARGUMENT

4 In his Motion to Sever, Defendant is now requesting this Court to sever this case into two
5 separate trials, alleging that the Attempt murder at the Paris is so unrelated to the wallet theft
6 series that it cannot possible be tried in the same case under ANY circumstance. Defendant's
7 contentions are absolutely without merit, and this Court should leave this case undisturbed and
8 should not grant Defendant's Motion to Sever.

9 Defendant's Motion to Sever is primarily based on Nevada Revised Statute 174.165,
10 which states as follows:

11 If it appears that a defendant or the State of Nevada is prejudiced
12 by a joinder of offenses or of defendants in an indictment or
13 information, or by such joinder for trial together, the court may
order an election or separate trials of counts, grant a severance of
defendants or provide whatever other relief justice requires.

14 Nevada Revised Statute 173.115 provides that:

15 Two or more offenses may be charged in the same indictment or
16 information in a separate count for each offense if the offenses
charged, whether felonies or misdemeanors or both, are:
17 1) Based on the same act or transaction; or
18 2) Based on two or more acts or transactions connected together
or constituting parts of a common scheme or plan.

19 Cross-admissibility is an additional factor leading toward consolidation. In Robins v.
20 State, 106 Nev. 611, 798 P.2d 558 (1990), our Supreme Court was faced with the joinder of a
21 child abuse charge and a murder charge. It was held that:

22 If evidence of one charge would be cross-admissible in evidence
23 at a separate trial on another charge, then both charges may be
tried together and need not be severed.

24 Id. at 619, 563 (citing Mitchell v. State, 105 Nev. 735, 738, 782 P.2d 1340, 1342).

25 The decision to sever is left to the discretion of the trial court, and a defendant has the
26 heavy burden of showing that the court abused its discretion. Honeycutt v. State, 56 P.2d 362,
27 367 (2002) (citing Middleton v. State, 114 Nev. 1089, 1108, 968 P.2d 296, 309 (1998); Amen
28 v. State, 106 Nev. 749, 756, 801 P.2d 1354, 1359 (1990)). While making this decision, a trial

1 court must consider not only the possible prejudice to the defendant but also the possible
2 prejudice to the Government resulting from, in this case, two separate time-consuming,
3 expensive and duplicitous trials. Lisle v. State, 941 P.2d 459, 466 (1997).

4 To establish that joinder was prejudicial requires more than a mere showing that
5 severance might have made acquittal more likely. Honeycutt v. State, 56 P.2d 362, 367 (2002)
6 (citing Middleton v. State, 114 Nev. 1089, 1108, 968 P.2d 296, 309 (1998)). The test is
7 whether joinder is so manifestly prejudicial that it outweighs the dominant concern of judicial
8 economy and compels the exercise of the court's discretion to sever. To require severance,
9 defendant must demonstrate that a joint trial would be manifestly prejudicial. Id.

10 Review of a ruling on a motion to sever counts is subject to a harmless error analysis.
11 As the United States Supreme Court held in United State v. Lane, 474 U.S. 438, 106 S.Ct. 725
12 (1985), and the Nevada Supreme Court held in Mitchell v. State, 105 Nev. 735, 782 P.2d 1340
13 (1989), the misjoinder of counts is subject to harmless error analysis. Moreover, the Lane and
14 Mitchell decisions both established that error due to misjoinder requires reversal only if the
15 error has a substantial and injurious effect or influence in determining the jury's verdict. Id.

16 In Tillema v. State, 112 Nev. 266, 268, 914 P.2d 605, 606 (1996), the Nevada Supreme
17 Court upheld the joinder of two automobile burglaries occurring seventeen days apart at
18 different locations and with different victims. The court further permitted the joinder of this
19 case with a store burglary occurring on the same day as the second automobile burglary. The
20 Nevada Supreme Court reasoned:

21 The district court certainly could determine that the two vehicle
22 burglaries evidenced a common scheme or a plan. Both of the
23 offenses involved vehicles in casino parking garages and occurred
24 only seventeen days apart. Moreover, we conclude that evidence
25 of the May 29 offense would certainly be cross admissible in
26 evidence at a separate trial on the June 16th offense to prove
Tillema's felonious intent in entering the vehicle. Likewise, the
store burglary could clearly be viewed by the district court as
connected together with the second vehicle burglary because it
was part of a continuing course of conduct.

27 Finally, even if the joinder of counts is improper, severance is not mandated. Mitchell
28 v. State, 105 Nev. 735, 736, 782 P.2d 1340, 1341 recognized that if evidence of one charge

1 would be cross admissible in evidence at a separate trial on another charge, then both charges
2 may be tried together and need not be severed.

3 NRS 48.045(2) provides:

4 Evidence of other crimes, wrongs or acts is not admissible to prove
5 the character of a person or to show that he acted in conformity
6 therewith. It may, however, be admissible for other purposes,
7 such as proof of motive, opportunity, intent, preparation, plan,
8 knowledge, identity, or absence of mistake or accident.

8 Therefore, even if the attempt murder from the Paris and the wallet theft series were
9 improperly joined, evidence from each incident would still be admissible at the trial on the
10 other incident to show identity of the Defendant.

11 In the case at hand Defendant concedes that all of the events in the wallet theft series
12 show a clear common scheme or plan, making the joinder of these counts allowable under
13 NRS 173.115; Defendant's contention is that the Paris event has "no nexus" to the wallet
14 thefts. Defendant could not be more wrong. The Paris event IS the nexus. The investigations
15 of all these events are completely intertwined and were solved as a result of the Paris event.
16 As illustrated above, Detectives Jacobitz and Cipriano had unsolved cases UNTIL the July 26
17 attack at the Paris. Video surveillance from the Paris showed the exact same suspect as the
18 one Detectives Jacobitz and Cipriano were investigating. Detective Byrd then identified
19 Defendant as the suspect in the Paris attack through a previous investigation of his own as well
20 as the body camera footage from the July 8 wallet theft. After Defendant was arrested on the
21 warrant for the Paris attack, Detective Liske was able to tie him to his event and recover
22 evidence obtained from Defendant during that arrest. Detective Byrd then identified
23 Defendant as the perpetrator of the events being investigated by Detective Grimes. It would
24 be impossible for any one of these Detectives to explain how they identified Defendant as the
25 perpetrator without mentioning on the other investigations, most importantly the investigation
26 of the Paris event. Detective Liske would not be able to discuss how he obtained the Vanilla
27 Visa gift cards without mentioning Defendant being arrested for the Paris incident.

28 //

1 Additionally, as discussed above in NRS 48.045(2), the Paris event and the wallet theft
2 events would be cross admissible in evidence as bad acts at separate trials. This is because
3 each of the acts clearly show Defendant's identity. The acts would be cross admissible as bad
4 acts because each act would show Defendant's clothing (in the majority of the events,
5 Defendant is wearing the exact same gray shirt and black shorts, and in ALL of the events he
6 is carrying the black jacket and wearing the same white tennis shoes with the black stripe), his
7 mannerisms (almost all of the reports discuss his inability to stand still), and his gait as his
8 slight limp is observable on all of the videos.

9 As stated earlier, the test is whether joinder is so manifestly prejudicial that it outweighs
10 the **dominant concern of judicial economy**. In addition to considering that severance would
11 force the empaneling of two juries and force witnesses to testify twice, when considering
12 judicial economy, this Court **cannot** look at just this case in a vacuum. As this Court is aware,
13 in-custody invoked speedy trials are currently being conducted in only TWO courtrooms in
14 the order in which Defendants across the EIGHTEEN criminal departments have invoked
15 speedy trials. Splitting this case into two separate trials would create a ripple effect – delaying
16 the hundreds of other trials in cue behind this case. No outweighing manifest prejudice has
17 been shown by Defendant in his motion. Splitting this case into two separate trials, particularly
18 given the manner in which trials are being conducted at the moment, is the **OPPOSITE** of
19 judicial economy.

20 //
21 //
22 //
23 //
24 //
25 //
26 //
27 //
28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


CONCLUSION

For the forgoing reasons the State respectfully requests this Honorable Court deny Defendant's Motion to Sever.

DATED this 11th day of March, 2021.

Respectfully submitted,

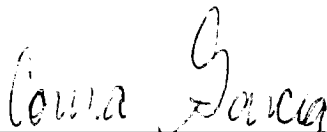
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY 
NOREEN DEMONTE
Chief Deputy District Attorney
Nevada Bar #8213

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Opposition to Defendant's Motion to Sever, was made this 11th day of March, 2021, by Electronic Filing to:

DAVID R. FISCHER, ESQ.
DFisher@Fischerlawlv.com


C. Garcia
Secretary for the District Attorney's Office

NCD/cg/L2

EXHIBIT 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF WARRANT/SUMMONS
(N.R.S. 171.106)
(N.R.S. 53 amended 7/13/1993)

Event Number: 200700111103

STATE OF NEVADA) ANDREW YOUNG
) ss: ID#: 1211422
COUNTY OF CLARK) DOB: 7/18/1959 SS#: 167-24-0000

T. BYRD, being first duly sworn, deposes and says:

That he is a Detective with the Las Vegas Metropolitan Police Department, being so employed for a period of 11 years, assigned to investigate the crime(s) of Attempt Murder, Battery with Deadly Weapon resulting in Substantial Bodily Harm committed on or about 7/26/2020, which investigation has developed ANDREW YOUNG as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME, TO WIT:

Synopsis:

On 7/26/2020 at approximately 12:44 AM, Robert Will became the victim of Attempt Murder and Battery with Deadly Weapon resulting in Substantial Bodily Harm. Robert was sitting at the bus bench located outside of the Paris Hotel, 3655 S. Las Vegas Blvd. Las Vegas, NV 89109, when an altercation took place between him and the suspect. The suspect used a large rock and bludgeoned the victim in the head multiple times. The rock caused severe damage to Robert's skull and he was transported to Sunrise Hospital and listed in critical/life threatening condition. The suspect was described as a black male adult in his 50's or 60's wearing a grey shirt and black jeans and was last seen southbound on Las Vegas Boulevard towards the Planet Hollywood Hotel. The extent of injuries included a fractured skull, severe brain bleed, respiratory failure, laceration to the forehead and lip, and he is still in a coma

LVMPD Patrol Officers A. Shin P#18020 and J. Jessie P#18020 were dispatched to the scene and completed a preliminary investigation. Officer Shin located a large rock behind the bus bench and later impounded it as evidence. He also took photos of the bench, the rock, and a few of the victim at the hospital. The following is the narrative from the crime report authored by Officer Jessie

"Body Camera Recording Available

On 07/26/20 I Officer J. Jessie P#18020 and Officer A. Shin P#17565 while operating as marked patrol unit 1M29 were dispatched to an assault/battery with a deadly weapon at the bus stop in front of 3655 S. Las Vegas Blvd LV NV 89109 . Details of the call stated that a male was struck in the head with a rock and was bleeding.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: 200700111103

Upon my arrival myself and Officer Shin made contact with the victim, security, and witness's Security and witness's stated that an unknown black male adult wearing a blue/white shirt and black jeans struck the victim in the head with a softball sized rock on the top of the head and fled southbound on Las Vegas Blvd.

The victim was verbally identified as Will, Robert DOB 07/19/67. Robert would not speak with officers on scene and briefly spoke with AMR personnel only giving them his name and DOB.

AMR A99 transported Robert to Sunrise Hospital trauma 3 for further medical attention.

Once at Sunrise Hospital, Physician A. Lovinger examined Robert and stated that he has life threatening injuries to include a large brain bleed, skull fracture, laceration to his forehead and lip, respiratory failure and currently in a coma.

Paris security #50 Josh stated that no footage captured the incident.

Officers were able to speak to the person reporting via cell phone named Moore, Kieyunna DOB 05/23/1995 who stated that she observed a black male adult approximately six foot tall wearing a navy blue t-shirt, dirty blue jeans and what it appeared to be reeboks with another white female wearing cheetah print crop top and blue jean shorts get into an altercation about a bus seat. Moore stated that the suspect approached the victim, Robert, ordering Robert to move his food that was on the bus stop seat in front of Paris. Robert refused and a verbal altercation ensued. Moore stated that the black male adult got very aggressive towards Robert where Robert agreed to move his food as long as he does not touch his food. The suspect then grabbed Robert's food and threw it in the trash. Robert then stood up and started to swing his arms towards the suspect, where the suspect grabbed a rock and struck Robert in the head."

Investigation:

Officers from Convention Center area command notified Patrol Detectives and determined further investigation was warranted. Detectives Mildebrandt and Jacobitz canvassed the surrounding area for video surveillance

Upon learning of this incident Detectives Mildebrandt and Jacobitz conducted a secondary follow up. Witness, Kieyunna Moore, DOB 05/23/1995 described the suspect as a black male adult, approximately 6' tall wearing a blue t-shirt, dirty blue jeans and Reebok tennis shoes. Contact number is her cell- 702-559-6248. A canvas of the area (bus stop in front of the Paris), did not yield a crime scene-negative blood trail. It was later determined the PR, was not Kieyunna. The phone number returns to Kieyunna's sister Laresha Moore DOB 5/23/1998. Several attempts to contact her have been unsuccessful. She currently has an outstanding parole/probation warrant.

CONTINUATIONEvent #: 200700111103

Detectives did observe a Fusion Watch camera on the northwest corner of Cabo Wabo restaurant.

Contact was made with Officer Stringer in Fusion Watch (FW), who conducted a video review. Officer Stringer did not have coverage of the actual incident, but she was able to locate a possible person of interest who fit the descriptors. This subject was walking at a fast pace from the area, indicative of someone trying to leave the area before they could be detained. His direction of travel was southbound which was consistent with what witnesses told the responding officers.

This subject was wearing a grey t-shirt, dark colored shorts which extended to mid-calf. They appear to be cargo shorts. He is wearing white tennis shoes with black ankle socks. His physical build was stocky with a bald head. He was carrying what appeared to be a jacket or pants in his left hand. He was wearing a blue surgical mask. Although the initial report stated dirty blue jeans, the long length of the dark colored cargo shorts could be mistaken for jeans. Based on the early pictures recovered by Stringer of the subject, a critical reach flier was authored and distributed accordingly

Officer Stringer followed the subject from the Paris, past the Planet Hollywood, over the Harmon pedestrian bridge westbound to the Cosmopolitan. Detectives contacted investigator March Cannon from Planet Hollywood and asked if he could review video for the subject. Cannon said he would contact Icy in surveillance and ask her to conduct a review. Detectives also contacted Cosmopolitan investigator William Reed. He was able to capture the subject enter property.

The victim, Robert Will, DOB 07/19.1967, was transported to Sunrise Hospital, Trauma Unit. He is currently in room 2803 suffering from a massive brain bleed, skull fracture, lacerations, and respiratory failure. At this time his injuries are considered life-threatening and he is on a ventilator. Will's nurse, Julie, said "they are not getting a lot out of Will", but would not commit as to his survival.

On 7/27/2020 I, Detective T. Byrd P#13958, viewed the critical reach flyer which was distributed by Det. Jacobitz. After seeing the photos, I recognized the suspect from a previous investigation. Under LVMPD event 161122-3589 I had conducted a larceny from person and fraudulent use of credit card investigation. Throughout the investigation I was able to identify the suspect as Andrew Young ID#1211422. Andrew is described as a black male adult with a bald head and a date of birth 7/18/1959, making him 61 years old.

A police records check revealed Andrew was recently detained by LVMPD on 7/8/2020 for a Petit Larceny. During that investigation LVMPD Officers J. Wheeler P#18202 and J. Scott P#14747 were called to Walmart located at 2310 E. Serene LVN 89123 in reference to a suspicious person inside the store. The suspect was described as a black male adult wearing a grey shirt and black shorts. The suspect in this event was later positively identified as Andrew Young ID#1211422. During this call the LVMPD Officers had their issued body worn cameras on which captured the event

CONTINUATIONEvent #: 200700111103

I reviewed body camera footage from this event which showed Andrew wearing a blue/grey collared shirt, black cargo shorts, black crew length socks and white tennis shoes with a distinct black horizontal stripe. He was also carrying a black jacket in his left hand. This is the exact same clothing the suspect was wearing 7/26/2020.

On 7/26/2020 video surveillance was recovered from the Cosmopolitan Hotel where the suspect was seen walking through. The footage from Cosmopolitan has very clear images of the suspect's clothing to include the white shoes with distinct black horizontal stripe. This was the same exact clothing Andrew was wearing on 7/8/2020.

In all the video coverage recovered from the event on 7/26/2020, the suspect has a distinct walk and it appears something is wrong with one of his legs. This also matches the body worn camera from Officers on 7/8/2020 as he has the exact gait while walking towards the Officers Patrol Vehicle.

On 8/1/2020 I contacted Paris Hotel Security Supervisor F. Alemar. I reviewed video surveillance from the area where the attack occurred. Video shows the suspect, Andrew, hanging around the bus stop bench where the attack occurred at approximately 12:40 AM. Andrew appeared to have a verbal altercation with victim Robert at the bench. Andrew then walks north away from the bench towards the CVS which is located directly next to the Paris Hotel. At approximately 12:44 AM, Andrew returns to the bench and is seen swinging his right arm towards the direction of Robert's head. Robert appeared to be struck with an unknown object as he doubles over holding the top of his head. Andrew then approached Robert, and both swing their arms at each other as though they are going to fight. Andrew struck Robert again in the head which caused Robert to double over again in pain. Andrew walks south from the bench away from the scene. This is the same time LVMPD fusion watch cameras capture him leaving the area. The person seen on the video from Paris attacking Robert is in fact the same person Fusion cameras were able to follow along Las Vegas Boulevard who was later identified as Andrew Young

The initial attack on Robert appeared to be completely unprovoked. Robert was sitting with his back against the bench, and Andrew attacks him from behind. He struck Robert with such force it fractured his skull and caused a severe brain bleed, respiratory failure and eventually putting him into a coma. As of 8/1/2020 Robert is still in a coma, and unknown on how long the recovery will be. The fracture to the left side of his head has caused issues with swallowing and breathing and he is currently on a ventilator. The brain bleed on the right side of his brain has caused issues with his motor skills on the right side of his body. He does not appear to be responding to the Doctor's or the Nurses currently.

Based on all the above facts and circumstances it is reasonable to believe Andrew Young ID#1211422 was in fact the suspect from 7/26/2020 where Robert was attacked.

Due to the above facts and circumstances there is probable cause to believe Andrew did commit Attempt Murder by willfully, unlawfully and with malice aforethought attempt to kill Robert by striking him on the top of his head,

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: 200700111103

unprovoked, with a large rock causing substantial bodily harm. Robert had no chance to even defend against the attack. (One count of Attempt Murder)

Due to the above facts and circumstance there is probable cause to believe Andrew did commit Battery with Deadly Weapon resulting in Substantial Bodily Harm by using force or violence with a large rock against Robert by striking him in the head causing him to suffer a fractured skull, brain bleed, respiratory failure and is currently in a coma. (One count of Battery WDW R/SBH)

Wherefore, Declarant prays that a Warrant of Arrest be issued for suspect ANDREW YOUNG on the charge(s) of Attempt Murder, Battery with Deadly Weapon resulting in Substantial Bodily Harm

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on this 5th day of August, 2020.

DECLARANT:  17956

WITNESS:  #15249

DATE: 8/5/2020

EXHIBIT 2

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST REPORT**

TCR1094645

County Jail City Jail Adult Juvenile Bureau: SEAC

ID# 1211422		EVENT # LLV200800010269		ARRESTEE'S NAME (LAST) YOUNG			(FIRST) ANDREW		(MIDDLE)		SSN# 167-24-0000
RACE B	SEX M	DOB 7/18/1959	HGT 6'00"	WGT 180	HAIR BLD	EYES BLK	POB CAMDEN				
ARRESTEE'S ADDRESS TRANSIENT						CITY LAS VEGAS		STATE NV	ZIP CODE 89122		
OCCURRED DATE 8/1/2020		TIME 13:00		ARREST DATE 8/21/2020		TIME 12:00		LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE) 330 CASINO CENTER BLVD S LAS VEGAS NEVADA			
LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE) 5198 BOULDER HWY LAS VEGAS NEVADA 89122											
CHARGES / OFFENSES PC - LVJCR - 61981 - F - LARCENY FROM PERS PC - LVJCR - 50796 - F - USE CR/DEB CARD, OR ID, W/O CONSENT PC - LVJCR - 61938 - F - BURG OF A BUSINESS, 1ST OFF											
CONNECTING REPORTS (TYPE OR EVENT NUMBER) LLV200700103861; LLV200800029374											

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 6 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of 5198 BOULDER HWY LAS VEGAS NEVADA 89122 and that the offense(s) occurred at approximately 13:00 hours on the 1st day of August, 2020.

Details for Probable Cause:

I, Detective S. Liske P#14882, am the assigned Detective for this case reference Larceny from Person E/VOP, which was reported under LVMPD Event LLV200800010269. On August 3rd, 2020, Montho Boone filed a police report at Northeast Area command for Petit Larceny. For this event, Montho stated she was at the Walmart located at 5198 Boulder Highway. She was shopping and at one point had her back was turned away from her cart. During this time, a suspect had the opportunity to go into her purse and steal her wallet. Montho who is 80 years old didn't realize her wallet was missing until she got to the checkout counter.

I contacted Montho and her daughter, Benji Rawling about the incident. Benji told me that they were notified by the credit card companies of Fraudulent use. The first being at the same Walmart which Montho had her wallet taken on August 1st, 1326 hours with a charge of \$912 dollars. This charge was declined. The suspect tries again at 1327 hours with a charge of \$456.11 which was also declined. The suspect left the Walmart and went to a nearby Gamestop (5060 Boulder Hwy STE105) and charged \$480.95. This charge went through with payment. The suspect leaves and then goes across the street to a Walgreens (4895 Boulder Hwy STE 100) and attempts to charge \$463.64 but this was declined. He tries again charging \$438 but that is declined as well.

I went to the Walgreens and reviewed CCTV footage to get a description of the suspect. I asked the store manager to look up a specific transaction for \$463.64. They were able to find it which had a time stamp. From there we checked the CCTV footage for the approximate time and that's when I see the potential suspect who is described as an older black male adult wearing blue shirt, blue camo shorts and white shoes with a black stripe.

I went to the Gamestop and with the assistance of store manager was able to lookup the transaction for \$480.95 The credit card information returns to our victim, Montho Boone and it was the same suspect as the Walgreens utilizing her

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: S. LISKE

PD: 4880

LVMPD 602 (Rev 02/18) Word 2013

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

SCOPE ID: 1211422 EVENT #: LLV200800010269
Page 2 of 3

credit card. The suspect buys a Visa gift card which acts like a debit card. After the Walgreen's declines the suspect does not attempt additional charges on the card.

While reviewing this case, it fit a similar modus operandi (M.O) for another LVMPD event under LLV200700103861. This was assigned to Detective E. Drury #15143. While comparing notes it became very clear it could be the same person. Barbara, who is an elderly woman, was shopping at the Walmart (5198 Boulder Hwy). As Barbara makes her way to the checkout counter, she discovered her wallet is missing. She goes home and is contacted by the credit card companies stating her credit card was used at the Walmart for \$19.44; Gamestop \$455.95; and Walgreens \$422.17.

Detective Drury and I went to the Gamestop (5060 Boulder Hwy STE105) to review CCTV footage. With the assistance of the manager we were able to look up the transaction for \$455.95 which was made on Barbara Bowens Visa Credit Card at 1402 hours. We looked at the surveillance footage at the approximate time and we see the same suspect from Event LLV200800010269 wearing the same exact clothing.

In both events the suspect has a very distinct mannerism. He can't seem to stay still and constantly moves. He occasionally puts both his hands up and seems to speak animatedly.

On 08/07/20 there was another Larceny from person reported under LVMPD Event LLV200800029374, this event had the same exact M.O. as the last two. The suspect stalks an older woman and waits for her to be distracted and then takes her purse. This victim, Tina Leigh stated she was in Aisle 21 when a black male adult wearing Light blue Polo t-shirt, blue jeans approached her and asked her a question about the product on the shelf. She does not remember the question he asked. While she was talking to that male, another black male adult wearing blue shirts blue/white camo shorts came up behind her and grabbed a wallet out of Tina's bag. He then left before Tina figured out what happened. It's unknown if the two were conspiring together. But review of CCTV footage shows the same suspect wearing the same exact outfit taking Barbara's purse and then leaving the store. We have been unable to get ahold of Barbara to figure out if the suspect has used her credit cards.

I conducted a valley wide search of common M.O.'s and became aware of an individual identified as Andrew Young DOB 07/18/59 -ID# 1211422. Andrew fits the description of the suspect and there is a previous LVMPD event number LLV200700033991. In this event, Young was at a Walmart located at 2310 E Serene. This Walmart is familiar with Andrew because he has stolen women's purses in the past. Walmart Security calls Metro police and officers respond to the scene. LVMPD officers watch Andrew for approximately 10 minutes on CCTV. They see Andrew stalking an elderly woman. When she walks away from her cart to grab something off a shelf. Andrew reaches into her purse and takes her wallet and walks away. LVMPD Officer M. Andres P#7532, Officer J. Scott P#14747 and J. Cunningham P#17247 stopped Andrew and detained him. He was read his Miranda Warning verbatim from the LVMPD 148 card to which he replied with a "yes." Officers on scene asked Young about the wallet and he said he found it on the floor in an aisle but he was seen by officers taking the wallet from the persons purse while they were distracted which is the same M.O. as my suspect.

I reviewed BWC to compare Andrew to my suspects descriptors and demeanor. Andrew's mannerisms match that of my suspect. When Andrew is talking with officers he's animated and moving a lot. Andrew's shoes are similar to my suspect. Clothing is easily interchangeable but one thing that stays consistent in this event are the shoes. The suspect in my events are wearing white shoes with a distinct black

Andrew was taken into custody under LVMPD Event # LLV200800078368 (on July 18th) reference an Arrest Warrant for Attempt Murder and Battery w/ DW RSBH. Officers on scene observed Andrew wearing a black shirt, green cargo shorts and white sneakers with a black diagonal line. Those sneakers were impounded for evidence under this event #.

Andrew fits the description of the suspect with similar build and shoes. He fits the common M.O. In both cases the suspect walks into a Gamestop or Walgreens and purchases or attempts to purchase Visa Gift cards. In Andrew's personal property at CCDC, he possessed 6 Visa Gift Cards, 1 MasterCard gift card and 9 miscellaneous gift cards for various restaurants.

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: S. MCKE

PH: 4682

LVMPD 602 (Rev 02/18) Word 2013

AA 690

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

CONTINUATION REPORT

SCOPE ID: 1211422 EVENT #: LLV200800010269

Page 3 of 3

Due to the previous mentioned facts and circumstances, it would lead a prudent person to believe that Andrew Young committed the crimes of Larceny from Person E/VOP (3 counts), Fraudulent use of credit card(8 counts) and Burglary of a business (2 counts) reference LVMPD event numbers: LLV200700103861, LLV200800010269, LLV200800029374.

Andrew was already in custody at CCDC and was rebooked on the new charges listed above.

***** End *****

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: S. LISKE

PH: 14002

LVMPD 602 (Rev 02/18) Word 2013

AA 691

EXHIBIT 3

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST REPORT**

TCR1095198

County Jail City Jail Adult Juvenile Bureau: CCAC

ID# 1211422		EVENT # LLV200700129589		ARRESTEE'S NAME (LAST) YOUNG			(FIRST) ANDREW		(MIDDLE)		SSN# 167-24-0000	
RACE B	SEX M	DOB 7/18/1959	HGT 6'00"	WGT 180	HAIR BLK	EYES BRO	POB CAMDEN					
ARRESTEE'S ADDRESS 1500 FREEMONT ST						STREET		CITY LAS VEGAS	STATE NV	ZIP CODE 89101		
OCCURRED DATE 7/29/2020		TIME 14:00		ARREST DATE 8/25/2020		TIME 08:00		LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE) 330 CASINO CENTER BLVD S LAS VEGAS NEVADA				
LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE) 3555 FLAMINGO RD LAS VEGAS NEVADA 89109												
CHARGES / OFFENSES PC - LVJCR - 61981 - F - LARCENY FROM PERS												
CONNECTING REPORTS (TYPE OR EVENT NUMBER)												

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 11 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of 3555 FLAMINGO RD LAS VEGAS NEVADA 89109 and that the offense(s) occurred at approximately 14:00 hours on the 29th day of July, 2020.

Details for Probable Cause:

On 06/13/20 at approximately 1631 hours, Serry Mello became the victim of Larceny from Person at the location of 3555 S. Las Vegas Blvd. Las Vegas NV 89109. Serry Mello went into South Central Area Command and made a report with V.Dailey P#18424 who completed the following Incident Crime Report (verbatim):

On 07/30/2020 at around 1000 hrs Serry Edward Mello came to SCAC to report a stolen wallet and fraudulent use of his credit cards.
 On 07/29/2020 at around 1600 hrs Mello arrived to the Flamingo Hotel and Casino to check in. Mello had his wallet in his possession at this time
 Mello then placed his wallet in his front left pocket of his pants. He proceeded to go in the elevator with his wife and three other people.
 Around 1645 hrs Mello received a call from Wells Fargo regarding suspicious activity to his account. That is when Mello realized that his wallet was gone.
 Mello believes it could have been taken in the elevator ride since he was so close to other people. Mello did not feel anyone pulling or touching his pocket.
 There was some fraudulent use on his Wells Fargo debit card.
 There was a charge for \$18.75 for a taxi ride.
 There was also four attempts made at an unknown Target. One transaction was approved for \$412.00 the other three were declined.
 Mello is unaware of any other fraudulent use and has canceled all other cards.
 Mello reported this incident to security at the Flamingo Hotel and was told they do have video surveillance from the elevator ride

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

SCOPE # : 1211422 EVENT # : 1211422589
Page 2 of 2

I Detective Cipriano retrieved video surveillance from Flamingo Hotel security. Reviewing video, I noticed a tall Black Male Adult follow the victim Serry Mello DOB 7/29/1951 into the elevator with a coat draped over his left arm. Once Mello entered the elevator, the Black Male Adult entered and followed Mello to the rear of the elevator and crowded him. Once the Black Male Adult had Mello pinned to the rear of the elevator. He used the coat to conceal his hand while he reached into Mello's front left pocket and retrieved his wallet. Mello noticed his wallet was stolen, when he received a phone call from his bank stating Fraudulent charges on his credit card. The items stolen was Men's walet, \$302.00in cash and variety of credit cards. Mello's credit cards were attempted to be use at multiple store, but video surveillance was unavailable. I then compared video surveillance to prior event's LLV200700111103 and LLV20070099999806 which was a positive match for my suspect. The suspect was identified Detective T. Byrd P# 13956 as Andrew Young ID# 1211422. He was identified by his last contacted by Police offices on 7/8/2020 under LVMPD event LLV200700033991. Young was identified on body camera footage event where he is wearing the exact same clothing as the subject seen in the video. Based on the above evidence Young was rebooked for Larceny from Person, Victim 60 years of age or Vulnerable Person. Young is currently at CCDC, which he was booked on event LLV200700111103. Paperwork was submitted for rebooking of Larceny from Person.

***** End *****

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

DECLARANT: [Signature]

00:00

LVMPD 602 (Rev 02-18, Ward 2013)

AA 694

EXHIBIT 4

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF WARRANT/SUMMONS
(N.R.S. 171.106)
(N.R.S. 53 amended 7/13/1993)

Event Number: LLV200799999806

STATE OF NEVADA) **ANDREW YOUNG**
) ss: ID#: 1211422
COUNTY OF CLARK) DOB: 07/18/1959 SS#: 167-34-1614

Detective J. Jacobitz P#9383, being first duly sworn, deposes and says:

That he is a detective with the *Las Vegas Metropolitan Police Department*, being so employed for a period of 14 years, assigned to investigate the crime(s) of **Larceny from the Person, Victim 60 years of Age or Older and Burglary of a Structure** committed on or about July 8th, 2020, which investigation has developed **ANDREW YOUNG** as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME, TO WIT:

That I Detective J. Jacobitz P#9383 was assigned to conduct a follow-up investigation in reference to Larceny from Person crime that occurred at Caesar's Palace.

The victim, *Rhonda Kay Hatcher*, a tourist from Phoenix, Arizona filed an online report advising the following details:

"I got on the Octavius' elevator at Caesars at approximately 10:30 to go to my room (3968). Two African Americans got on with me and my mom. One kept talking to me saying he could not see if his floor was lite up because he was blind and did not have his glasses. It felt like to he wanted me to get closer to him, but I stayed on my spot in the elevator. I told him it was. When I went to get off the elevator, the same gentleman who told me he was blind, tried to get off and bumped into me. I told him it was the wrong floor. I got back to my room and immediately found my wallet was gone. I tried to blocked most of my cards and then filed a report with Security at Caesars'. While waiting for security to take the report. I got text that he tried all my debit cards and credit cards (mostly at Speedway for the amount of 420.52). He did get some funds, but I am unsure how much. The charges have been reversed off my cards. I can't give you my license number, because that was also in my wallet. The security guard told me to file a police report and when I spoke to him again, I told him that I needed to to it online and told him I needed a computer, he did not know where I could get one (Caesars has a video of the incident and I got confused on the questions, another reason for the delay in the report)."

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: LLV200799999806

Identification of the Suspect

As a result of a violent crime spree detectives were able to identify the primary suspect in this case as **ANDREW YOUNG**, ID#1211422. It was discovered that YOUNG was involved in the following crimes:

July 8, 2020	LLV200700033991	Shoplifting incident at Walmart in Enterprise area
July 8, 2020	LLV200799999806	Caesar's Palace Larceny from Person/UCCWOC
July 26, 2020	LLV200700111103	Paris Attempted Murder; Victim remains paralyzed as a result
July 29, 2020	LLV200700128589	Flamingo Larceny from Person/UCCWOC

In each of the events on the Las Vegas strip, YOUNG was seen on video surveillance wearing the same clothing. It is common that transient people wear the same clothing for longer periods of time as opposed to changing them frequently like the average working person. YOUNG was found to be wearing a dark blue or greyish collared Polo style shirt, long black cargo shorts, white easily identifiable shoes with black socks and a surgical face mask. Additionally, YOUNG always carried a dark colored coat slung over his arm and hand.

LLV200799999806



LLV200700111103



LLV200700128589



Additionally, **YOUNG** was known to *Detective T. Byrd* P#13958 as a result of previous investigations including the listed events.

AA 697

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: LLV200799999806

YOUNG is a career criminal and an eleven (11) time registered ex-felon in local records, for theft and violent crime related charges to include Robbery and Larceny from the Person.

Surveillance Video/ Timeline

Detectives obtained video surveillance of the incident from *Caesar's Palace* and discovered the following footage under elevator camera 5411 AT Gst Hi 123:

22:24:27	Victim enters the elevator
22:24:30	Second elderly female with walker enters elevator with the victim
22:24:32	ANDREW YOUNG enters the elevator with coat slung over left arm/hand
22:24:34	Second unidentified male enters the elevator with YOUNG
22:24:41	Elevator door closes
22:25:00	YOUNG moves closer to the victim in elevator
22:25:02	YOUNG positions hand hidden under coat in front of him
22:25:07	YOUNG begins to look victim up and down as door opens
22:25:08	YOUNG allows victim out the door first as he eyes her purse
22:25:09	YOUNG reaches his exposed hand into the victim's purse and grabs her wallet
22:25:13	YOUNG bumps the victim and has victim's wallet in his hand unknown to victim while YOUNG's male friend blocks the elevator doorway causing victim to change her path
22:25:14	YOUNG hides victim's wallet in the slung coat on his other hand
22:25:18	YOUNG's male friend gets back into elevator with YOUNG who remained inside while the victim and other female get out on what appears to be the 39 th floor
22:25:25	Elevator door closes
22:25:26	The male thieves are in the elevator alone, YOUNG removes the victim's wallet from under the coat in his hand and shows his friend
22:25:28	YOUNG appears to hide the victim's wallet in the coat pocket
22:25:32	The elevator door opens and the male thieves remain in the elevator on the 40 th floor
22:25:45	The two male thieves talk and laugh in the elevator
22:26:13	YOUNG transfers the wallet from the coat to his shorts pocket
22:26:30	The two male thieves exit the elevator onto the casino floor together

Based upon the video surveillance it is clear that the male suspects followed the victim into the elevator from the casino floor. It is reasonable to believe that the suspects cased their victim while on the casino floor.

1. Larceny from the Person 205.270

The distract thieves took the victim's wallet from the victim's person without her consent. The distract thieves showed an intent to commit Larceny from the Person when they followed the victim into the elevator and up to her room floor while orchestrating a smooth, practiced and coordinated theft. This theft did not amount to

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: LLV200799999806

circumstances suggesting force or fear or robbery. To further confirm the suspect's intent, once the theft was completed and the victim was out of sight the distract team displayed the stolen wallet, carried on in laughter and rode the elevator back to the casino floor where they exited

2. Burglary of a Structure 205.060

The distract team showed no reason to enter the elevator other than to commit larceny. They did not show any reason to use the elevator as they entered on the casino floor, followed the victim, committed Larceny from the Person and rode back down to the casino floor where the team exited after concealing the stolen wallet.

YOUNG entered *Caesar's Palace*, specifically the hotel room elevators to unlawfully commit the crime of felony Larceny from the Person. **YOUNG** was not found to have been a registered guest of the hotel and had no lawful business to enter the private guest room elevator.

3. Victim 60 Years of Age or Older 193.167

The suspects clearly chose their victims based upon the fact that they were elderly and easy victims. The victim, *Rhonda Kay Hatcher* who was born February 6th, 1957 was 63 years of age at the time of the incident.

Use of Credit/Debit Card without Owner's Consent

Immediately following the theft, *Hatcher* began to receive text messages that several of her credit/debit cards had fraudulent activity. We were unable to recover video surveillance of this incident and the victim has not provided a statement of the fraudulent activity. The Use of Credit/Debit Card without Owner's Consent portion of this case is still pending further developments

Wherefore, Declarant prays that a Warrant of Arrest be issued for suspect **ANDREW YOUNG** on the charge(s) of **Larceny from the Person, Victim 60 years of Age or Older and Burglary of a Structure.**

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on this 8th day of September, 2020.

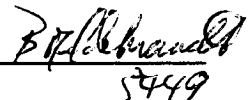
DECLARANT:

J. Jacobitz P#9383



WITNESS:

B. Mildebrandt P#5449



DATE: September 8, 2020

AA 699

EXHIBIT 5

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
OFFICER'S REPORT

"Click to Edit Event# on ALL Pages

Event #: 200600121538

"Click to Edit Date/Time of Report"

"PRINT"

Related Petit Larceny/Larceny from Person/Possession of Stolen Credit Card cases

SUBJECT

DIVISION REPORTING: Patrol DIVISION OF OCCURRENCE: Patrol
DATE & TIME OCCURRED: Between 06/29/20 / 23:05 – 08/09/20 / 22:00 LOCATION OF OCCURRENCE: Multiple

NARRATIVE:

Officers Involved:

Detective E. Grimes P# 6729
Detective B. Janecek P# 8389
Officer R. Calvillo P# 14710
Officer E. Vargas P# 8595
Det. S. Liske P# 14882
Det. Drury P# 15143
Det. T. Byrd P# 13958

Victims:

Mary Campo
05/08/48
332 Vista Glen Street, Las Vegas, NV 89145
702-266-6676 (C)

Rampart Hotel & Casino
221 N. Rampart Boulevard, Las Vegas, NV 89145
702-507-5960

7-11 #27700
5110 S. Maryland Parkway, Las Vegas, NV 89119
702-798-3039

Barbara Angersbach
06/22/37
2300 Alpine Pointe Lane, Las Vegas, NV 89134
702-673-7248 (C), 702-242-2224 (H)

Date and Time of Report: 09/15/2020 / 12:00 Officer: E. Grimes P#: 6729

Approved By: Sgt. C. Dennis Officer: B. Janecek P# 8389

SIGNATURE: _____

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: 200600121538

Suncoast Hotel & Casino
9090 Alta Drive, Las Vegas, NV 89145
702-365-7303

Joanne Frank
6/20/43
601 Harvest Run Dr. Apt 101 Las Vegas, NV 89145
702-255-4592 (H), 559-374-8018 (C)

Contacts:

Marsha Martinez (manager of 7-11 #27700)
5110 S. Maryland Parkway, Las Vegas, NV 89119
702-798-3039 (B)

Sgt. Leper (Suncoast Hotel & Casino Security Supervisor)
9090 Alta Drive, Las Vegas, NV 89145
702-365-7303 (B)

Markee Daniel (loss prevention for Albertson's)
Markee.daniel@albertsons.com

Synopsis:

The following Officer's Report will detail several related cases that occurred under events 200600121538, 200800045234 and 200700099712, in which Andrew Young, born 07/18/59, SCOPE ID# 1211422, was identified as one of the two suspects involved. Deputy District Attorney N. Demonte advised that she would be taking these cases and others related with the same suspect to the Grand Jury and requested a report that detailed the circumstances to establish probable cause that Young committed these crimes.

I, Detective E. Grimes, P# 6729, investigated the incidents that occurred under events 200600121538 and 200800045234 and Det. B. Janecek, P# 8389, investigated the incident that occurred under event 200700099712.

Details:

Event 200600121538 – Victim Mary Campo and 7-11 #27700

On June 30, 2020, at approximately 01:09 hours, Officer R. Calvillo, P# 14710, was dispatched to a larceny incident at the Rampart Casino, located at 221 N. Rampart Boulevard, Las Vegas, NV 89144. The details of the incident were that the person reporting had her wallet and phone stolen out of her purse by two black male adults.

Officer Calvillo arrived and contacted the victim, Mary Campo, born 05/08/48 (72 years old). Campo told him that on June 29, 2020, at approximately 23:05 hours, while she was sitting down at a slot machine gambling,

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: 200600121538

an unknown black male adult wearing a camouflage baseball cap, white long-sleeve shirt, blue jeans and gray running shoes, approached her and asked her questions regarding a piece of paper the male was holding. She stated that she was not able to recall what the male asked, due to her being scared. She also noticed that this male was accompanied by another unknown black male adult wearing a gray or brown short-sleeve button up shirt (possibly Dickies brand), black Dickies style shorts, white basketball shoes, and sunglasses on his head. Campo had her purse on a chair to the left of her while the male spoke with her. Both males then left in a hurry and she continued to gamble. Campo then realized that her black wallet which held her Nevada Driver's License, bank debit card, Medicare card, Blue Cross/Blue Shield card, approximately \$1,500.00 in U.S. currency, and miscellaneous papers was missing from her purse. Campo contacted casino security to report the incident. She also stated that she had found her phone in the women's restroom.

Casino security was able to provide a video showing the two suspects loitering around Campo, as if targeting her. They both simulate that they are gambling near her and then move to a slot machine closer to her. The male in the white shirt approached Campo and asked her something. Campo appeared to get startled when the male approached her. While the male in the white shirt is talking to her, the male in the gray/brown shirt is seen approaching her from the rear. That male gets close to where Campo's purse is located and is seen getting something out of it, hiding it under a black clothing article he was carrying in his arm. Once the male took the item out of the purse, he walked away from Campo and then the male in the white shirt immediately followed him. They are seen on video leaving the property in an unknown make and model, dark gray sedan.

Security provided the video on a USB drive. Security also advised that the suspect's pictures were also taken by a thermal scanner/camera when both males entered the building, but the still photos were not going to be available until someone from their IT department showed up on dayshift.

Campo advised Officer Calvillo that she had already cancelled her bank card but was worried about her medical cards. At the time of the report, Campo was not able to provide the numbers for the bank card.

That morning, Officer Calvillo turned the thumb drive over to me. I viewed the video surveillance and the best images of the males were as they were entering the casino and getting their photos taken by the thermal scanner. The video did show what Officer Calvillo had described. The black article of clothing that Officer Calvillo mentions appeared to be a jacket. The male with the tan shirt and black shorts is carrying a black jacket and the male with the white shirt is wearing a puffy black vest jacket, which seems odd to me since this is the end of June and there would be no need for jackets. The male with the tan shirt and black shorts is wearing large white running shoes with a distinctive dark colored stripe. He also walks distinctly, appearing to sway as he is standing and walking, possibly intoxicated or has some type of medical issue. He is also shorter than the other male and his head is bald or shaved clean. He placed the jacket on his right shoulder and used it as a screen to block Campo's view to her purse while he stole the wallet from the purse.

I went to the Rampart Casino to see if I could get the pictures that were taken by the thermal scanner. The casino's IT personnel examined the system and learned that the camera was saving the pictures to a laptop at that location, but unfortunately the hard drive had run out of space and the pictures were not being saved. They have since changed how the pictures are being saved but told me that there were no pictures of the two males.

I called Campo and learned that her Bank of America card was used at a 7-11 store twice, once for \$18.80, which was declined, and another for \$8.80, which was approved. She later emailed me what her bank had sent to her, which showed that she was alerted on June 30, 2020, at 00:43 hours, and it showed that it occurred at 7-11 #27700.

I posted some still shots of the two black male suspects in our electronic patrol briefing system to see if any officers might recognize either of them.

On July 1, 2020, Campo called me and told me that her Bank of America card ended with the digits "1020". She also learned that it was also used at Circle K #05397, but the transaction was declined. She did not have any time or amount for that transaction.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: 200600121538

I contacted the 7-11 corporate office and learned that store #27700 was located at 5110 S. Maryland Parkway. I called the store and the employee that answered advised she did not have access to the cameras and that I would have to speak with the manager, "Marsha", who would be working the following day.

I looked on Google Maps and saw there was a Circle K near that 7-11, located at 1212 E. Tropicana. I called that store and spoke with the manager, "Rose". She confirmed that their store number is 5397. She tried to find the transaction based on the last four digits of the card number but was unsuccessful. She advised that if it occurred at the gas pumps and was declined, it would not show up in her system. I emailed her some pictures of the suspect and their vehicle and she advised she would check her cameras to see if she could find them entering the store. She said she would contact me if she found anything. She never contacted me.

I was then advised that Det. S. Markovic, P# 13477, was working a Robbery case that occurred at that same location and was going to take Campo's case to see if they were possibly related.

On August 19, 2020, while investigating another case that occurred under event 200800045234, which occurred at the Suncoast Hotel and Casino, I learned that the two black male suspects in that case matched the two males in Campo's incident. I reviewed Det. Markovic's case notes for Campo's case and she had made multiple attempts to get video from the 7-11 but was never able to get in touch with any of the managers. I later spoke with Det. Markovic and learned that the managers only work day-shift and she works swing-shift and they were always gone by the time she started work. She also determined that Campo's case was not related to her Robbery case. I advised Det. Markovic that I would try to get the video for her.

On August 20, 2020, I met with Marsha Martinez, the manager of the 7-11 and was able to obtain a copy of the video surveillance showing that the same two black males from the Rampart had entered the 7-11 and purchased some cigarettes with Campo's stolen credit card. I also obtained a copy of the journal receipt. The transaction actually occurred on June 29, 2020, at 23:42 hours, so Campo's bank notification must have been from a time zone one hour off.

The video surveillance was slightly better quality than the video from the Rampart Casino. I posted the video in our electronic briefing system to see if any officers might recognize either male. I also submitted the video to our facial recognition section to see if they could possibly identify either male.

I impounded the video surveillance and turned in the journal transaction to be scanned into Onbase.

Here are pictures of the two males as they enter the casino:



Here is a picture of the two males at the 7-11:



Since the two suspects entered the Rampart Casino, worked together to steal Campo's wallet which contained her credit cards, which the suspects later used at the 7-11, this would account for the offenses of Burglary to the Rampart Casino, Possession of Credit/Debit Card without Owner's Consent (Campo as victim), Grand Larceny (Campo as victim since her wallet had \$1,500.00 in cash), and Burglary to the 7-11 when the suspects entered and used Campo's stolen credit card.

Event 200800045234 – Victim Barbara Angersbach

On August 11, 2020, Barbara Angersbach went to the Northwest Area Command to report the following:

On August 9, 2020, at approximately 22:00 hours, Barbara Angersbach, born 06/22/37 (83 years old) was at the Suncoast Hotel & Casino, located at 9090 Alta Drive, Las Vegas, NV 89145. Angersbach stated she opened her purse to remove her glasses. Angersbach stated later, when she put her glasses back in her purse, she noticed her wallet was gone. Angersbach stated her purse was sitting between gambling machines. Angersbach stated she then went home to look for her wallet but did not find it. Angersbach stated around 06:00 hours on August 10, 2020, she had noticed fraudulent charges on multiple debit and credit cards of hers. Angersbach stated she cancelled her cards that morning. Angersbach stated the fraudulent charges included transactions at a Shell Gas Station for about \$350.00, two from an unknown source for \$211.00, a taco shop for \$20.16, and a smoke shop for \$165.19.

On August 18, 2020, I, Detective E. Grimes, left messages with Angersbach to call me, requesting the pertinent details on the credit card transactions, such as the last four digits of the card number, exact date, time, location and amount for each.

I contacted the Suncoast Hotel & Casino and spoke with Sgt. Leper and he found that Angersbach had notified them of the incident and they had reviewed video surveillance and saved the incident.

I went to the Suncoast Hotel & Casino, met with Sgt. Leper, and was able to pick up a copy of their internal report and a copy of the video surveillance.

I viewed the video surveillance at my office, and I recognized the two suspects in this case as being the same two from Campo's incident. The taller male is wearing the same camouflage baseball hat, black puffy vest jacket, and had blue jean shorts. The smaller male was wearing the same black jacket, a dark colored shirt, some blue and white camouflage shorts and the same large white running shoes with a distinctive dark colored stripe.

They only provided to video clips of the incident with opposite camera angles. They also included some still shots of the two males entering the hotel, walking through the casino and leaving in a dark colored vehicle that appeared to be the same vehicle from Campo's incident.

The video showed Angersbach sitting at a bank of three slot machines, at the middle slot machine. The two males approach her from behind and appear to check her out. Her purse appeared to be on the seat of the

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: 200600121538

machine to her left. The taller male approached her from her right and started talking to her. While she was distracted, the smaller male had the black jacket over his right shoulder and used it to screen Angersbach view to her purse and he took something from her purse with his left hand and placed it in his left pants pocket. He then immediately walked away, and the taller male followed him.

This was the same modus operandi that was used against Campo.

I spoke with the security surveillance directors at both hotels and sent them some still shots of the suspects from the 7-11 video surveillance so they could distribute it to their teams to be on the look out for the two distract thieves, explaining that their M/O appeared to be targeting elderly females gambling alone, distracting them and stealing their wallets from their purses so they could use their credit cards.

On August 20, 2020, Angersbach returned my call. I explained the information I was requesting regarding the credit card transactions and she said she would email me what she got from her banks. I later received an email from her, but it did not give any specifics regarding the businesses, other than "Shell" and "Market Stokes", no store numbers that I could use to determine which Shell and I didn't find any matches when researching "Market Stokes". I called her back to see if her banks had any of that information and she said that was all they provided to her. She said they did credit back all her accounts.

I later impounded the video surveillance I picked up from the Suncoast and turned in their internal report to be scanned into Onbase.

Here are pictures of the two suspects from each camera angle:



Since the two suspects entered the Suncoast Hotel & Casino, worked together to steal Angersbach's wallet which contained her credit cards, which were later used at several locations, this would account for the offenses of Burglary to the Suncoast Hotel & Casino, and Possession of Credit/Debit Card without Owner's Consent (Angersbach as victim).

Identification of Andrew Young

On August 21, 2020, I received an email from Officer E. Vargas, P# 8595, who works in the facial recognition section, stating she had reviewed video from another case for Detective S. Liske, P# 14882, which she believed was the same suspect from my 7-11 video. She stated that the week prior, she and Det. Liske had compared the shoes that Andrew Young, born 07/18/59, on an incident where he had been cited for similar activity and the shoes appeared to be the same. She advised that Young had been arrested recently on a warrant for Battery with Substantial Bodily Harm. She listed Campo's event and event 200800010269. That event was for Det. Liske's arrest.

She included the following two pictures on the email:

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: 200600121538



I conducted a record check on Young and found a match in SCOPE with ID# 1211422, which showed he was an eleven-time convicted felon and had an extensive local criminal history. I viewed his mugshot photos and immediately recognized him as the shorter of the two suspects in my cases.

I read Det. Liske's Declaration of Arrest Report. It was for a Larceny from Person (enhancement Victim Older Person) that occurred at the Walmart located at 5198 Boulder Highway on August 3, 2020. In this incident, the 80-year-old female victim had left her purse unattended in her shopping cart for a moment and someone stole her wallet from the purse. Her credit cards had been used at multiple locations. Det. Liske followed up on those transactions and was able to obtain video of the older black male suspect that was using her stolen credit cards. The male was wearing a blue shirt, blue and white camo shorts and white shoes with a black stripe.

While reviewing that case, Det. Liske recognized the M/O matched another incident under event 200700103861, which had been assigned to Det. Drury, P# 15143, which occurred at the same Walmart and involved the same suspect, wearing the exact same clothing. Det. Liske noted that the suspect had a distinctive mannerism, where the suspect could not seem to stay still and was constantly moving.

Det. Liske found two other prior incidents with the same M/O, involving the same suspect, under events 200800029374 and 200700033991. Det. Liske had viewed body camera footage from those incidents and noticed the same distinctive mannerisms.

I reviewed the Battery with Substantial Bodily Harm incident, event 200700111103, and that had been investigated by Det. T. Byrd, P# 13958. I contacted Det. Byrd and he told me he had interviewed Young after he was arrested. I sent him my video clip from the 7-11 and he said he recognized the smaller male as Young but did not know who the other male was. Det. Byrd told me that Deputy District Attorney N. Demonte was handling Young's case.

I had mentioned to my partner, Det. B. Janecek, P# 8389, that I had identified one of my suspects in some distract thefts I was investigating. He told me he had one involving two black males. I was able to view his video surveillance from his incident and I recognized the two suspects as matching my suspects. His incident occurred under event 200700099712.

Event 200700099712 – Victim Joanne Frank

On July 21st, 2020, Joanne Frank became the victim of Larceny from Person. The crime occurred at Albertson's grocery store located at 1001 S. Rainbow Blvd. Las Vegas, NV 89145.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: 200600121538

On July 23rd, 2020, victim Joanne Frank, born 06/20/43 (77 years old) went to Spring Valley Area Command to file a report the following:

Frank said that on July 21st, 2020, at approximately 1900 hours she went inside Albertson's on Rainbow and Charleston (1001 S Rainbow) and started shopping. Frank said that she was in the back of the store near the freezer section where there were two male customers nearby, when she was approached by a black male in his 30s who said that they stole his shopping cart. Joanne said that she did not have a shopping cart at the time, however when she turned around there was a cart there behind her next to the other two people.

Frank said that the man was yelling at her so the two male customers next to her told her not to worry started making conversation with her. Joanne said that after the angry man left, one of the men continued talking to her and the second man was standing behind her where she was carrying her backpack purse. Joanne said that she remembers that her backpack was fully zipped when got to the store, but after the two men left, she continued shopping and after 30 minutes she decided to leave without purchasing anything.

Frank said that as she approached her car at approximately 1945 hours, she realized that her backpack felt lighter than normal and when she turned around to inspect it, she discovered that her backpack was open and her wallet was gone. Frank said that she immediately went back inside the store to inform the manager Russell S. about the incident and was told that there is video surveillance but that he could not view it without a police report.

Joanne said that she cancelled the four credit cards that were inside her wallet and has applied for a duplicate driver's license, however she needed to file this report because there was a charge on one of her credit cards at Smith's for \$450.00 and her bank advised her to file a report for the theft of her items.

On August 20th, 2020, I, Detective B. Janecek, P# 8389, emailed Albertson's Law Enforcement Request department with a video request of the stores video surveillance during the time of the incident. I called victim Joanne Frank and spoke to her about this case. Frank advised that she had report all her cards at stolen but was informed of the charge at a Smith's store. Frank was not sure of the time that her card was used at Smith's. I advised Frank that I had requested video surveillance from Albertson's.

On August 27th, 2020, I received an email from Markee Daniel (Markee.Daniel@albertsons.com) from Albertson's Asset Protection Department stating the video was ready for pick up and the incident actually happened on July 22nd, 2020 at 1945 hours.

After picking up the video and watching the incident I was speaking with my partner Det. E Grimes and he viewed the video and was able to see that the suspects matched suspect from his cases under events 200600121538 and 200800045234. One of the suspects was identified as Andrew Young SCOPE ID#1211422. The following pictures show victim with a closed purse, suspects surrounding her and after the incident with her purse unzipped. Video was impounded at Summerlin Area Command and a copy included with this report.

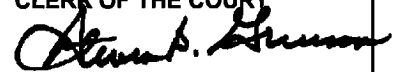




Based on the above identifications of Andrew Young ID#1211422 and a comparison of videos and photographs coupled with the fact Young and an accomplice worked together to steal victim Frank's wallet from her person which was on her person this would account for Larceny from person, VOP (victim older person) being committed at Albertson's.

Notifying District Attorney's Office

I contacted DDA N. Demonte since she was handling Det. Byrd's case and advised her that I and my partner had more cases involving Young. She advised me that she was taking all his cases and was going to consolidate them together and present her case to the Grand Jury. I asked if she wanted us to rebook Young on our cases. She asked if we could send her some type of report detailing all the circumstances of each incident and she would use that to present them to the Grand Jury at the same time. I advised her that we would complete an Officer's Report detailing our investigations and we would get her copies of all the related crime reports and other connected reports as well as copies of the video surveillance and send them to her.



1 **MOT**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 PARKER BROOKS
6 Deputy District Attorney
7 Nevada Bar #11927
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 ANDREW YOUNG,
13 #1211422

14 Defendant.

CASE NO: C-20-350623-1

DEPT NO: III

15 **STATE'S NOTICE OF MOTION**
16 **AND MOTION IN LIMINE TO ADMIT CERTAIN EVIDENCE UNDER THE**
17 **DOCTRINE OF RES GESTAE, OR IN THE ALTERNATIVE STATE'S MOTION**
18 **TO ADMIT EVIDENCE RELATED TO OTHER CRIMES**

19 **DATE OF HEARING: April**
20 **TIME OF HEARING: 8:30 AM**
21 **HEARING REQUESTED**

22 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
23 District Attorney, through PARKER BROOKS, Deputy District Attorney, and files this State's
24 Notice of Motion and Motion in Limine to Admit Certain Evidence Under the Doctrine of Res
25 Gestae, Or in The Alternative State's Motion to Admit Evidence Related to Other Crimes.

26 This Motion is made and based upon all the papers and pleadings on file herein, the
27 attached points and authorities in support hereof, and oral argument at the time of hearing, if
28 deemed necessary by this Honorable Court.

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE OF HEARING

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for setting before the above entitled Court, in Department III thereof, on _____, the _____ day of April, 2021, at the hour of 8:30 o'clock AM, or as soon thereafter as counsel may be heard.

DATED this 29th day of March, 2021.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY /s/ PARKER BROOKS
PARKER BROOKS
Deputy District Attorney
Nevada Bar #11927

POINTS AND AUTHORITIES

STATEMENT OF THE CASE

Andrew Young, hereinafter Defendant, was charged by way of Superseding Indictment filed on October 1, 2020 with two (2) counts of Burglary (Category B Felony), ten (10) counts Burglary (Category C Felony), four (4) counts Larceny from the Person, Victim 60 Years of Age or Older, one (1) count Grand Larceny, five (5) counts Fraudulent Use of a Credit or Debit Card, one (1) count Battery with Use of Deadly Weapon Resulting in Substantial Bodily Harm, and one (1) count Attempt Murder with Use of a Deadly Weapon.

Defendant invoked speedy trial on October 7, 2020 and was originally given a trial date of November 30, 2020. Due to continuing restrictions on jury trials by administrative orders in response to COVID-19, the trial date was then moved to March 8, 2021.

Defendant filed a Motion to Sever Counts on February 28, 2021, resulting in the continuance of his jury trial. On March 17, 2021, Defendant's Motion to Sever Counts was granted.

Given the severance order, the State has filed an Amended Superseding Indictment moving Count 17 – Battery with Use of a Deadly Weapon Resulting in Substantial Bodily

1 Harm & Count 18 – Attempt Murder with Use of a Deadly Weapon to the end of the charging
2 document. Now, those severed counts will appear as Count 23 & Count 24, respectively.

3 Although the record remains unclear as to which set of counts will proceed to jury trial
4 first, Defendant’s jury trial is currently set on April 19, 2021.

5 The State brings this somewhat Omnibus Motion in Limine to delineate the parameters
6 of testimony regarding the investigation and the identification of Defendant; or in the
7 alternative, State’s Motion to Admit Evidence Related to Other Crimes.

8 **OUTLINE OF THE MOTION**

9 (1) Statement of Facts – and Discussion of the Relevance of Defendant’s July 8, 2020
10 Interaction with Police on the Attempt Murder Investigation.

11 *This section will give the Court an understanding of the basic facts that resulted in*
12 *LVMPD being able to identify the suspect of the Attempt Murder investigation. This*
13 *section attempts to clarify how the video surveillance from a Walmart during a Petit*
14 *Larceny citation resulted in the first confirmation of Defendant’s name and identify.*

15 (2) The State’s discussion of Detective Byrd’s testimony and his identification of the
16 Defendant in the video surveillance clips.

17 *When the 22 theft-related counts go to trial, the State is going to need to be able to tell*
18 *the jury about how the investigation unfolded and how Detective Byrd provided the link*
19 *confirming Defendant’s identity.*

20 (3) The State’s argument regarding what evidence should be permitted during the attempt
21 murder trial under the doctrine of res gestae.

22 *When the attempt murder charges go to trial, the State seeks to introduce evidence*
23 *surrounding Defendant’s identification and appearance on the July 8, 2020 encounters*
24 *with LVMPD.*

25 (4) The State’s argument regarding what evidence should be permitted during the attempt
26 murder trial under the doctrine of res gestae.

27 *The State seeks to introduce evidence surrounding Defendant’s clothing, shoes, jacket,*
28 *and appearance during the summer of 2020.*

1 **STATEMENT OF FACTS – AND DISCUSSION OF THE RELEVANCE OF**
2 **DEFENDANT’S JULY 8, 2020 INTERACTION WITH POLICE ON THE ATTEMPT**
3 **MURDER INVESTIGATION**

4 **ATTEMPT MURDER IN FRONT OF PARIS HOTEL**
5 ***(FORMERLY COUNTS 17-18, NOW COUNTS 23 & 24)***

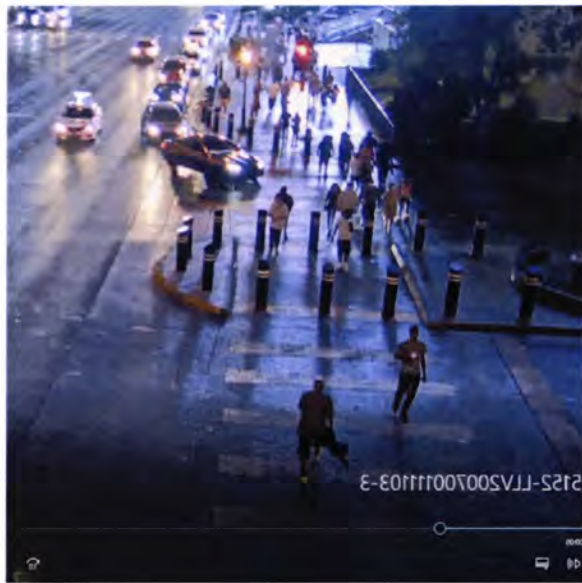
6 On July 26, 2020, (victim) Robert Will was seated at a bus stop in front of the Paris
7 Hotel and Casino when he got into an altercation with a black male suspect wearing a gray
8 shirt. The suspect walked away from the bus stop and returned with a large rock and
9 bludgeoned Will over the head with the rock several times before walking south toward the
10 Planet Hollywood Hotel and Casino. Will suffered a skull fracture and severe brain bleed
11 from the attack.

12 Initially, there was very limited information as to who the attacker was. Neither the
13 victim nor any of the witnesses knew the attacker, so detectives began to canvass the
14 surrounding area for video surveillance.

15 Paris Hotel and Casino Surveillance Supervisor Francisco Alemar was able to locate
16 video surveillance of the attack, as well as surveillance footage just before and after the attack
17 and provided it to Detectives Jacobitz and Mildebrandt.

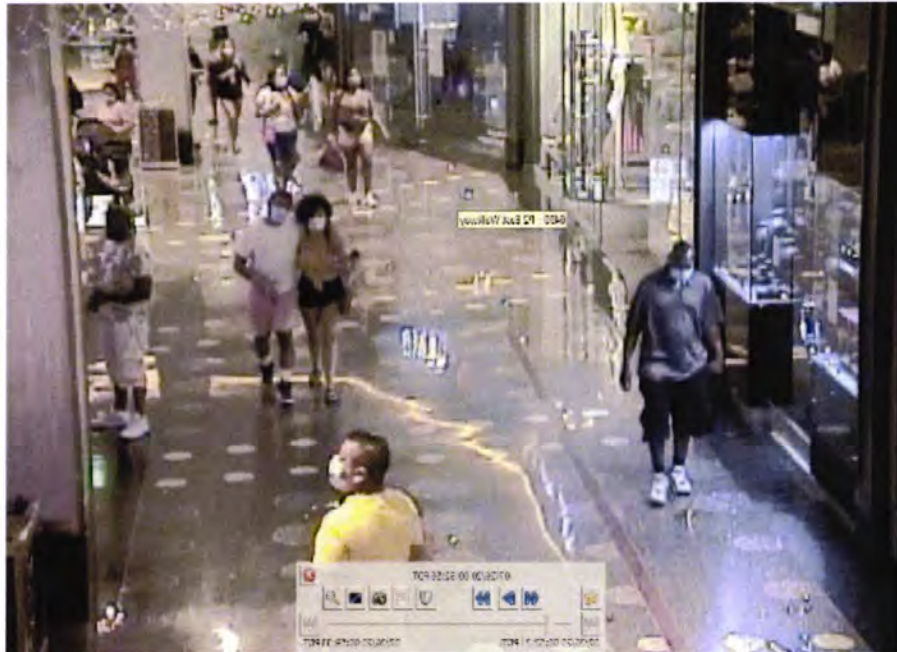


1 Detective Stringer of the Las Vegas Metropolitan Police Department Fusion Watch was
2 able to locate footage of the suspect as he left the area of the attack, got on the pedestrian
3 bridge in front of the Planet Hollywood Casino, crossed over Las Vegas Boulevard and entered
4 the Cosmopolitan Hotel and Casino:



16
17 As detectives continued to try to track down the attacker's path, they contacted William
18 Reed, the Security Investigator with the Cosmopolitan Hotel & Casino. William Reed was
19 able to locate surveillance footage of the attacker as he was walking inside the Cosmopolitan.

20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///



1
2
3
4
5
6
7
8
9
10
11
12 At this point, detectives had enough photos and angles to create and distribute a “critical
13 reach flyer.” The flyer contained still photographs of the suspect and was distributed to all
14 LVMPD personnel in an attempt to identify the attacker.

15 Detective Trent Byrd viewed the flyer and recognized the suspect from a prior
16 investigation that he handled. Detective Byrd identified the attacker as Andrew Young.

17 After identifying the suspect’s name and ID number, detectives began searching
18 through records in order to see if there were any recent photographs, interactions, locations,
19 or other details on Andrew Young.

20 Detective Byrd located body cam footage from an LVMPD event that occurred just 18
21 days before Defendant’s attack with the rock. This LVMPD event occurred on July 8, 2020,
22 during a petit larceny investigation at the Walmart on 2310 East Serene.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 The body cam footage inserted below depicts Defendant wearing the exact same
2 clothing and carrying the exact same black jacket as he was wearing in the Paris attack.
3
4
5



1 As detailed in the Declaration of Warrant (authored by Detective Byrd), not only is
2 Defendant wearing the same clothing in the July 26th videos, as he is in the July 8th videos, but
3 he also has a distinct gait¹ that appears as though something is wrong with one of his legs.

4 Defendant was initially cited with Petit Larceny based on the investigation and his
5 interaction with LVMPD on July 8, 2020.

6 Defendant's interaction with LVMPD on July 8, 2020 was the major step in confirming
7 that Defendant was the attacker in the Attempt Murder investigation. The facts as set forth
8 thus far are those that Detective Byrd relied on in drafting Defendant's Declaration of Warrant
9 on August 5, 2020.

10 About two weeks later, on August 19, 2020, a bus driver recognized Defendant from a
11 wanted poster for the attempt murder case. Defendant was arrested wearing the same shoes
12 and in possession of the same jacket from the Paris incident. Officers also impounded
13 Defendant's personal belongings which included the distinctive white tennis shoes and
14 numerous gift cards.

15 ARGUMENT

16 TESTIMONY FROM DETECTIVE BYRD SURROUNDING HIS IDENTIFICATION

17 AND ROLE IN APPREHENDING DEFENDANT UNDER "THE COMPLETE 18 STORY" OR RES GESTAE DOCTRINE

19 As detailed above in the Statement of Facts, Detective Byrd was the initial officer that
20 was able to identify the Defendant in the surveillance footage from the various hotels on the
21 night of the Attempt Murder incident.

22 Detective Byrd was the one that linked Defendant's interaction with LVMPD on July
23 8, 2020 at the Walmart located at E. Serene to the footage from his investigation. Detective
24 Byrd's Declaration of Warrant is what resulted in Defendant's arrest. Thereafter, Defendant
25

26 _____
27 ¹ Defendant's unusual gait is also noted in his PSI that was prepared in Case C327000. He told the PSI writer that he has
28 pain and mobility issues in his right leg related to diabetes.

1 was re-booked on the theft-related charges as Detective Byrd and others were able to identify
2 Defendant in the videos (as well as by his modus operandi, and clothing).

3 Detective Byrd will testify that he has met with and spoken to Defendant and watched
4 countless angles and videos depicting Defendant and his movements. Detective Byrd and
5 officers that have seen and spoken with Defendant and watched him in surveillance videos are
6 capable of identifying Defendant in video surveillance, whether that be from July 8, 2020, or
7 July 26, 2020, or any other video.

8 The State will not be seeking to introduce the fact that Detective Byrd was investigating
9 an attempt murder. Nor will the State seek to introduce that Detective Byrd also recognized
10 Defendant from a 2016 related investigation. Detective Byrd's testimony and his knowledge
11 as to how he knows that Defendant is the person in the video surveillance will be sanitized to
12 remove those facts.

13 **ARGUMENT**

14 **EVIDENCE SURROUNDING JULY 8, 2020 ENCOUNTERS UNDER THE**
15 **COMPLETE STORY OR RES GESTAE DOCTRINE**

16 Evidence of similar crimes committed near in time or place to the charged crimes is
17 admissible under the res gestae doctrine, which is codified in NRS 48.035(3).

18 NRS 48.035 provides as follows:

19 **NRS 48.035 Exclusion of relevant evidence on grounds of prejudice,
confusion or waste of time.**

20 1. Although relevant, evidence is not admissible if its probative value is
substantially outweighed by the danger of unfair prejudice, of confusion of the issues
21 or of misleading the jury.

22 2. Although relevant, evidence may be excluded if its probative value is
substantially outweighed by considerations of undue delay, waste of time or needless
23 presentation of cumulative evidence.

24 3. Evidence of another act or crime which is so closely related to an act in
controversy, or a crime charged that an ordinary witness cannot describe the act in
25 controversy, or the crime charged without referring to the other act or crime shall not
be excluded, but at the request of an interested party, a cautionary instruction shall be
given explaining the reason for its admission.

26 In Allan v. State, 92 Nev. 318, 549 P.2d 1402 (1976), the Nevada Supreme Court
27 explained the res gestae doctrine at p. 321:

28 ///

1 “[W]hen several crimes are intermixed or blended with one another or connected such
2 that they form an indivisible criminal transaction, and when full proof by testimony, whether
3 direct or circumstantial, of any one of them cannot be given without showing the others,
4 **evidence of any or all of them is admissible against a defendant on trial for any offense**
5 **which is itself a detail of the whole criminal scheme.”** (Emphasis added.)

6 In State v. Shade, 111 Nev. 887 (1995), the Nevada Supreme Court explained the Allan
7 case at p. 893:

8 “In Allan, the defendant was charged and convicted of one count of the infamous
9 crime against nature for performing fellatio on one minor boy. The defendant argued
10 on appeal that the district court erred by admitting evidence of uncharged offenses
including an act of fellatio on another boy. As in the instant case, he claimed that
this evidence was highly prejudicial and unrelated to the crime charged.

11 This court disagreed and held that the evidence was admissible under the res gestae
12 rule or the “complete story principle”:

13 The testimony regarding the additional acts of fellatio, as well as the act of
14 masturbation, was admissible as part of the res gestae of the crime charged.
15 Testimony regarding such acts is admissible because the acts complete the
story of the crime charged by proving the immediate context of happenings
near in time and place. Such evidence has been characterized as the same
transaction or the res gestae.” (Citing Allan, Id., at p. 320.)

16 As detailed above in the Statement of Facts, Defendant’s interaction with LVMPD on
17 July 8, 2020 at the Walmart located at E. Serene is the first step in the identification and arrest
18 of Defendant. Defendant is on body cam speaking with officers during this July 8th encounter.
19 After the officers identify and speak with Defendant, he is given a misdemeanor citation for
20 Petit Larceny and released. The victim’s stolen property is returned to her. Defendant’s name
21 and ID # appear on the face of the citation. The State intends to use the body cam from this
22 incident as well as still photographs of the body cam; additionally, the State intends to use
23 some of the video surveillance footage from inside the Walmart on July 8, 2021, as well as
24 still photographs of that video surveillance.

25 Inserted below is a still of the body cam and of the video surveillance from that July 8,
26 2020 encounter.

27 ///

28 ///



19 During the portion of the trial for the Attempt Murder charge, the State does not need
20 to introduce details about the reason for the encounter with police, in its case in chief. Nor
21 does the State need the audio of the body cam. Additionally, the State is willing to cut the
22 portion of the video surveillance that depicts Defendant's crime.

23 The purpose of admitting evidence related to the July 8, 2020 incident and the testimony
24 of the officers will be to establish the identity of the man in these pictures and videos. That
25 man is the Defendant – Andrew Young.

26 The officer's testimony regarding this incident can be confined to the unequivocal
27 identification of the Defendant as the man depicted in the exhibits, as the man wearing the
28

1 clothing, and the man wearing the Jordan shoes that a primarily white with the black stripe on
2 it.

3 Additionally, the State seeks to introduce evidence in the form of still photographs of
4 the video surveillance from Caesar's Palace on July 8, 2020.

5 The encounter with LVMPD at Walmart occurs around 2-3pm on July 8, 2020.

6 About 7 hours later on July 8, 2020, Defendant is seen on video surveillance from
7 Caesar's Palace. The video surveillance depicts Defendant in an elevator wearing the same
8 clothing and shoes from earlier that day. Additionally, Defendant has the same jacket with
9 him despite this being the middle of summer in Las Vegas, Nevada.

10 The State concedes that it would be more difficult to play the video surveillance of this
11 incident because the larceny from the old lady would be rather apparent. Thus, the State
12 intends to use still shots of this footage similar to the ones inserted below.



24 In the portion of the trial for the Attempt Murder charge, the State does not intend to
25 illicit the criminal conduct that Defendant engaged in while in that elevator, in its case in chief.
26 Rather, the evidence and the testimony from the detective will be confined to the identification
27 of the Defendant in the photos, at Caesar's Palace on the night of July 8, 2020, wearing these
28 specific clothes and shoes.

1 Defendant's Motion to Sever specifically states that the attempt murder charges should
2 be severed because he is not the perpetrator of the July 26, 2020 attack. Thus, the State is
3 entitled to be able to admit this evidence and accompanying testimony to prove up the identity
4 of the attacker in the video surveillance wearing similar clothing and shoes.

5 The detective(s) that testify have met with and spoken to Defendant, and they have
6 watched countless angle and videos depicting Defendant and his movements. Detectives and
7 officers that have seen and spoke with Defendant and watched him in countless surveillance
8 videos are capable of identifying Defendant in video surveillance, whether that be from July
9 8, 2020, or July 26, 2020, or any other video. "Generally, a lay witness may testify regarding
10 the identity of a person depicted in a surveillance photograph" "if there is some basis for
11 concluding that the witness is more likely to correctly identify the defendant from the
12 photography than is the jury" Rossana v. State, 113 Nev. 375, 381 (1997) *quoting* United
13 States v. Towns, 913 F.2d 434, 445 (7th Cir. 1990) *quoting* United States v. Farnsworth, 729
14 F.2d 1158, 1160 (8th Cir. 1984). The Rossana Court concluded that federal case law, in
15 conjunction with Nevada's adoption of the federal evidence rules governing opinion testimony
16 of lay witnesses, entitled the State to present lay opinion testimony regarding the identity of a
17 person in a videotape. Rossana v. State, 113 Nev. 375, 381 (1997).

18 If Defendant asserts the State should only be permitted to admit the photographs and
19 videos from the Walmart encounter, but that the Court should exclude the Caesar's Palace
20 footage, the State responds as follows:

21 Defendant asserts that identification will be the central issue of the Attempt Murder
22 event; yet, then would seek to limit the extent to which the State is permitted to prove up
23 identity. Moreover, there is a strong argument that including the photos from later in that day
24 actually prejudices Defendant less than the Walmart event in isolation. Defendant is seen in
25 a hotel elevator later after his interaction with police; thus, whatever that interaction was must
26 be viewed as more benign given that he is not in custody later that night. The elevator footage
27 is also important for the State given the fact that most locals did not spend much time on the
28 Strip during the Summer of Covid. Yet, the attempt murder occurs on the Strip late at night.

1 This Caesar's Palace footage demonstrates that being on the Strip at night during the Summer
2 of Covid is not out of the ordinary.

3 Lastly, to the extent that Defendant attempts to argue that the photos in Caesar's Palace
4 are not him, then the State would seek to illicit the factual basis for these July 8, 2020 events.
5 Defendant uses his jacket as coverage to conceal his hand while he steals from the purses of
6 old women. Accordingly, Defendant cannot possibly deny his identity in the photos and
7 videos from these two July 8th events.

8 **EVIDENCE CONCERNING DEFENDANT'S CLOTHING, SHOES, AND**
9 **JACKET DURING JUNE, JULY, & AUGUST, UNDER THE COMPLETE STORY**
10 **OR RES GESTAE DOCTRINE**

11 The State seeks to admit a select number of still shots and possibly short video excerpts
12 from video surveillance during June, July, and August of 2020.

13 Specifically, the State would seek to introduce testimony and the accompanying
14 photographic/video evidence in the following manner:

15 On July 23, 2020, Defendant was in Las Vegas wearing shoes that were strikingly
16 similar to the Jordan's in all the other photos and had his black jacket with him.



1 On July 29, 2020, Defendant was on the Las Vegas Strip in a hotel elevator wearing
2 clothing and shoes that were strikingly similar to the Jordan's in all the other photos and had
3 his black jacket with him.



13
14 On August 1, 2020, Defendant was in Las Vegas wearing shoes that were strikingly
15 similar to the Jordan's in all the other photos and had his black jacket with him.



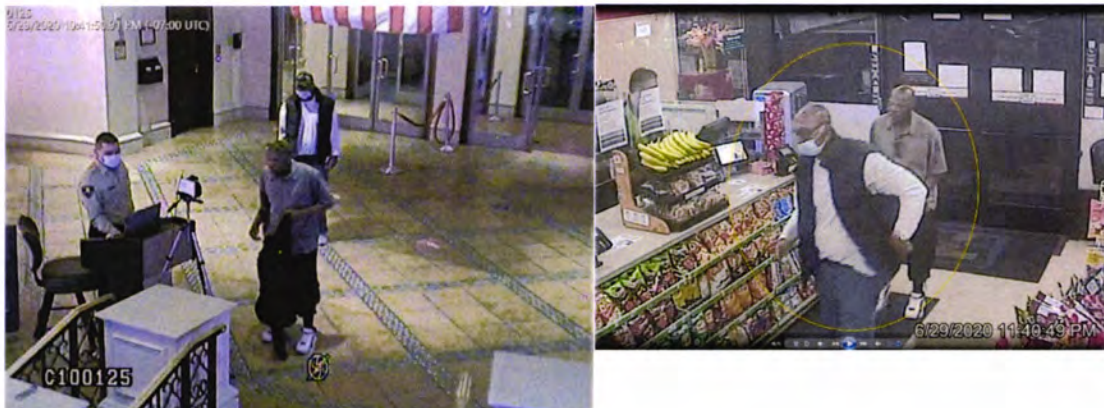
27 ///

28 ///

1 On August 7, 2020, Defendant was in Las Vegas wearing shoes that were strikingly
2 similar to the Jordan's in all the other photos and had his black jacket with him.



13
14 On June 30, 2020, Defendant was wearing clothing and shoes that were strikingly
15 similar to the Jordan's in all the other photos and had his black jacket with him.



24
25 On July 21, 2020, Defendant was in Las Vegas wearing shoes that were strikingly
26 similar to the Jordan's in all the other photos and has his black jacket with him.

27 ///

28 ///



10 The State does not intend to show any criminal conduct with these photos/videos. All
11 of these photos and videos depict Defendant engaged in lawful conduct. The relevance of this
12 collection of evidence is solely for purposes of identity and appearance. Defendant is
13 continually seen in Las Vegas wearing the shoes that appear to be depicted on the Attempt
14 Murder suspect. Defendant continually has his jacket with him in the dead of summer in Las
15 Vegas, as does the attempt murder suspect.

16 The Defendant occasionally changes clothing, but the attire is somewhat similar and
17 rotates back and forth. The fact that Defendant rotates clothing back and forth, along with the
18 fact that the clothing is rather well kept, and his shoes are quite clean lessens any prejudice
19 from these photographs. The State will not in any way suggest that Defendant is homeless or
20 prohibited from being in any of these places.

21 While the State will certainly point out that Defendant is seen on the Strip multiple
22 times during the Summer of Covid, that is done merely to suggest access and customary
23 behavior and not anything criminal.

24 The State does not believe what it is requesting falls under NRS 48.045(2), commonly
25 referred to as “other bad act” evidence. The State does not plan on eliciting testimony from
26 the detective(s) as to how they know these photographs depict Defendant. The detective(s)
27 will not discuss the underlying theft investigations.

28 ///

1 However, in the event that this Court feels that the identification is based on NRS
2 48.045(2), then the State argues as follows:

3 Evidence of other crimes, wrongs or acts is not admissible to prove
4 the character of a person in order to show that he acted in
5 conformity therewith. It may, however, be admissible for other
6 purposes, such as proof of motive, opportunity, intent, preparation,
7 plan, knowledge, identity, or absence of mistake or accident.

8 Evidence of a prior bad act such as a criminal conviction is admissible if the Court determines:
9 (1) the prior bad act is relevant to the crime charged and for a purpose other than proving the
10 defendant's propensity to commit the charged offense; (2) the act is proven by clear and
11 convincing evidence; and (3) the probative value of the evidence is not substantially
12 outweighed by the danger of unfair prejudice. Bigpond v. State, 270 P.3d 1244, 1249-1250
13 (2012) (modifying Tinch v. State, 113 Nev. 1170, 946 P.2d 1061 (1997)). Moreover,
14 "evidence of 'other crimes, wrongs or acts' may be admitted under NRS 48.045(2) for a
15 relevant nonpropensity purpose other than those listed in the statute." Id. at 1249.

16 Admission of Defendant's identification and photos is precisely the type of non-
17 propensity use of prior acts contemplated by NRS 48.045(2). The evidence will simply be
18 Defendant engaged in regular everyday activity. All the video/photos come from locations
19 that the jurors would expect to have cameras.

20 Although there is no strict contemporaneity requirement for other acts to be admitted
21 under NRS 48.045, the contemporaneous nature of these two events is astounding.
22 Defendant's identity is proven from this 2 month span when he continually seeks out and stalks
23 older women to steal from. He uses his jacket to conceal his hand while engaging in some
24 other distraction to steal property from elderly women. Thereafter, he immediately attempts
25 to run up charges on their credit or debit cards.

26 "The similarity sufficient to admit evidence of past acts to establish a recurring modus
27 operandi need not be complete; it is enough that the characteristics relied upon are sufficiently
28 idiosyncratic to permit a fair inference of a pattern's existence." U.S. v. Sliker, 751 F.2d 477,
487 (2d Cir. 1984), cert. denied, Carbone v. U.S., 471 U.S. 1137, 105 S.Ct. 2679 (1985). And
the Nevada Supreme Court does not require that the prior acts and the charged acts be

1 unusually distinctive. See, e.g., Reed v. State, 95 Nev. 190, 193, 591 P.2d 274, 276 (1979) (in
2 burglary prosecution, admitting evidence of two prior burglaries because “such evidence
3 indicated that appellant had previously penetrated downtown motel rooms, through the
4 windows immediately adjacent to the doors of such rooms.”).

5 Defendant’s conduct in grocery stores and hotel elevators is so close in time and
6 repeated so frequently that it appears to be his manner of *earning* a living. The fact that these
7 events were integral to the identification of him as the Attempt Murder suspect only increases
8 the probative value relating to identity.

9 In addition to being critically relevant to identity, which is what Defendant asserts will
10 be the central disputed issues in these charges, the probative value of Defendant’s photographs
11 and appearance is not substantially outweighed by the potential for unfair prejudice.

12 It is not unfairly prejudicial to Defendant that evidence be admitted. As previously
13 stated, the jury does not even need to be told about the fact that LVMPD was investigating
14 him or any of the underlying conduct. The State will sanitize all photos and videos to remove
15 any depicting the criminal conduct.

16 “The prejudice which exclusion of evidence under [California’s statutory analog] is
17 designed to avoid is not the prejudice or damage to a defense that naturally flows from
18 relevant, highly probative evidence.” People v. Zapien, 4 Cal.4th 929, 958, 846 P.2d 704, 718
19 (Cal.) (citations and internal quotation marks omitted), cert. denied 510 U.S. 919, 114 S.Ct.
20 315 (1993); cf. also 2 Jack B. Weinstein & Margaret A. Berger, WEINSTEIN’S FEDERAL
21 EVIDENCE, § 404.21[3][b] (Joseph M. McLaughlin, ed., 2d ed. 2002) (“[u]nfair prejudice
22 under Rule 403 does not mean the damage to a defendant’s case that results from the legitimate
23 probative force of the evidence.” (emphasis in original)). Moreover, any potential for unfair
24 prejudice will be counteracted by the Court’s limiting instruction to the jury that Defendant’s
25 other bad act only be considered as to her knowledge, intent, preparation, or plan. See Chavez
26 v. State, 125 Nev. 328, 345, 213 P.3d 476, 488 (2009) (limiting instruction cured any unfair
27 prejudice associated with the introduction of bad act evidence); U.S. v. Strong, 485 F.3d 985,
28 991 (7th Cir.) (“We consistently have explained that such [limiting] instructions minimize the

1 prejudicial effect of this type of [other bad act] evidence.” (citations omitted), cert. denied,
2 Strong v. U.S., 552 U.S. 936, 128 S.Ct. 336 (2007); U.S. v. Davis, 707 F.2d 880, 884 (6th Cir.
3 1983) (explaining that although “the chance of prejudice is always present in a 404(b)
4 situation” the district court may reduce that chance “by giving the jury a limiting instruction
5 informing them” of the proper use of the other bad acts evidence). Finally, the Nevada
6 Supreme Court has previously determined prior bad acts were properly admitted in situations
7 bearing a much greater risk of prejudice. See, e.g., Ford, supra (in murder prosecution,
8 affirming admission of defendant’s multiple prior residential burglaries).

9 In this situation, the State would imagine that Defendant would not even want a limiting
10 instruction because the actions are so benign. Yet, the State would have no problem with some
11 a limiting instruction and an additional instruction that the photos and videos that the jury sees
12 do not depict criminal activity and are admitted solely for identification purposes.

13 **CONCLUSION**

14 Based upon the foregoing, the State respectfully requests the Court grant this Motion
15 in Limine and permit the State to admit the desired evidence in the form of res gestae.

16 DATED this 29th day of March, 2021.

17 STEVEN B. WOLFSON
18 Clark County District Attorney
Nevada Bar #001565

19
20 BY /s/ PARKER BROOKS
PARKER BROOKS
21 Deputy District Attorney
Nevada Bar #11927

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

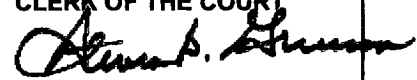
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Notice of Motion and Motion in Limine to Admit Certain Evidence Under the Doctrine of Res Gestae, Or in The Alternative State's Motion to Admit Evidence Related to Other Crimes, was made this 29th day of March, 2021, by Electronic Filing to:

DAVID FISCHER, ESQ.
info@fischerlawlv.com

/s/ J. MOSLEY
Secretary for the District Attorney's Office



1 **IND**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **NOREEN DEMONTE**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #08213**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**
11 **-vs-**
12 **ANDREW YOUNG, #1211422**
13 **Defendant.**

CASE NO: C-20-350623-1
DEPT NO: XIX

SUPERSEDING
INDICTMENT

15 **STATE OF NEVADA** }
16 **COUNTY OF CLARK** } **ss.**

17 **The Defendant above named, ANDREW YOUNG, accused by the Clark County Grand**
18 **Jury of the crime(s) of BURGLARY (Category B Felony NRS 205.060 – NOC 50424),**
19 **BURGLARY (Category C Felony - NRS 205.060.1B - NOC 61938), LARCENY FROM THE**
20 **PERSON, VICTIM OVER 60 YEARS OF AGE (Category C Felony – NRS 205.270, 193.167**
21 **– NOC 56020), GRAND LARCENY (Category C Felony - NRS 205.222.2 – NOC 56004),**
22 **FRAUDULENT USE OF CREDIT OR DEBIT CARD (Category D Felony - NRS 205.760(1)**
23 **- NOC 50796), BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN**
24 **SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226) and**
25 **ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS**
26 **200.010, 200.030, 193.330, 193.165 - NOC 50031), committed at and within the County of**
27 **Clark, State of Nevada, on or between the 29th day of June, 2020 and the 9th day of August,**
28 **2020, as follows:**

1 COUNT 1 - BURGLARY

2 did on or about June 29, 2020 willfully, unlawfully, and feloniously enter RAMPART
3 HOTEL AND CASINO, located at 221 N. Rampart Blvd., Clark County, Nevada, with intent
4 to commit larceny, and/or a felony.

5 COUNT 2 - LARCENY FROM THE PERSON, VICTIM 60 YEARS OF AGE OR OLDER

6 did on or about June 29, 2020 then and there willfully, unlawfully, and feloniously,
7 under circumstances not amounting to robbery, with intent to steal or appropriate to her own
8 use, take from the person of another, to wit: MARY CAMPO, a person 60 years of age or
9 older, without her consent, personal property, to wit: a wallet and contents.

10 COUNT 3 - GRAND LARCENY

11 did on or about June 29, 2020 then and there willfully, unlawfully, feloniously, and
12 intentionally, with intent to deprive the owner permanently thereof, steal, take and carry away
13 lawful money of the United States in an amount of \$650.00, or greater, to wit: \$1,400 United
14 State Currency, owned by another person, to wit: MARY CAMPO.

15 COUNT 4 - BURGLARY

16 did on or about June 29, 2020 willfully, unlawfully, and feloniously enter 7-11, located
17 at 5110 S. Maryland Parkway, Clark County, Nevada, with intent to commit larceny, and/or a
18 felony.

19 COUNT 5 - FRAUDULENT USE OF A CREDIT OR DEBIT CARD

20 did on or about June 29, 2020 then and there willfully, unlawfully, feloniously, and
21 with intent to defraud, use a Bank of America card ending in 1020, issued in the name of
22 MARY CAMPO, the Defendant presenting the said debit or credit card to 7-11, located at
23 5110 S. Maryland Parkway, Clark County, Nevada, to obtain money, goods, property, services
24 or anything of value, to wit: cigarettes, the Defendant not being the cardholder, nor being
25 authorized by the cardholder to use said card or card number;

26 COUNT 6 - BURGLARY

27 did on or about July 8, 2020 willfully and feloniously unlawfully enter or unlawfully
28 remain in a business structure, owned or occupied by WAL-MART, located at 2310 E. Serene,

1 Clark County, Nevada, with the intent to commit grand or petit larceny, assault or battery,
2 and/or a felony.

3 COUNT 7 - BURGLARY

4 did on or about July 8, 2020 willfully and feloniously unlawfully enter or unlawfully
5 remain in a business structure, owned or occupied by CAESAR'S PALACE, located at 3570
6 S. Las Vegas Blvd., Clark County, Nevada, with the intent to commit grand or petit larceny,
7 assault or battery, and/or a felony.

8 COUNT 8 - LARCENY FROM THE PERSON, VICTIM 60 YEARS OF AGE OR OLDER

9 did on or about July 8, 2020 then and there willfully, unlawfully, and feloniously, under
10 circumstances not amounting to robbery, with intent to steal or appropriate to her own use,
11 take from the person of another, to wit: RHONDA KAY HATCHER, a person 60 years of age
12 or older, without her consent, personal property, to wit: a wallet and contents.

13 COUNT 9 - BURGLARY

14 did on or about July 22, 2020 willfully and feloniously unlawfully enter or unlawfully
15 remain in a business structure, owned or occupied by ALBERTSON'S, located at 1001 S.
16 Rainbow Boulevard, Clark County, Nevada, with the intent to commit grand or petit larceny,
17 assault or battery, and/or a felony.

18 COUNT 10 - LARCENY FROM THE PERSON, VICTIM 60 YEARS OF AGE OR OLDER

19 did on or about July 22, 2020 then and there willfully, unlawfully, and feloniously,
20 under circumstances not amounting to robbery, with intent to steal or appropriate to her own
21 use, take from the person of another, to wit: JOANNE FRANK, a person 60 years of age or
22 older, without her consent, personal property, to wit: a wallet and contents.

23 COUNT 11 - BURGLARY

24 did on or about July 23, 2020 willfully and feloniously unlawfully enter or unlawfully
25 remain in a business structure, owned or occupied by GAMESTOP, located at 5060 Boulder
26 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny, assault or
27 battery, and/or a felony.

28 //

COUNT 12 - FRAUDULENT USE OF A CREDIT OR DEBIT CARD

1 did on or about July 23, 2020 then and there willfully, unlawfully, feloniously, and with
2 intent to defraud, use a Visa card ending in 4527, issued in the name of BARBARA BOWENS,
3 the Defendant presenting the said debit or credit card to GAMESTOP, located at 5060 Boulder
4 Highway, Clark County, Nevada, to obtain money, goods, property, services or anything of
5 value, to wit: gift card, the Defendant not being the cardholder, nor being authorized by the
6 cardholder to use said card or card number;

COUNT 13 - BURGLARY

8 did on or about July 23, 2020 willfully and feloniously unlawfully enter or unlawfully
9 remain in a business structure, owned or occupied by WALGREENS, located at 4895 Boulder
10 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny, assault or
11 battery, and/or a felony.

COUNT 14 - FRAUDULENT USE OF A CREDIT OR DEBIT CARD

13 did on or about July 23, 2020 then and there willfully, unlawfully, feloniously, and with
14 intent to defraud, use a Visa card ending in 4527, issued in the name of BARBARA BOWENS,
15 the Defendant presenting the said debit or credit card to WALGREENS, located at 4895
16 Boulder Highway, Clark County, Nevada, to obtain money, goods, property, services or
17 anything of value, to wit: gift card, the Defendant not being the cardholder, nor being
18 authorized by the cardholder to use said card or card number;

COUNT 15 - BURGLARY

20 did on or about July 29, 2020 willfully and feloniously unlawfully enter or unlawfully
21 remain in a business structure, owned or occupied by FLAMINGO HOTEL AND CASINO,
22 located at 3555 Flamingo Road, Clark County, Nevada, with the intent to commit grand or
23 petit larceny, assault or battery, and/or a felony.

COUNT 16 - LARCENY FROM THE PERSON, VICTIM 60 YEARS OF AGE OR OLDER

25 did or or about July 29, 2020 willfully, unlawfully, and feloniously, under
26 circumstances not amounting to robbery, with intent to steal or appropriate to his own use,
27 take from the person of another, to wit: SERRY MELLO, a person 60 years of age or older,
28 without his consent, personal property, to wit: wallet and contents.

1 COUNT 17 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
2 SUBSTANTIAL BODILY HARM

3 did on or about July 26, 2020, willfully, unlawfully, and feloniously use force or
4 violence upon the person of another, to wit: ROBERT WILL, with use of a deadly weapon, to
5 wit: a rock, by striking the said ROBERT WILL on the head with said rock, resulting in
6 substantial bodily harm to ROBERT WILL.

7 COUNT 18 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

8 did on or about July 26, 2020, willfully, unlawfully, feloniously and with malice
9 aforethought attempt to kill ROBERT WILL, a human being, with use of a deadly weapon, to
10 wit: a rock, by striking the said ROBERT WILL on the head with said rock.

11 COUNT 19 - BURGLARY

12 did on or about August 1, 2020 willfully and feloniously unlawfully enter or unlawfully
13 remain in a business structure, owned or occupied by GAMESTOP, located at 5060 Boulder
14 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny, assault or
15 battery, and/or a felony.

16 COUNT 20 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

17 did on or about August 1, 2020, then and there willfully, unlawfully, feloniously, and
18 with intent to defraud, use a credit card, issued in the name of MONTHO BOONE, the
19 Defendant presenting the said debit or credit card to GAMESTOP, located at 5060 Boulder
20 Highway, Las Vegas, Clark County, Nevada, to obtain money, goods, property, services or
21 anything of value, to wit: by attempting to make purchases with credit card, the Defendant
22 not being the cardholder, nor being authorized by the cardholder to use said card or card
23 number.

24 COUNT 21 - BURGLARY

25 did on or about August 1, 2020 willfully and feloniously unlawfully enter or unlawfully
26 remain in a business structure, owned or occupied by WALGREENS, located at 4895 Boulder
27 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny, assault or
28 battery, and/or a felony.

1 COUNT 22 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

2 did on or about August 1, 2020, then and there willfully, unlawfully, feloniously, and
3 with intent to defraud, use a credit card, issued in the name of MONTHO BOONE, the
4 Defendant presenting the said debit or credit card to WALGREENS, located at 4895 Boulder
5 Highway, Las Vegas, Clark County, Nevada, to obtain money, goods, property, services or
6 anything of value, to wit: by attempting to make purchases with credit card, the Defendant
7 not being the cardholder, nor being authorized by the cardholder to use said card or card
8 number.

9 COUNT 23 - BURGLARY

10 did on or about August 7, 2020 willfully and feloniously unlawfully enter or unlawfully
11 remain in a business structure, owned or occupied by WALMART, located at 5198 Boulder
12 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny, assault or
13 battery, and/or a felony.

14 COUNT 24 - BURGLARY

15 did on or about August 9, 2020 willfully and feloniously unlawfully enter or unlawfully
16 remain in a business structure, owned or occupied by SUNCOAST HOTEL AND CASINO,
17 located at 9090 Alta Drive, Clark County, Nevada, with the intent to commit grand or petit
18 larceny, assault or battery, and/or a felony.

19 DATED this _____ day of September, 2020.

20 STEVEN B. WOLFSON
21 Clark County District Attorney
22 Nevada Bar #001565

23 BY

24 NOREEN DEMONTE
25 Chief Deputy District Attorney
26 Nevada Bar #08213

27 ENDORSEMENT: A True Bill

28 _____
Foreperson, Clark County Grand Jury

AA 736

- 1 Names of Witnesses and testifying before the Grand Jury:
2 ALEMAR, FRANSISCO – SECURITY
3 ANGERSBACH, BARBARA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
4 BOWENS BARBARA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
5 BURKHOLDER, ROBERT – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
6 BYRD, TRENT - LVMPD
7 CAMPO, MARY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
8 DANIEL, MARKEE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
9 ESKILDSEN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
10 FAISON, STACI – LVMPD
11 FRANK, JOANNE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
12 GRUEBLING, GLORIA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
13 HATCHER, RHONDA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
14 HEFNER, LYDIA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
15 JESSIE, JACK – LVMPD
16 LEITH, TINA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
17 LISKE, SANDEEP – LVMPD
18 MALONE, JOYCE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
19 MARCIA MARTINEZ – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
20 MELLO, SERRY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
21 PHUNG, JANELLE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
22 ROED, WILLIAM – SECURITY
23 STRINGER, AMBER – LVMPD
24 TROCK, KRITEN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
25 WHEELER, JERRY – LVMPD
26 //
27 //
28 //

1 Additional Witnesses known to the District Attorney at time of filing the Indictment:

2 CUSTODIAN OF RECORDS - CCDC

3 CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

4 CUSTODIAN OF RECORDS - LVMPD RECORDS

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

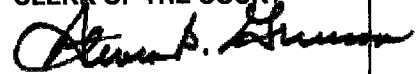
26

27 19BGJ189X/20CR015829/mcb-GJ

LVMPD EV# 200700111103

28 (TK14)

AA 738



1 **IND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 PARKER BROOKS
6 Chief Deputy District Attorney
7 Nevada Bar #011927
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-20-350623-1

11 -vs-

DEPT NO: VI

12 ANDREW YOUNG, #1211422

13 Defendant.

THIRD AMENDED
SUPERSEDING
INDICTMENT

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss.

17 The Defendant above named, ANDREW YOUNG, accused by the Clark County Grand
18 Jury of the crime(s) of **BURGLARY (Category B Felony NRS 205.060 – NOC 50424);**
19 **BURGLARY (Category C Felony - NRS 205.060.1B - NOC 61938); LARCENY FROM**
20 **THE PERSON, VICTIM OVER 60 YEARS OF AGE (Category C Felony – NRS**
21 **205.270, 193.167 – NOC 56020); GRAND LARCENY (Category C Felony - NRS**
22 **205.222.2 – NOC 56004), FRAUDULENT USE OF CREDIT OR DEBIT CARD**
23 **(Category D Felony - NRS 205.760(1) - NOC 50796); BATTERY WITH USE OF A**
24 **DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B**
25 **Felony - NRS 200.481 - NOC 50226) and ATTEMPT MURDER WITH USE OF A**
26 **DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 -**
27 **NOC 50031) committed at and within the County of Clark, State of Nevada, on or between**
28 June 29, 2020 and August 9, 2020, as follows:

1 COUNT 1 - BURGLARY

2 did on or about June 29, 2020 willfully, unlawfully, and feloniously enter RAMPART
3 HOTEL AND CASINO, located at 221 N. Rampart Blvd., Clark County, Nevada, with intent
4 to commit grand or petit larceny, and/or a felony.

5 COUNT 2 - LARCENY FROM THE PERSON, VICTIM 60 YEARS OF AGE OR OLDER

6 did on or about June 29, 2020 then and there willfully, unlawfully, and feloniously,
7 under circumstances not amounting to robbery, with intent to steal or appropriate to his own
8 use, take from the person of another, to wit: MARY CAMPO, a person 60 years of age or
9 older, without her consent, personal property, to wit: a wallet and contents.

10 COUNT 3 - GRAND LARCENY

11 did on or about June 29, 2020 then and there willfully, unlawfully, feloniously, and
12 intentionally, with intent to deprive the owner permanently thereof, steal, take and carry away
13 lawful money of the United States in an amount of \$650.00, or greater, to wit: \$1,400 United
14 State Currency, owned by another person, to wit: MARY CAMPO.

15 COUNT 4 - BURGLARY

16 did on or about June 29, 2020 willfully, unlawfully, and feloniously enter 7-11, located
17 at 5110 S. Maryland Parkway, Clark County, Nevada, with intent to commit grand or petit
18 larceny, and/or a felony.

19 COUNT 5 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

20 did on or about June 29, 2020 then and there willfully, unlawfully, feloniously, and
21 with intent to defraud, use a Bank of America card ending in 1020, issued in the name of
22 MARY CAMPO, the Defendant presenting the said debit or credit card to 7-11, located at
23 5110 S. Maryland Parkway, Clark County, Nevada, to obtain money, goods, property, services
24 or anything of value, to wit: cigarettes, the Defendant not being the cardholder, nor being
25 authorized by the cardholder to use said card or card number.

26 COUNT 6 - BURGLARY

27 did on or about July 8, 2020 willfully and feloniously unlawfully enter or unlawfully
28 remain in a business structure, owned or occupied by WAL-MART, located at 2310 E. Serene,

1 Clark County, Nevada, with the intent to commit grand or petit larceny, and/or a felony.

2 COUNT 7 - BURGLARY

3 did on or about July 8, 2020 willfully and feloniously unlawfully enter or unlawfully
4 remain in a business structure, owned or occupied by CAESAR'S PALACE, located at 3570
5 S. Las Vegas Blvd., Clark County, Nevada, with the intent to commit grand or petit larceny,
6 and/or a felony.

7 COUNT 8 - LARCENY FROM THE PERSON, VICTIM 60 YEARS OF AGE OR OLDER

8 did on or about July 8, 2020 then and there willfully, unlawfully, and feloniously, under
9 circumstances not amounting to robbery, with intent to steal or appropriate to his own use,
10 take from the person of another, to wit: RHONDA KAY HATCHER, a person 60 years of age
11 or older, without her consent, personal property, to wit: a wallet and contents.

12 COUNT 9 - BURGLARY

13 did on or about July 22, 2020 willfully and feloniously unlawfully enter or unlawfully
14 remain in a business structure, owned or occupied by ALBERTSON'S, located at 1001 S.
15 Rainbow Boulevard, Clark County, Nevada, with the intent to commit grand or petit larceny,
16 and/or a felony.

17 COUNT 10 - LARCENY FROM THE PERSON, VICTIM 60 YEARS OF AGE OR OLDER

18 did on or about July 22, 2020 then and there willfully, unlawfully, and feloniously,
19 under circumstances not amounting to robbery, with intent to steal or appropriate to her own
20 use, take from the person of another, to wit: JOANNE FRANK, a person 60 years of age or
21 older, without her consent, personal property, to wit: a wallet and contents and/or did conspire
22 and/or aid and abet another individual in committing the larceny from JOANNE FRANK.

23 COUNT 11 - BURGLARY

24 did on or about July 23, 2020 willfully and feloniously unlawfully enter or unlawfully
25 remain in a business structure, owned or occupied by GAMESTOP, located at 5060 Boulder
26 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny, and/or a
27 felony.

28 //

AA 741

1 COUNT 12 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

2 did on or about July 23, 2020 then and there willfully, unlawfully, feloniously, and with
3 intent to defraud, use a Visa card ending in 4527, issued in the name of BARBARA BOWEN,
4 the Defendant presenting the said debit or credit card to GAMESTOP, located at 5060 Boulder
5 Highway, Clark County, Nevada, to obtain money, goods, property, services or anything of
6 value, to wit: gift card, the Defendant not being the cardholder, nor being authorized by the
7 cardholder to use said card or card number.

8 COUNT 13 - BURGLARY

9 did on or about July 23, 2020 willfully and feloniously unlawfully enter or unlawfully
10 remain in a business structure, owned or occupied by WALGREENS, located at 4895 Boulder
11 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny and/or a
12 felony.

13 COUNT 14 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

14 did on or about July 23, 2020 then and there willfully, unlawfully, feloniously, and with
15 intent to defraud, use a Visa card ending in 4527, issued in the name of BARBARA BOWEN,
16 the Defendant presenting the said debit or credit card to WALGREENS, located at 4895
17 Boulder Highway, Clark County, Nevada, to obtain money, goods, property, services or
18 anything of value, to wit: gift card, the Defendant not being the cardholder, nor being
19 authorized by the cardholder to use said card or card number.

20 COUNT 15 - BURGLARY

21 did on or about July 29, 2020 willfully and feloniously unlawfully enter or unlawfully
22 remain in a business structure, owned or occupied by FLAMINGO HOTEL AND CASINO,
23 located at 3555 Flamingo Road, Clark County, Nevada, with the intent to commit grand or
24 petit larceny and/or a felony.

25 COUNT 16 - LARCENY FROM THE PERSON, VICTIM 60 YEARS OF AGE OR OLDER

26 did or or about July 29, 2020 willfully, unlawfully, and feloniously, under
27 circumstances not amounting to robbery, with intent to steal or appropriate to his own use,
28 take from the person of another, to wit: SERRY MELLO, a person 60 years of age or older,

1 without his consent, personal property, to wit: wallet and contents.

2 COUNT 17 – BURGLARY

3 did on or about August 1, 2020 willfully and feloniously unlawfully enter or unlawfully
4 remain in a business structure, owned or occupied by GAMESTOP, located at 5060 Boulder
5 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny and/or a
6 felony.

7 COUNT 18 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

8 did on or about August 1, 2020, then and there willfully, unlawfully, feloniously, and
9 with intent to defraud, use a credit card, issued in the name of MONTHO BOONE, the
10 Defendant presenting the said debit or credit card to GAMESTOP, located at 5060 Boulder
11 Highway, Las Vegas, Clark County, Nevada, to obtain money, goods, property, services or
12 anything of value, to wit: by attempting to make purchases with credit card, the Defendant
13 not being the cardholder, nor being authorized by the cardholder to use said card or card
14 number.

15 COUNT 19 – BURGLARY

16 did on or about August 1, 2020 willfully and feloniously unlawfully enter or unlawfully
17 remain in a business structure, owned or occupied by WALGREENS, located at 4895 Boulder
18 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny, and/or a
19 felony.

20 COUNT 20 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

21 did on or about August 1, 2020, then and there willfully, unlawfully, feloniously, and
22 with intent to defraud, use a credit card, issued in the name of MONTHO BOONE, the
23 Defendant presenting the said debit or credit card to WALGREENS, located at 4895 Boulder
24 Highway, Las Vegas, Clark County, Nevada, to obtain money, goods, property, services or
25 anything of value, to wit: by attempting to make purchases with credit card, the Defendant
26 not being the cardholder, nor being authorized by the cardholder to use said card or card
27 number.

28 //

AA 743

1 COUNT 21 - BURGLARY

2 did on or about August 7, 2020 willfully and feloniously unlawfully enter or unlawfully
3 remain in a business structure, owned or occupied by WALMART, located at 5198 Boulder
4 Highway, Clark County, Nevada, with the intent to commit grand or petit larceny, and/or a
5 felony.

6 COUNT 22 - BURGLARY

7 did on or about August 9, 2020 willfully and feloniously unlawfully enter or unlawfully
8 remain in a business structure, owned or occupied by SUNCOAST HOTEL AND CASINO,
9 located at 9090 Alta Drive, Clark County, Nevada, with the intent to commit grand or petit
10 larceny, assault or battery, and/or a felony.

11 COUNT 23 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
12 SUBSTANTIAL BODILY HARM

13 did on or about July 26, 2020 willfully, unlawfully, and feloniously use force or
14 violence upon the person of another, to wit: ROBERT WILL, with use of a deadly weapon, to
15 wit: a rock, by striking the said ROBERT WILL on the head with said rock, resulting in
16 substantial bodily harm to ROBERT WILL.

17 COUNT 24 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

18 did on or about July 26, 2020 willfully, unlawfully, feloniously and with malice
19 aforethought attempt to kill ROBERT WILL, a human being, with use of a deadly weapon, to
20 wit: a rock, by striking the said ROBERT WILL on the head with said rock.

21 DATED this 2nd day of February, 2022.

22 STEVEN B. WOLFSON
23 Clark County District Attorney
24 Nevada Bar #001565

25 BY /s/ Parker Brooks
26 PARKER BROOKS
27 Chief Deputy District Attorney
28 Nevada Bar #011927

19BGJ189X/20CR015829/mcb-GJ
LVMPD EV# 200700111103
(TK14)

AA 744

EXHIBIT 1

1 **AIND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 PARKER BROOKS
6 Deputy District Attorney
7 Nevada Bar #011927
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-20-350623-1

11 -vs-

DEPT NO: VI

12 ANDREW YOUNG, #1211422

13 Defendant.

14 THIRD AMENDED
15 SUPERSEDING
16 INDICTMENT FOR JURY
17 TRIAL PURPOSES

16 STATE OF NEVADA }
17 COUNTY OF CLARK } ss.

18 The Defendant above named, ANDREW YOUNG, accused by the Clark County Grand
19 Jury of the crime(s) of **BATTERY WITH USE OF A DEADLY WEAPON RESULTING**
20 **IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226)**
21 **and ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony**
22 **- NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031)** committed at and within the County
23 of Clark, State of Nevada, on or about July 26, 2020, as follows:

24 COUNT 1 - **BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN**
25 **SUBSTANTIAL BODILY HARM**

26 did willfully, unlawfully, and feloniously use force or violence upon the person of
27 another, to wit: ROBERT WILL, with use of a deadly weapon, to wit: a rock, by striking the
28 said ROBERT WILL on the head with said rock, resulting in substantial bodily harm to

AA 746

1 ROBERT WILL.

2 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

3 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
4 ROBERT WILL, a human being, with use of a deadly weapon, to wit: a rock, by striking the
5 said ROBERT WILL on the head with said rock.

6 DATED this 21st day of February, 2022.

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY /s/ PARKER BROOKS
11 PARKER BROOKS
12 Deputy District Attorney
13 Nevada Bar #011927

14
15
16
17
18
19
20
21
22
23
24
25
26
27 19BGJ189X/20CR015829/jm/L2
28 LVMPD EV# 200700111103
(TK14)

AA 747

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VER

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 10 2022 @ 4:35pm

BY. Justin Brown
KRISTEN BROWN, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ANDREW YOUNG,

Defendant.

CASE NO: C-20-350623-1
DEPT NO: VI

VERDICT

We, the jury in the above entitled case, find the Defendant ANDREW YOUNG, as follows:

COUNT A - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

(Please check the appropriate box, select only one)

- Guilty of Battery With Use of a Deadly Weapon Resulting in Substantial Bodily Harm
- Guilty of Battery With Use of a Deadly Weapon
- Guilty of Battery Resulting in Substantial Bodily Harm
- Guilty of Battery
- Not Guilty

COUNT B - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

(Please check the appropriate box, select only one)

- Guilty of Attempt Murder with Use of a Deadly Weapon
- Guilty of Attempt Murder
- Not Guilty

AA 748

C - 20 - 350623 - 1
VER
Verdict
4983327



DATED this 10 day of February, 2022

Tonya Moon
FOREPERSON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28